

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, January 9, 2014 – 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, J. Cordisco, E. Kukk, Alternate J. Varda (arrived at 7:02 p.m.)

Absent: Alternate M. Frankel

Also Present: Zoning Enforcement Officer A. Dew, Recording Secretary D. Cioffi

a. Review Minutes of Previous Meetings: 12/12/13 – Vice Chairman Grimes moved to approve the Minutes of the December 12, 2013 meeting. Secretary Lollie seconded the motion, and it carried unanimously.

Vice Chairman Grimes moved to go to Agenda Item 6.c. Secretary Lollie seconded the motion, and it carried unanimously.

6. New Business

- c. 3 Hickory Hill Road #201301189: Customary Home Occupation for a Veterinary Clinic going by the name “LaCava’s Mobile Veterinary Service, LLC”**

Dr. Cassandra LaCava, was present. She indicated that she currently has a mobile veterinary business, and would like to utilize a small area (330 square feet) in her 1,900 square foot home to see appointments, one day a week, and to store supplies. The business will have one additional employee. Dr. LaCava advised that she is licensed and insured. She further stated that the address has been zoned for business in the past. Dr. LaCava reviewed the details for parking and entering the business portion of the home. The one commercial vehicle that is part of the present mobile operation will also be present at the site.

Vice Chairman Grimes requested confirmation that there has not been a Customary Home Occupation at the site since 2005, and Dr. LaCava advised that was indeed the case.

The location of the home was discussed.

Chairman Blessey inquired if there is a separate entrance for the business, and Dr. LaCava advised there is. She further indicated that there would be no more than three cars at the site in one day. Chairman Blessey read the definition and specifications of a Customary Home Occupation. Chairman Blessey inquired regarding what would be done with medical waste, and Dr. LaCava advised she has medical waste containers that she brings to a veterinary hospital for disposal.

Commissioner Kukk inquired if any dogs would be staying overnight after procedures; and Dr. LaCava indicated it would only occur in the case of a spaying procedure. She further advised that there would be no “involved” surgeries performed at the site, only routine procedures. At the inquiry of Commissioner Varda, there was discussion regarding the maximum number of domestic animals allowed before the use is classified as a “kennel”.

Vice Chairman Grimes moved to approve application #201301189, Customary Home Occupation, at 3 Hickory Hill Road. ZEO Dew inquired if the Commission wished to stipulate that only animal per night would be allowed at the site. Alternate Varda noted that the applicant would have to abide by the maximum allowed by the regulation of four (4) dogs. **Commissioner Cordisco seconded the motion, and it carried unanimously.**

2. Land Use Enforcement

ZEO Dew reported on the following:

a. Enforcement Officer's Report:

Requests for Voluntary Compliance

153 Pocono Rd., #201301054 – ZEO Dew reported that it appears that almost the entire site has been cleaned up. She will contact the homeowner to verify what is allowed at the site. She advised that there are trailers behind the fencing.

270 Federal Rd., #201301048 – ZEO Dew advised that the truck has not reappeared. She will remove this item from the report for now.

99 Federal Rd., #201301096 – ZEO Dew indicated that Savers had extra containers on the site. A letter was sent to the property owner, and he advised that there was some miscommunication with the manager of Savers. Assistant ZEO Lollie spoke with the manager, and he/she will come to the Land Use Office to complete the paperwork for a site plan modification for the containers.

Cease and Desist

36 Kellogg St., #201301003 – A photograph of the offending vehicle (a hearse) was reviewed. There are plates on the car, and it is in a designated driveway. ZEO Dew will remove this item from the report.

594 Federal Rd., #201301124 – Mr. Lavelle is present at tonight's meeting. The apartment has been vacated. ZEO Dew will inspect the site tomorrow, and if vacant, this item will be removed at the next meeting.

101 Laurel Hill Rd., #201300758 – Mr. Bacon came in to the Land Use Office yesterday and advised that the clean-up is "progressing". Chairman Blessey requested that Mr. Bacon provide a schedule to the Commission for the clean-up. Chairman Blessey and Secretary Lollie advised that they both witnessed wood splitting and loading into trucks from the site last week.

148 North Lakeshore Dr., #20131115 – ZEO Dew advised that there are still vehicles in the side yard. **Vice Chairman Grimes moved to issue a Citation to 148 North Lakeshore Dr., #20131115. Chairman Blessey seconded the motion, and it carried unanimously.**

439 Candlewood Lake Rd., #201400006 – ZEO Dew indicated that there have been vehicles in the upper lot, and sent a Cease and Desist. Chairman Blessey requested that ZEO Dew send a memo to the fire marshal regarding the significant crowd at the restaurant and asking that he verify occupancy.

849 Federal Rd., #201301175 – A Cease and Desist was sent. Mr. Sproviero came in to the office yesterday. This Cease and Desist relates to a business without Certificate of Zoning Compliance, and this will be discussed later on the agenda.

