

**APPROVED MINUTES  
BROOKFIELD ZONING COMMISSION  
Thursday, March 8, 2012 – 7:00 p.m.  
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

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**1. Convene Meeting**

**Present:** Chairman W. Mercer, Vice Chairman Blessey (arrived at 7:04 p.m.), M. Grimes, Secretary F. Lollie, Alternate and Voting Member where indicated J. Cordisco (during Vice Chairman Blessey's absence), Alternate and Voting Member R. Ziembicki  
**Absent:** C. Lynch, Alternate J. Varda

**Commissioner Grimes moved to enter into Executive Session at 7:02 p.m., and to invite Town Counsel and the Zoning Enforcement Officer. Secretary Lollie seconded the motion, and it carried unanimously.**

**b. Executive Session:** Pending Litigation (*R. Blessey recused himself from this session*)

*Vice Chairman Blessey arrived at 7:04 p.m.*

**Executive Session concluded at 7:14 p.m.**

*Commissioner Ziembicki continued to be a Voting Alternate.*

**a. Review Minutes of Previous Meetings: 2/23/12 – Commissioner Grimes moved to approve the Minutes of the February 23, 2012 Meeting. Commissioner Ziembicki seconded the motion. Commissioner Grimes noted one correction on Page 1, under 213 Candlewood Lake Road, to change “O’Hare” to “O’Hara). Motion carried, with Secretary Lollie abstaining.**

**2. Land Use Enforcement**

**a. Enforcement Officer’s Report:**

*ZEO Dew reported on the following:*

**Requests for Voluntary Compliance**

**213 Candlewood Lake Road, #201101044** - Mr. O’Hara has until March 15, 2012 to move the four or five boats on the right hand side. ZEO Dew will reinspect the site on that date.

**143 Federal Rd. (Panera) #201200040** – A Department of Transportation engineer informed ZEO Dew that the Town does not have jurisdiction over the DOT property. Chairman Mercer advised her she could remove this item from the report. He further explained that the Panera logo sign was put up as part of a federal program that allows food providers signage on State highways within a certain distance from the exits.

**32 Mist Hill Road #201200119** – ZEO Dew advised that the landscaping vehicle has been moved.

**154 Pocono Road #201200138** – ZEO Dew explained that there were six or seven vehicles on the lawn that have been moved to the driveway in response to the Request for Voluntary Compliance. She indicated that two of the vehicles do not have license plates. She will send another letter requesting proof of registration for those vehicles.

**273 Whisconier Road/286 Whisconier Road (Signage)** – ZEO Dew reviewed that the original sign at this site was hit by a vehicle, and replaced by two roadside signs. *Richard Herrmann, 286 Whisconier Rd., Executive Director of Craft Center, was present.*

*Vice Chairman Blessey recused himself from this discussion and left the room at 7:19 pm.*

Mr. Herrman explained that the one two-sided sign was hit by the vehicle approximately one year ago. Nine months ago, The Craft Center replaced that sign with two, smaller one-sided signs. Mr. Herrmann indicated that they are the only markers for The Craft Center, and they have been effective in generating revenue.

Chairman Mercer explained that the regulations do not allow for multiple, roadside signs. The sign that had been present prior to being hit complied with the regulations. Mr. Herrmann stated that the earlier sign was not effective. He inquired if the two current signs could be put back to back, if that would comply. The Commission advised it would not. Commissioner Grimes explained to Mr. Herrmann that if he feels that a hardship exists, he can apply for a variance with the Zoning Board of Appeals. Mr. Herrmann advised he would be happy to go through this process.

**21 Meadowbrook Road** – ZEO Dew advised that the banner on the fence advertising for day care has been removed. Further, the property owner is aware that he/she has to apply for a Customary Home Occupation by March 23, 2012.

*Vice Chairman Blessey returned to the room at 7:23 p.m.*

**Cease and Desist Orders**

**632-640 Federal Road, #201200036**(Citation) – ZEO Dew advised that a hearing has been scheduled, but that the pot holes have been repaired. Chairman Mercer and Vice Chairman Blessey witnessed this on the site. **Commissioner Grimes moved to waive the penalty to 632-640 Federal Road, #201200036, and to remove this item from the Enforcement Report. Secretary Lollie seconded the motion, and it carried unanimously.**

**10 Whisconier Road, #201200023** – This complaint involves a shed without a permit. ZEO Dew advised that an elderly conversion is also being completed on the property. The matter is before the ZBA. The Chairman of that Board, M. Flynn, has suggested that the ZBA be advised if these types of applications are the result of an enforcement action, or if it is an application.

