

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, September 27, 2012 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

1. Convene Meeting

Present: Chairman R. Blessey, Vice Chairman M. Grimes, Secretary F. Lollie, Alternates and Voting Members J. Varda and M. Frankel, Alternate and Voting Member where indicated, J. Cordisco

Absent: L. Miller, C. Lynch

Also Present: Zoning Enforcement Officer A. Dew, AICP Community Development Director K. Daniel, Recording Secretary D. Cioffi

a. Review Minutes of Previous Meetings: 9/13/12 – Vice Chairman Grimes moved to approve the Minutes of the September 13, 2012 meeting. Commissioner Varda seconded the motion. It was noted that the discussion at the last meeting, and the actions taken, re: the matter of Item 4.a. and b., Proposed Regulation Changes, #2012000678 and #2012000679 were correct. Commissioner Frankel was a Voting Alternate for this item. Commissioner Varda noted a correction: on Page 1, re: Item 9.a., Potential Cell Tower Location, in the second paragraph, to add to the end of the first sentence, “on a monopole”. Commissioner Frankel inquired if the cell tower application would have to come before the Commission for a special permit. CDC Daniel and Chairman Blessey advised that the Board of Selectmen were looking to determine if the Commission had any objections. Motion to approve the Minutes with the noted correction carried unanimously.

Vice Chairman Grimes moved to add Agenda Item 7.h., 807 Federal Road. Chairman Blessey seconded the motion, and it carried unanimously.

Vice Chairman Grimes moved to go to Agenda Item 7.h. Secretary Lollie seconded the motion, and it carried unanimously.

7. New Business

h. 807 Federal Road, Peachwave – B. Clifford, Woodcrest Lane, Danbury, CT , was present. He is seeking minor changes to the previously approved site plan that will involve siding.

Mr. Clifford also inquired if changes to the Four Corners parking plan will allow on-street parking, There was discussion regarding parking rights of property owners and how they are affected by the right-of-way. Mr. Clifford was advised it would be beneficial to return to the Commission for parking modifications if there are changes to the Town Center District regulations, but for now, the parking for this site has to comply with the current regulation.

The discussion returned to the application for the siding, and Mr. Clifford explained that it is an EIFS siding system. He shared photographs of a similar building, pre- and post-siding. Colors and a piece of the siding material were reviewed by Commissioners. The proposed colors are: “lily” (off-white) for the base; and “gleeful” (a pastel green) for the trim. Samples were submitted for file.

Mr. Clifford inquired if he would be able to put lettering on the awning that is proposed for the south side of the building. It was noted that this is not part of the application before the Commission this evening.

Vice Chairman Grimes moved to approve #201200861, Site Plan Modification for 807 Federal Road, Commissioner Cordisco seconded the motion, and it carried unanimously.

Chairman Blessey moved to go to Agenda Item 7.b., 1 Sand Cut Road. Secretary Lollie seconded the motion, and it carried unanimously.

Vice Chairman Grimes recused himself from this matter, and Commissioner Frankel was a Voting Member for the next item.

- b. 1 Sand Cut Road (Golf Quest) #201200833: Site Plan Modification to erect two walls, install one garage door and one exterior door closing in two hitting bays (dec date 12/1/12)**
 - 1. Site Plan Map showing location of walls handed into Land Use 9/19/12
 - 2. Drawings of new doors handed into Land Use 9/19/12

R. Rubin, 12 Birch Trail, Danbury, was present. He advised that Golf Quest would like to install walls on the two western-most bays.

Secretary Lollie moved to approve 1 Sand Cut Road, (Golf Quest), #201200833: Site Plan Modification. Commissioner Varda seconded the motion, and it carried unanimously.

2. Land Use Enforcement

a. Enforcement Officer's Report:

Requests for Voluntary Compliance

6 Lillionah Dr., #201200578 – The property owner has until November 1, 2012 for full compliance. ZEO Dew has recently sent him a letter to remind him of the deadline.

36 Kellogg St., #201200714 – This complaint involves a temporary shed. The property owner had until September 23, 2012 to comply, and did come in to the Land Use Office for a “final”. ZEO Dew will speak with the property owner on Monday.

