

DRAFT MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, August 23, 2012 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

1. Convene Meeting

Present: Acting and Vice Chairman R. Blessey, Secretary F. Lollie, M. Grimes, C. Lynch, Alternate and Voting Members where indicated J. Cordisco and J. Varda

Absent: Chairman W. Mercer

Also Present: Zoning Enforcement Officer A. Dew, Community Development Director K. Daniel, Special Town Counsel P. Olson, and Recording Secretary D. Cioffi

- a. **Review Minutes of Previous Meetings: 8/9/12 – Commissioner Grimes moved to accept the Minutes of the August 9, 2012 meeting. Commissioner Lynch seconded the motion.** Commissioner Grimes noted the following correction: on Page 7, second full paragraph, fourteenth line, to change the entire sentence that begins, “M. Grimes asked for clarification ...” to read, “M. Grimes asked Mrs. Raymond, if she wanted no street parking at all, or if she was concerned that there was too much street parking, and she replied that she desired a reduction in street parking; that she felt that there was too much street parking.” **Motion carried 3-0-2, with J. Cordisco and Secretary Lollie abstaining.**

Commissioner Grimes moved to go into Executive Session and invite Zoning Enforcement Officer and Special Town Counsel P. Olson, for the purposes of discussing 1 High Ridge Road and 9 Stoney Farm Lane, at 7:05 p.m. Commissioner Lynch seconded the motion, and it carried unanimously.

2. Land Use Enforcement

- a. **Executive Session with Town Counsel:** 1 High Ridge Rd, 9 Stony Farm Lane – **Commissioner Grimes moved to come out of Executive Session at 7:19 p.m. Commissioner Lynch seconded the motion, and it carried unanimously. Acting and Vice Chairman Blessey noted that no motions were made in Executive Session.**

Commissioner Grimes moved to go to Agenda Item 7.e., 604 Federal Road. Secretary Lollie seconded the motion, and it carried unanimously.

7. New Business:

- e. **604 Federal Road (Toyotomi USA) #201200738: Site Plan Modification to re-side and re-roof small individual asphalt roofs** (*dec date 10/27/12*)

1. Picture of building prepared by ProVia Studio handed into Land Use 8/16/12 *G. Kull, 2 Everwood Dr., New Milford, CT, was present.* He explained the proposed re-siding of the building, changing the color from gray to earth tones. Additionally, the small alcoves are being changed to match the color. The file and photograph of the building were reviewed. **Commissioner Grimes moved to approve #201200738 for a Site Plan Modification to re-side and re-roof 604 Federal Road. Commissioner Lynch seconded the motion, and it carried unanimously.**

Commissioner Grimes moved to go to Agenda Item 7.b., 1112 Federal Road. Acting and Vice Chairman Blessey seconded the motion, and it carried unanimously.

7. Old Business

- b. **1112 Federal Road (Trident) #201200727: 45 square foot roadside sign** (*dec date*)

10/27/12)

1. “Location Plan” faxed into Land Use 8/14/12
2. “Assessors Map” faxed into Land Use 8/14/12
3. “Schematic Design” faxed into Land Use 8/14/12
4. “Detailed Highway Plan” showing proposed sign location dated 8/14/12

W. Rogg, was present, on behalf of his mother, the property owner. He reviewed the current access off of Industrial Park Drive. He explained the preferred location for the sign, which is in a right-of-way owned by the State Department of Transportation. The State will only lease to an abutting property owner. The applicant’s property abuts one side of the road, however, the other side of the road is owned by another party. The DOT has declared the land “surplus” is willing to lease the property to the Roggs if approval for the sign is obtained. The zoning regulations do not allow a sign on the State right-of-way. Acting and Vice Chairman Blessey indicated he believes that the lease would negate the regulation. Mr. Rogg indicated that the other abutting property owner is also willing to apply to the State for the right-of-way.