**b. Show Cause Hearing:**

1. **51 Junction Road:** – ZEO Dew advised that on February 16, 2012, garbage piled up in a dumpster on the site was observed, along with a garbage truck present. A Cease and Desist was sent on that day. When she inspected the property on February 20, there did not appear to be garbage. *B. Fusco, Fusco & Sons, 51 Junction Road, was present.* He advised that the site was cleaned up on February 17, 2012, and that the material in the dumpster was “recycling”. Vice Chairman Blessey remarked that the material appeared to be trash in white garbage bags. He added that the property owner does not have a Certificate of Zoning Compliance to store the garbage vehicle on the site.

*Commissioner Grimes left the meeting at 7:27 p.m. and returned at 7:29 p.m.*

*Al Cossuto, Trustee for Joyce Mary Cossuto, was present.* He indicated that trucks have been parked there since 1969. Vice Chairman Blessey explained that a CZC is necessary to do business on this site. Mr. Cossuto reiterated that garbage is not stored on the site. The parties were advised that the necessary application can be found in the Land Use Office.

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

- a. 398 Federal Road – Proposed Zone Change #201200088: Current Zone is IRC 80 / 40 and Proposed Change is Incentive Housing Overlay Zone** (*ph close date 4/12/12*)
1. Response letter from HVCEO dated 2/22/12
  2. Response memo from Planning Commission to Zoning Commission dated 2/17/12

Chairman Mercer opened the public hearing and introduced the Commission members. R. Ziembicki voting alternate.

Secretary Lollie read the legal notice, which was published in the News Times on February 24, 2012 and March 5, 2012. Chairman Mercer noted that the application was received on February 9, 2012. He then reviewed the policies and procedures that govern public hearings.

Secretary Lollie read the following correspondence: 1) dated March 6, 2012, in support of the application, from Greg Steiner; 2) the HVCEO referral, dated February 21, 2012; and 3) from the Planning Commission dated February 17, 2012, indicating it is consistent with POCD and have no serious objections’ and 4) a letter dated 3/5/12, from Aigus Associates, adjacent property owner, in support of the application.

*D. Bertram, BRT, 50 Newtown Road, Danbury, CT, was present.* He submitted the return receipts of the certified mail notices for the public hearing. Mr. Bertram then reviewed the location of the parcel, noting that it is surrounded by several developed properties. He indicated he is requesting that the overlay zone be assigned to the parcel. Mr. Bertram advised that he believes that the proposal addresses parameters of incentive housing, namely, revitalizing the commercial district, with mixed use development. He noted the proximity of the YMCA, a potential retail development, and HART bus stops. Mr. Bertram advised that he has applied for a specific stop at his site. He also pointed out that it provides another housing option, with the affordability component, and a possible offering of housing for town employees. Lastly, per Connecticut General Statutes Section 8-13m, there is a financial incentive from the State.

Mr. Bertram indicated that he will be going to the Planning Commission regarding the public sewer and water component of the plan. Additionally, he believes the proposal will promote a proposed retail development across the street.

There were no questions of clarifications from the audience. *No one was present to speak in favor of the application, nor was anyone present to speak in opposition to the application.*

Commissioner Grimes requested that Mr. Bertram review the incentive housing regulations for the newer Commission members. Mr. Bertram explained that incentive housing was a result of C.G.S. 8-30g (affordable housing) and promoted an incentive for towns to offer affordable housing.

Vice Chairman Blessey inquired what the process is for getting a HART bus stop at the site. Mr. Bertram indicated that he has advised HART of the proposed development, and that the location is on a corridor where there are other stops. He advised he will also stress the “walkability” component of the development.