Citation

849 Federal Rd., #201300875 – See item above.

44 Old Middle Rd., #201301041 – A hearing with Hearing Officer J. Sullivan will likely be held on February 3, 2014.

14 Oak Grove Rd., #201300832 – The eviction is proceeding.

Town Counsel Action

Vice Chairman Grimes inquired if new Town Counsel Beecher was provided with copies of the files related to these items. ZEO Dew advised that it would be done prior to February 4, 2014.

Commissioner Kukuk requested an update on the 14 Oak Grove Road matter.

1 High Ridge Rd., #201000315 – It was noted that no one is living at this site. Vice Chairman Grimes inquired if there were fines on this matter. ZEO Dew indicated that Attorney Olson had advised it would cost more to collect the fines owed. Assistant ZEO/Secretary Lollie suggested that a lien be put on property, and Commissioner Kukuk agreed. This matter will be left on the report for transfer to new Town Counsel, Collins, Hannifin in February. Assistant ZEO Lollie will put the lien on the land records in the Town Clerk's office,

9 Stoney Farm Lane, #201100095 – No change in status.

39 Deer Run Rd., #201300758 – The debris has been cleaned up. The dumpster remains. ZEO Dew advised that there have been some potential interested buyers.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 12/9/13; Zoning Board of Appeals; Planning Commission 12/5/13;**
- b. Memo from Joan Locke, Town Clerk to All Commissions dated 12/27/13 Re: Board/Commission Vacancy Procedure (revised 7/13/12)
- c. Legal Briefings for Building Inspectors: December 2013
- d. Letter from Attorney Robert Talarico to Adma Alves (cc Zoning Commission) dated 12/4/13 – Re: 594 Federal Road
- e. Letter from Betsey Wingfield of the Bureau of Water Protection and Land Reuse dated 12/19/13 Re: Aquifer Protection Area Program Implementation for the Town of Brookfield – Level A Mapping – Approval for Aquarion Water Company’s Meadowbrook Well Field, Brookfield, CT

No discussion/no motions.

4. Public Hearing: None

Vice Chairman Grimes moved to add as Item 6.h., 887 Federal Rd. Chairman Blessey seconded the motion, and it carried unanimously.

6. New Business

h. 887 Federal Rd., #200300284 - *Bill Lavelle, 328 Federal Rd., was present.* Chairman Blessey reviewed that the Commission requested at the last meeting that Mr. Lavelle add items related to changes in the requirements for the zone, since the change to the Town Center District (TCD). *A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., was present.* She advised that the site plan has been brought up to conformance with TCD regulations and detailed the additions and deletions. The applicant is requesting to increase the extension from April 24, 2014 to October 24, 2017. **Secretary Lollie moved, after careful consideration, to approve application #200300284, the permit extension request be granted to October 24, 2017. Commissioner Kukk seconded the motion, and it carried unanimously.**

Vice Chairman Grimes moved to go to Agenda Item 6.e., 398 & 414 Federal Rd., #201200274. Commissioner Cordisco seconded the motion, and it carried unanimously.

- e. **398 & 414 Federal Road (Barnbeck Place) #201200274:** Request for bond modification (reduction) of \$149,536.50.
 1. Letter from Steven Sullivan of CCA, LLC to Zoning Commission dated 12/17/13 Re: Barnbeck Place – 398 & 414 Federal Rd – Application #201300274

Assistant ZEO/Secretary Lollie read a letter from the Commission regarding the previously granted extension. Chairman Blessey advised that he does not believe any action should be taken on the extension and/or modification until the applicant provides the information noted in the stipulation of the previous extension. *A. Adams, Registered Landscape Architect, was present on behalf of the application.* She advised that the reduction is being requested to meet current town regulations as well as state regulations. Chairman Blessey reiterated that the Commission would not act on this application due to the outstanding items in the stipulation. Upon inquiry from Commissioner Kukk, Chairman Blessey and Ms. Adams clarified the areas of the lot that apply to the above addresses. Ms. Adams indicated she would advise the client of the Commission’s position. **No motion.**

a. **3 Granite Drive #200900538**: Request for final bond release of \$4,600.00 - It was noted that the site has been inspected. **Vice Chairman Grimes moved to recommend to the Board of Selectmen the Request for final bond release of \$4,600.00 for 3 Granite Dr., #200900538. Secretary Lollie seconded the motion, and it carried unanimously.**

b. **50 North Mountain Road #200200237**: Request for final bond release of \$3,400.00 **Vice Chairman Grimes moved to recommend to the Board of Selectmen the Request for final bond release for \$3,400.00 for 50 North Mountain Rd., #200200237. Secretary Lollie seconded the motion, and it carried unanimously.**

d. **20 Vale Road (aka 111 Park Ridge Rd) #201200935**: Request for first bond release of \$38,197.50.