483 Federal Rd., #201200772 – This complaint relates to an A-frame sign and a banner on the back of vehicle. An RVC has been sent, as well as a follow-up telephone message.

14 Valley View Rd., #201200777 – This violation involves a shed without a Certificate of Zoning Compliance or Certificate of Occupancy. The property owner has until September 20, 2012 to comply.

15 Hopbrook Rd., #201200816 – ZEO Dew is in possession of the police report that resulted from a large party on the property. A Cease and Desist has been sent to the homeowner, who was unaware of the party. A Show Cause Hearing has been scheduled for October 11, 2012; however, the property owner has commenced eviction proceedings against the tenants.

177 Federal Rd., #201200822 – This complaint relates to unapproved advertising on an awning and an unapproved roadside sign. The property owner has filled out an application, and will be at the October 11, 2012 meeting.

215 Federal Road, #201200826 – The directional signs have been missing for some time. ZEO Dew believes they were likely removed during the Costco construction/traffic work. A Cease and Desist Order was issued, and the property owner will comply by October 2, 2012.

Cease and Desist Orders

85 Ironworks Hill Rd., #201200509 – All of the violating material has been removed. ZEO Dew was advised that the item can be removed from the report. Vice Chairman Grimes noted that the Commission issued a Citation at the last meeting.

At this time, Enforcement was recessed to go to the Public Hearing.

3. Review Correspondence

- a. Minutes of other Boards and Commissions: Inland Wetlands Commission 9/10/12; Zoning Board of Appeals 9/10/12; Planning Commission; Zoning Sub-Committee**
- b. Memo and report from Karen B. Destefanis to Zoning Commission dated 8/31/12 Re: Request for Authorization Under the General Permit for Diversion of Water of**

- Consumptive Use (Report is on the cart)
c. **Legal Briefings for Building Inspectors: September 2012**

No discussion/no motions.

4. Public Hearing 7:30 p.m.

a. Proposed Regulation Change #201200721: Section 242-401E – Prohibitions in Residential Districts to delete “Drainage and Storm Water Run-off.

1. Memo from Planning Commission to Zoning Commission dated 9/7/12 Re:
Proposed Zoning Regulation Change Application #201200721: Section 242-401E

Chairman Blessey opened the Public Hearing and introduced the Commission members. Secretary Lollie read the legal notice for the Public Hearing for application #201200721 which was published in the News Times on September 14 and 24, 2012.

It was noted that the application was received on August 23, 2012. Chairman Blessey then reviewed the policies and procedures that govern public hearings. There were no questions from the audience regarding the procedure.

Secretary Lollie read the following correspondence: 1) to the Zoning Commission from the Planning Commission dated September 12, 2012; and 2) a response from HVCEO dated September 7, 2012.

Chairman Blessey presented the application on behalf of the Commission. He advised that the application proposes to delete subsection (2) of Section 242-401E, because as it reads, the regulation is not enforceable. He added that the proposed change has been recommended by legal counsel. CDD Daniel noted that Attorney Marcus’s letter is in the file, and Chairman Blessey read the pertinent portions of that letter that discuss drainage and the limited police power of zoning; also citing case law, and summarizing that it is outside the scope of zoning authority. CDD Daniel clarified that there is another regulation regarding damage caused by adjacent property owners by virtue of altered drainage flow (Section 242-403A(2)). Commissioner Frankel inquired if any other authority regulated drainage to ensure that flow is not being increased with development and was advised that it is the Zoning Commission, via the aforementioned regulation, Section 242-403A.

There was discussion among the Commission members about the rationale for the creation of subsection (2), and it was noted that it likely resulted from a conflict that should have been handled privately between neighbors through civil action.

Attorney G. Cava, 73 Southbury Rd., Roxbury, CT, was present, and inquired regarding the effective date of the regulation change, should it be approved. The Commission advised it would not be retroactive, and would be effective on the date of approval.

There were no additional questions of clarification.

J. Salame, 148 Whisconier Rd., was present, and spoke in favor of the regulation change. A. Dew, 6 High Acre Rd., speaking as a Town resident, also spoke in favor of the application. Attorney F. O’Brien, 100 Pearl St., Hartford, CT, 100 Pearl St., was present. He is currently defending the Town in a legal action resulting from an alleged failure to enforce the regulation. He indicated he was in favor of the regulation change. Lastly, Attorney G. Cava, spoke in favor of the application.

