

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, December 1, 2011 – 7:00 p.m.**

MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

1. Convene Meeting

Present: Chairman W. Mercer, Vice Chairman R. Blessey, F. Weisman, Alternate and Voting Members F. Lollie, M. Grimes

Absent: Secretary C. Lynch, S. Parker

Also Present: Zoning Enforcement Officer A. Dew

- a. **Review Minutes of Previous Meetings: 11/10/11 – Commissioner Grimes moved to approve the Minutes of the November 10, 2011 meeting. Commissioner Weisman seconded the motion. Commissioner Grimes noted the following correction: on Page 3, re: 125 Commerce Drive, to change the sentence in the discussion after the motion that reads, “Commissioner Grimes stated he believed it could not be issued.” to “Commissioner Grimes stated that we should get the opinion of counsel.” Motion carried unanimously.**

Vice Chairman Blessey moved to go to Old Business, Item 5.a., 125 Commerce Drive. Commissioner Lollie seconded the motion, and it carried unanimously.

5. Old Business:

- a. **125 Commerce Drive (Petro, Inc.) #201100877:** Certificate of Zoning Compliance

within the Aquifer Protection District (*dec date 12/31/11*) – R. Boullaine, Tecor Properties, Steve Sullivan, PE, CCA, 40 Old New Milford Road, B. Dance, Petro, Inc., and Attorney T. Backer, were present on behalf of the applicant. Chairman Mercer noted a memo from Town Counsel advising that the issuance of the Certificate of Zoning Compliance prior to the building being constructed is not appropriate. He indicated to the applicant, however, that if the use is approved, the Commission will issue a letter about the approve use, for the purposes of the applicant securing financing. Mr. Boullaine advised that his wife will be appearing on his behalf at the next meeting.

2. Land Use Enforcement

- a. **Enforcement Officer’s Report:**

ZEO Dew reported on the following:

74 Candlewood Lake Road #201100755– There are three vehicles on the property that appear to be inoperable. One of the vehicles has been removed. The Request for Voluntary Compliance asked for the violation to be cleared by November 12, 2011. **Commissioner Grimes moved to issue a Cease and Desist for 74 Candlewood Lake Road, #201100755. Vice Chairman Blessey seconded the motion, and it carried unanimously.**

72 Gray’s Bridge Road, #201100869 – The property owner has gotten a permit for the sign and the tenant fit up is in process.

Cease and Desist

164 Federal Road, #201100941 – There has been no response to the Cease and Desist Order. **Commissioner Lollie moved to issue a Citation for 164 Federal Road, #201100941. Chairman Mercer seconded the motion, and it carried unanimously.**

Citations

6 Autumn's Way #201100480 – Vice Chairman Blessey indicated that there is videotape of trucks leaving the property with wood. He will find the applicable regulation and advise ZEO Dew.

54 Ironworks Hill Road #201100755 – This matter was sent to Town Counsel. ZEO Dew indicated that she has not seen anyone at the site for about a month.

Town Counsel Action

20 Station Road #200101116 – This matter is pending litigation through the Building Department.

533 Federal Road, #200900708; 45 Riverford Road, #200900768 . A report was received on November 15, 2011.

Special Town Counsel P. Olson has reported regarding the following: **1 High Ridge Road #201001067** – The car has been removed from the undesignated area, so that violation can be removed.

9 Stoney Farm Lane #20110095 – Pending litigation. Chairman Mercer indicated that Attorney Olson is working on drafting an acceptable release.

213 Federal Road – Candlewood East – A complaint has been received regarding boat storage behind the building that is in the buffer zone. Vice Chairman Blessey advised that Mr. O'Hare, the owner of the marina, owns a neighboring property for his personal use, and he is storing trailers on it. ZEO Dew is meeting with him tomorrow. She pointed out where the septic is located, and where there are boats and trailers owned personally by Mr. O'Hare. Additionally, there is a large dumpster on the site. ZEO Dew indicated that the building has been built into the buffer. Vice Chairman Blessey indicated that Mr. O'Hare must put his own boats on his property and show documentation that the boats are his. Vice Chairman Blessey, who has knowledge of past issues at this site, will accompany ZEO Dew if she postpones the meeting with Mr. O'Hare until Monday.

