

**APPROVED MINUTES  
BROOKFIELD ZONING COMMISSION  
Thursday, February 27, 2014 – 7:00 p.m.  
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

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**1. Convene Meeting**

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

**Present:** Chairman R. Blessey, Secretary F. Lollie (not a Voting Member until after Enforcement), J. Cordisco, E. Kukk, Alternate and Voting Member M. Frankel, and J. D'Entremont (not sworn in yet)

**Absent:** Vice Chairman M. Grimes

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

**a. Review Minutes of Previous Meetings: 1/23/14 – Chairman Blessey moved to approve the Minutes of the January 23, 2014 meeting. Commissioner Frankel seconded the motion, and it carried unanimously.**

**2. Land Use Enforcement**

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

*Assistant ZEO F. Lollie reported on the following:*

**Requests for Voluntary Compliance**

**99 Federal Rd., #201301096** – Asst. ZEO Lollie advised he has made numerous attempts to get the manager of this business in to the Land Use Office to complete the paperwork for a site plan modification. **Chairman Blessey moved to issue a Cease and Desist to 99 Federal Rd., #201301096. Commissioner Kukk seconded the motion, and it carried unanimously.**

**300 Federal Rd., #201400104** – This violation relates to storage of vehicles behind the building. The property owner has indicated that the vehicles will be removed when the area is clear of snow. At that time, Asst. ZEO Lollie will reinspect.

**Cease and Desist Orders**

**101 Laurel Hill Rd., #201300758** – This property owner has one more day for completion. The schedule for removal has been provided. Chairman Blessey indicated that work has been done on the site. Asst. ZEO Lollie will reinspect.

**439 Candlewood Lake Rd., #201400006** – This site has been inspected on several occasions. The business is using the rear parking lot for parking and it does not have a Certificate of Zoning Compliance. The business did get approval for a site plan, but the work was not completed.

**Chairman Blessey moved to issue a Citation to 439 Candlewood Lake Rd., #201400006. Commissioner Frankel seconded the motion, and it carried unanimously.**

**153 Pocono Rd., #201301054** – The vehicles have been moved and the property has been cleaned up. A dumpster is still present for household garbage. Asst. ZEO Lollie will clear this item from the report.

**20 Orchard St., #201400009** – Asst. ZEO has been working with Paul Scalzo, who has advised that a photometric plan will be submitted. Asst. ZEO Lollie will notify the Commission when it is received. The lights have been shielded.

**604 Federal Rd., #201400023** – Applications for a CZC and a sign have been submitted. Asst. ZEO Lollie will remove this item from the report.

**Citation**

**849 Federal Rd., #201300875** – Asst. ZEO Lollie inspected the apartment today, and it is vacant.

**#201301175** – The property owner has paid the Citation fee, and the woodcutting business is leaving. He has asked for thirty (30) days to remove the equipment. This will be reviewed at Asst. ZEO Lollie's discretion.

**44 Old Middle Rd., #201301041** – The Hearing Officer’s Decision on the Citation is in the Commissioner’s packets. The violation was upheld. There is no violation at this time, and the property owner owes the Town for fines.

**148 North Lake Shore, #20131115** – There are vehicles parked on the side yard, as well as a Jet Ski and a van. The property owner has refused to accept the enforcement letters. **Chairman Blessey moved to refer 148 North Lake Shore, #20131115, to Town Counsel. Commissioner Cordisco seconded the motion, and it carried unanimously.**

**Town Counsel Action**

**1 High Ridge Rd., #201000315** – Nothing new to report. Asst. ZEO Lollie will work with Counsel to complete the template.

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

**39 Deer Run Rd., #201300758** - Nothing new to report.

- b. **44 Old Middle Road #201301041**: Citation Decision and Notice of Assessment After Hearing prepared by James Sullivan, Hearing Officer dated 2/5/14 – See above.
- c. Letter from Alice Dew, ZEO to M. Sprioviero dated 2/20/14 Re: 849 Federal Road – Files #201300875, 201302275 & 201301070 – See above.