No one was present to speak in opposition of the regulation.

Vice Chairman Grimes moved to close the Public Hearing re: Proposed Regulation Change #201200721: Section 242-401E – Prohibitions in Residential Districts to delete “Drainage and Storm Water Run-off”. Commissioner Varda seconded the motion, and it carried unanimously.

Chairman Blessey moved to approve Proposed Regulation Change #201200721: Section 242-401E – Prohibitions in Residential Districts to delete “Drainage and Storm Water Run-off”. Secretary Lollie seconded the motion, and it carried unanimously.

b. Proposed Regulation Change #201200756: Section 242-505A – Town Center District

1. Letter from Neil Marcus to Zoning Commission dated 9/14/12 Re: Proposed Amendment to Section 242-505A – Town Center District
2. Memo from Planning Commission to Zoning Commission dated 9/7/12 Re: Proposed Regulation Change Application #201200756: Section 242-505A – Town Center District

Chairman Blessey advised that the same introduction for this Public Hearing would be utilized, and there were no objections.

Secretary Lollie read a copy of the legal notice which was published in the News Times on September 14, 2012 and September 24, 2012. He also read a copy of the following correspondence: response from HVCEO.

Chairman Blessey presented the application on behalf of the Commission. He read the current regulation and its intent, as well as the new text. Chairman Blessey advised that this regulation change is the first step at adopting the regulations to align with the findings of the revitalization study.

The following members of the audience had questions of clarification:

M. Lillis, PE, CCA, 40 Old New Milford Rd., was present. He inquired how an applicant could seek guidance regarding developing in the area in light of the phrase, “no new strip or large scale developments”. Chairman Blessey advised that this was the Commission’s first draft of the “Statement of Purpose” and is not an enforceable regulation. CDD Daniel indicated that there are more specific details within the regulations that follow.

R. Posthauer, P.E., CCA, 40 Old New Milford Rd., was also present. He suggested that it would be more appropriate for engineers to evaluate and comment on the changes to the regulations for the TCD as a whole, rather than piecemeal. Chairman Blessey reiterated that what is before the Commission tonight is a “State of Purpose”; not yet an enforceable regulation. Commissioner Varda noted that each regulation within the current regulation book has a mission statement/purpose statement.

J. Salame was present and spoke in favor of the application.

No one was present to speak in opposition to the regulation.

Commissioner Varda moved to close the Public Hearing re: Proposed Regulation Change, #201200756: Section 242-505A – Town Center District. Secretary Lollie seconded the motion, and it carried unanimously.

Vice Chairman Grimes moved to deny application #201200756. There was no second to the motion.

Vice Chairman Grimes moved to approve application #201200756. Chairman Blessey seconded the motion. Vice Chairman Grimes stated that he does not believe the language of the application belongs in the regulations, and would be more appropriate in a statement of purpose, an overall plan, a statement from the Economic Development Commission. He noted that the Commission is a Commission of regulation. Vice Chairman Grimes indicated he felt that the language is subjective, and he was unable to find any similar language in any zoning regulation throughout the State. Chairman Blessey advised that it is replacing what is currently in as a regulation. He believes the language will provide guidance to engineers that are looking to assist their clients that are interested in developing in the Town Center District. He added that the remainder of the zoning regulation changes will address the details. Commissioner Frankel inquired if this language was written in response to direction from Fitzgerald and Halliday, the consultants. Commissioner Cordisco inquired how the Commission could regulate something such as “reasonable speed” and Chairman Blessey indicated it relates to road design and traffic management to mitigate speed. Other statements of purpose in the regulation book were reviewed. Vice Chairman Grimes reiterated that the change will make the language subjective rather than objective. There was no further discussion. Motion carried, 3-1-1, with Secretary Lollie abstaining, and Vice Chairman Grimes opposed.

