

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, January 23, 2014 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

1. Convene Meeting

Present: Chairman R. Blessey, Vice Chairman M. Grimes, J. Cordisco, Alternate and Voting Member M. Frankel

Absent: Secretary F. Lollie, Alternate J. Varda

Also Present: Zoning Enforcement Officer A. Dew, Recording Secretary D. Cioffi; *First Selectman W. Tinsley was present for a portion of the meeting.*

- a. **Review Minutes of Previous Meetings: 1/9/14 – Vice Chairman Grimes moved to approve the Minutes of the January 9, 2014 meeting, as submitted. Commissioner Cordisco seconded the motion. Vice Chairman Grimes noted that re: 148 North Lakeshore Dr., on page 2, that the Citation has not been issued yet, and that ZEO Dew will be issuing the Citation on January 24, 2014. Motion carried, 3-0-1, with Commissioner Frankel abstaining.**

Vice Chairman Grimes moved to go to Agenda Item 6.a. Chairman Blessey seconded the motion, and it carried unanimously.

6. New Business:

- a. **9 Obtuse Road South #201400026: Single Family Conversion**

1. Hand drawn plan of Apartment layout handed into Land Use 1/14/14

M. Leo, 9 Obtuse Rd. South, was present. She indicated that she is applying for single-family conversion for a 750-square foot apartment that is part of an unattached garage. She is attempting to evict the current tenant who has done work without a permit. Ms. Leo advised that she has notified the neighbors and the neighbors are aware of the meeting. She shared an aerial photograph of the site with the Commission. Upon inquiry from Vice Chairman Grimes, Ms. Leo pointed out where the property line is.

Vice Chairman Grimes moved to approve #201400026, Single Family Conversion, for 9 Obtuse Road South, as submitted. Commissioner Cordisco seconded the motion. Mrs. Leo indicated that she needs to let the building inspector have access to the site, and the tenant is not cooperating. Chairman Blessey explained that the approval relates only to use. He advised that the eviction proceedings will have to run its course prior to getting the building occupied; that matter is outside the purview of the Commission.

Commissioner Kukk arrived at 7:04 p.m.

Chairman Blessey, Vice Chairman Grimes and Commissioner Cordisco voted in favor of the motion, and the votes were then withdrawn. Commissioner Frankel inquired regarding the annual renewal process, and Chairman Blessey explained how the Land Use Office keeps track of ongoing permits, and how the age requirement of fifty-five (55) years old is applied as it relates to the property owner and/or tenant.

Motion carried, 4-0-1, with Commissioner Kukk abstaining.

- b. **24 Cove Road #201400027: Single Family Conversion**

1. “Plot Plan” showing proposed addition handed into Land Use 1/13/14

R. Cyr, 85 ½ Dodgingtown Rd., Bethel, CT, was present, on behalf of the applicant. Commissioner Frankel inquired regarding the “special permit” delineation, and Chairman Blessey indicated it would be removed from the application to prevent confusion in the future. The square footage and the plot

plan were reviewed by the Commissioners. It was noted that this application does not have to go through the Inland Wetland Commission's approval.

Vice Chairman Grimes moved to approve #201400027, Single Family Conversion, 24 Cove Road. Commissioner Cordisco seconded the motion, and it carried, 4-0-1, with Commissioner Frankel abstaining.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission; Zoning Board of Appeals 1/6/14; Planning Commission;**
- b. Invitation from Michael Klauck to attend his Eagle Scout Ceremony to be held 3/9/14
- c. Legal Briefings for Building Inspectors – January 2014
- d. Memo from Steven E. Byrne, Exec. Director of Connecticut Federation of Planning & Zoning Agencies Re: Save the Date – CFPZA Annual Conference – March 13, 2014
- e. Connecticut Federation of Planning And Zoning Agencies Quarterly Newsletter – Winter 2014

No discussion/no motions.

4. Public Hearing: None

2. Land Use Enforcement

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

Requests for Voluntary Compliance

153 Pocono Rd., #201301054 – ZEO Dew advised that the dumpster is still present. **Vice Chairman Grimes moved to issue a Cease and Desist to 153 Pocono Rd., #201301054. Chairman Blessey seconded the motion, and it carried unanimously.**

99 Federal Rd., #201301096 – The manager is waiting for the property owner's signature on the application. Although the parking requirement met the regulations for retail during the time of the approval process, the parking continues to be an issue.