**3. Review Correspondence**

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 1/6/14, 1/27/14, 2/10/14; Zoning Board of Appeals; Planning Commission 1/16/14, 2/6/14;**
- b. Letter from Evonne Klein, Commissioner of Department of Housing to Governor Malloy dated 12/31/13 Re: Annual Report on the Incentive Housing Zone Program.
- c. Legal Briefings for Building Inspectors: February 2014
- d. Letter from Steven Byrne, Ex. Dir. Of Ct Federation of Planning & Zoning Agencies to Zoning Commission Re: CFPZA Annual conference – March 13, 2014

No discussion/no motions.

**4. Public Hearing: None**

*At this time (7:09 p.m.), Secretary Lollie became a Voting Member.*

**5. Old Business:**

- a. **398 & 414 Federal Road (Barnbeck Place) #201200274**: Request for bond modification (reduction) of \$149,536.50

*S. Sullivan, PE, CCA, 40 Old New Milford Rd., was present, along with T. VonRosenvinge, on behalf of the applicant. Mr. Sullivan indicated that the applicant was requesting a reduction in the bond in accordance with a change in the state statute. Chairman Blessey advised that the Commission made a stipulation for the approval of the extension related to certification that the slope was stable. Mr. Sullivan stated that there is no other modification being requested other than getting bond reduced. Chairman Blessey clarified that the statute change relates to bonding only for safety and erosion and sedimentation control. Mr. Sullivan added that the general contractor is looking to start work in March.*

*S. Sullivan shared a copy of the bond estimate with the Commissioners. The applicant is requesting a reduction from \$300,000 to \$150,463.50. Commissioner Frankel noted that the agenda above lists a different amount.*

Chairman Blessey reviewed the specifications of the bond estimate for both sites. He inquired if the entrance to the site is secure. Mr. Sullivan noted that there is a chain rope. Chairman Blessey

explained that the purpose of the bond, per the statute, is that if the property is foreclosed on, how much it would cost for the Town to make the site safe.

Secretary Lollie indicated that he has walked the site recently, and it “seemed secure”. Chairman Blessey agreed that there are currently no erosion issues.

Commissioner Kukk inquired regarding the size of the proposed buildings and how much dirt would have to be brought in to return the site to its previous state. Chairman Blessey explained that the site would more likely be fenced to keep it safe. Commissioner Frankel inquired regarding the stabilization of the rear bank. Chairman Blessey advised that the applicant has certified that it is stable. Mr. VonRosenvinge indicated that there is rock underneath that cannot be seen.

**Chairman Blessey moved to recommend to the Board of Selectmen to reduce the bond at 398 & 414 Federal Rd. (Barnbeck Place), #201200274, from its current rate to \$150,463.50. Commissioner Cordisco seconded the motion, and it failed, with Commissioners Kukk, Lollie and Frankel opposing.**

Chairman Blessey inquired of the Commissioners what they felt the appropriate bond amount should be. Secretary Lollie indicated that the requirement in the approval letter that it “should” be stable, should be changed to “will” be stable. Commissioner Frankel made a point of order that the issue has been discussed and voted upon.

Chairman Blessey indicated that the stipulation relates to the final grade when the property is finished, not what the slope is now. Commissioner Frankel stated that she believes there is a violation on the property. Mr. Sullivan requested that the alleged violation be put in writing. Secretary Lollie indicated he does not believe there is a violation, but he does not find the bond amount appropriate.

Commissioner Kukk requested clarification on the listed amount, and Mr. Sullivan indicated that it represented if work were to start again, and soils were exposed, what it would take to re-established vegetation at the site. Mr. Sullivan also advised that no more blasting would occur at the site.

Commissioner Frankel disagreed that that the bond number is appropriate. She would prefer to review the paperwork and visit the site. Chairman Blessey noted that this item has been on the agenda since January.

Chairman Blessey requested that the applicant complete another application for a reduction for the next meeting’s agenda.

