

**APPROVED AMENDED MINUTES  
BROOKFIELD ZONING COMMISSION  
Thursday, October 25, 2012 – 7:00 p.m.  
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

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**1. Convene Meeting**

Chairman Blessey convened the meeting at 7:00 p.m. and established a quorum of members.

**Present:** Chairman R. Blessey, Vice Chairman Grimes, C. Lynch (left the meeting at 9:20 p.m.), L. Miller, and Alternate and Voting Member J. Varda, Alternate and Voting Member where indicated M. Frankel

**Absent:** Secretary F. Lollie, Alternate J. Cordisco

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

a. **Review Minutes of Previous Meetings: 10/11/12 – Vice Chairman Grimes moved to approve the Minutes of the October 11, 2012 meeting. Commissioner Miller seconded the motion, and it carried unanimously.**

**2. Land Use Enforcement**

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

**Requests for Voluntary Compliance**

**6 Lillinonah Dr., #201200578** – The property owner has until November 1, 2012 to comply.

**177 Federal Rd., #201200822** – It was noted that the business owner was advised that if the property is not in compliance, he will get a Cease and Desist Order.

**34 Stony Hill Rd., #201200874** – This property owner had until October 24, 2012 to comply and did not. **Vice Chairman Grimes moved to issue a Cease and Desist to 34 Stony Hill Rd., #201200874. Chairman Blessey seconded the motion, and it carried unanimously.**

**169 Pocono Rd., #201200892** – ZEO Dew advised that the Request for Voluntary Compliance was sent to the property owner, Gospel Hall, however, it was returned. She will investigate how to get the Request for Voluntary Compliance to a church representative.

**12 Pocono Ridge Rd., #201200893** – Mr. Valentine will be applying for elderly conversion with the Land Use Office, and for a variance for the shed with the Zoning Board of Appeals on December 3, 2012.

**594 Federal Rd., #201200948** – The property owner has until November 5, 2012, to comply.

**Cease and Desist Orders**

**99 Federal Rd., #201200849** – Upon receipt of a Cease and Desist, Savers removed a sign that was being displayed longer than the permit duration. ZEO Dew will remove this item from the Report.

**36 Kellogg St., #201200714** – The temporary shed has been removed, and only a tarp remains. ZEO Dew will remove this item from the Report.

**115 Federal Rd., #201200937** – The sign was removed upon receipt of the Cease and Desist.

**51 Junction Rd., #201200941** – Chairman Blessey advised that the trucks and dumpsters contain garbage and the property sits in the aquifer. Per Section 242-502D, this is prohibited. A Cease and Desist was issued on October 22, 2012. Photographs were reviewed. **Vice Chairman Grimes moved to issue a Citation to 51 Junction Rd., #201200941, if the property is not in compliance by November 2, 2012. Commissioner Varda seconded the motion, and it carried unanimously.**

**Citation**

**14 Valley View Road, #201200777** – This matter involves a complaint between neighbors regarding a tree that fell on a shed, that one neighbor alleges is on the property line. ZEO Dew has left the property owner letters at the home. The property owner has not requested a hearing.

**Town Counsel Action**

**533 Federal Rd., #2012000122** – ZEO Dew inspected the site today, and determined that all of the vehicles from the Riverford Road property, which is now in foreclosure, have been moved to this site. A court date has been set for December with regard to this matter.

**1 High Ridge Rd., #201000315** – ZEO Dew has emailed Special Counsel P. Olson regarding the status of this matter, but there has not been a response.

**9 Stoney Farm Lane, #201100095** - ZEO Dew has emailed Special Counsel P. Olson regarding the status of this matter, but there has not been a response

**54 Ironworks Road, #201100755** – Upon inspection today, ZEO Dew found a bank representative at the site to get an estimate regarding the cost removal of debris at the site.