20 Orchard St., #20140009 – ZEO Dew indicated that new lights were installed. For now, they have been shielded from the neighbors behind the site. It has not been determined what the lights are made of. A site plan modification and electrical permit are needed. **Vice Chairman Grimes moved to issue a Cease and Desist to 20 Orchard St., #20140009. Chairman Blessey seconded the motion, and it carried unanimously.**

9 Obtuse Rd. South, #201400010 – See above.

604 Federal Rd., #201400023 – The site has a new sign, and there are several tenants without permits. **Vice Chairman Grimes moved to issue a Cease and Desist to 604 Federal Rd., #201400023, if no application is received by January 28, 2014. Commissioner Frankel seconded the motion, and it carried unanimously.**

Cease & Desist Order

594 Federal Rd., #201301124 – The apartment has been vacated. This item can be removed.

101 Laurel Hill Rd., #201300758 - More of the site has been cleaned up. A time schedule for the clean-up of the wood and removal of the truck is due by February 28, 2014. The remainder of the work must be completed by March 15, 2014.

148 North Lake Shore, #20131115– The citation will be issued tomorrow.

439 Candlewood Lake Rd., #20140006 – ZEO Dew advised that she has talked to the fire marshal about the capacity problems at this business.

849 Federal Rd., #201301175, #201300875 – Mr. Sproviero was expected to submit an application for a retail use for the back lot. The pipes are frozen at the site. He is expected at the next meeting. There

was discussion regarding when the wood would be removed, and when the Cease and Desist was issued. Vice Chairman Grimes moved to issue a Citation to 849 Federal Rd., re: 201301175. Commissioner Cordisco seconded the motion. Vice Chairman Grimes noted that at the last meeting, the business owners understood what they had to do to comply. Chairman Blessey indicated that the Commission should request a timeline from the business owner. Vice Chairman Grimes pointed out that the Commission is charged with enforcing the regulations, and a Cease and Desist was issued five weeks ago. Chairman Blessey suggested that two more weeks be allowed. Commissioner Frankel advised she agreed with Vice Chairman Grimes. ZEO Dew noted that wood is not being cut at this site, or at 101 Laurel Hill Road. Motion carried, 4-1, with Commissioner Kukk opposing.

Citation

44 Old Middle Rd., #201301041 – This matter is going to a hearing on February 3, 2014.

Town Counsel Action

1 High Ridge Rd., #201000315 – Secretary Lollie will follow up with Attorney Beecher.

39 Deer Run Rd., #201300758 – All but the dumpster is cleaned up.

Miscellaneous

Vice Chairman Grimes discussed the hearing procedures for Citations. ZEO Dew advised that the procedures are in the regulations under Enforcement. Vice Chairman Grimes requested clarification regarding what happens after the Hearing Officer makes recommendations and what the Commission's options for adopting the findings of fact. ZEO Dew will review the procedures and provide clarification.

14 Oak Grove Rd., #201300832 – No discussion/no motions

5. Old Business:

a. 398 & 414 Federal Road (Barnbeck Place) #201200274: Request for bond modification (reduction) of \$149,536.50 – *No one present.*

b. 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. New Map of "Site" faxed into Land Use 1/15/14

2. Luminaire Plan prepared by Rad Lighting faxed into Land Use 1/15/14 – There was brief discussion regarding the photometric drawings. **The Commission requested that the applicant be present at the next meeting to present the application.**

7. Tabled Items: None.

8. Informal Discussion:

a. 849 Federal Road: Discussion of possible business uses in Town Center District – requested by Bob Thorne - *No one present.*

9. Comments of Commissioners: Commissioner Frankel inquired why Kellogg Street was taken off the report. She was advised that it was determined that the vehicle in question was registered. Commissioner Frankel indicated that the cutting of siding is occurring at the site every weekend.

Chairman Blessey advised that because the Aquarion Water Company now has over 1,000 customers, State regulations require that the Town assign an agency to oversee the aquifer protection regulations,

and an agent to be the aquifer protection regulation enforcer. He indicated that because the Zoning Commission already has aquifer protection regulations and enforcement powers, it will regulate activities on for aquifer protection. There was discussion regarding more specific mapping requirements. Additionally, the State regulations will have to be incorporated. Chairman Blessey pointed out an area of the Town where there are six well heads. He also recommended that the Wetlands Enforcement Officer be assigned as the enforcement agent. Vice Chairman Grimes expressed his concern regarding the additional duties for Land Use Staff. Chairman Blessey indicated that this will only involve drafting an application to adopt the regulations for a “Level A” map. He is hopeful that the process will be completed by the end of April.

The Board of Selectmen will also adopt an ordinance and hold a public hearing.

Chairman Blessey added that adopting the State regulations would be beneficial because they are quite specific.

Commissioner Frankel inquired regarding the status of the Town Center District regulations and the work by Fitzgerald & Halliday. Chairman Blessey will determine the status and report back to the Commission.

Vice Chairman Grimes advised that Jim D’Entremont will begin filling the remaining two years of Commissioner Cordisco’s Alternate position at the February 13, 2014 meeting.

10. Adjourn: Chairman Blessey moved to adjourn the meeting at 7:49 p.m. Vice Chairman Grimes seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for February 13, 2014***