Commissioner Cordisco moved to approve #201200727, 1112 Federal Road (Trident) because it mitigates a problem situation of traffic flow at the new location. Commissioner Grimes seconded the motion, and it carried unanimously.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 8/13/12; Zoning Board of Appeals 8/6/12; Planning Commission 8/2/12; Zoning Sub-Committee**
- b. **Legal Briefings for Building Inspectors: August 2012**

No discussion/no motions.

4. Public Hearing 7:30 p.m.

- a. **57 Laurel Hill Road #201200636: Design Review for Proposed Incentive Housing “Laurel Hill Townhomes” (ph close date 9/27/12)**
 1. Report titled “Incentive Housing Restriction”
 2. Drainage Report for Laurel Hill Townhomes – 57 Laurel Hill Rd prepared by CCA, LLC dated 6/20/12 revised through 8/15/12
 3. Map titled “Pre-Development Drainage Area Map” prepared by CCA, LLC dated 6/6/12 revised through 8/16/12 – sheet DA1
 - “Post-Development Drainage Area Map” dated 6/6/12 revised through 8/16/12 – sheet DA2
 - “Catch Basin Drainage Area Map” dated 6/22/12 revised through 8/16/12 – sheet DA3
 4. Map titled “Layout And Materials Plan” prepared by CCA, LLC dated 6/6/12 revised through 8/16/12 – sheet C1
 - “Grading And Drainage Plan” dated 6/6/12 revised through 8/16/12 – sheet C2
 - “Utilities Plan” dated 6/6/12 revised through 8/16/12 – sheet C3
 - “Erosion Control Plan” dated 6/6/12 revised through 8/16/12 – sheet C4

Acting and Vice Chairman Blessey opened the Public Hearing and introduced the Commission members. Secretary Lollie read the legal notice for both of the public hearings on this evening’s agenda. The notice was published in the News Times on August 10, 2012 and August 20, 2012. Acting and Vice Chairman Blessey indicated that the application was received on July 26, 2012. He also reviewed the policies and procedures that govern public hearings. There were no questions from the audience.

Secretary Lollie noted the following correspondence: a memo from the Planning Commission dated July 18, 2012, to the Zoning Commission.

Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, was present on behalf of the applicant. Joining him were: J. LaFreniere, Architect, A. Adams and N. Levesque, from CCA, 40 Old New Milford Rd. Attorney Scalzo advised that the property is 1.04 acres, and the project will involve 13 townhouses in the Town Center District/Incentive Housing overlay zone. He referred the Commission to his previously submitted incentive housing narrative.

Abigail Adams, Landscape Architect, CCA, reviewed the existing conditions of the site, including sloping and the existence of a swale. She advised that the site is being assessed for sewer, and is proposing an extension of water main. Access, parking and the drainage system were reviewed. Ms. Adams further advised that a sidewalk and crosswalk are being proposed. She also reviewed lighting and detailed landscaping, noting a courtyard area. Additionally, Ms. Adams addressed the comments of the Water Source Committee, noting the width of the fire lane is 16', and that its second comment is not applicable as it references an affordable housing regulation.

J. LaFreniere, Cambridge, MA, was present. He provided details regarding the townhouses related to their orientation to Laurel Hill Road, size (2-bedroom/2-bath units) and arrangement, and materials. It was noted that the engineering plans reflect 3-bedroom units, and Attorney Scalzo clarified that this would be corrected.

The following questions of clarification were asked by the audience:

J. Salame, 138 Whisconier Rd., was present. She inquired if all of the trim would be AZEK material, and was advised by Mr. LaFreniere that it would be.

Bob Brown, 253 Whisconier Rd., was present. He inquired if the buildings would be sprinklered, and was advised that sprinklering is not required.

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

Commissioner Lynch inquired if the buildings would be staggered, and Ms. Adams replied that some of them are, and the others are not. Mr. LaFreniere advised of further architectural details, and Ms. Adams provided landscaping details on the slope.

Commissioner Varda inquired if there was sufficient buffering between the townhouses and the neighboring businesses, and Ms. Adams described the buffers and differences in grading to accommodate the townhouse residents.