5. Continued Public Hearing:

a. 40 & 64 Laurel Hill Rd (The Residences at Laurel Hill) #201200588: Design Review for a proposed Incentive Housing Project (Ph close date 9/27/12)

1. Letter from Leigh D. Overland (Leigh Overland Architect, LLC) to Katherine Daniel & Alice Dew dated 9/20/12 Re: Incentive Housing Project 40 & 64 Laurel Hill Road

Chairman Blessey advised that this is a continued Public Hearing. He read a letter from Attorney P. Scalzo requesting a two-week extension until October 11, 2012. Vice Chairman Grimes inquired why the applicant was requesting the extension, and Chairman Blessey advised that it resulted after discussion at a Zoning Subcommittee Meeting, and a desire to look at mixed use and historical buildings.

Vice Chairman Grimes moved to extend the Continue Public Hearing re: 40 & 64 Laurel Hill Road, #201200588, to October 11, 2012. Secretary Lollie seconded the motion, and it carried unanimously.

b. Proposed Regulation Change #201200678: Application from 227 Candlewood Lake Rd for 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” (PH close date 10/18/12)

Vice Chairman Grimes recused himself from this matter and Commissioner Frankel was a Voting Alternate for this item.

R. Posthauer, PE, CCA, 40 Old New Milford Rd., and M. Rogg, 227 Candlewood Lake Rd., were present. Chairman Blessey reviewed the discussion from the last meeting.

Commissioner Frankel was appointed a Voting Member.

Chairman Blessey clarified that the application at hand relates to the Table of Permitted Uses. Mr. Posthauer noted that the opportunities for boat storage in the marinas located near the lake are limited, so storage on property in this zone is ideal. No repair work will be done in these storage areas.

There were no questions of clarification from the audience.

Commissioner Frankel requested that it be clarified that this is not an application for the applicant's current property, just a change to the Table of Uses, for storage.

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

Commissioner Varda moved to close the Public Hearing re: Proposed Regulation Change #201200678, from 227 Candlewood Lake Road for 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”. Secretary Lollie seconded the motion, and it carried unanimously.

Commissioner Varda moved to approve the Proposed Regulation Change #201200678, for 227 Candlewood Lake Road for 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”. Commissioner Cordisco seconded the motion. Chairman Blessey clarified that the application was being presented by 227 Candlewood Lake Road, not for Candlewood Lake Road. Chairman Blessey indicated that he felt this change corrects an oversight and is something that should have been included in the zone since the beginning. Commissioner Varda added that the volume of blue tarps along Candlewood Lake Road is not aesthetically pleasing, and it is much easier for the Commission to review an application that attempts to encapsulate boat storage. Motion carried unanimously.

2. Land Use Enforcement (continued)

a. Enforcement Officer's Report:

Town Counsel Action

11 Nicole's Court, #201200331 – ZEO Dew reported that Town Counsel J. Buchsbaum will be in attendance at the next meeting.

533 Federal Road, #201200122 – A hearing date has been scheduled for October 15, 2012.

1 High Ridge Road, #201000315 – No change in the status of this matter.

9 Stoney Farm Lane, #201100095 – ZEO Dew advised that Attorney P. Olson is close to finalization of an agreement on this matter.

54 Ironworks Road, #201100755 – ZEO Dew reported that Bank of America is still holding the mortgage on this property and plans to mow the grass.

Vice Chairman Grimes moved to go to Agenda Item 7.a., 99 Federal Road (Harbor Freight), #201200828: Temporary Event Application. This was the next item on the agenda, so the motion was not necessary, and was withdrawn by Vice Chairman Grimes.

Commissioner Cordisco left the meeting at 8:38 p.m.

6. Old Business:

a. 366 Federal Rd (Healthy Weighs) #201200795: Design Review for a 2,105 sq. ft. building addition (PH scheduled for 10/11/12)

b. 57 Laurel Hill Road #201200636: Design Review for Proposed Incentive Housing
M. Lillis, PE, CCA, 40 Old New Milford Rd., was present, and requested that this item be tabled.

7. New Business:

a. 99 Federal Road (Harbor Freight) #201200828: Temporary Event Application including sign attached to outside tent –

J. Batema, 99 Federal Road, was present. The current regulation for signs for special events was reviewed. Mr. Batema explained that Harbor Freight would like to have six events, bi-monthly, throughout the year, on Fridays, Saturdays and Sundays.

