

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, October 24, 2013 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

1. Convene Meeting

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

Present: Chairman R. Blessey (left at 8:28 p.m.), Vice Chairman M. Grimes, Secretary F. Lollie, C. Lynch (arrived at 7:01 p.m.), L. Miller (arrived at 7:03 p.m.), Alternate and Voting Members where indicated M. Frankel and J. Varda

Absent: Alternate and Voting Member J. Cordisco

Also Present: Assistant Zoning Enforcement Officer F. Lollie, Community Development Director K. Daniel, Recording Secretary D. Cioffi

Alternate Commissioner Frankel voted on the Review Minutes of Previous Meetings.

a. Review Minutes of Previous Meetings:

9/12/13 – No discussion/no motion.

9/26/13 – No discussion/no motion.

10/10/13 – Vice Chairman Grimes moved to approve the Minutes of the October 10, 2013 meeting as submitted. Chairman Blessey seconded the motion, and it carried, unanimously.

10/17/13 special – Vice Chairman Grimes moved to approve the Minutes of the Special Meeting on October 17, 2013, as submitted. Commissioner Frankel seconded the motion, and it carried 3-0-1, with Secretary Lollie abstaining.

2. Land Use Enforcement

a. Enforcement Officer's Report:

Asst. ZEO F. Lollie reported on the following:

Requests for Voluntary Compliance

257 Federal Rd., #201300912 – Asst. ZEO Lollie reiterated that all cars were removed from the front lawn and are parked in designated drives. Vice Chairman Grimes recommended that this item be removed from the report. .

116 Laurel Hill Rd., #201300844 – Asst. ZEO Lollie advised that after meeting with the property owner, there have been no additional issues.

Commissioner Lynch arrived at 7:01 p.m.

834 Federal Rd., #201300888 – Asst. ZEO Lollie indicated that a Request for Voluntary Compliance and Cease and Desist Order were sent, both without response. The response to the Cease and Desist is due on or before November 1, 2013. **Vice Chairman Grimes moved to issue a Citation to 834 Federal Road, #201300888, if not in compliance by November 1, 2013. Chairman Blessey seconded the motion, and it carried unanimously.**

5 Kellogg St., #201300928 – The sign on the roof has been removed.

800 Federal Rd., #201300957 – A Citation was sent on Monday, October 21, 2013. Compliance is due by November 17, 2013.

101 Laurel Hill Rd., #201300758 – A Request for Voluntary Compliance was sent. The complaint relates to evidence of commercial firewood operations and commercial vehicles. Chairman Blessey indicated that much of the wood has been removed. Asst. ZEO Lollie advised the property owner to contact him if he needs additional time to bring the area into compliance.

Commissioner Miller arrived at 7:03 p.m., at which time Alternate Commissioner M. Frankel was no longer a Voting Member.

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Cease and Desist

39 Deer Run Rd., #201300758 – Asst. ZEO Lollie advised that the fence was fixed on the front side of the pool only. Garbage still remains at the site. **Vice Chairman Grimes moved to issue a Citation to 39 Deer Run Road, #201300758. Chairman Blessey seconded the motion, and it carried unanimously.**

14 Candlewood Rd., #201300797 – The sign has not been illuminated. The business owner is waiting for resolution on the LED lighting regulations. This item can be removed from the report.

143 Federal Rd., #201300805 – The sign has not been illuminated. The business owner is waiting for resolution on the LED lighting regulations. This item can be removed from the report.

901 Federal Rd., #201300829 – There has been no other issues on this site with flags. This item can be removed.

14 Oak Grove Rd., #201300832 – The property owner is still attempting to evict the tenant from the illegal apartment. Additional paperwork has been placed in the file documenting this.