**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*) –**  
*K. Valente, Pascara Electric, was present.* The applicant wishes to install a light pole for the bank parking lot. The photometric plan shared and reviewed. The pole height is 20 feet. Chairman Blessey advised that the proposal is within the regulation.

**Secretary Lollie moved to approve #201301194, 104 Federal Rd., Bank of America, Site Plan Modification, to install two new light poles for the bank parking lot. Commissioner Kukk seconded the motion, and it carried unanimously.**

**6. New Business:**

**Chairman Blessey moved to go to Agenda Item 6.b. Secretary Lollie seconded the motion, and it carried unanimously.**

- b. 14 Candlewood Lake Road (The Paper Store) #201400075: Site Plan Modification for alterations to the storefront. Demolish knee wall and replace with tempered glass. (dec date 4/18/14)**

1. Drawing titled “Demo And Proposed Exterior Elevations” prepared by Scott Griffin Architects dated 1/2/13 – sheet A4 -

*P. English, 600 South Meadow Rd., Lancaster, MA, was present.* He advised that he is seeking a site plan modification, to include a demolition of the knee wall and extending the glass to floor. He explained that the location for the work is comprised of the old Hallmark store and abutting liquor store. The stores will be combined with one door in the middle.

**Commissioner Cordisco moved to approve #201400075, Site Plan Modification, 14 Candlewood Lake Rd. Commissioner Kukuk seconded the motion, and it carried unanimously.**

- c. 14 Candlewood Lake Road (The Paper Store) #201400074: New Illuminated Building Sign**

1. Plans showing the proposed sign and lighting for The Paper Store handed into Land Use 1/30/14

It was noted that the applicant would like an illuminated sign for this site. Chairman Blessey explained that the regulation was changed three months ago. The application for the sign was reviewed.

**Chairman Blessey moved to approve the sign at 14 Candlewood Lake Rd., #201400074, for an illuminated sign. Secretary Lollie seconded the motion. Commissioner Frankel noted that the sign complies with the regulations. Motion carried unanimously.**

- a. 540 Federal Road (Oak Meadows) #201400039: Site Plan Modification to revise construction phasing. Move Clubhouse area into Phase 2 (dec date 4/18/14)**

1. Map titled “Phasing Plan” prepared by CCA, LLC dated 8/14/08 revised thru 1/21/14 – sheet PH1

*S. Sullivan, PE, CCA, 40 Old New Milford Rd., was present.* He indicated that the modification is for the phasing of the construction at the site. He explained that Phase 1A is complete. The applicant is seeking to begin construction on the clubhouse and Buildings 12 and 13. Commissioner Kukuk inquired when the clubhouse construction would begin, and Mr. Sullivan indicated it would be in a couple of months. Secretary Lollie inquired regarding additional parking, and Mr. Sullivan indicated that it was not part of any particular phase and has not been completed yet.

**Chairman Blessey moved to approve the Site Plan Modification for #201400039, 540 Federal Rd., to make the adjustments in the phasing of the project. Secretary Lollie seconded the motion, and it carried unanimously.**

- d. Plan of Conservation and Development: Letter from Katherine Daniel, Community Development Director to Zoning Commission dated 1/23/14 Re: Updates to sewer infrastructure in the TCD due to location of Incentive Housing Sub-zones.**

*CDD Daniel was present.* She advised that the Water Pollution Control Authority will update the sewer map to include all future incentive housing projects. The extension of the sewer line will also need to be approved by the Board of Selectmen. **No motions.**

- e. 337 Federal Road #201400083: Design Review for a 2,880 sq. ft. new Dunkin’ Donuts building and associated site amenities (PH set by 4/18/14)**