Chairman Blessey advised that there is an item on tonight's agenda for a Public Hearing to add one event per year. He noted that Mr. Batema's application does not request a roadside banner. Additionally, the property owner, Mr. Hawley, has not given written permission for the application. Chairman Blessey advised that the Commission does have the authority to grant a permit. The applicant is requesting that the permit be granted for October 12 through 14th. ZEO Dew voiced her concern regarding parking with the opening of the neighboring Savers store. After some discussion, ZEO Dew advised she would research how many parking spaces were approved for each business use. An additional concern of the tents generating pedestrian traffic in the parking lot was noted.

Chairman Blessey inquired if the applicant would consider moving the tents, and utilizing three smaller tents (10' X 10'). Mr. Batema initialed this change to the plan, and will obtain the property owner's signature on the application.

Vice Chairman Grimes moved to approve 99 Federal Road, #201200828, with the stipulations as agreed to by the proprietor of the application, for October 12 and 13th from 7 a.m. to 9 p.m., and 8 a.m. to 6 p.m. on October 14, 2012. The stipulations are that: the application will be signed by the property owner, and the ZEO will review the quantity of spaces. Secretary Lollie seconded the motion. Commissioner Varda noted that time will be needed to assemble and disassemble the tents before and after those dates.

Vice Chairman Grimes moved to amend the motion to include half-days on Thursday, October 11, and Monday, October 15, 2012. Secretary Lollie seconded the amended motion, and it carried unanimously.

6. Old Business (continued)

- c. **887 Federal Road #200300284: Application for Permit Extension – 5 years and Request for Bond Reduction of \$130,083.12 – No one present. No action.**
- b. **57 Laurel Hill Road #201200636: Design Review for Proposed Incentive Housing (continued) – It was noted that the decision date for this matter is October 27, 2012.**

7. New Business (continued)

- c. **Proposed Regulation Change #201200834: Section 242-308C(2) – Temporary permit for carnivals, etc**
- d. **Proposed Regulation Change #201200835: Section 242-306F(7) – Special Event Signs for Commercial Establishments and Section 242-306G(6) – Special Event Signs for Shopping Centers**
- e. **Proposed Regulation Change #201200836: Section 242-501G(11) – Industrial and Commercial Districts Special Conditions – Restaurant, cocktail lounge, cabaret**
 - **Proposed Change to 242-202: Definition of “Drive-through Restaurant**

Vice Chairman Grimes moved to set a Public Hearing for October 25, 2012, at 7:30 p.m., for Proposed Regulation Changes, #201200834, Section 242-308C(2) – Temporary permit for carnivals; Proposed Regulation Change #201200835: Section 242-306F(7) – Special Event Signs for Commercial Establishments and Section 242-306G(6) – Special Event Signs for Shopping Centers; and Proposed Regulation Change #201200836: Section 242-501G(11) – Industrial and Commercial Districts Special Conditions – Restaurant, cocktail lounge, cabaret, Proposed Change to 242-202: Definition of “Drive-through Restaurant. Chairman Blessey seconded the motion, and it carried unanimously.

f. 106 Federal Road (BJ's Wholesale Club) #201200838 – Sign application for fuel pricing, fuel canopy and Tire Center

1. “Drawing of Site Plan” prepared by I.D. Associates dated 5/24/12 revised 9/10/12
2. “Drawing of sign for BJs Tire Sales & Service” dated 5/24/12 revised 9/10/12
3. “Drawing of Fuel pricing signage” dated 5/24/12 revised 9/10/12
4. “Drawing of Fuel Canopy sign” dated 5/24/12 revised 9/10/12

M. Fitzpatrick, and P. Hopley, 25 Research Dr., Westborough, MA, were present. Mr. Fitzpatrick advised that the application relates to signage for the newly approved fuel facility, and identification of the tire facility.

Mr. Hopley reviewed the square footage calculations. Chairman Blessey explained that the regulation allows for one sign, and discussed how other similar applications have been handled. ZEO Dew noted that the applicable regulation is Section 242-306.