439 Candlewood Lake Rd., #201300886 – A Cease and Desist was issued on October 27, 2013, and no response has been received. It was noted that the property owner has approval for a parking lot but has not commenced work on it. Patrons of the business have been parking at Cadigan Field. **Vice Chairman Grimes moved to issue a Citation to 439 Candlewood Lake Rd., #201300886 if no compliance by October 27, 2013. Commissioner Lynch seconded the motion. There was discussion regarding the illegal parking for almost two years at a nearby property and the safety issue involved in patrons walking down the road. Motion carried unanimously.**

777 Federal Rd., #201300963 – *C. Nielson, Zoning CT of Connecticut, was present on behalf of 777 Federal Rd.* He advised that as soon as the Cease and Desist was received, calls were made to repair contractors. Mr. Nielsen inquired if the Cease and Desist is the initial enforcement procedure. Asst. ZEO Lollie advised that a Request for Voluntary Compliance was sent with regard to lighting issues in the back. The Cease and Desist relates to deck repairs that are needed. Chairman Blessey advised that the ZEO has discretion to send a RVC or a Cease and Desist. If there are health and safety concerns, the latter is sent. He further explained because of the nature of the needed repairs, and the proximity of a day care business, the Cease and Desist was sent. The Building and Health Departments are also involved with issues at this property.

616 Federal Rd., #201300949 - This matter relates to illegal signage for Gary's Haircutters. Vice Chairman Grimes indicated the sign is now near the road. Asst. ZEO Lollie has provided a copy of the regulation. The property owner has informed his tenant. **Vice Chairman Grimes moved to issue a Citation to 616 Federal Rd., #201300949, if no compliance by November 3, 2013. Commissioner Lynch seconded the motion, and it carried unanimously.**

Citation

70 Ironworks Hill Rd., #201300482 – The pool has been removed. **Chairman Blessey moved to remove 70 Ironworks Hill Rd., #201300482, for compliance. Vice Chairman Grimes seconded the motion, and it carried unanimously.**

849 Federal Rd., #201300875 – **Vice Chairman Grimes moved to refer 849 Federal Rd., #201300875, to Town Counsel. Commissioner Lynch seconded the motion. It was confirmed that there has been no response to the Citation. Motion carried unanimously.**

Town Counsel Action

1 High Ridge Rd., #201000315 – Nothing new to report.

9 Stoney Farm Lane, #201100095 – Nothing new to report.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission; Zoning Board of Appeals 10/7/13; Planning Commission; Zoning Sub-Committee**
- b. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter: Fall 2013
- c. **Legal Briefings for Building Inspectors: October 2013**

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- d. Response letter from Water Source dated 10/16/13 Re: 227 Candlewood Lake Road
- e. Response letter from Water Source dated 10/16/13 Re: 111 Park Ridge Road
- f. Response letter from Water Source dated 10/16/13 Re: 115 Federal Road
- g. Response letter from Water Source dated 10/16/13 Re: 366 Federal Road
- h. Response letter from Water Source dated 10/16/13 Re: 419 Federal Road

No discussion/no motions.

Vice Chairman Grimes moved to go to Agenda Item 5.a., 594 Federal Rd. Secretary Lollie seconded the motion, and it carried unanimously.

5. Old Business:

- a. **594 Federal Road #201300777:** Site Plan Modification for additional parking for a Landscaping business (*dec date 11/15/13*)

- 1. Letter from Water Source dated 10/16/13 Re: 594 Federal Road

B. Lavelle, 594 Federal Rd., was present. He indicated he is still working on finding another location for the container. Additionally, the tenant is attempting to find a place for his things. *A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., was present.* She reviewed the above letter from Water Source. **No motions.**

- b. **887 Federal Road #200300284: Permit Extension**

A. Adams, Registered Landscape Architect, CCA, was present, along with her client, B. Lavelle. Ms. Adams reviewed the discussion at the last meeting. The Commission has reviewed the plans, and Ms. Adams reviewed the Town Center District regulations. She indicated it is her opinion that the plans meet the regulations. Commissioner Miller noted that after reviewing the Minutes of previous meetings, the approval contained a stipulation limiting the terms of extending the permit, and that the Chairman noted that the plans do not meet the current streetscape requirements of the TCD regulations. Additionally, Mr. Lavelle has advised that he would do what is necessary to comply with the TCD regulations. Commissioner Miller suggested that the Commission grant a six-month extension to allow the property owner to comply with the regulations. Mr. Lavelle responded that he would need a year, and he is attempting to sell the property. He has agreed to provide a sidewalk. Commissioner Miller suggested that the property owner file an application for a modification to the permit.