**3. Review Correspondence**

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission** 10/9/12 special, 10/15/12; **Zoning Board of Appeals; Planning Commission** 10/4/12, 10/18/12; **Zoning Sub-Committee**
- b. Memo from Katherine Daniel to Zoning Commission dated 10/17/12 Re: Incentive Housing Zone funds available
- c. Connecticut Federation of Planning And Zoning Agencies Quarterly Newsletter – Fall 2012
- d. Letter from Neil Marcus to Zoning Commission dated 10/11/12 Re: 117 Whisconier Road – Contractor’s Yard Non-Conforming Use

**No discussion/no motions.**

**Vice Chairman Grimes moved to go to Agenda Item 6.c. Commissioner Lynch seconded the motion, and it carried unanimously.**

**6. Old Business**

c. **57 Laurel Hill Road #201200636: Bond Set** – *A. Adams, Landscape Architect, CCA, 40 Old New Milford Rd., was present on behalf of the applicant, Dakota Partners.* She noted the recent change in state law regarding bonding, which is now based on soil and erosion controls. A revised bond estimate was submitted on October 19, 2012, in the amount of \$15,576.00. **Vice Chairman Grimes moved to set the bond for 57 Laurel Hill Rd., #201200636 at \$15,576.00. Commissioner Miller seconded the motion, and it carried unanimously.**

**7. New Business**

a. **22 Hickory Hill Road #201200910: Single Family Dwelling Conversion** - *S. Bedini, 22 Hickory Hill Rd., was present.* He reviewed the plans for the conversion, and indicated that he has advised his neighbors of the proposal. Additionally, he has been told to remove one bedroom by the Sanitarian to meet the Health Department requirements. **Commissioner Lynch moved, after careful consideration, to approve the application for the Single Family Dwelling Conversion for 22 Hickory Hill Rd., #201200910, as submitted. Commissioner Miller seconded the motion, and it carried unanimously.**

**Commissioner Miller moved to go to Agenda Item 7.e. Commissioner Lynch seconded the motion, and it carried unanimously.**

**e. 8 Cawdor Burn Road #201200934: Single Family Dwelling Conversion**

*P. Tawk, 8 Cawdor Burn Rd., was present.* Upon reviewing the file, Chairman Blessey noted that the size of the conversion is for 784 square feet, the affidavit is complete, and the tenant will be the property owner’s sister. **Commissioner Varda moved to approve the Single Family Dwelling Conversion at 8 Cawdor Burn Rd., #201200934, as submitted. Vice Chairman Grimes seconded the motion, and it carried unanimously.**

Commissioner Lynch moved to go to Agenda Item 7.b., 807 Federal Rd. Commissioner Miller seconded the motion, and it carried unanimously.

**b. 807 Federal Road (Peachwave) #201200895: Site Plan Modification to add more parking making a total of 19 spaces; add 641 sq. ft. of more useable square footage bringing the total square footage to 2241 (dec date 12/29/12)**

1. Map titled “Proposed Floor Plan” prepared by P.W. Scott Engineering & Architecture dated 8/1/12 – sheet A1A
  - “Proposed Right Side Elevation” dated 8/1/12 – sheet A2A
  - “Parking Site Plan” dated 4/23/12 revised 10/5/12 – sheet SY1

*Bill Clifford, 16 Woodcrest Lane, Danbury, CT, was present.* He is requesting to utilize 641 more square feet at the site, with more parking spaces, due to potential changes in the zoning requirements and his ability to have on-street parking. Additionally, he advised that the front of the building will be mostly windows, which will enhance the streetscape. *Scott Clifford, 35 Barnum Rd., Danbury, CT, was also present.* Chairman Blessey explained that the regulation change has not yet been requested.

The use table was reviewed. A short term solution of utilizing 300 more square feet, which is allowed under the current regulation, was discussed.