1. Project Report for 337 Federal Rd prepared by CCA, LLC dated 2/6/14
2. Traffic Report prepared by Traffic Engineering Solutions, P.C. dated 12/16/13
3. Map titled “Pre-Development Drainage Areas” prepared by CCA, LLC dated 2/6/14 – sheet DRA1
  - “Post-Development Drainage Areas” dated 2/6/14 – sheet DRA2
  - “Catch Basin Drainage Areas” dated 2/6/14 – sheet DRA3
4. **Map Cover Sheet titled “Dunkin’ Donuts” prepared by CCA, LLC dated 2/6/14**
  - “General Legend, Notes And Abbreviations” dated 6/2012 – sheet N1
  - “Zoning Location Survey Showing Proposed Improvements” dated 12/5/13 – sheet 1 of 1
  - “Demolition & Existing Conditions Plan” dated 2/6/14 – sheet C1
  - “Layout & Materials Plan” dated 2/6/14 – sheet C2
  - “Grading & Drainage Plan” dated 2/6/14 – sheet C3
  - “Utilities Plan” dated 2/6/14 – sheet C4
  - “Landscape Plan” dated 2/6/14 – sheet C5
  - “Erosion Control Plan” dated 2/6/14 – sheet C6
  - “Notes & Details” dated 2/6/14 – sheet C7 – C10
  - “Sedimentation And Erosion Control Plan” dated 12/7/05 – sheet E1
5. Map titled “Proposed Floor Plan” prepared by James D. Smith, Architect dated 12/7/13 – sheet A1
  - “Exterior Elevations” dated 2/3/14 – sheet A2 & A3
6. “Site Lighting Photometric Plan” prepared by Apex Lighting Solutions dated 2/5/14 – sheet SLI-A
7. **Bonding Cost Estimate:** Erosion & Sedimentation Controls in the amount of \$21,109.00 (prepared by CCA, LLC) dated 1/17/14

**Commissioner Frankel moved to set a Public Hearing for 337 Federal Rd., #201400083: Design Review for new Dunkin’ Donuts building and associated site amenities, for March 13, 2014, at 7:30 p.m. Commissioner Kukk seconded the motion. Commissioner Frankel confirmed that the applicant has made use of the pre-application process. Motion carried unanimously.**

- f. **450 & 460 Federal Road #201400113 DR and #201400113 NRR: Design Review for a proposed new 36,048 sq. ft. new retail building & associated site amenities (application for Natural Resource Removal included with this Design Review).**
  1. Project Report for Proposed Retail Development prepared by CCA, LLC dated 2/20/14
    - Drainage Report (*included in Project Report*)
  2. Bonding Cost Estimate of \$68,763.75 (*included in Project Report*)
  3. **Map Cover Sheet Titled “Proposed Retail Development, Lots 2 & 3 Four Fifty Federal Industrial Subdivision” prepared by CCA, LLC dated 2/20/14**
    - “General Legend, Notes And Abbreviations” dated June 2012 – sheet N1
    - “Property & Topographic Survey” dated 2/14/14 – sheet 1 of 1
    - “Layout & Materials Plan” dated 2/20/14 – sheet C1
    - “Grading & Drainage Plan” dated 2/20/14 – sheet C2
    - “Utilities Plan” dated 2/20/14 – sheet C3
    - “Landscape Plan” dated 2/19/14 – sheet C4
    - “Erosion Control Plan” dated 2/20/14 – sheet C5
    - “Notes & Details” dated 2/20/14 – sheets C6 thru C8
    - “Sedimentation And Erosion Control Plan” dated 12/7/05 – sheet E1
  4. **Architects Rendering and Plans** prepared by H&R Design, Inc. dated 2/18/14 – sheets 1 thru 9

5. **Site Lighting Photometric Plan** prepared by Apex Lighting Solutions dated 2/20/14 – sheet SL-1B

Commissioner Frankel moved to set a Public Hearing for 450 & 460 Federal Rd., #201400113, Design Review and #201400113, Natural Resources Removal, for March 13, 2014, at 8:00 p.m. Chairman Blessey seconded the motion, and it carried unanimously.

- g. **Proposed Regulation Change #201400115: Section 242-404K and Appendix – Incentive Housing Design Guidelines**

Secretary Lollie moved to set a Public Hearing for Proposed Regulation #201400115, Section 242-404K and Appendix – Incentive Housing Design Guidelines, for March 27, 2014, at 7:30 p.m. Commissioner Cordisco seconded the motion, and it carried unanimously.