**Commissioner Grimes moved to close the Public Hearing re: 398 Federal Road, Proposed Zone Change, #201200088: Current Zone is IRC 80/40 and Proposed Change is Incentive Housing Overlay Zone. Chairman Mercer seconded the motion, and it carried unanimously.**

**Vice Chairman Blessey moved to approve #201200088, Proposed Zone Change: Current Zone is IRC 80/40 and Proposed Change is Incentive Housing Overlay Zone. Secretary Lollie seconded the motion. Vice Chairman Blessey indicated he would not want to see the entire zone changed. Commissioner Grimes pointed out that approval of this application would not cause this problem. Commissioner Ziembicki inquired if this type of housing would continue up into the “warehousing” section that is north of it. It was noted that the entire zone would not be changed, that housing is already approved, and density requirements are being changed. Chairman Mercer noted that he does not see implications on properties in between 540 and 398 Federal Roads, as housing has already been approved. Motion carried unanimously.**

**5. Continued Public Hearing:**

- a. **227-235 Federal Road #201200060: Design Review for a new retail / commercial**

**24,899 sq. ft. building** (*ph close date 3/29/12*)

1. Letter from Michael Lillis, Project Manager, to Zoning Commission dated 3/1/12  
Re: 227-235 Federal Rd Site Plan for Design Review Approval Application #201200060 (Revised Layout and Grading Plan)
  - a. Map titled “Layout Plan” prepared by CCA, LLC dated 11/2/11 revised 2/27/12 – sheet S2
  - b. “Grading Plan” dated 1/12/12 revised 2/27/12 – sheet S1

*M. Lillis, PE, CCA, 40 Old New Milford Rd., was present.* He submitted a revised layout and grading plan in response to ZEO Dew’s memo. Mr. Lillis reviewed the changes to the plan, which include a widening to the fire lane, moving the dumpster, a painted loading area, and an area for storing a commercial vehicle. He indicated that the fire suppression will include a sprinkler system, and noted that the project cannot be started until the water line is serviceable. Mr. Lillis further stated that his clients do not have an objection to stipulating that the tenant for one portion be a furniture showroom.

Mr. Lillis then reviewed the existing and proposed drainage condition maps, pointing out two existing catch basins that are owned by the State of Connecticut. Additionally, the nearby Rite-Aid property drainage flows onto the property. Mr. Lillis stated that less than 5 of the 6.03 acres is paved. As a result of the upcoming Costco development, traffic improvements will be made.

The applicant’s drainage plans include: 1) the building/parking lot in the front will drain to; 2) piping the two State catch basins around the side of the building; and 3) piping the drainage of the back of the building to a plunge pool. There will be an underground detention system in the front of the building. Mr. Lillis reviewed the drainage calculations for various areas and storm events.

Vice Chairman Blessey inquired if there was any way of determining the duration of the underground system. Mr. Lillis responded that he is unable to calculate how long it would take for the system to fill up with silt; however, an oil grit separator with a swirling motion is provided. Maintenance is provided annually if the owner chooses. Secretary Lollie recommended that the applicant make a note on the plan that the maintenance schedule is to be set up and maintained yearly, and Mr. Lillis advised he had no objection to doing this. Mr. Lillis also advised it is common practice to have the owner maintain a log of maintenance activities.

**Vice Chairman Blessey moved to close the Public Hearing for 227-235 Federal Road, #201200060: Design Review of a new retail/commercial 24,899 sq. ft. building. Chairman Mercer seconded the motion, and it carried unanimously.**

**Vice Chairman Blessey moved to approve the application for 227-235 Federal Road, #201200060. There was brief discussion regarding the need for possible stipulations. Vice Chairman Blessey then withdrew his motion.**

The aforementioned stipulation regarding maintenance, to be enforced by the ZEO, was discussed. The Commission advised that the property owner may submit a copy of the bill for the annual maintenance to meet this requirement. Additionally, Vice Chairman Blessey suggested that there be a stipulation that the 1,200 square foot section be designated for a furniture showroom, or a use that has similar parking requirements.

**Vice Chairman Blessey moved to approve #201200060, for 227-235 Federal Rd., with the following stipulations: that the applicant provides the Zoning Commission with the site maintenance schedule that will be checked annually by the ZEO, and that the 1,200 square foot**

section of the proposal not be used for any use that exceeds the current zoning parking requirements. Commissioner Ziembicki seconded the motion, and it carried unanimously.

**2. Land Use Enforcement (continued)**

**b. Show Cause Hearing: (continued)**

2. 1106 Federal Road: - ZEO Dew indicated that this is the LaPietra property, which is owned by Modern Investments. She further stated that there was debris around the site, not in covered containers, per the site plan approval. A Cease and Desist was issued, and a representative from the property indicated he would have it cleaned up by today. ZEO Dew was not able to inspect the site today. *M. Figueiredo, 1106 Federal Rd., was present.* He advised that he started the clean-up today, and it should be done tomorrow or Saturday morning. He indicated that the silt fence was removed and wash out resumed. He would like to get permanent solution by installing a retaining wall, to prevent the dust from the stone from washing away. The Commission requested that the countertops be stored neatly and covered. Mr. Figueirdo advised that a small loader is used to move the countertop pieces.