Chairman Blessey outlined the alternatives: 1) the Commission would not renew the permit; Mr. Lavelle would have to resubmit an application if he wanted to continue to market and develop the property; 2) the Commission would grant a six-month extension, and the site would be developed without the additional costs of resubmission, to get it in compliance with the TCD regulations.

Ms. Adams inquired if the front yard setback is six feet from sidewalk or property line, whichever is closer, or if there is a maximum setback. Chairman Blessey advised her that the regulations taken from the Town website two days ago are current.

There was discussion regarding granting six months for the property owner to do a site plan modification. Mr. Lavelle agreed to complete the modification within six months. He then inquired if he provides a modification, if he would be granted a four-year permit period. The Commission indicated that if the modification complied with the current regulations, that would be possible.

After careful consideration, Commissioner Lynch moved that the Commission extend the approval period by a period of six months, for application #200300284, 887 Federal Rd. Commissioner Miller seconded the motion, and it carried unanimously.

4. Public Hearing 7:30 p.m.

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- a. **4 & 16 Elbow Hill Road (Echo Bay Marina) #201300868(A): Design Review for a 24,076 sq. ft. Boat Storage Building and #201300868(B): Natural Resource Removal of 14,700 CY (PH close date 11/27/13)**
1. Letter from Russell Posthauer, Jr. P.E. to Zoning Commission dated 10/9/13 Re: 4 Elbow Hill Road - Revised Building Plans
 2. Bonding Cost Estimate-Erosion Controls dated prepared by CCA, LLC dated 5/20/13 revised 9/21/13 in the amount of \$12,391.50
- Revised Plans:**
3. Drawing titled “Garage” prepared by CCA, LLC handed into Land Use 10/17/13
 4. Map titled “Elevations” prepared by PBC Inc and LPR/Loram Assoc. dated 10/2/13 – sheet EL-1
 5. Map titled “Echo Bay Marina Boat Storage Building Section” prepared by CCA, LLC dated 10/8/13 – sheet 1
 6. “Lighting Plan” prepared by Apex Lighting Solutions dated 10/15/13 – sheet SL-3
 7. Response letter from Water Source dated 10/16/13 Re: 4&16 Elbow Hill Rd

Vice Chairman Grimes recused himself from this matter and Alternate Commissioner M. Frankel became a Voting Member.

Chairman Blessey opened the Public Hearing and introduced the Commission members. Secretary Lollie read the legal notice, which was published in the News Times on October 11 and October 21, 2013. Chairman Blessey noted that the application was received on September 26, 2013. He then reviewed the policies and procedures that govern public hearings.

Secretary Lollie noted receipt of the following correspondence: 1) dated October 22, 2013, from D. Plante, 32 Elbow Hill Rd., received in the Land Use Office October 22, 2013, in opposition to the application; 2) dated October 23, 2013, from D. Plante, 32 Elbow Hill Rd., received October 23, 2013, in opposition to the application; and 3) from the Brookfield Volunteer Fire Company to the Zoning and Planning Commissions dated October 23, 2013, indicating its comment is not required for this application.

M. Rogg, 227 Candlewood Lake Rd., and R. Posthauer, PE, CCA, 40 Old new Milford Rd. were present. Mr. Posthauer reviewed the revised plan that complies with the thirty-foot building height restriction. He indicated that the second building is for equipment. Mr. Posthauer reviewed access, and advised that there would be parking in compliance with the required number of spaces based on the square footage of the building. The warehouse will be strictly for storage, and there will be minimal personnel. Commissioner Frankel inquired if the use at the Candlewood Lake Road site would be intensified, and Mr. Rogg indicated that it would be decreased.

Mr. Posthauer reviewed the landscaping plan and materials. He indicated that the height is calculated from the ground floor to the peak. Commissioner Miller inquired if the inside floor would be concrete, and Mr. Posthauer and Mr. Rogg advised it would be a concrete, and would be a foot below for containment purposes.

Upon inquiry from Commissioner Frankel, it was noted that the color of the building will be light and dark grey. Commissioner Miller inquired if there would be rodent control, and Mr. Rogg indicated he hoped that it would not be necessary.

