

APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, March 13, 2014 – 6:30 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

1. Convene Meeting

Chairman R. Blessey convened the meeting at 6:30 p.m. and established a quorum of members.

Present: Chairman R. Blessey (left the meeting at 8:17 p.m.), Vice Chairman M. Grimes, Secretary F. Lollie, J. Cordisco, E. Kukk, Alternates and Voting Members where indicated, M. Frankel and J. D'Entremont

Absent: None.

Also Present: Community Development Director K. Daniel, Zoning Enforcement Officer A. Dew, Carol Gould, Fitzgerald & Halliday, *Ex Officio Member*, Selectman M. Flynn, Interested Members of the Public, Recording Secretary D. Cioffi (arrived at 6:50 p.m.)

Vice Chairman Grimes moved to go to Agenda Item 5.a. Commissioner Cordisco seconded the motion, and it carried unanimously.

5. Old Business:

- a. Proposed Regulation Change #201400115: Section 242-404K and Appendix – Incentive Housing Guidelines: [6:30 p.m. discussion with Fitzgerald & Halliday] – ph scheduled for 3/27/14**

C. Gould, Fitzgerald & Halliday, was present. She reviewed the process of drafting the guidelines to date, including the provision of zoning language, zoning workshops, the on-line survey and community workshop for town residents, and the development of a manual of design guidelines and associated draft regulations. She indicated that the regulations will be pertaining only to applications for development in the Incentive Housing Zone and the Town Center District. The draft regulations will outline what is preferred in the district and what is mandatory (utilizing the word “shall”). The design guidelines will also reconcile other sections of the regulations that relate to signage, parking and lighting.

The proposed regulations were reviewed, including subsections on purpose/guiding principles; the review process (including a design review team); and the guidelines, specifically as they relate to site design and the application process. CDD Daniel advised that a draft of the guidelines is available on the Land Use website. Ms. Gould summarized the draft guidelines that relate to historic structures, building orientation, sidewalks, and landscaping in parking lots.

Commissioner Frankel inquired regarding the status of the draft regulation for shared parking. Ms. Gould and Chairman Blessey indicated that this is an area that continues to need to be developed so that it is consistent throughout. Commissioner Frankel also asked about the status of sidewalk material and road cuts. CDD Daniel further advised that there is a separate and preliminary draft of streetscape design that contains information on this in the Land Use Office.

Ms. Gould continued to review the draft subsections on bicycle parking, open, public and green spaces, landscaping, lighting fixtures, and outdoor seating. There was detailed discussion, as well as graphics, regarding architectural guidelines related to building stories and size, facades, signage, roof types, and entrances. Ms. Gould requested feedback related to size of signage, proportionate to the building. Chairman Blessey requested visuals for the guidelines for entrances. CDD Daniel advised that roadside signs are not permitted in areas where there is a sidewalk.

Ms. Gould then went over awnings, and how additions to current buildings in the District would be handled.

Commissioner Frankel suggested that the Arts Commission be included in drafting guidelines, and there was discussion on adding this to Section 4.7.5. Chairman Blessey recommended that more details and visuals be added to the “building massing” section (Section 5.1). Ms. Gould indicated that she will look for more graphics. CDD Daniel will look at the original presentation to see if there are other images that can be used.

CDD Daniel reviewed that the purpose of tonight’s discussion was for the Commissioners to suggest changes, and determine which items should be mandatory, and which should be utilized as guidelines.

The definitions utilized in the draft will be incorporated in the beginning portions, and the revisions suggested this evening will be incorporated over the next week.

A recess was taken at 7:06 p.m. until 7:12 p.m.

There was discussion regarding whether the public hearing for the above was set prematurely. It was suggested that another working meeting be held, at which time the draft regulations can be compared to those in the regulation book to determine if there is any conflicting language.