Ms. Adams noted the location of fire hydrants and advised that there would also be fire walls. The units are intended for purchase, not renting. Upon inquiry from Acting and Vice Chairman Blessey, Ms. Adams indicated that a sidewalk is being proposed at 40 & 64 Federal Road, and this applicant may look into as well.

Vice Chairman Blessey also inquired if it was possible to widen the pavers at the site to accommodate fire trucks. There was additional discussion regarding the Water Source Committee requirements. Ms. Adams reviewed the limitations at the site in footage and slope. There was discussion regarding possible changes in the retaining wall.

Commissioner Grimes moved to close the Public Hearing for 57 Laurel Hill Road, #201200636: Design Review for Proposed Incentive Housing, at 8:09 p.m. Commissioner Lynch seconded the motion, and it carried unanimously.

5. Continued Public Hearing:

- a. 40 & 64 Laurel Hill Road (The Residences at Laurel Hill) #201200588: Design Review for a proposed Incentive Housing Project (ph close date 9/13/12)**
1. Report titled “Incentive Housing Restriction”

Commissioner Varda was a Voting Alternate for this item.

Acting and Vice Chairman Blessey advised that this is a continued Public Hearing from August 9, 2012, and that the same introduction would be utilized.

Secretary Lollie read correspondence from the Planning Commission dated August 17, 2012, to the Zoning Commission, offering to review the application from a health and safety perspective. Additionally, he read a letter from the Department of Economic & Community Development, dated August 21, 2012, to Chairman Mercer.

Acting and Vice Chairman Blessey advised that the Public Hearing was left open for Planning Commission input.

There were no questions of clarification from the audience.

Attorney Scalzo, 2 Stony Hill Rd., Bethel, CT, was present, on behalf of the applicant, Dakota Partners. With Attorney Scalzo were R. Arista and M. Daigle, Principals, Dakota Partners, and L. Hoyt, current owner of the site.

R. Arista submitted a “Relocation Analysis” to the Commission for the record. He reviewed the two areas where the houses (40 and 60 Laurel Hill Road) may be able to be moved. He noted difficulty with a garage that is not “historic” and is on a slab, which will be removed. Mr. Arista indicated that Site 1 will require variances and wetlands approval. An additional location is to the south of the property, but would require ledge removal and a long driveway, with large retaining walls. There would also be limited visibility at this second site.

Mr. Arista continued by reviewing the current income and expenses of both properties. He then discussed the estimated costs involved in the relocation of both houses to Site 1 and Site 2, and the income (rental and sale scenarios) that would be necessary to warrant the relocation, which is more than what is being collected presently.

Mr. Arista advised that he spoke with the State regarding grant funds for development such as this.

Mr. Arista discussed the potential subdivision of Site 1. Acting and Vice Chairman Blessey inquired if both houses could be placed on this site. Mr. Arista was unsure if they would both fit. There was discussion regarding a partnership with the Town, via a donation of the land and/or homes, to help mitigate some of the zoning and wetlands issues. Attorney Scalzo inquired if there were other locations in the Town, and Acting and Vice Chairman Blessey advised it was possible but he was unsure at this time. His client is unable to fulfill the expense involved in the redevelopment. There was discussion regarding the taxes at the site and if the Town could maintain that after a donation. Acting and Vice Chairman Blessey advised that the Town currently owns five homes.

Commissioner Lynch noted the expertise required for renovations of historical buildings.

K. Archer, 20 Long Meadow Hill Road, was present. He inquired if the offer of land and property would be open to private developers as well as the Town. Attorney Scalzo advised that the offer would be open.

Acting and Vice Chairman Blessey indicated that the Public Hearing would remain open so that an additional Land Use meeting could be held to discuss governmental funding, wetlands, planning and other advisement due to the historical nature of the properties.

