

**APPROVED MINUTES  
BROOKFIELD ZONING COMMISSION  
Thursday, December 8, 2011 – 7:00 p.m.**

**MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

**1. Convene Meeting**

**Present:** Chairman W. Mercer, Vice Chairman R. Blessey, Secretary C. Lynch, F. Lollie

**Absent:** M. Grimes

**Also Present:** Zoning Enforcement Officer A. Dew

**a. Review Minutes of Previous Meetings:** - Vice Chairman Blessey moved to approve the Minutes of the December 1, 2011. Commissioner Lollie seconded the motion. It was noted that the following correction must be made: under Enforcement, on Page 2, to correct the address for 198 Candlewood Lake Road, to 213 Candlewood Lake Road. Motion carried, 3-0-1, with Secretary Lynch abstaining.

**2. Land Use Enforcement**

**a. Enforcement Officer's Report:**

*ZEO Dew reported on the following:*

**Request for Voluntary Compliance**

**14 South Mountain Rd., #201101036** – This property has contractor's equipment on the site. ZEO Dew sent a Request for Voluntary Compliance asking that the equipment be removed by December 22, 2011.

**Cease and Desist Orders**

**74 Candlewood Lake Rd.** – There are five vehicles on the property; three of which are not driveable. A Cease and Desist was issued a few days ago, and the property owner has yet to respond. He/she has ten days to schedule a hearing.

**Citations**

**54 Ironworks Hill Rd., #201100755** – Cohen & Wolf is attempting to send a letter by marshal. The house appears to be vacant. ZEO Dew drives by the house two times a day, and will advise the Commission when it appears that the property is occupied again.

**164 Federal Rd., #201100941** – The container has been moved. **Vice Chairman Blessey moved to remove 164 Federal Road #20110094 from the Enforcement Report, for compliance. Chairman Mercer seconded the motion, and it carried unanimously.**

**Town Counsel Action** – No changes to report since the last meeting on December 1, 2011.

**RW Barbeque** – A Citation was sent to both the business owner and the property owner.

**213 Candlewood Lake Rd., #201101044** – There was discussion regarding the difficulty in determining where the buffers on the site, as there is a zone change within the property. ZEO Dew has spoken with the property owner, Mr. O'Hare, as well as the complainant, who is "fairly satisfied". Vice Chairman Blessey reviewed a map of the property and neighboring sites. He pointed out what Mr. O'Hare owns, and where the zone line is, referencing "Map 213 Candlewood Lake Road from the Zoning File". He further noted the boat storage and areas that have been cleaned up in the past. Vice Chairman Blessey will be speaking with the Fire Marshal and delineate where the fire lane is, so that the remainder of the property can be put into compliance.

**3. Review Correspondence**

- a. Minutes of other Boards and Commissions: Inland Wetlands Commission 11/28/11; Zoning Board of Appeals; Planning Commission; Zoning**

**Sub-Committee**

No discussion/no motions.

**4. Continued Public Hearing 7:30 p.m.**

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

1. Memo from Planning Commission to Zoning Commission dated 10/24/11

Re:

Proposed Regulation change Section 242-501

The above listed memorandum from the Planning Commission was noted.

**Vice Chairman Blessey moved to close the Public Hearing re: Proposed Regulation Change #201100838, Section 242-501 – Table of Permitted Uses. Commissioner Lollie seconded the motion. Vice Chairman Blessey recused himself from this matter, and therefore, withdrew his motion to close the Public Hearing, and Commissioner Lollie withdrew his second.**

This matter will be continued to the next meeting when there is a quorum of members without any conflicts with the application.

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

1. Memo from Planning Commission to Zoning Commission dated 10/24/11

Re:

Proposed Zoning Regulation Change Section 242-305C(11)

The above listed memorandum from the Planning Commission was read by Chairman Mercer.

**Vice Chairman Blessey moved to close the Public Hearing re: Proposed Regulation Change #201100827: Section 242-305C(11) – Handicapped Parking. Commissioner Lollie seconded the motion, and it carried, 3-0-1, with Secretary Lynch abstaining.**

**Vice Chairman Blessey moved to approve the Regulation Change #201100827: Section 242-305C(11) – Handicapped Parking. Commissioner Lollie seconded the motion, and it carried, 3-0-1, with Secretary Lynch abstaining.**

**6. New Business:**

- a. 125 Commerce Drive (Petro, Inc.) #201101016: Site Plan Modification for Outside fencing, indoor vehicle washing for tenant vehicles only and revise Bond Estimate**

(dec date 2/11/12)

1. “Site Plan” of Lot 11, 11A Commerce Drive prepared by CCA, LLC dated

2/25/08 – sheet S1

*S. Sullivan, CCA, 40 Old New Milford Rd., was present on behalf of the applicant.* He reviewed the changes made on the site plan modification for a tenant fit up. The changes include the addition of fencing area for vehicle storage in rear, and tenant space A for Petro, Inc. Mr. Sullivan indicated that a portion of the new space will contain a self-contained indoor vehicle washing station, which will not discharge to the sanitary sewer. He reviewed the Design Review Approval of 7/12/08, and a revised bonding estimate, based on the new bonding regulation.

