

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, September 26, 2013 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

1. Convene Meeting

Present: Chairman R. Blessey, L. Miller, C. Lynch, Alternate and Voting Member J. Cordisco, Alternate and Voting Member until Commissioner Frankel's arrival J. Varda (arrived at 7:02 p.m.), Alternate and Voting Member M. Frankel (arrived at 7:06 p.m.)

Absent: Vice Chairman M. Grimes, Secretary F. Lollie

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

- a. **Review Minutes of Previous Meetings: 9/12/13 – Not a sufficient quorum to vote on the Minutes.**

2. Land Use Enforcement

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

Requests for Voluntary Compliance

10 Obtuse Rocks Rd., #201300788 – ZEO Dew will re-inspect this site, however, the garbage has been cleaned up.

14 Oak Grove Rd., #201300832 – A tenant called with regard to an odor. An RVC was sent, and the property owner indicated she was attempting to evict the complaining tenant. The property owner has been sending copies of court paperwork. A Cease and Desist was issued September 23, 2013.

Cease and Desist Order

594 Federal Rd., #201200948 – This matter appear on tonight's agenda.

39 Deer Run Rd. #201300758, - This matter relates to litter and debris in the front yard, but both property owners are currently incarcerated. ZEO Dew is attempting to contact the mortgage company, but it has transferred its mortgages to another company. Ultisource is the management company that has been charged with clearing the site.

14 Candlewood Lake Rd., #201300797 – The sign has not been illuminated since September 3, 2013.

143 Federal Rd., #201300805 – The sign has not been illuminated since the tenant shut off the breaker on September 4, 2013.

901 Federal Rd., #201300829 – The signs have not been put up again.

849 Federal Rd., #201300875 – This matter relates to two illegal apartments in a retail business. The total square footage for both apartments is less than 1,200 square feet. A Cease and Desist was sent, and the Building Department is also involved. **Chairman Blessey moved, in the matter of 849 Federal Road, #201300875, that if after ten days, this matter has not been resolved, that a Citation be sent to the property owner. Commissioner Lynch seconded the motion, and it carried unanimously.**

Commissioner Frankel arrived at 7:06 p.m.

Citation

70 Ironworks Rd., #201300482 – This matter involves a pool in the front yard that is almost dried up. There is also a pond on the property. The mortgage was sold by HSBC to PHH. Per the Enforcement Report, a new Citation will be sent to PHH.

Town Counsel Action

1 High Ridge Rd., #201000315 – This matter will remain on the Report.

9 Stoney Farm Lane – ZEO Dew indicated that she spoke with Attorney Olson. Per the Enforcement Report, another method of contacting Mr. Moss will be utilized.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission; Zoning Board of Appeals 9/9/13; Planning Commission; Zoning Sub-Committee**

b. **Clearscapes: Fall 2013**

No discussion/no motions.

4. Old Business:

a. **594 Federal Road #201300777: Site Plan Modification for additional parking for Landscaping business** (dec date 11/15/13) – S. Sullivan, P.E., CCA, 40 Old New Milford Rd., was present. Chairman Blessey indicated he made a mistake with regard to the buffer. This does not meet a residential zone, but a commercial zone, so it does not have a buffer, but there is a setback. The “withdrawal” of the application did not occur, and the application is still active. Because of the setback, ZEO Dew advised that the storage trailer cannot stay where it is. She also noted that a landscaping business has been there since 2001, but there is no Certificate of Zoning Compliance. A previous business, Jeff’s Upholstery, had a CZC. Commissioner Frankel stated she believes that the Commission should require an A2 survey. The Building Department has also inspected the site. There was discussion on whether the A2 is necessary. Chairman Blessey indicated that a Certificate of Zoning Compliance cannot be granted until the storage container is moved.

The Commission would like to refer this matter to Town Counsel to determine if an A2 survey is necessary for Certificate of Zoning compliance. Additionally, Mr. Sullivan was requested to advise his client that the storage container must be removed from the site.

S. Sullivan inquired if a site walk would be helpful. Commissioner Frankel reiterated her request for the A2 survey.

5. New Business:

a. **857-857A Federal Rd #201200887 (Greene Acres Luxury Apartments): Permit Transfer from “Coreplus Properties and Pierpont Family Trust” to “Brookfield Development, LLC Living Trust”**

There was brief discussion on the rationale for the Commission’s involvement in this matter. CDD Daniel advised it was an administrative requirement.

Commissioner Frankel recused herself from this matter.