J. Salame, 148 Whisconier Road was present, and indicated she wanted to clarify that the discussion includes two houses and the barn. Attorney Scalzo advised that it would involve any structure considered historical. It was noted that the close date of the Public Hearing is September 13, 2012. He also advised that he did present the project to the Planning Commission for over an hour.

Acting and Vice Chairman Blessey indicated that the Public Hearing would be continued to the next regularly scheduled meeting in three weeks, at which point the Commission would accept comments in favor or opposed to the application.

Commissioner Grimes moved to recess the Public Hearing for 40 & 64 Laurel Hill Road (The Residences at Laurel Hill) #201200588: Design Review for a proposed Incentive Housing Project until the September 13, 2012 meeting. Commissioner Lynch seconded the motion, and it carried unanimously.

A short recess was taken at 8:47 p.m., until 8:54 p.m.

4. Public Hearing 7:30 p.m.

b. 204 Candlewood Lake Road #201200635: Design Review to demolish the existing building, rebuild new addition, new septic system, parking and pool (ph close date 9/27/12)

1. Lighting Plan - "Prisma Lighting Fixtures" prepared by Reflexlighting dated 8/15/12
2. Bond Estimate Sheet prepared by CCA, LLC dated 8/15/12 (*attached to lighting plan*)
3. **Map Cover Sheet titled "Site Development Plans – Candlewood East Marina" prepared by CCA, LLC dated 7/3/12 revised through 8/2/12**
 - "General Legend, Notes And Abbreviations" dated 6/2012 – sheet N1
 - "Property & Topographic Survey" dated 3/9/12 revised 5/10/12 – sheet 1 of 1
 - "Layout And Materials Plan" dated 6/14/12 revised through 8/2/12 – sheet C1
 - "Grading & Drainage Plan" dated 6/14/12 revised through 8/2/12 – sheet C2
 - "Landscape Plan" dated 6/14/12 revised through 8/2/12 – sheet C3
 - "Septic System Design" dated 6/14/12 revised though 8/2/12 – sheet C4
 - "Septic System Details" dated 6/14/12 – sheet C5
 - "Notes & Details" dated 6/14/12 – sheet C6
 - "Sedimentation And Erosion Control Plan" dated 12/7/05 – sheet E1

Acting and Vice Chairman Blessey opened the Public Hearing and utilized the same introduction as with the prior Public Hearings. He noted that the application was received on July 26, 2012.

Secretary Lollie read the legal notice, which was published in the News Times on August 10, 2012, and August 20, 2012.

Acting and Vice Chairman Blessey noted that there was no correspondence related to this matter.

S. Sullivan, P.E., CCA, 40 Old New Milford Rd., was present on behalf of the applicant. He reviewed the current use and size of the lot, its zone, and the proposed demolition. He advised that the applicant received approval for several necessary variances associated with the plan, and noted they will make the building more conforming. Mr. Sullivan summarized the proposed addition, the redesign of the front layout for driveway parking, pool, a new septic and a new well that will be code-compliant. Mr. Sullivan noted that the driveway will still be the same two-way access. The erosion controls and lighting plan were reviewed, as well as the bond estimate, per the regulations, for grading, erosion controls and landscaping.

Ms. A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., was present. She reviewed the existing landscaping and discussed the addition of canopy trees at the end islands, five birches, and the removal of some for development. The plan also adds ornamental trees, tall evergreens in key locations, and rhododendrons.

There were no questions of clarification 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.

T. Kokoris, AIA, Westport, CT, was present. Commissioner Lynch inquired regarding the type of siding that would be utilized, and Mr. Kokoris advised it would be red cedar, similar to shingle-type style. Upon additional inquiry from Commissioner Lynch, Mr. Sullivan described the specifications of the septic.

Mr. M. O’Hara, Sr., and Mr. M. O’Hara, Jr. were present, and advised they do not intend to the marina during the winter.

Commissioner Lynch moved to close the Public Hearing for 204 Candlewood Lake Road, #201200635: Design Review to demolish the existing building, rebuild new addition, new septic system, parking and pool, at 9:08 p.m. Commissioner Lollie seconded the motion, and it carried unanimously.