Chairman Mercer discussed a letter from the Water Source Committee dated December 7, 2011, regarding the fire tank. Mr. Sullivan noted the WSC's review of 2008. *L. Bouillaine, Tecor Properties, was present.* She confirmed that the tanks on the plans are from the original site plan. Vice Chairman Blessey indicated that the Commission would resolve the discrepancy.

Chairman Mercer indicated that he was uncomfortable issuing a Certificate of Zoning Compliance for a building that has not been built. There was discussion regarding a confirmation of the use being allowed in the aquifer protection district. He noted that the indoor washing was acceptable, as well as the storage of the trucks, emphasizing that they should not be "fully loaded". Vice Chairman Blessey advised that the use on the site has been "grandfathered" by another tenant. Secretary Lynch and Commissioner Lollie found the use to be acceptable. Vice Chairman Blessey will draft a letter indicating that the use is acceptable specific to the building on the site plan.

*Attorney T. Backer, was present, on behalf of the applicant,* and wished to confirm that the approval of the modified site plan be noted in the letter, and that the use of that addition for Petro would be acceptable.

**Vice Chairman Blessey moved to approve the application of Petro, Inc., #201101016, for site plan modification. Chairman Mercer seconded the motion, and it carried unanimously.**

**Vice Chairman Blessey moved to send a letter to Tecor Properties, LLC indicating that the use of the property at 125 Commerce Drive for Petro, Inc. Home Fuel Oil Delivery, for office warehousing, indoor washing and light vehicle repair of company vehicles only, is an approved use at 125 Commerce Drive, if used in the building configuration of site plan modification #201101016. Commissioner Lollie seconded the motion. Motion carried unanimously.**

**Vice Chairman Blessey moved to send a memorandum to the Water Source Site Plan Review Committee indicating that the Zoning Commission reviewed its memorandum of December 7, 2011, regarding the Zoning Commission's review of application #201101016, and the accompanying plans, indicate that the fire suppression tank is actually a 30,000-gallon tank. Secretary Lynch seconded the motion. Motion carried unanimously.**

**b. 540 Federal Road #201101017: Design Review for a Municipal water storage tank,**

water main, electrical & driveway (dec date 2/11/12)

1. Map Cover Sheet titled “Water Storage Tank” prepared by CCA, LLC

dated November 29, 2011

- “General Legend, Notes And Abbreviations” dated Jan. 2006 – sheet N1
- “Water Storage Tank Site Plan” dated 11/29/11 – sheet S1
- “Water Storage Tank Landscape Plan” dated 11/29/11 – sheet L1
- “Water Storage Tank Cross Sections Plan” dated 9/30/11 revised 11/29/11 – sheet XS1
- “Water Storage Tank Cross Sections” dated 9/30/11 revised 11/29/11 – sheet XS2
- “Sedimentation And Erosion Control Plan” dated Dec. 7, 2005 – sheet 2002E&S

*M. Handshy, Consultant for the Board of Selectmen, Town of Brookfield, and S. Sullivan, PE, CCA, 40 Old New Milford Rd., were present.* The applicant has submitted a Design Review application for a 607,000-gallon water storage tank for the Federal Road water main project. Mr. Sullivan noted the tank location and access driveway, at the rear portion of 540 Federal Road and the landscape plan around proposed water tank storage location. He advised that the height of the tank is 43 feet, and the storage of water will reach 33 feet. The tank is the same type that is being used at two other locations in Brookfield. Mr. Sullivan provided details as to the location of the paved access. He advised that he is aware, via a pre-application meeting, that the height exceeds what is allowed in a residential zone per the regulations (Section 242-308A). There was discussion regarding a request for a variance to the Zoning Board of Appeals for the height.

A memorandum from the Director of Public Works was noted, and there was discussion regarding the grade of the property where the tank will sit. The tank will be inspected and/or serviced once a week, with only one vehicle. With regard to additional grading, Vice Chairman Blessey and other Commissioners indicated they would prefer less impact to conserved land.

In response to an email from Drew Swanson dated December 7, 2011, Vice Chairman Blessey indicated that the material and cost issues raised are not within the Commission’s purview. It was noted that there is no public hearing required for the Design Review application.

S. Sullivan indicated that the asphalt driveway will have to go through the wetlands, and that the applicant is not opposed to a gravel driveway. Chairman Mercer noted the swales on each side. Mr. Sullivan indicted that paving eliminates the erosion potential.