The discussion then moved to the gas pricing signs. Mr. Hopley explained that there would be one at each entrance, with a size of twenty-four square feet, with pricing. Commissioner Frankel read Section 242-306F(2) of the regulations that allows signing for pricing at gas stations. The applicant was requesting that the pricing sign include, “Member Price Unleaded”. Chairman Blessey inquired if the sign could be designed to put the price in the upper section. Mr. Hopley inquired if the wording “BJ’s Gas” could be eliminated and replaced with, “Member Price Unleaded”. It was requested that the 24 square foot sign be redesigned with the two prices and designated gas grades for unleaded and premium. Mr. Hopley made that change and initialed it.

Additionally, Mr. Hopley explained that the applicant is requesting two signs due to the angle of the canopies. Chairman Blessey noted that the regulations do not address signs on canopies, and ZEO Dew advised that they are interpreted as “building” signs. Commissioner Frankel read the definition of “building”. There was discussion regarding building sites that have two frontages. The applicants contend that they do have two frontages, one on Candlewood Lake Road and the other on Federal Road. ZEO Dew advised that the relevant regulation is Section 242-306C(4)(a). Commissioner Varda noted the interior location of the gas station portion at the site. Chairman Blessey advised that the signage allowed would be calculated with the frontage of the canopy. It was noted by the applicant that the canopy is 24’ wide and the sign calculation falls under that.

Vice Chairman Grimes moved to approve the sign application #201200838, 106 Federal Road, as agreed to by the applicant. Commissioner Varda seconded the motion. Commissioner Frankel inquired if the tire sales and service is part of the application, and was advised that it is part of this application number. Chairman Blessey indicated it is a separate use, on the same parcel, but still part of the building. It was noted that the sign could be also be considered a multi-use, or directional sign, and denial of the application could be grounds for an appeal. Motion carried, 4-0-1, with Commissioner Frankel abstaining.

g. 871 Federal Road (Riverview Incentive Condominium Development) #201200840: Site Plan Modification for changes limited to subsurface revision of storm water detention system and sanitary sewers, and replacement of box culvert with CMP arch pipe (dec date 12/1/12)

1. Letter from Michael Lillis, P.E. to Zoning Commission dated 9/19/12 Re: Riverview at 871 Federal Road #201001016, Previously-Approved Incentive Condominium Development
2. Map Cover Sheet titled “Riverview Incentive Housing Condominium Community – 871 Federal Road” prepared by CCA, LLC dated March, 2007 revised thru 9/18/12

- “General Legend, Notes And Abbreviations” dated Jan. 2006 – sheet N1
- “Property & Topographic Survey” dated 6/05 revised 4/12/08 – sheet 1
- “Grading & Drainage Site Plan” dated 3/20/07 revised thru 10/18/10 – sheet S-1
- “Site Utilities Plan” dated 3/5/07 revised thru 9/18/12 – sheet S-2
- “Erosion Control Plan” dated 3/20/07 revised thru 10/18/10 – sheet S-3
- “Landscaping Plan/Schematic Lighting & Layout” dated 7/5/07 revised thru 10/18/10 – sheet S-4
- “Road Widening Plan” dated 4/24/09 revised thru 10/1/10 – sheet W-1
- “Sight Distance Profile” dated 4/24/09 revised thru 8/13/10 – sheet W-2
- “Sanitary Sewer Station Plan” dated 2/6/08 revised thru 9/11/12 – sheet P-1
- “Sanitary Sewer Plan Profile – Sheet 1” dated 2/6/08 revised thru 9/11/12 – sheet P-2
- “Sanitary Sewer Plan Profile – Sheet 2” dated 2/6/08 revised thru 9/11/12 – sheet P-3
- “Notes & Details” dated 8/20/07 revised thru 5/23/08 – sheet D-1
- “Notes & Details” dated 3/20/07 revised thru 9/18/12 – sheet D-2
- “Sanitary Sewer Notes & Details” dated 5/18/07 revised thru 5/23/08 – sheet D-3
- “Sedimentation And Erosion Control Plan Standard Construction Notes And Details” dated Sept. 2002 – sheet E1

M. Lillis, P.E., CCA, 40 Old New Milford Rd., and T. Lucera, Property Owner and Builder, were present. Mr. Lillis explained that three modifications to the site are being requested; all relating to underground facilities. Mr. Lucera added that the original detention system was approved in 2007. Mr. Lillis indicated that the application is requesting that the system be moved west, due to the presence of rock. The new system will be made of pre-cast concrete chambers, and will drain the development through a 4” pipe.