Commissioner Miller moved to approve the permit transfer on 857-857A Federal Rd., #201200887, from “Coreplus Properties and Pierpont Family Trust” to “Brookfield Development, LLC Living Trust” with the same terms and conditions in accordance with the original approval of this permit. Commissioner Lynch seconded the motion, and it carried unanimously, 4-0.

b. **20-28 Old Grays Bridge Rd #201100632: Request for Final Bond Release \$101,562.50** - ZEO Dew reported that she inspected the site, and it in satisfactory condition. There was brief discussion regarding the landscaping. **Commissioner Miller moved to recommend to the Board of Selectmen, with regard to the bond release for #201100632, 20-28 Old Gray’s Bridge, for \$96,702.50, but that the Town of Brookfield continues to hold \$4,860.00 as a performance bond for the landscaping. Commissioner Lynch seconded the motion, and it carried unanimously.**

c. **115 Federal Road (Tile America) #201300866: Site Plan Modification for exterior and interior renovation to building.** These renovations are to include: New EPDM roof, partial replacement of roof shingles, new masonry exterior facades, azek trim, new windows and doors, new a frame roof peaks, and partial paving of parking lot (dec date 11/29/13)

1. Map titled “Proposed Renovations for Tile America” prepared by Kemper Assoc. Architects, LLC dated 3/7/13 – sheet A-2

G. Hallas, Hallas Associates, LLC, 5B Delmar Dr., Brookfield, CT, was present on behalf of Tile America. He explained the planned renovations to the building, and indicated there would be no structural changes. He advised that the Frame Shop will remain in the building, and Tile America will take over the other side. There will be the same number of parking spaces, and the window openings will stay the same. Mr. Hallas explained that most of the changes are to make the building look more aesthetically pleasing, such as adding stone work to the front, and peaks to each side of the building. The building is currently being leased. One area on the outside will remain gravel, and a small area for a contractor's entrance will be paved. The lessee is not interested in having a loading dock. Upon inquiry from Commissioner Miller, Mr. Hallas pointed out where the impervious surface will be.

Mr. Hallas was in possession of only a hand-drawing from the architect. It was noted that the Frame Shop has square footage of 3,525 square feet. There was discussion regarding past uses at the site.

Commissioner Frankel requested that a site plan be provided. It was noted that there is no change in footprint. ZEO Dew felt that because there is the same use and square footage, that what is present for parking would be sufficient. Mr. Hallas offered to re-stripe the parking lot. Commissioner Lynch inquired about the dumpster, and Mr. Hallas advised he would ask the Frame Shop to move it to the rear of the building. The existing asphalt will only be sprayed with sealant prior to re-striping.

Commissioner Lynch moved, after careful consideration, to approve the application, #201300866, for 115 Federal Road, under the assumption that all the refuse and garbage containers will be moved to the back of the building, and the front parking lot will be sealed and restriped, for 25 parking spaces. Commissioner Miller seconded the motion, and it carried unanimously.

The applicant initialed the additional conditions added to the plans/application.

- d. **111 Park Ridge Road (Berkshire Corporate Park) #201300867: Site Plan Modification to add 69 parking spaces and emergency generator (dec date 11/29/13)**
1. **Map Cover Sheet titled "Site Development Plans Berkshire Corporate Park" prepared by CCA, LLC dated 10/8/12 revised thru 9/18/13**
- "General Legend, Notes And Abbreviations" dated 6/2012 – sheet N1
 - "Layout & Materials Plan" dated 10/8/12 revised thru 9/18/13 – sheet C1
 - "Grading & Drainage Plan" dated 10/8/12 revised thru 9/18/13 – sheet C2
 - "Site Utility Plan" dated 10/8/12 revised thru 9/18/13 – sheet C3
 - "Landscape Plan" dated 10/8/12 revised thru 9/18/13 – sheet C4
 - "Retention Basin Site Plan" dated 10/8/12 revised thru 8/13/13 – 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
 - "Lighting Plan" Prepared by Reflexlighting dated 7/26/13

S. Sullivan, PE, CCA, 40 Old New Milford Rd., was present. He advised that the site plan modification will add 69 parking spaces and a backup generator. Commissioner Frankel inquired if there would be balusters near the generator, and Mr. Sullivan indicated the generator would be smaller than the 9' X 20' parking space. The landscape plan was reviewed. Mr. Sullivan advised that the Town line is the property line. An aerial photograph was reviewed to show the proximity of residences.

After careful review, Commissioner Lynch moved to approve #201300867, 111 Park Ridge Road, Site Plan Modification, as submitted. Commissioner Cordisco seconded the motion, and it carried unanimously.