Acting and Vice Chairman Blessey moved to approve the Design Review for 204 Candlewood Lake Rd., #201200635. Commissioner Lollie seconded the motion, and it carried unanimously.

6. Old Business (continued)

- b.** *227 Candlewood Lake Road #201200678: Proposed Regulation Change to Section 242-501 – Table of Permitted Uses to add the following use as a permitted use in the IRC 80/40 under storage: “Boats, Indoor” and Required Area: “40” (Public Hearing scheduled for 9/13/12)*
- c.** *227 Candlewood Lake Road #201200679: Proposed Regulation Change to Section 242-502D2(i) – Automotive and boat sales, repair or storage with listed precautions (Public Hearing scheduled for 9/13/12)*

No discussion/no motions.

7. New Business:

- c. **46 Delmar Drive (ABC Fuel Oil) #201200729: Certificate of Zoning Compliance in the Aquifer District for office space, storage and parking of company vehicles for a home fuel oil business (dec date 10/27/12)**

1. Hazardous & Contaminant Materials Control Plan

G. Michael, and Mr. and Mrs. Reiske, were present. Mr. Michael advised that his clients are under contract to purchase this site to use as a small office and for storage of company vehicles. He advised that the business has 7200 customers, served by five trucks in the winter, and two in the summer. The fuel delivered to customers is obtained from a distributor in Danbury.

Acting and Vice Chairman Blessey inquired if there was any type of proposal for containment system, as the site is in the aquifer protection zone. He suggested that the applicant look at a similar proposal at 125 Commerce Drive.

This matter will be continued to September 13, 2012.

6. Old Business: (continued)

- a. **887 Federal Road #200300284: Application for Permit Extension – 5 years**

1. Copy of “Site Plan” prepared by CCA, LLC dated 2/26/04 revised 3/2004 – sheet 2

W. Lavelle, 328 Federal Rd., was present. There was brief discussion regarding the history of the site. Mr. Lavelle would like a five-year extension of the permit due to the real estate market. Acting and Vice Chairman Blessey noted that since the original approval, the zone has changed. He noted his concern that the original approval may be detrimental to what may take place in this new zone. Mr. Lavelle assured the Commission that whatever is done at the site will fit the future plan for the zone. It was noted that the approval expires 9/24/2012. Additionally, since 2004, the bonding requirements have changed. Mr. Lavelle will review the new requirements with K. Daniel.

No motions. Continued to September 13, 2012 meeting.

- d. **84, 106, 112, 128 & 140 Federal Road (BJ’s Wholesale Club) #201200732: Design Review Modification adding BJ’s gas facility and removing 3,200 sq. ft. of Restaurant from program. Revising parking area adjacent to the gas station. Drainage in the vicinity becomes 2 subsurface infiltration fields. Utilities modified to be coordinated with gas station (dec date 10/27/12)**

1. Letter from Brian McCarthy, VP R.J. O’Connell & Assoc. to Katherine Daniel dated 8/16/12 Re: Proposed BJ’s Wholesale Club – 84-140 Federal Road

2. **Map Cover Sheet titled “Proposed BJ’s Wholesale Club” prepared by RJ O’Connell & Assoc., Inc. dated 8/16/12 – sheet CO.1**

- “Overall Site Plan” dated 2/8/11 revised through 8/16/12 – sheet OA-1
- “Grading and Drainage Plan” dated 2/8/11 revised through 8/16/12 – sheet C-2
- “Grading & Drainage Enlargement Plan” dated 8/16/12 – sheet C-2A
- “Utility Plan” dated 2/8/11 revised through 8/16/12 – sheet C-3
- “Parking And Traffic Control” dated 2/8/11 revised through 8/16/12 – sheet C-4
- “Landscape Plan” dated 2/8/11 revised through 8/16 12 – sheet L-1
- “Drainage And Stormwater Details-1” dated 2/8/11 revised through 8/16/12 – sheet C-9

- “Drainage And Stormwater Details-II” dated 4/4/11 revised through 8/16/12 – sheet C-10
- “Miscellaneous Details” dated 2/8/11 revised through 8/16/12 – sheet C-11
- “Site Lighting Plan” dated 2/9/11 revised through 8/16/12 – sheet SL-1

Commissioner Lynch recused himself and left the meeting at 9:27 p.m. Commissioner Varda was a Voting Alternate for the remainder of the meeting.