**Commissioner Lynch moved to approve #201200895, 807 Federal Rd., based on the reduction of the 300 square feet of usable commercial space, in order that the property will meet the parking requirements. Commissioner Miller seconded the motion, and it carried unanimously.**

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

**a. Proposed Regulation Change #201200834: Section 242-308C(2) – Temporary permit for carnivals, etc.**

1. Memo from Planning to Zoning dated 10/5/12 Re: Proposed Regulation Change Application #201200834
2. Letter from Neil Marcus to Zoning Commission dated 10/10/12 Re: Application No. 201200834 – Proposed Amendment to §242-308C(2)
3. Response letter from HVCEO to Zoning Commission dated 10/11/12 Re: Application #201200834

Chairman Blessey opened up the Public Hearing and introduced the Commission members. Vice Chairman Grimes read the legal notice which was published in the News Times on October 12 and 22, 2012. Chairman Blessey indicated that the application was received on September 27, 2012. He then reviewed the policies and procedures that govern public hearings.

Chairman Blessey presented the application on behalf of the Commission. He explained that the change allows the ZEO to grant the permit; and increases the current fifteen (15) day event to thirty (30) days; and allows permits twice a year, without additional review.

There were no questions of clarification from the audience. Commissioner Frankel inquired if the Town requires a building permit for events with tents, and was advised there is a separate tent permit.

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

Vice Chairman Grimes read the three above pieces of correspondence related to the application, as well as a memo from the Town of Newtown Planning & Zoning Commission.

**Commissioner Miller moved to the Public Hearing re: Proposed Regulation Change #201200834: Section 242-308C(2) – Temporary permit for carnivals, etc. Vice Chairman Grimes seconded the motion. The correspondence related to this application was read by Vice Chairman Grimes. Motion carried unanimously.**

**Vice Chairman Grimes moved to approve the Proposed Regulation Change #201200834: Section 242-308C(2) – Temporary permit for carnivals, etc., with an effective date of one day after publication. Commissioner Varda seconded the motion, and it carried unanimously.**

**b. 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**

1. Memo from Planning to Zoning dated 10/5/12 Re: Proposed Regulation Change Application #201200835
2. Letter from Neil Marcus to Zoning Commission dated 10/10/12 Re: Application #201200835 – Proposed Amendment to §242-306F(7) & §242-306G(6)
3. Response letter from HVCEO to Zoning Commission dated 10/11/12 Re: Application #201200835

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

Vice Chairman Grimes read the legal notice that was published in the News Times on October 12 and 22, 2012. He also read the above listed correspondence, as well as a memo from the Town of Newtown Planning & Zoning Commission regarding the application.

Chairman Blessey advised that the Proposed Regulation Change is for signs for special events, related to the regulation change for permits (Public Hearing above). He reviewed the specifications and requirements for removal.

There were no questions of clarification.

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

**Commissioner Miller moved to close the Public Hearing re: 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. Commissioner Varda seconded the motion, and it carried unanimously.**

**Vice Chairman Grimes moved to approve the 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, with an effective date of one day after publication. Commissioner Miller seconded the motion, and it carried unanimously.**

**c. Proposed Regulation Change #201200836: Section 242-501G(11) – Industrial and Commercial Districts Special Conditions – Restaurant, cocktail lounge, cabaret; change to section 242-202: Definition of “Drive-through Restaurant**

1. Letter from Neil Marcus to Zoning Commission dated 10/10/12 Re: Application #201200836 – Proposed Amendment to §242-501G(11) & §242-202
2. Response letter from HVCEO to Zoning Commission dated 10/11/12 Re: Application #201200836

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

Vice Chairman Grimes read the legal notice that was published in the News Times on October 12 and 22, 2012. He also noted the above listed correspondence, as well as a request for clarification and rationale from the Planning Commission; and a memo from the Town of Newtown Planning & Zoning Commission.

Chairman Blessey explained that there is a contradiction in Section 242-202, Definitions, “Drive-through Restaurant” as it currently reads. He read the regulation; and the proposed change in the regulation, which removes “curb/car hop” language.

With regard to Section 242-501G(11) – Industrial and Commercial Districts Special Conditions, the first sentence will be removed. There was discussion regarding the phrase, “food sold for consumption at home”.