ZEO Dew reported that this is not a wetlands issue. She added that this came in as a complaint from a neighboring business.

ZEO Dew will inspect the site on Monday. If the site is not cleaned up, a Citation will be issued.

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

**Town Counsel Action**

**54 Ironworks Hill Road, #201100755** – This matter has been moved from Citation to Town Counsel Action.

**533 Federal Road, #2012000122** – Commissioner Grimes moved to issue a Citation for 533 Federal Road, and to authorize Town Counsel to take action as appropriate to enforce the Cease and Desist and the Citation should the owners of 533 Federal Road fail to address either the Cease and Desist or the Citation within the ten-day period provided to respond to the Citation. Vice Chairman Blessey seconded the motion, and it carried unanimously.

**54 Ironworks Road #201100755** - The Commission requested that a letter be sent to 54 Ironworks Hill Road at the address that it is believed the property owner lives, and if it is delivered, that further action take place.

**6. Old Business:**

**a. 540 Federal Road #201101017: Design Review for a Municipal water storage tank, water main, electrical & driveway (dec date 04/14/12) – M. Handshy, Consultant to the Board of Selectmen, was present.** Chairman Mercer explained that in response to the denial of the application due to the tank's height, the ZBA approved a variance. Mr. Handshy advised that IWC approval is still being sought, as well as the finalization of the easement.

**Vice Chairman Blessey moved to approve #201101017: Design Review for Municipal Water Storage Tank, Water Main, Electrical and Driveway, at 540 Federal Road. Commissioner Grimes seconded the motion, and it carried unanimously.**

**b. Proposed Regulation Change #201200130: Section 242-308F – Liquor Outlets (ph scheduled for 3/22/12) – **No discussion/no motions.****

**c. Proposed Zoning Regulation Change #201200131: Section 242-504: Major Shopping Centers: (ph scheduled for 3/22/12)**

Subsection C(5): Accessory uses permitted  
Subsection N(1) & (4): Additional-requirements-for-support-services  
Subsection O: Project Limitation – **No discussion/no motions.**

**7. New Business:**

**a. 10 Huckleberry Hill Road (YMCA) #201200160: Site Plan Modification for Installation of low ropes playground equipment (dec date 5/12/12)**

1. Site Plan of ropes course for Greenknoll Day Camp dated 7/10/08  
*L. Holme, Director of Building and Grounds, Regional YMCA, 2 Huckleberry Hill Road, was present.* He explained the proposal to add a low ropes course via a site plan modification. The Summit diagrams were reviewed, as well as the proposed location.

**Vice Chairman Blessey moved to approve #201200160: Site Plan Modification for installation of low ropes playground equipment at the YMCA. Secretary Lollie seconded the motion, and it carried unanimously.**

**3. Review Correspondence**

- a. Minutes of other Boards and Commissions: Inland Wetlands Commission 2/27/12; Zoning Board of Appeals; Planning Commission; Zoning Sub-Committee**
- b. Building Permits Law Bulletin: February 2012 issue**

**No discussion/no motions.**

**8. Tabled Items: None.**

**9. Informal Discussion:**

**a. Mobile Vending:** Requested by Aurora Marin who would like to have a food cart at 51 Junction Road – *A Marin, 801 Laurel Hill Rd., was present.* She explained that she owns a food vending truck. She has spoken with Mr. Cossuto regarding using a spot on his property at 51 Junction Road. Ms. Marin had a copy of the City of Danbury regulations, and noted that the Town of Brookfield has no regulations for street peddling. Her intent is to sell breakfast and lunch from one location. Vice Chairman Blessey advised that the property owner would have to apply for this use on his property, or Ms. Marin would have to file an application to change the regulation. Secretary Lollie advised that the City of Danbury requires the applicant to show that it has three spots above the required parking.

- b. 286 Whisconier Rd (Brookfield Craft Center): Signage – Discussion above, under Enforcement.**

**10. Comments of Commissioners: None.**

**11. Adjourn: Commissioner Grimes moved to adjourn the meeting at 8:59 p.m. Commissioner Ziembicki seconded the motion, and it carried unanimously.**

**\*\*Next Regular Meeting Scheduled for March 22, 2012\*\***