RW's Barbeque – The business owner has been flying another banner on the site. **Vice Chairman Blessey has a dated photograph of this. Vice Chairman Blessey moved to issue a Citation for the recurring flying of an illegal banner at RW Barbeque, 537 Federal Road. Commissioner Lollie seconded the motion. There was discussion regarding the fact that the banner is different than the last one. Motion carried unanimously.**

b. Enforcement Correspondence:

1. Letter from Town Attorney included in packet (*Attorney-Client Privileged Communication*)

No discussion/no motions.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission** 11/14/11; **Zoning Board of Appeals** 11/7/11; **Planning Commission** 11/3/11, 11/17/11; **Zoning Sub-Committee**
- b. Letter from David Sawicki, CT State Traffic Commission, to Fred Greenberg, P.E. dated 11/16/11 Re: Costco Expansion, Certificate Application – STC #018-1109-01
- c. Letter from David Sawicki, CT State Traffic Commission, to Fred Greenberg, P.E. dated 11/10/11 Re: Costco Expansion Certificate Application – STC #018-1109-01
- d. Letter from David Sawicki, CT State Traffic Commission, to Albert Cirignano, Sr. dated 11/7/11 Re: Oak Meadow
- e. **Building Permits Law Bulletin**: November 2011

No discussion/no motions.

ZEO Dew advised that Agenda Item 6.c., 49 Federal Road, could be removed from tonight's agenda.

Vice Chairman Blessey moved to go to Agenda Item 6.a. Commissioner Lollie seconded the motion, and it carried unanimously.

6. New Business:

- a. **15 Logging Trail Lane #200400876**: Request for final bond release \$3,050.00 – ZEO Dew inspected the site. **Vice Chairman Blessey moved to recommend to the Board of Selectmen the release of the bond for 15 Logging Trail Lane, #200400876, in the amount \$3,050.00. Chairman Mercer seconded the motion, and it carried unanimously.**
- b. **22 Logging Trail Lane #200501302**: Request for final bond release \$2,450.00 – ZEO Dew inspected the site. **Vice Chairman Blessey moved to recommend to the Board of Selectmen the release of the bond for 22 Logging Trail Lane, #200501302, for \$2,450.00. Chairman Mercer seconded the motion, and it carried unanimously.**

9. Comments of Commissioners: - Commissioner Grimes discussed the upcoming appointment of Town Counsel when the new Board of Selectmen convenes this coming Monday night. **Commissioner Grimes moved that the Zoning Commission go on record, and send a letter to the Board of Selectmen recommending the appointment of T. Beecher and Collins & Hannifin as Town Counsel for the 2012-2013 term. Vice Chairman Blessey seconded the motion.** There was additional discussion. Vice Chairman Blessey indicated that he has found Collins & Hannifin to be very responsive in the past, and he would support this recommendation. Chairman Mercer advised he has had limited interaction with that firm, so he would abstain. Commissioner Grimes added that Collins & Hannifin have provided better overall representation. Commissioner Weisman stated he found both firms to be well qualified, and he would like to give Cohen & Wolf more time. **The vote on the motion was two in favor,**

and two opposed, with Chairman Mercer abstaining. Vice Chairman Blessey indicated that he does not feel Cohen & Wolf was incompetent, however, he found that Collins & Hannifin had a “better level of customer service”. Commissioner Lollie indicated he did not have any dealings with Collins & Hannifin, but did not want another two years of what has been experienced the past two years. Chairman Mercer urged Commissioner Grimes and Vice Chairman Blessey to attend the Board of Selectmen meeting Monday night and express their opinions.

4. Public Hearing 7:30 p.m.

a. Proposed Regulation Change #201100838: Section 242-501 – Table of Permitted Uses

Chairman Mercer opened the public hearing and introduced the Commission members. Vice Chairman Blessey read the legal notice which was published in the News Times on November 18, 2011 and November 28, 2011. It was noted that the application was received on November 13, 2011. Chairman Mercer then reviewed the policies and procedures that govern public hearings.