- e. **4 & 16 Elbow Hill Road (Echo Bay Marina) #201300868(A) DR & #201300868(B) NRR: Design Review for a 24,076 sq. ft. Boat Storage Building and #201300868(B) Natural Resource Removal of 14,700 CY (dec date 11/29/13)**
1. **Bond Estimate Sheet for Erosion Controls - \$12,006.50**
 2. Map Cover Sheet titled “Proposed Boat Storage” prepared by CCA, LLC dated 5/28/13 revised 9/18/13
 - “Site Plan” dated 5/24/13 revised thru 9/3/13 – sheet S1
 - “Landscape Plan” dated 5/24/13 revised thru 9/3/13 – sheet LS1
 - “General Legend, Notes And Abbreviations” dated 5/24/13 revised thru 9/3/13
 - “Notes & Details” dated 5/24/13 revised thru 9/3/13 – sheet N2
 - “Drainage Areas” dated 5/24/13 revised 9/3/13 – sheet N3
 - “Boat Storage Exist. Conditions” dated 5/24/13 – sheet EX1
 - “Topographic Property Survey” dated 12/12/12 revised thru 6/4/13 – sheet 1 of 1
 - “Layout Plan” handed into Land Use 9/20/13 – sheet FP-1
 - “Building Elevations” handed into Land Use 9/20/13

No one present.

Commissioner Lynch moved to table this item. He then withdrew his motion.

Commissioner Frankel moved to set a Public Hearing for 4 & 16 Elbow Hill Road, #201300868(A) DR & #201300868(B) NRR: Design Review for a 24,076 sq. ft. Boat Storage Building and #201300868(B) Natural Resource Removal of 14,700 CY, for October 24, 2013, at 7:30 p.m. Commissioner Miller seconded the motion. Commissioner Varda noted the decision date on the agenda. This will be re-set by the Land Use Office to reflect the date of the public hearing. Motion carried unanimously.

6. Tabled Items: None.

7. Informal Discussion:

a. Town Center District: CDD Daniel shared a list of potential design guidelines for the Commission to consider as it moves forward from her sheet entitled, “Elements Options/Building and Site Design Guidelines”. She is looking to: 1) make a list of design guidelines; and 2) consider who the interested and affected parties are (the “stakeholders”). She indicated that the grant money will be coming in 2-4 weeks from the Bond Commission, and she has discussed consulting with C. Gould and F. Gomes at Fitzgerald and Halliday.

Chairman Blessey noted that from the list, #2 (Vehicular Areas/Parking) has been addressed, and suggested that #3 (Internal Circulation and Alleyways) be included. Commissioner Varda referenced the manner that Old Saybrook handled “B2 - setback for parking/pedestrian note”.

The \$20,000 grant is on the Bond Commission’s agenda for this week. It is hoped that the scope of work for Fitzgerald and Halliday can be narrowed down within a month.

The Commission agreed that #4 (Sidewalks/Pedestrian Access and Bicycles) and #5 (Building Scale and Character) be included, as well as #12 (Roof Massing and Styles, Awnings, Balconies, Windows, Entryway Design). It also suggested that #16 (Exterior Materials/Façade) could be handled under either #5 or #12.

Commissioner Miller noted that the Simsbury regulations handled streetscape considerations in a detailed and satisfactory manner.

Commissioner Varda discussed how Bolton handled roof and massing.

Commissioner Frankel suggested that the regulation language be changed to differentiate between “site plan” and “special permit” applications; and noted that nothing in statutes that mentions “design review”. CDD Daniel noted that the purpose of the grant is to provide “OPM (Office of Policy Management) approvable” incentive housing zone applications, by site plan approval.

Commissioner Varda mentioned the inclusion of gas station awnings.

Other than those listed above, the Commission will consider the following from the list: #8 (Landscaping/Fencing/Walls/Street Level Interface), #9 (Open space/green space); #11 (Signage), and #13 (Lighting).

With regard to the “stakeholders”, it was noted that they are: the Zoning Commission, landowners, business owners, developers, citizens of Brookfield, especially in the “Four Corners” area.

Commissioner Cordisco inquired how that HART (Housatonic Area Regional Transportation) are included, and CDD Daniel indicated that input would be obtained from HART.

No motion.

c. LED Lighting/Regulation Change – The lighting moratorium will expire in thirty days.

8. Comments of Commissioners: None.

9. Adjourn: Commissioner Lynch moved to adjourn the meeting at 8:10 p.m. Commissioner Cordisco seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for October 10, 2013****