A Special Zoning Commission will be held on March 20, 2014, at 6:30 p.m. Chairman Blessey and CDD Daniel will draft the agenda for this work session. **Additionally, the regular meeting on March 27, 2014, will begin at 6:00 p.m.**

Commissioner Frankel suggested that the public have access to the changes made prior to the public hearing, and Vice Chairman Grimes suggested that the meetings be noted in the Town Hall newsletter, “Brookfield Matters”. CDD Daniel noted that tonight’s meeting and the drafts have been duly advertised. Chairman Blessey will discuss with Town Counsel how to best handle the public hearing that has been scheduled for March 27, 2014.

3. Review Correspondence

- a. Minutes of other Boards and Commissions: Inland Wetlands Commission 2/24/14; Zoning Board of Appeals; Planning Commission 2/20/14; Zoning Sub-Committee**

No discussion/no motions.

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

6. New Business:

- a. 111 Park Ridge Road #201400146: Illuminated Building Signs and a Roadside sign for “Eastern Account Services” business**

- 1. “Site Plan” and photos of proposed new signs prepared by Pop Graphics**

M. Walsh, 38 Elm St., Meriden, CT, was present. Chairman Blessey reviewed for the Commission that the site plan modification for this property has been approved. Mr. Walsh discussed the halo-lit letters, and the materials of aluminum and high density foam material used in the signs. He also went over the LED’s and the installation of the sign. He noted that the only thing that will be lit at night is the word, “Eastern”.

Vice Chairman Grimes moved to approve #201400146, Illuminated Building Signs and a Roadside sign for “Eastern Account Services” business, for 111 Park Ridge Road. Secretary Lollie seconded the motion, and it carried unanimously.

- a. Review Minutes of Previous Meeting: 2/27/14**

Alternate Commissioner Frankel was a Voting Member for this item.

Chairman Blessey moved to approve the Minutes of 2/27/14. Secretary Lollie seconded the motion, and it carried 5-0-1, with Vice Chairman Grimes abstaining.

2. Land Use Enforcement

a. Enforcement Officer's Report:

Requests for Voluntary Compliance

300 Federal Rd., #201400104 – ZEO Dew indicated that a large amount of the cars have been removed. She will continue to work with the property owner until complete compliance is achieved.

10 Winding Rd., #201400136 – ZEO Dew reported that there are 7 vehicles present, and she is not able to determine if all are registered. She indicated that the property owner has until March 26, 2014 to respond, or April 4, 2014 to comply. **Vice Chairman Grimes moved to issue a Cease and Desist to 10 Winding Rd., #201400136, if no compliance by April 4, 2014. There was discussion regarding whether it has been determined that the property is out of compliance. Motion withdrawn.**

Cease and Desist Orders

101 Laurel Hill Rd., #201300758 – Chairman Blessey indicated that progress has been made. A schedule for clean-up was provided. Upon inquiry from Commissioner Frankel regarding the number of vehicles, ZEO Dew indicated there are 6 tractor trailers/pump trucks. This matter will be returned to.

4. Public Hearing 7:30 p.m.

a. 337 Federal Road #201400083: Design Review for a 2,880 sq. ft. new Dunkin' Donuts building and associated site amenities (ph close date 4/16/14)

1. Photometric Report prepared by Apex Lighting Solutions received in Land Use 3/4/14
2. Letter from Ed Batista to R. Blessey dated 3/4/14 Re: Proposed Dunkin' Donuts, 337 Federal Rd

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 March 1 and March 10, 2014. Chairman Blessey advised that the application was received on February 13, 2014. He then reviewed the policies and procedures that govern public hearings.

Secretary Lollie noted the following correspondence: dated March 4, 2014, to the Zoning Commission, from E. Batista, and dated February 14, 2014, from A. Dew, to Mr. Batista, re: traffic report and recommendations, as well as the variance, lighting, seating, and storm water management information.