ZEO Dew advised that the request relates to release erosion control and setting the performance bond. The permit holder still has to install a retention basin and restripe the parking. **Commissioner Cordisco moved to recommend to the Board of Selectmen to release bond in the amount of \$38,197.50, for 20 Vale Rd., #201200935. Vice Chairman Grimes seconded the motion, and it carried unanimously.**

f. **104 Federal Road (Bank of America) #201301194**: Site Plan Modification to install new pole lighting for bank parking lot. (*dec date 3/14/14*)
1. Hand Drawn “Site Plan Map” handed into Land Use on 12/12/13
2. Specifications of the Lighting prepared by RAB Lighting

The file was reviewed. The Commission would like for the applicant and/or representatives to come in to discuss this matter at the next meeting. **No motion.**

5. Old Business:

a. **849 Federal Road #201301070**: Site Plan Modification And Certificate of Zoning Compliance for a wood storage and sales business.

M. Sproviero, and S. Sproviero, were present. The site plan modification is for the use of the site, with no exterior changes. The use is for tree cutting. It was noted by Chairman Blessey that wood cutting/wood sales are not allowed in the TCD zone. Mr. Sproviero inquired if he could rent out wood chippers from the site. Chairman Blessey advised that it would involve another application and another review of the use table. The use table for the TCD was reviewed. It was noted that rental of equipment and sales is allowed in the zone, with a requirement of a 10,000-square foot building.

The applicants were instructed to go to the Land Use Office for consultation and/or to get a copy of the use table for the TCD, prior to completing another application.

Vice Chairman Grimes moved to deny application #201301070, 849 Federal Rd., because the proposed use is not on the Table of Uses for the zone. Secretary Lollie seconded the motion, and it carried unanimously.

8. Informal Discussion:

a. **Signs and Illumination for Churches**: Requested by Rod Moore of First Assembly of God Church – *R. Moore, First Assembly of God, 138 Junction Rd., was present.* He inquired if there was a process to allow a special exception permit for churches and schools in the industrial zones.

Chairman Blessey suggested that the Commission draft a regulation to allow changeable informational signs for churches, schools, libraries and civic spaces. Vice Chairman Grimes advised he would be opposed to any such exception. Chairman Blessey indicated it would allow the communication of

information that would benefit the public. Vice Chairman Grimes indicated his objection relates to the inability to regulate fairly who would be able to use the sign(s). Commissioner Kukk indicated he believed that the regulation could be written to be specific enough to prevent abuse from occurring.

Commissioner Varda pointed out that the sign regulation was recently changed.

Chairman Blessey and Commissioner Kukk advised they would be willing to draft a regulation, and Commissioner Cordisco was in favor of this action. Assistant ZEO/Secretary Lollie, Vice Chairman Grimes, and Alternate Commissioner Varda were opposed to the creation of a special exception.

Mr. Moore inquired regarding what the current regulations are for a message board. ZEO Dew indicated that fifty percent of the wording can be changed. Alternate Commissioner Varda noted that the Commission has recently examined the sign issue.

Chairman Blessey advised that color, size, and locations of signs can be regulated.

g. Nomination and Election of Commission Officers for the 2014 Calendar Year

Vice Chairman Grimes moved to nominate Alice Dew as Zoning Enforcement Officer for 2014. Commissioner Cordisco seconded the motion, and it carried unanimously.

Vice Chairman Grimes moved to nominate Francis Lollie as Assistant Zoning Enforcement Officer for 2014. Chairman Blessey seconded the motion, and it carried unanimously.

Vice Chairman Grimes moved to nominate the following slate of officers for the Zoning Commission for 2014: Ryan Blessey as Chairman; Matthew Grimes as Vice Chairman; and Francis Lollie as Secretary. Commissioner Kukk seconded the motion, and it carried unanimously.

Deputy Enforcement Officers will be nominated at the next meeting.

7. Tabled Items: None.

Secretary Lollie moved to adjourn the meeting at 8:22 p.m. No second.

9. Comments of Commissioners:

Commissioner Varda indicated he has been requested by the Board of Selectmen regarding continuing his appointment, which expires in February. He will continue to serve as an Alternate.

Additionally, Vice Chairman Grimes indicated that the Republican Town Committee will be interviewing candidates to fill the remainder of Commissioner Cordisco's Alternate term. He also indicated that he would like to request of the next Charter Review Committee, that the Zoning Commission be allowed to select its own replacements, rather than those recommended by the Board of Selectmen.

There was discussion regarding the advantages and disadvantages of the current system, and how the selection process is handled by other Boards and Commissions. Vice Chairman Grimes indicated that at present, the Commission can make a non-binding recommendation to fill a vacancy, which may or may not be accepted by the Board of Selectmen.

There was discussion regarding the length of terms.

Vice Chairman Grimes will write a letter to the Charter Revision Committee when that new Committee is seated.

10. Adjourn: Commissioner Kukk moved to adjourn the meeting at 8:29 p.m. Commissioner Cordisco seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for January 23, 2014****