Ms. A. Adams, Registered Landscape Architect, CCA, was present. She reviewed proposed the landscaping in greater detail, including three large canopies, and evergreens. Commissioner Lynch suggested that the as much landscaping that can be put in be installed. Ms. Adams and Mr. Posthauer indicated the applicant could put taller evergreens in the higher area of the site.

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Mr. Posthauer advised that the plan meets the aquifer protection regulations. Upon inquiry from Commissioner Miller, Mr. Rogg advised the building would not be sprinklered.

The specifications of the Natural Resources Removal Permit were reviewed. There was discussion regarding the hours of operation. Mr. Rogg advised he would alter the hours of operation to 8 a.m. to 5 p.m., Monday through Friday, and 8 a.m. to noon on Saturday. It is hopeful that construction will begin next April.

Mr. Rogg initialed the changes put on the plans by Ms. Adams.

There were no questions of clarification.

D. Smith, 8 South Mountain Rd., was present, and indicated he was in favor of the application.

D. Plante, 32 Elbow Hill Rd., was present, and spoke in opposition to the application. He advised that his statements in his two letters were incorrect in that he thought the building was not compliant with the height regulations. He discussed his concerns regarding development, loss of open space and green belt area, and the overall natural character of the area. He requested screening by evergreens along the western boundary, to include an additional property if it is purchased by the applicant. He discussed the unattractiveness and difficult maintenance of metal storage buildings. He expressed his concerns regarding the quality of life in the area. Mr. Plante submitted his comments in writing for the record.

There was an inquiry regarding the warranty on metal, and Mr. Rogg advised it is twenty years for the wall, and fifty years for the roof.

Commissioner Miller inquired if there would be a way of satisfying Mr. Plante's concerns. Mr. Posthauer advised that Mr. Rogg does have an interest in neighboring property. Chairman Blessey noted that there is a 30-foot buffer between that site and State-owned property.

Mr. Rogg discussed the grade at the 16/20 Elbow Hill Road property compared to the elevation at his property.

Commissioner Frankel discussed her concerns regarding erosion control, and inquired if there would be any additional bonding to cover NRRP. Commissioner Miller further noted the sandy nature of the soils. Mr. Posthauer indicated that hay bales would be reinforced; there would be silt fence, and a catch basin in the front of the property. The cost of the silt fence and hay bales was discussed.

Commissioner Lynch moved to close the Public Hearing re: 4 & 16 Elbow Hill Road (Echo Bay Marina) #201300868(A): Design Review for a 24,076 sq. ft. Boat Storage Building and #201300868(B): Natural Resource Removal of 14,700 CY. Commissioner Miller seconded the motion, and it carried unanimously.

After careful consideration, Commissioner Lynch moved to approve Application #201300868(A) and #201300868(B), with the stipulations as drafted by A. Adams, who will provide the Commission with a hard copy of the landscaping plan; and the stipulations related to hours of operation being 8 a.m. to 5 p.m. on Monday through Friday, and 8 a.m. to noon on Saturday, and also approving the NRRP, and a bond set at \$12,391.50. Commissioner Miller seconded the motion, and it carried unanimously.

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Vice Chairman Grimes moved to go to Agenda Item 6.d., 40 Elbow Hill Rd. Commissioner Miller seconded the motion, and it carried unanimously.

6. New Business

d. 40 Elbow Hill Road #201300955: Single Family Conversion for a 495 sq. ft. apartment (dec date 12/27/13)

1. Hand drawn layout of the apartment handed into Land Use 10/17/13 –

D. Falls, 40 Elbow Hill Rd., was present. A portion of the downstairs will serve as the apartment. Upon inquiry from Commissioner Frankel, Mr. Falls indicated that there is sufficient parking. **After careful consideration, Commissioner Lynch moved to approve Application #201300955, 40 Elbow Hill Rd., Single Family Conversion, as submitted. Secretary Lollie seconded the motion, and it carried unanimously.**

a. 540 Federal Road (Oak Meadows) #201300942: Site Plan Modification to increase visitor parking spaces from 50 to 89 spaces and to revise construction phasing (dec date 12/27/13)

1. Map titled “Site Plan Showing Additional Parking Oak Meadows” prepared by CCA, LLC dated 8/20/13 – sheets SP1 & SP2

- “Phasing Plan” dated 8/14/08 revised thru 9/13/13 – sheet PH1

Ms. A. Adams, Registered Landscape Architect, CCA, was present, on behalf of the property owner. The applicant is proposing to add 39 parking spaces. She reviewed the plan sheets with the Commissioners and denoted where spaces would be added and/or converted from handicapped parking spaces. Ms. Adams advised that the applicant has been before the Inland Wetlands Commission and received approval.