S. Staugaites, 1 Gale Ann Drive, Brookfield, was present, and requested clarification.

He was advised that the application would be presented, and he would have the opportunity to ask further questions.

It was noted that the Planning Commission is meeting tonight, and asked for clarification for one of the other public hearings.

This public hearing will be kept open.

Vice Chairman Blessey recused himself and left the room at 7:40 p.m.

Chairman Mercer explained that changes were made to the Town Center District in February of 2010, and some of the existing permitted uses in that District have been deleted inadvertently, and others were inserted. The Commission now wishes to add the ones that were deleted, and remove those that were not intended to be put in. There was discussion regarding certain uses on one- and two-acre lots that were inadvertently removed, and will be put back in with the proposal.

Virginia Staugaites, 1 Gale Ann Drive, was present, and inquired regarding contractor’s equipment outside, and noted it is not a permitted use, and it is not planned to be put in as a permitted use.

Commissioner Grimes and Chairman Mercer clarified the limits of the TCD for Ms. Staugaites.

Mr. DiGrazia, 701-725 Federal Road, was present. He discussed set backs in the zone. Chairman Mercer explained that because there is no square-footage requirement for the lots

associated with the uses, they are not permitted. He further clarified the limited allowances for multi-family use in the TCD.

No one was present to speak in favor of the regulation change, nor was anyone present to speak in opposition.

Chairman Mercer explained that if the Commission has sixty-five days to decide on the application.

Commissioner Grimes further noted that the Commission is undergoing a review of all of its regulations.

Mr. Staugaites inquired any of the changes would affect taxes owed, and Commissioner Grimes advised that the Commission cannot address what happens on specific properties within the TCD.

Chairman Mercer added that the application makes the permitted uses in the TCD more clear.

Commissioner Grimes moved to close the Public Hearing for #201100838, with the exception of receiving information from the Planning Commission. ZEO Dew advised that the Planning Commission has indicated it is fine with the changes being proposed and will put the opinion in writing. Chairman Mercer seconded the motion, and it carried unanimously.

Vice Chairman Blessey returned to the room at 8:00 p.m.

- c. **Proposed Regulation Change #201100881: Section 242-202 – Definition of Commercial Vehicles; Section 242-305F – Commercial Vehicles in Residential Zones and Section 242-401A(2)(g) – Commercial Vehicles for Customary Home Occupations**

Vice Chairman Blessey moved to withdraw the application for the Proposed Regulation Change #201100881 to allow for clarification. Commissioner Grimes seconded the motion. Motion carried unanimously.

Those present and interested in speaking about the application were encouraged to send their comments in writing to ZEO Dew.

- b. **Proposed Regulation Change #201100827: Section 242-305C(11) – Handicapped Parking**

The same introduction that was used for the earlier public hearing was utilized for this application.

Vice Chairman Blessey read the legal notice for the public hearing, which was published in the News Times on November 18, 2011 and November 28, 2011. Chairman Mercer reviewed the

policies and procedures that govern public hearings.

Chairman Mercer explained the current calculation for handicapped parking. He indicated that the Commission is proposing to replace the regulation with the State's calculation. Chairman Mercer explained that the current regulation has been a problem for smaller businesses in Town, and the change would comply with the law and reduce the burden on those businesses.

Vice Chairman Blessey moved to close the public hearing re: Proposed Regulation Change, #201100827, with the exception of receiving comment from the Planning Commission. He then withdrew his motion.

Vice Chairman Blessey moved to hold the public hearing open for application #201100827, for the receipt of comment from the Planning Commission. Commissioner Lollie seconded the motion, and it carried unanimously.

7. **Tabled Items:** None.

8. **Informal Discussion:**

a. **537 Federal Road (RW Barbeque):** Potential changes to façade – *No one present.*

9. **Comments of Commissioners:** Vice Chairman Blessey thanked Mr. Weisman for his years of service to the Town. Commissioner Grimes also noted the service of Mr. Parker.

10. **Adjourn:** Commissioner Weisman moved to adjourn the meeting at 8:10 p.m. Commissioner Grimes seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for December 8, 2011****