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.*

**Vice Chairman Grimes moved to close the Public Hearing re: Proposed Regulation Change #201200836: Section 242-501G(11) – Industrial and Commercial Districts Special Conditions – Restaurant, cocktail lounge, cabaret; change to section 242-202: Definition of “Drive-through Restaurant. Commissioner Lynch seconded the motion, and it carried unanimously.**

**Vice Chairman Grimes moved to approve Proposed Regulation Change #201200836: Section 242-501G(11) – Industrial and Commercial Districts Special Conditions – Restaurant, cocktail lounge, cabaret; change to section 242-202: Definition of “Drive-through Restaurant, with an effective date of the day after publication. Commissioner Varda seconded the motion, and it carried unanimously.**

**d. Proposed Regulation Change #201200843: Section 242-202 – Definitions: Open Space**

1. Memo from Planning to Zoning dated 10/5/12 Re: Proposed Regulation Change Application #201200843
2. Letter from Neil Marcus to Zoning Commission dated 10/10/12 Re: Application #201200843 – Proposed Amendment to §242-202
3. Response letter from HVCEO to Zoning Commission dated 10/11/12 Re: Application #201200843

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

Vice Chairman Grimes read the legal notice that was published in the News Times on October 12 and 22, 2012. He also read a memo from A. Dew, Zoning Enforcement Officer and Chair of the Conservation Commission. Additionally, Vice Chairman Grimes noted the above listed correspondence, as well as a memo from the Town of Newtown Planning & Zoning Commission.

Chairman Blessey reviewed the current definition of “open space”. He indicated that the proposed change would remove the word “roofed”. Commissioner Miller reviewed the definition of “structure”.

*L. Mancuso, 15 Parker Hill Rd., was present, and inquired if a bridge qualified as a structure. The Commission advised her that it does.*

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

**Vice Chairman Grimes moved to close the Public Hearing re: Proposed Regulation Change #201200843: Section 242-202 – Definitions: Open Space. Commissioner Miller seconded the motion, and it carried unanimously.**

**Commissioner Varda moved to approve the Proposed Regulation Change for #201200843: Section 242-202 – Definitions: Open Space, with an effective date of the day after publication. Commissioner Miller seconded the motion, and it carried unanimously.**

**5. Continued Public Hearing:**

- a. 366 Federal Road (Healthy Weighs, Inc.) #201200795: Design Review for a 2,105 square foot building addition (PH close date 11/15/12)**

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

The memo from the Water Source Committee dated October 17, 2012, was read, and it was noted that the delay in the review process related to the WSC sending information to an incorrect address.

*Ms. A. Adams, Landscape Architect, and W. Conners, Healthy Weighs, were present.*

Ms. Adams submitted a bond estimate for erosion control, and it was reviewed by the Commission. The bond estimate is now for \$1,500. Chairman Blessey advised audience that they were welcome to review the estimate.

**Vice Chairman Grimes moved to close the Public Hearing for 336 Federal Rd. (Healthy Weighs, Inc.), #201200795. Commissioner Varda seconded the motion, and it carried unanimously.**

Chairman Blessey indicated that if the Town had to stabilize the site, it would be more costly than what the estimate states. The plans were reviewed. Upon inquiry from Commissioner Miller, Ms. Adams explained the construction sequence. Chairman Blessey recommended that the amount be closer to \$5,000. Mr. Conners commented on the planting plan and timing of the planting.

**Commissioner Lynch moved, after careful consideration, to approve 336 Federal Rd. (Healthy Weighs, Inc.), #201200795, with the stipulation that the bond amount will be set at \$5,000.00. Vice Chairman Grimes seconded the motion, and it carried unanimously.**

- b. 40 & 64 Laurel Hill Road (The Residences at Laurel Hill) #201200588: Design Review for a proposed Incentive Housing Project (PH close date extended to 10/25/12)**

*The following list of maps were received at the 10/11/12 meeting:*

- 1. Map Cover Sheet titled “The Residences At Laurel Hill Proposed Incentive Housing Development” prepared by CCA, LLC dated 6/20/12 revised thru 10/9/12**