Mr. S. Sullivan, PE, Ms. A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., Bruce Hillson, Traffic Engineer, and Mr. Batista, the applicant, were present. Mr. Sullivan reviewed the geography of the site, and indicated the existing greenhouse would be removed. He advised that there are no wetlands on the property. Mr. Sullivan noted that the building will be 2,880 square feet, and pointed out the points of access and egress, the 28 parking spots, and the drive-thru and canopy areas. Additionally, sidewalks along Federal Road are being proposed. A variance for the front-yard setback has been obtained, and storm water management via an underground retention system will be built. Mr. Sullivan added that the building will be connected to the sewer system, and pointed out the water main and proposed erosion control areas for construction. Lastly, he indicated the bond for \$21,109 is included in the file.

Chairman Blessey inquired regarding the narrowest point at the property, and Mr. Sullivan indicated that the drive-thru lane is 13 feet, and another area is 16 feet. Vice Chairman Grimes asked where the delivery trucks would access the site, and Mr. Sullivan showed a wide area to accommodate the trucks that will not disrupt the driveway.

Ms. A. Adams reviewed the proposed landscaping throughout the site, including the parking, walkway and courtyard areas. She indicated that the applicant would like to maintain an existing Sycamore tree. She then went over the lighting fixtures that have an “up-light” rating of zero. Chairman Blessey inquired if the photometric plan considered the slopes on the site, and Ms. Adams indicated she would find out.

Chairman Blessey also inquired regarding the size of the courtyard. Mr. Sullivan and Ms. Adams pointed out the area on the plans, and indicated it is not part of the pedestrian access. Mr. Sullivan advised that the applicant does wish to put seating outside. Commissioner Frankel indicated she was apprehensive about tractor trailers on the site, and inquired if landscaping shrubs could be placed along the north end. Chairman Blessey encouraged Mr. Sullivan to add the proposal for outdoor seating to the plan/application. The regulations for outdoor seating were reviewed.

Mr. Sullivan reviewed the architecture and building materials. There was discussion regarding the sign portion of the application.

B. Hillson, Traffic Engineer, Traffic Engineering Solutions, was present. He discussed the machine count, speed study, and added trips during morning and afternoon peak hours in accordance with Department of Transportation guidelines. He indicated that the capacity levels were at “acceptable” levels of service. Mr. Hillson also reviewed the sight lines, noting they are at or in excess of 600 feet. He pointed out that the “10’ width” mentioned in his memo should be corrected to read “20’ width. He advised that an encroachment permit will be submitted to the DOT. There was discussion regarding the proposed road widening, which will be reviewed by the State.

Commissioner Frankel suggested that the applicant consult HVECO regarding the road cuts. She also recommended that a “right turn only” sign be added. Chairman Blessey indicated this would be determined the State. Commissioner Frankel indicated that she would like any approval conditioned on DOT stipulations. ZEO Dew pointed out that, in the past, the Town has asked the DOT for approval prior to issuance of the Certificate of Zoning Compliance.

There were no questions of clarification. No one was present to speak in favor of the application, nor was anyone present to speak in opposition.

Vice Chairman Grimes moved to recess the Public Hearing for 337 Federal Road, #201400083, to March 27, 2014, at 7:30 p.m. Secretary Lollie seconded the motion, and it carried unanimously.

PH 8:00 p.m.

- b. 450 & 460 Federal Road #201400113 (DR) & #201400113 (NRR): Design Review for a proposed 36,048 sq. ft. new retail building & associated site amenities (application for Natural Resource Removal included with this Design Review) (ph close date 4/16/14)**
1. Photometric Plan prepared by Philips Lightolier received in Land Use 3/5/14
 2. Letter from A. Dew, ZEO to File dated 3/6/14 Re: 450 & 460 Federal Rd Proposed Retail Development #201400113

It was noted that the same introduction from the prior public hearing would be utilized for this public hearing, and there were no objections.

Chairman Blessey advised that the application was received Feb. 27, 2014. Secretary Lollie read the legal notice which was published in the News Times on March 1 and March 10, 2014. He then read a memo from the Water Source Review Committee dated 2/26/14, and a memo to the file from ZEO Dew dated 3/6/14.