Chairman Blessey left the meeting at 8:28 p.m. and Alternate Commissioner Varda was a Voting Member, and Vice Chairman Grimes took over as Acting Chair.

Commissioner Frankel inquired about fire safety adjustments, and Ms. Adams advised that the proposed changes would not impede fire protection.

Ms. Adams stated that the applicant is looking for a change to the phasing plan: adding construction of retaining walls to Phase 1B (currently in phase 2). The Commissioners agreed this would not be a considerable change.

Secretary Lollie noted the difficulty in backing out of some of the spots opposite Old Oak Drive. The Commission acknowledged this is a valid point, and noted that there will be a stop sign and speed bumps. It was also stated that it would be difficult to reconfigure the plan.

After careful consideration, Commissioner Lynch moved to approve Application #201300942, Site Plan Modification to increase parking and to revise construction phasing, as submitted. Commissioner Miller seconded the motion, and it carried unanimously.

b. 258 Whisconier Road #201300951: Certificate of Zoning Compliance for a Craftsman shop to store Landscaping Equipment on the property (dec date 12/27/13)

1. Site Plan Map handed into Land Use 10/17/13

Brian and Ken Ackell, 258 Whisconier Rd., were present. K. Ackell advised that the site has served as his workshop, and that his son, Brian, has started a landscaping business. There is a detached garage on the site. ZEO Dew advised the Ackells that the Commission should be consulted. The site is in the

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Town Center District. Commissioner Lynch discussed his concerns regarding the proximity of the residential zone and the Craft Center. The use table of the zone was reviewed. B. Ackell indicated that he currently keeps two lawnmowers at the site and has two employees. Commissioner Frankel advised that landscaping is not permitted in the TCD. K. Ackell stated that the TCD allows contractors, and that his son is a State-licensed contractor. The Zoning Commission regulations recognize him as a landscaper. It was noted that the workshop operated by the elder Ackell is a pre-existing, non-conforming use.

Brian Ackell advised he has a mason dump truck and a pick up stored outside, and two mowers that go into another garage in the winter. Commissioner Lynch inquired regarding items that are stored outside, and K. Ackell indicated sometimes a backhoe is present. K. Ackell advised that the house is in the residential zone, and the garage is in the commercial zone. The Commission agreed that landscaping is not a permitted use in the zone. Commissioner Miller indicated he would want to continue this discussion when ZEO Dew is present.

The Commission will return to this matter at the November 14, 2013 meeting.

- e. **Proposed Moratorium #201300956: Proposed Moratorium on Medical Marijuana**
1. Copy of Town of Ridgefield's Proposed Amendment to the Zoning Regulations dated 8/29/13

Commissioner Miller moved to set a Public Hearing for #201300956: Proposed Moratorium on Medical Marijuana, for November 14, 2013, at 7:30 p.m. Secretary Lollie seconded the motion, and it carried unanimously.

Commissioner Lynch moved to add at Item 6.f., LED Lighting Regulations, #201300957. Commissioner Miller seconded the motion, and it carried, 4-0-1, Commissioner Frankel did not vote on this matter.

- f. **LED Lighting Regulations, #201300957 -**

Commissioner Miller moved to set a Public Hearing re: LED Lighting Regulations, #201300957, for November 14, 2013, immediately following the first Public Hearing. Secretary Lollie seconded the motion. Commissioner Frankel requested a copy of the draft regulation. Secretary Lollie indicated he would provide it to her. Motion carried, 4-1, with Commissioner Frankel opposing.