M. Fitzpatrick, Samuels & Associates, was present. He advised that the modification relates to a replacement of the out parcel restaurant to a BJ’s Gas Station. This modification will require compliance with various local and state regulations.

Brian McCarthy, Engineer, RJ O’Connell & Associates, was present. He discussed access changes to the plan to accommodate gas facility, including grading, drainage, and underground infiltration fields. Additionally, there will be minor utility and landscaping changes.

Mr. Fitzpatrick reviewed the aquifer protection boundary district delineation. He advised that no maintenance will take place at the fueling facility.

Acting and Vice Chairman Blessey inquired regarding parking changes. Mr. McCarthy reviewed the original parking, and noted that the requirement is now reduced due to the restaurant removal. Commissioner Grimes expressed his concern that there would be traffic consequences due to the fueling facility. The applicant’s representatives pointed out that only members of BJ’s can use the facility. Acting and Vice Chairman Blessey inquired if the traffic study could be revised, and Mr. Fitzpatrick explained that based upon information provided by the traffic engineer, and the trip generation for fast food use, and that only BJ’s members can utilize the gas, the study does not have to be modified. The applicant will be required to review its plan with the State Department of Transportation. Mr. Fitzpatrick assured the Commission that the information submitted with the modification will reinforce the traffic statistics. There was discussion regarding the heavy traffic affiliated with a restaurant use on Friday and Saturday night peak hours. Commissioner Grimes reiterated his concern of traffic. Mr. Fitzpatrick advised that the applicant is improving intersection by relocating access drive and re-doing islands and this will assist with the queuing. Secretary Lollie noted his concern with the configuration. Mr. Fitzpatrick explained that the one-way access, and the width, will allow for better traffic flow. Commissioner Grimes inquired if there were alternate locations on the site for the gas, and it was noted that the aquifer protection zone imposes limitations on the location. Acting and Vice Chairman Blessey inquired if the traffic could be stopped at the end of the aisles where the pumps are, to keep the traffic inside the site. There was discussion regarding pedestrian traffic concerns. Acting and Vice Chairman Blessey stated that he did not feel that the traffic numbers are significant enough to change the site configuration, if the applicant would agree to additional signage and marking lanes for the fueling facility.

Acting and Vice Chairman Blessey moved to approve #201200732: 84, 106, 112, 128 & 140 Federal Road, BJ’s Wholesale Club to remove the restaurant, and add gas station with the stipulation that, at the end of the gas island, additional pavement markings and signage to stop exiting traffic flow will be added, as noted on C-4. Commissioner Varda seconded the motion, and it carried, 4-0-1 with Commissioner Grimes abstaining.

2. Land Use Enforcement (continued)

b. Enforcement Officer's Report

Requests for Voluntary Compliance

85 Ironworks Hill Road, #2012000509 – The tires have been removed, however, there is still additional material. **Commissioner Grimes moved to issue a Cease and Desist to 85 Ironworks Hill Road. Commissioner Cordisco seconded the motion, and it carried unanimously.**

6 Lillinonah Drive, #201200578 – ZEO Dew advised that the homeowner has been very cooperative and has been cleaning up the site. At Commissioner Grimes' suggestion, she will send him a letter requesting complete compliance by November 1, 2012.

37 Huckleberry Hill Rd., #201200628 – The blue cherry picker has been removed from the site.

36 Kellogg Street, #201200714 – This complaint involves a temporary shed in front of the house to store material the property owner is removing from his basement. The Building Department has been informed. Compliance has been requested by September 23, 2012.