- **“General Legend, Notes And Abbreviations” dated 6/20/12 revised 7/2/12 – sheet N1**

- “Boundary Survey” dated 5/10/12 revised 6/6/12 – sheet 1 of 1
  - “Existing Conditions Plan” dated 6/6/12 – sheet 1 of 1
  - “Layout And Materials Plan” dated 6/6/12 revised thru 10/9/12 – sheet C1
  - “Grading And Drainage Plan” dated 6/6/12 revised thru 10/9/12 – sheet C2
  - “Utilities Plan” dated 6/6/12 revised thru 10/9/12 – sheet C3
  - “Landscape Plan” dated 6/6/12 revised thru 10/9/12 – sheet C4
  - “Landscape Plan Enlargement” dated 6/6/12 revised thru 10/9/12 – sheet C4a
  - “Landscape Plan Enlargement” dated 6/6/12 revised thru 10/9/12 – sheet C4b
  - “Erosion Control Plan” dated 6/6/12 revised thru 10/9/12 – sheet C5
  - “Notes And Details” dated 6/6/12 revised 7/2/12 – sheet C6
  - “Notes And Details” dated 6/6/12 revised thru 9/19/12 – sheet C7
  - “Notes And Details” dated 6/6/12 revised 7/2/12 – sheet C8
  - “Notes And Details” dated 6/6/12 revised 7/2/12 – sheet C9
  - “Notes And Details” dated 6/6/12 revised 7/2/12 – sheet C10
  - “Notes And Details” dated 6/6/12 revised 7/2/12 – sheet C11
  - “Sedimentation And Erosion Control Plan” dated 12/7/05 – sheet E1
- (a)\*\* **Handed into Land Use 10/18/12 – New map “Notes And Details” dated 6/6/12 revised 10/18/12 – sheet C7**
2. Invoice for Architectural Services from Leigh Overland Architect, LLC dated 9/25/12 – invoice #2012/161 in the amount of \$2,705.50
  3. Maps handed into Land Use 10/17/12 for The Residences At Laurel Hill (40 & 64 Laurel Hill Road) prepared by LaFreniere Architects
    - “Typical Building Basement Level Plan” dated 10/15/12 – sheet A1.01
    - “Typical Building First Floor Plan” dated 10/15/12 – sheet A1.1
    - “Typical Building 2<sup>nd</sup> Floor Plan” dated 10/15/12 – sheet A1.2
    - “Typical Third Floor Plan” dated 10/15/12 – sheet A1.3
    - “Typical Building Roof Plan” dated 10/15/12 – sheet A1.4
    - “Typical Building Elevations” dated 10/15/12 – sheet A2.1
    - “Exterior Sections And Details” dated 10/15/12 – sheet A3.1

Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, was present. He advised that he had a discussion with Town Counsel N. Marcus, regarding multi-family regulations, and requested that the Commission close the Public Hearing this evening. Attorney Scalzo indicated he would provide Attorney Marcus with a timeframe.

CDD Daniel submitted a memo dated October 23, 2012, from herself and ZEO Dew for the record. The Commissioners received this information previously by email.

Ms. Adams highlighted the changes to the plan: the relocation of the historic building on Laurel Hill Road; the connections to the utilities; and the revised conservation easement lines. She also advised that the application is now for mixed use. Additionally, Ms. Adams discussed the construction of the rain garden, and noted the increased size of courtyard.

At the request of Chairman Blessey, Mr. Arista of Dakota Partners, demonstrated on the plans where the air conditioning units will be.

There was brief discussion regarding adding planter boxes, per the overlay regulation. Ms. Adams reviewed the landscaping in front of building and noted the advantages to larger landscaping objects. The maintenance issues for planter boxes were discussed.