Mr. Lillis then went on to explain the sewer collection system. Upon inquiry from Chairman Blessey, the applicants indicated that it will not change the capacity of gallons per minute.

Lastly, Mr. Lillis discussed a change at the emergency accessway; which is also under review by the Inland Wetlands Commission. The IWC has referred this out for consultant review.

The application is also pending before the Water Pollution Control Authority.

Mr. Lucera requested that a bond reduction request for the site be added to the agenda. Chairman Blessey noted that ZEO Dew did not sign off on the request. There was discussion regarding changes in the State bonding regulations, and it was noted that the reduction request does not need ZEO approval.

After discussion, this matter was tabled.

Secretary Lollie left the meeting at 9:35 p.m.

8. Tabled Items: None.

9. Informal Discussion:

- a. **Electronic Filing of Applications:** Memo from Katherine Daniel, AICP to Zoning Commission dated 9/7/12 – No discussion.
- b. **Potential Cell Tower Location:** No discussion.

c. 640 Federal Road: Discussion with Hal Kurfehs regarding apartments – H.

Kurfehs, and M. Brockwell, Property Owner, 640 Federal Road, were present. Mr. Kurfehs advised that he is exploring the conversion of this site to residential (it is currently in the IRC80/40 zone).

There was discussion regarding the history of the use of the building. Mr. Kurfehs noted that the nearby Town Center District allows a retail use with residential on the second floor. Section 242-501H, regarding combined/mixed uses, was reviewed.

Vice Chairman Grimes suggested that Town Counsel be consulted for an accurate interpretation of the regulation. Chairman Blessey advised he would prefer that an application be submitted prior to such a review. It was requested that the Land Use Office request a review by Town Counsel to determine if the combination of mixed use in the IRC risks a claim for spot zoning and get an opinion if this is an approved use.

A document entitled, “Agenda, 632-640 Federal Road – Brookfield – Presented by Mark Brockwell” was submitted as file material for this discussion.

It was requested that this item remain on the Agenda under Informal Discussion.

Vice Chairman Grimes moved to add to the Agenda as Item 7.i., Request for Bond Reduction, 871 Federal Road, and Item 7.j., Regulation Change to set a Public Hearing. Chairman Blessey seconded the motion, and it carried unanimously.

7. New Business (continued)

- i. 871 Federal Road, Request for Bond Reduction – Chairman Blessey moved to recommend to the Board of Selectmen to reduce the bond for 871 Federal Road, by \$842,007.00. Commissioner Varda seconded the motion, and it carried unanimously.**

j. Proposed Regulation Change, #201200843, Section 242-202, Definitions: Vice Chairman Grimes moved to set a Public Hearing for #201200843, Regulation Change for Section 242-202, Definitions. Commissioner Varda seconded the motion, and it carried unanimously.

9. Informal Discussion (continued)

d. Proposed Regulation Change for Section 242-505B-H – Town Center District
CDD Daniel shared information regarding suggested changes to the Town Center District. Vice Chairman Grimes advised he would prefer to have the discussion with the full Commission. CDD agreed, and there was discussion regarding possible dates for a special meeting.

A special meeting will be held on Friday, October 12, 2012, at 4:30 p.m. to discuss this regulation change. The meeting will be held in the Selectmen’s Conference Room, Room 209, Brookfield Town Hall. Commissioner Varda will call in for the meeting, and Vice Chairman Grimes will check Commissioners’ availability via email.

CDD Daniel noted that the major items of discussion are: the design review committee, shared parking, and height limitations.

A copy of the Four Corners/Brookfield Town Center District Revitalization Plan, September, 2012, prepared by Fitzgerald & Halliday, Inc., was distributed. This information is also available on the Town website.

10. Comments of Commissioners: Commissioner Frankel inquired regarding the status of the “tractor barn” property. Chairman Blessey reviewed the status of the permits and the work that has been done to keep the site safe.

There was brief discussion regarding photographs at the Savers’ site at 99 Federal Road.

11. Adjourn: Commissioner Frankel moved to adjourn the meeting at 10:03 p.m. Chairman Blessey seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for October 11, 2012****