Cease and Desist Orders

227 Federal Road, #201200723 – ZEO Dew has witnessed Mr. Vasquez cutting stone again. **Commissioner Grimes moved to issue a Citation to 227 Federal Road, #201200723. Secretary Lollie seconded the motion, and it carried unanimously.**

Citations

28 Del Mar Drive, #201200421 – ZEO Dew advised that one car remains on the site. Acting and Vice Chairman Blessey stated that this item can be removed from the report.

14 Knollcrest Drive, #201200493 – ZEO Dew indicated that the house is in foreclosure, and has determined which bank holds the mortgage. She has talked with the bank's Code Violation Department, and it will advise her in two days what action will be taken

Town Counsel Action

11 Nicole's Court, #2012000331 – The commercial vehicle has been removed, but the boat remains. Acting and Vice Chairman Blessey reviewed the uncooperative nature of the property owner. **Commissioner Grimes moved to authorize Cohen & Wolf to commence civil action regarding 11 Nicole's Court. Acting and Vice Chairman Blessey seconded the motion, and it carried unanimously.** It was requested that this be sent to Attorney Marcus, copying Attorney Buchsbaum, and advising them that the Commission would like to see a copy of the complaint at the next meeting.

533 Federal Road, #2012000122 – There is a court date of 9/4/12.

1 High Ridge Road, #2010000315 – See enforcement report.

9 Stoney Farm Lane, #201100095 – See enforcement report.

54 Ironworks Road, #201100755 – ZEO Dew advised that she witnessed a crew cleaning up this site, from the Bank of America. The crew did not have right to enter the home yet. The property owner has been sighted in Town. The bank has paid the taxes on the property.

7. New Business (continued)

a. Proposed Regulation Change: Section 242-401E – Prohibitions in Residential Districts to delete "Drainage and Storm Water Run-off."

1. Letter from Neil Marcus to Katherine Daniel and Zoning Commission dated 7/18/12
Re: Zoning Regulation Section 242-401E(2)

Commissioner Grimes moved to set a Public Hearing for Proposed Regulation Change: Section 242-401E – Prohibitions in Residential Districts to delete "Drainage and Storm Water Run-off", for September 27, 2012. Acting and Vice Chairman Blessey seconded the motion, and it carried unanimously.

f. **Proposed Regulation Change:** Section 242-505A – Town Center District
Commissioner Grimes moved to set a Public Hearing for Proposed Regulation Change: Section 242-505A – Town Center District, #201200756 for September 27, 2012. Acting and Vice Chairman Blessey seconded the motion, and it carried unanimously.

It was requested that the drafts of these proposed regulation changes be sent to the town website manager, and that the Commission members read the regulations and proposed changes thoroughly.

7. **Tabled Items:** None.

8. **Informal Discussion:**

a. Acting and Vice Chairman Blessey suggested that a regulation change be proposed to allow drive-thrus in industrial commercial districts, special conditions, specifically, Section 242-501G(11). There is a pending application for the old Burger King site where drive-thru was allowed due to grandfathering.

ZEO Dew noted that there is a temporary tent in front of the Harbor Freight building. She read the regulation that allows the Commission to approve temporary event signs. Acting and Vice Chairman Blessey advised that this regulation must also be revised, and the fee schedule changed, to allow the ZEO to approve these applications. In the meantime, ZEO Dew will send a Request for Voluntary Compliance to Harbor Freight.

Lastly, ZEO Dew advised that the 28 Old Route 7 site approval proposes landscaping in the Town right-of-way. Acting and Vice Chairman Blessey noted that the Commission approved this site without sidewalks and with the landscaping plan. It was noted that there are sight issues, and the applicant does not want to put landscaping where it has been proposed because it is not on its property. ZEO Dew indicated that there is a tree near a transformer, and the applicant will make it a smaller tree.

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

10. **Adjourn:** Commissioner Grimes moved to adjourn the meeting at 10:23 p.m. Commissioner Varda seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for September 13, 2012****