7. **Tabled Items:** None.

8. **Informal Discussion:**

- a. **849 Federal Road:** Possible business requested by Bob Thorne – *Not present.*

**777 Federal Rd.** – CDD Daniel advised that the property owner would like to schedule a mandatory pre-application meeting. She inquired of the Commission who the team participants should be, such as the standard participants of a landscape architect and architect. She noted that the Town does not employ either of those professionals, and it is not likely that the applicant would have to pay at the pre-application phase. CDD Daniel noted that the Commission has encouraged the use of volunteers.

**Pre-application Review Process** – Chairman Blessey indicated that the current regulations require coming before the Commission with a design review or site plan modification. There was discussion regarding the design review and the “special permit” outlined in the statute. Commissioner Frankel discussed the difference between the site plan and the special permit, noting that the site plan is an administrative approval, and a special permit is a published public hearing.

CDD Daniel indicated that the Town is close to having a State recognized incentive housing zone that will result in funding, but requires formalization of the regulations so approvals can be done via site plan approval process rather than special permit.

There was discussion regarding the Town’s 2.12% rate of affordable housing versus the State goal of ten percent. CDD Daniel will provide the incentive housing funding figures at the next meeting. Chairman Blessey noted that if the special permit process is eliminated, it will qualify the Town for State funds, but reduce the Commission’s authority to regulate standards in the zone. CDD Daniel pointed out that the incentive housing regulations include design guidelines, to provide standards for the administrative approval. She indicated that she is seeking feedback from the Commission of the draft regulations from Fitzgerald and Halliday.

Chairman Blessey discussed the possibility of adopting the design criteria in the underlying zones. He and Commissioner Frankel noted the favorability of having design guidelines for developers to work with.

CDD Daniel noted that the special permit process will still be available. She suggested hearing from planners from area municipalities that have adopted incentive housing regulations to see how they have worked in their towns. Chairman Blessey recommended that incentive housing be limited so as to allow for commercial development. CDD Daniel noted that the “mixed use” zone is not very mixed.

Commissioner Frankel discussed the possibility of having a Saturday morning workshop. There was discussion regarding reviewing which parcels in the area should be included in the zone, and the consideration of historical parcels. Chairman Blessey indicated that the Historical Society was requested to provide an inventory of properties in the Town Center District that were historical and valuable.

There was discussion regarding professionals that could be considered for the pre-application review team. It was also verified that Fitzgerald and Halliday will be present at the public hearing.

**The March 13, 2014 Meeting will begin at 6:30 p.m., for the purposes of discussion with Fitzgerald and Halliday.** Interested parties will be advised of the discussion, and made aware that public hearings on other matters will begin at 7:30 p.m.

CDD Daniel advised that there are developers readying applications in the area. She proposed that a short moratorium be instituted to allow for the development of the guidelines.

**Chairman Blessey moved to add to New Business, as Agenda Item 6.h., Moratorium on any design review or site plan modification applications in the Town Center District and Incentive Housing Overlay Zone. Commissioner Frankel seconded the motion, and it carried unanimously.**

**6. New Business (continued)**

**h. Moratorium on design review or site plan modifications in the Town Center District and Incentive Housing Overlay Zones – Chairman Blessey moved to set a Public Hearing for March 13, 2014, as the third public hearing, re: Moratorium on design review or site plan modifications in the Town Center District and Incentive Housing Overlay Zone. Secretary Lollie seconded the motion, and it carried unanimously.**

**9. Comments of Commissioners:** Commissioner Frankel inquired if there would be a Saturday workshop. Chairman Blessey advised he will draft a map for comment at the March 13, 2014 meeting.

**10. Adjourn:**

**Chairman Blessey moved to adjourn the meeting at 8:27 p.m. Secretary Lollie seconded the motion, and it carried unanimously.**

**\*\*Next Regular Meeting Scheduled for March 13, 2014\*\***