The applicant will be submitting an application for a variance to the Zoning Board of Appeals for the height of the tank.

**Vice Chairman Blessey moved to go back to Agenda Item 6.a., 125 Commerce Drive. Secretary Lynch seconded the motion, and it carried unanimously.**

**6. New Business: (continued)**

a. **125 Commerce Drive (Petro, Inc.) #201101016: Site Plan Modification for Outside**

**fencing, indoor vehicle washing for tenant vehicles only and revise Bond Estimate**

*(dec date 2/11/12)*

1. **“Site Plan”** of Lot 11, 11A Commerce Drive prepared by CCA, LLC dated 2/25/08 – sheet S1

**Chairman Mercer moved to set bond in the amount of \$58,325.00 for the construction of the addition to 125 Commerce Drive, #201101016. Secretary Lynch seconded the motion, and it carried unanimously.**

5. **Old Business:**

a. **49 Federal Road #200600933:** Request for final bond release \$9,000.00 – ZEO Dew’s inspection report was noted. **Vice Chairman Blessey moved to recommend to the Board of Selectmen to release the bond of \$9,000.00 at 49 Federal Road, #200600933. Commissioner Lollie seconded the motion. Motion carried unanimously.**

**Miscellaneous**

Chairman Mercer noted a letter from Cliff Morgan, Sandy Lane Village Condominium Association, dated December 5, 2011. He requested that ZEO Dew send a letter to Mr. Morgan, advising him of the process for design review modification, as well as the publication of meeting agendas.

7. **Tabled Items:** None.

8. **Informal Discussion:**

a. Draft from Katherine Daniel to Zoning Commission & Alice Dew, ZEO, dated 12/2/11 Re: Proposed changes to regulations regarding commercial vehicles – Vice Chairman Blessey asked that the Commission disregard the above memo, and provided a substitute draft change to Section 242-305F: Commercial vehicles in residential zones. It was noted that there is no change to the definitions portion in Section 242-202. The Commission seeks to allow craftspeople to park commercial vehicles in their driveways, under certain conditions.

Chairman Mercer discussed a two-tier process; one which allows the ZEO to issue a permit under certain circumstances, and another that gives the Commission authority to issue a special permit under other circumstances. There was discussion regarding the various possible combinations of commercial vehicles on properties. It was noted that gross vehicle weight, axle, lettering, screening, and noise associated with the vehicles are considerations. *J. Varda, Old Middle Road, was present*, and took part in the discussion. It was noted that decibel measurements are taken by the Police Department per ordinance, which should be referenced in the zoning regulation. There was additional discussion regarding defining the size of vehicles. Vice Chairman Blessey indicated that applications for permits will be decided by on a case-by-case basis. The Commission encouraged Mr. Varda to participate in the discussion at the next meeting. Vice Chairman Blessey will look into the Connecticut registration requirements.

### **Miscellaneous**

Vice Chairman Blessey inquired regarding the appropriate action for a property owner who, in a residential neighborhood, cuts wood that gets dropped off to his house. The property owner splits the wood, and puts it on his truck, and then drives it somewhere else. It is unknown if the property owner is doing this for money. Vice Chairman Blessey further inquired if this is an acceptable use in a residential zone. Secretary Lynch and the remainder of the Commissioners agreed that this use is commercial in nature, and not an acceptable use in a residential zone. ZEO Dew will forward a copy of the Commissioners' opinion, via the Minutes of the meeting, to the Town Attorney, and speak with the Town Counsel regarding this issue.

9. **Comments of Commissioners:**        **None.**

10. **Adjourn:**

Vice Chairman Blessey moved to adjourn the meeting at 8:33 p.m. Secretary Lynch seconded the motion, and it carried unanimously.

**\*\*Next Regular Meeting Scheduled for December 22, 2011\*\***

### **Items Received After Agenda Distribution:**

1. Memo from Ralph Tedesco, Dir. Public Works, to Zoning Commission dated 12/7/11  
Re: 540  
Federal Rd – Design Review – Application #201101017
2. E-mail from Drew Swanson to Bill Mercer dated 12/7/11 Re: Request for statement at Zoning hearing – 540 Federal Road
3. Letter from Cliff Morgan, Sandy Lane Village Condo Assoc., to Bill Mercer dated 12/5/11 Re:  
Sandy Lane Village
4. Letter from David Martone, Water Source, to Zoning and Planning Commission dated 12/7/11  
Re: 125 Commerce Drive, Application #201101016
5. Letter from David Martone, Water Source, to Zoning and Planning Commission dated 12/7/11  
Re: 540 Federal Rd Municipal water system-Southern Waterline-Phase 2, Application #201101017