The following member of the audience had a question of clarification: *J. Salame, 148 Whisconier Rd., was present.* She inquired regarding the location of the historic structure, and the status of 64 Laurel Hill Road. Chairman Blessey advised that there is a six-month window in the timing of the proposal to address the structure at 64 Laurel Hill Road. Attorney Scalzo and Chairman Blessey indicated that it will be stipulated that the structure is available for any party that wishes to relocate the building. Ms. Salame pointed out that the structure has to be registered with the State to be eligible for funding. She also noted her concern regarding the 40 Laurel Hill Road building being placed on the north side of the property, as it will appear to place the commercial building further into residential area. Attorney Scalzo advised that it is more satisfactory arrangement from an engineering perspective, and Ms. Adams provided the details of those advantages. It was reiterated that this is a mixed use application. Lastly, Ms. Salame expressed her appreciation for the Commissioners’ effort in reviewing this application.

*No one was present to speak in favor of the application. No one was present to speak in opposition to the application.*

**Commissioner Lynch moved to close the Public Hearing re: 40 & 64 Laurel Hill Rd. (The Residences at Laurel Hill), #201200588, Design Review for a proposed Incentive Housing Project. Commissioner Miller seconded the motion, and it carried unanimously.**

**Vice Chairman Grimes moved to table 40 & 64 Laurel Hill Rd., #201200588. Commissioner Miller seconded the motion, and it carried unanimously.**

**6. Old Business:**

- a. 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 10/17/12 Re: Riverview at 871 Federal Rd #201200840, Previously –Approved Incentive Condominium Development
  - 2. Map titled “Phasing Plan” prepared by CCA, LLC dated 10/16/12 – sheet PHASE

*Chairman Blessey left the room from 8:56 p.m. to 8:59 p.m.*

*A. Lucera, Property Owner, and M. Lillis, PE, CCA, 40 Old New Milford Rd., were present.*

Mr. Lillis reviewed the discussion at the last meeting, and noted that at that time, approval from the Inland Wetlands Commission was pending. That Commission approved the application.

Mr. Lillis and Mr. Lucera reviewed the phasing plan, which will complete the main road, guest parking and Building 1 during Phase I. Mr. Lucera advised that the driveways near the will not be paved during that phase, to allow for utility work. Upon inquiry from Commissioner Frankel, Mr. Lillis advised that the plan would allow adequate access for emergency vehicles.

The Minutes of the IWC indicating approval of this application were placed in the file.

**Vice Chairman Grimes moved to approve the Site Plan Modification with respect to 871 Federal Rd., #201200840, and the changes relate to the subservice reversion of the storm water detention system and sanitary sewers, and replacement of the box culverts. Commissioner Varda seconded the motion. Commissioner Frankel inquired if the phasing plan would be added to the agenda,**

and Vice Chairman Blessey pointed out that it was part of the application that was approved. The phasing plan was incorporated in the application and the motion. Motion carried unanimously.

- b. **7 Station Road #201200881: Certificate of Zoning Compliance in the Town Center District for “Connecticut Fence and Landscaping” business.**

*No one present. No discussion/no motions.*

7. **New Business:**

- c. **4 Sand Cut Road (Unit #5) #201200928: Certificate of Zoning Compliance within the Aquifer Protection District for a pool service business going by the name “George’s Pool Service, Inc.”**

1. Report titled “Storage facility proposed layout and fire protection planning” dated 10/15/12
2. “Material Safety Data Sheet”

*Vice Chairman Grimes recused himself from this matter and left the table. Alternate Commissioner M. Frankel was appointed a Voting Member for this item only.*

*G. Southmaid, 69 Brushy Hill Rd., Newtown, CT, and J. Southmaid, 148 Westport Rd., Wilton, CT, were present. They are seeking a Certificate of Zoning Compliance for a pool service business. Chairman Blessey noted that the site is within the aquifer protection zone, and the nature of the business involves pool chemicals. The applicable regulation was read, and also reviewed by the applicants.*

CDD Daniel inquired if the applicants were proposing any sort of containment system. G. and J. Southmaid, and Commissioner Miller, discussed the “class” of various chemicals involved. There was discussion regarding pre-existing, non-conforming uses at the site.