- c. **460 & 501 Candlewood Lake Rd #201300952 (Design Review) & #201300952 (NRR): Design Review and Natural Resources Removal Applications for "Brookfield Parks Revitalization Project" to add: basketball court, artificial playing fields, and a building (dec date 12/27/13)**

1. "Development Report" for "Brookfield Parks Revitalization Project" prepared by CCA, LLC dated 10/17/13
2. Map Cover Sheet titled "Brookfield Parks Revitalization Project" prepared by CCA, LLC dated 10/17/13
 - "General Legend, Notes And Abbreviations" dated June 2012 – sheet N1
 - "Topographic Survey" dated 1/26/10 revised 2/7/12 – sheet 1 of 1
 - "Cadigan Park Layout & Materials Plan" dated 10/17/13 – sheet C1
 - "Cadigan Park Grading & Drainage Plan" dated 10/17/13 – sheet C2
 - "Cadigan Park Utilities Plan" dated 10/17/13 – sheet C3
 - "Town Park Demolition Plan" dated 10/17/13 – sheet C4
 - "Town Park Layout & Materials Plan" dated 10/17/13 – sheet C5

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- “Town Park Grading & Drainage Plan” dated 10/17/13 – sheet C6
 - “Cadigan Park Utilities Plan” dated 10/17/13 – sheet C7
 - “Town Park Landscape Plan” dated 1/30/13 – sheet C8
 - “Notes & Details Plan” dated 10/17/13 – sheets C9 thru C11
 - “Sedimentation And Erosion Control Plan” dated 12/7/05 – sheet E1
3. “Proposed Floor Plan” for new building at Town Park prepared by Doyle / Coffin Architecture dated October 2013
- “Elevation Plan” for new building

R. Zini, Doyle & Coffin Architecture, Ridgefield, CT, and A. Adams, Registered Landscape Architect, CCA, were present. The Commission is in receipt of a complete application, and lighting specifications will be sent in before the Public Hearing. The applicant is awaiting a letter of consent from First Light Power, and will be before the Inland Wetlands Commission on October 28, 2013. A pre-application review has occurred.

Mr. Zini advised that the applicant is hoping to send out bids for the project over the winter.

There was discussion regarding the decision date for this application.

Secretary Lollie moved to set a Public Hearing for 460 & 501 Candlewood Lake Rd #201300952 (Design Review) & #201300952 (NRR): Design Review and Natural Resources Removal Applications for “Brookfield Parks Revitalization Project” to add: basketball court, artificial playing fields, and a building, for November 21, 2013, at 7:30 p.m. Commissioner Miller seconded the motion, and it carried unanimously.

7. Tabled Items: None.

8. Informal Discussion: Chairman Blessey has requested that a Special Meeting to discuss the Town Center District regulations be scheduled. After discussion regarding various Commissioners’ availability, it was decided that a **Special Meeting will be scheduled for November 7, 2013, at 6:00 p.m.**

Community Development Director Daniel thanked the Commissioners for their comments at the last special meeting, and welcomed any additional comments from Commissioner Lynch, who was not present. She reviewed the three steps of the scope of work: 1) develop a preferred set of design guidelines; 2) working with Fitzgerald and Halliday to develop the guidelines; and 3) holding a public workshop on 12/5/13, including architects, landscape architects, residents, developers and other interested parties.

There was additional discussion regarding scheduling workshops with Fitzgerald and Halliday.

Commissioners Lynch and Miller indicated they will commit to November 7th, and Vice Chairman Grimes may be present by teleconference. CDD Daniel is hopeful that the workshop on November 7 will result in illustrations and language that describe the design details. Additionally, Commissioner Miller will email the Simsbury regulation language to CDD Daniel.

CDD Daniel would like to add Discussion re: TCD Design Guidelines to the Agenda for the November 14, 2013, and begin the meeting at 6:00 p.m., to plan for the workshop on December 5, 2013, and preview the public survey. This matter will also be placed on the November 21, 2013 Agenda.

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CDD Daniel welcomed the Commissioners feedback on architects, landscape architects, and other technical professionals, as well as photographs of satisfactory design examples.

9. Comments of Commissioners: None.

**10. Adjourn: Commissioner Miller moved to adjourn the meeting at 9:07 p.m.
Commissioner Lynch seconded the motion, and it carried unanimously.**

****Next Regular Meeting Scheduled for November 14, 2013****