**Chairman Blessey moved to deny Property ID#0306905015, Unit #5, #201200928, 4 Sand Cut Rd. Commissioner Frankel seconded the motion, for the reason that the application does not comply with the regulations.** Commissioner Lynch inquired regarding the regulation and Commissioner Miller advised that the chemicals are classified as hazardous materials. Chairman Blessey suggested that a plan for fire containment should have been submitted. **Motion carried unanimously.**

**Chairman Blessey moved to go to Agenda Item 7.f. Vice Chairman Grimes seconded the motion, and it carried unanimously.**

- f. **20 Vale Road #201200935: Design Review for a proposed 30,000 sq. ft. office building (dec date 12/29/12)**
1. **Development Report for Proposed Office Building prepared by CCA, LLC dated 10/15/12**
  2. **Drainage Report prepared by CCA, LLC dated 10/8/12**
  3. **Map cover sheet titled “Site Development Plans” Berkshire Corporate Park prepared by CCA, LLC dated 10/8/12**
    - **“General Legend, Notes And Abbreviations” dated 6/2012 – sheet N1**
    - **“Layout & Materials Plan” dated 10/8/12 – sheet C1**
    - **“Grading & Drainage Plan” dated 10/8/12 – sheet C2**
    - **“Site Utility Plan” dated 10/8/12 – sheet C3**
    - **“Landscape Plan” dated 10/8/12 – sheet C4**
    - **“Retention Basin Site Plan” dated 10/8/12 – sheet C5**

- “Notes & Details” dated 10/8/12 – sheet C6
  - “Notes & Details” dated 10/8/12 – sheet C7
  - “Sedimentation And Erosion Control Plan” dated 12/7/05 – sheet E1
4. Map titled “**Property Survey/Subdivision Map Berkshire Corporate Park**” prepared by Surveying Associates dated 6/2012
  5. “Preliminary Floor Plan” - Berkshire Corporate Park dated 10/17/12
  6. “Preliminary Elevations” – Berkshire Corporate Park dated 10/17/12

**Vice Chairman Grimes moved to set a Public Hearing for December 13, 2012, at 7:30 p.m. for 20 Vale Rd., #201200935. There was brief discussion regarding the time frame allowed within which to set a public hearing. Commissioner Miller seconded the motion, and it carried unanimously.**

*Commissioner Lynch left the meeting at 9:25 p.m.*

**d. Regulation Section 242-404D 2(d): Memo from Katherine Daniel to Zoning Commission dated 10/16/12 Re: The “Condo Cap” regulation**

Vice Chairman Grimes would like to further look into the “condo cap”, and suggested that G. Golaszewski, who was Chairman of the Commission at the time of the initial discussion, be consulted. Chairman Blessey indicated he would be amenable to Mr. Golaszewski’s comments.

There was discussion regarding whether the “cap” is beneficial or harmful to development in the Town Center. Chairman Blessey encouraged the Commissioners to consider the parcels of land that have the ability to be developed. Commissioner Frankel indicated that she was in favor of multi-family in the Town Center areas, but not in other areas. Commissioner Varda noted the existing approval of the 165-unit Barnbeck development.

Chairman Blessey will draft a regulation change, and email it to the Commission members for their review.

**8. Tabled Items:           None.**

**9. Informal Discussion:           None.**

**10. Comments of Commissioners:** Commissioner Frankel commented on the current agenda format. There was discussion regarding professional staff review, and providing the Commission with a “resolution” regarding applications. CDD Daniel agreed that it would be beneficial. Commissioner Frankel will look for examples of this type of document from her prior work on another commission in a neighboring municipality. She also suggested that applications be decided after all of the public hearings have concluded.

**No motions.**

**11. Adjourn:**

**Commissioner Miller moved to adjourn the meeting at 9:40 p.m. Vice Chairman Grimes seconded the motion, and it carried unanimously.**

**\*\*Next Regular Meeting Scheduled for November 8, 2012\*\***