Mr. S. Sullivan, PE, CCA, 40 Old New Milford Rd., was present. He reviewed that the proposal will involve combining Lots 2 and 3 of the subdivision on the site. The existing house will be demolished. He then discussed that there are no wetlands on the site. It was noted that a Natural Resources Removal Permit application is also being filed. Mr. Sullivan pointed out on the plans where the access and egress points are, noting a drive-thru on the south side of building. He stated that 154 parking spaces are proposed, and the applicant is willing to install sidewalks. Mr. Sullivan indicated that the stormwater management system will be underground, and the building will be connected to the sewer, and will be sprinklered. He pointed out that a bond of \$68,763.75 is in the file.

Upon inquiry from Commissioner Kukk, there was discussion regarding the removal of dirt, and the flatness of the site.

Ms. A. Adams, Registered Landscape Architect, CCA, was present. She reviewed the canopy understory, the shrubs and plantings that will be utilized. She indicated that 423 square feet of planters are required, and 1,000 square feet are being proposed. Upon inquiry from Chairman Blessey, she pointed out the refuse area. She also reviewed the proposed lighting for the site.

Commissioner Frankel inquired if a buffer would be provided to the abutting residential zone, and Ms. Adams advised that the very steep slope would remain vegetated. There was discussion regarding the Green Knolls lots. Commissioner Kukk inquired regarding the left side of the site, and it was noted it is industrial/commercial, and that it is vacant.

With regard to the future drive-thru, Mr. Sullivan confirmed for Commissioner Frankel that it will always be proposed for that side, and that ZEO Dew's suggestion regarding the stop sign would be added. ZEO Dew pointed out that that W. Gravius has suggested a "one way" sign, and Mr. Sullivan will also add that to the plan.

Chairman Blessey left the meeting at 8:17 p.m., at which time Vice Chairman Grimes became Acting Chair.

Commissioner D'Entremont was appointed a Voting Member at this time.

Scott Yates, H & R Design, Inc., Danbury, CT, was present. He presented elevations, reviewed the square footage, and building and roofing materials. He reviewed the access points of the building. Commissioner Frankel inquired where the mechanical equipment would be place, and Mr. Yates pointed out where in the building it would be, noting it will be hidden. Upon inquiry from Commissioner Cordisco, Mr. Yates indicated there was no second floor to the building, just an "overbuild"

J. Bubaris, Traffic Engineer, Bubaris Associates, Wallingford, CT, was present. He pointed out the driveways at the northern and southern ends of the combined lot, and indicated that the traffic study was done for a combination of retail/office, a future drive-thru operation (assumed fast food

restaurant), and the trip generation was based on that. Mr. Bubaris indicated that he obtained traffic counts from the DOT and figures for the Federal Road study area. He went over level of service ratings, noting a delay for left turns. He added that the sight lines and accident experience for both driveways are “excellent”. An encroachment permit will be filed with the DOT, and widening at the north end of the site is anticipated.

Commissioner Frankel inquired regarding ownership of the adjacent properties, and Mr. Sullivan advised that easements for rights to access and utilities have been obtained.

Commissioner Kukk inquired regarding the building where a fast-food restaurant has been assumed, and it was reviewed that based upon the square footage of 4,000 square feet, 154 spaces are required, and 154 have been provided.

It was noted that a letter from the Water Source Committee has not been obtained.

There were no questions of clarification from the audience. No one was present to speak in favor of the application, nor was anyone present to speak in opposition.

Commissioner Kukk moved to recess the Public Hearing re: 450 & 460 Federal Road, #201400113 (DR) & #201400113 (NRR): Design Review for a proposed 36,048 sq. ft. new retail building & associated site amenities (application for Natural Resource Removal included with this Design Review), to the March 27, 2014 meeting, following the Public Hearing for 337 Federal Rd. Commissioner Cordisco seconded the motion, and it carried unanimously.

PH: *(following 4b)*

c. Proposal of Zoning Commission #201400131: Moratorium on Design Review or Site Plan Modifications in the Town Center District and Incentive Housing Overlay Zones.

1. Resolution To Establish A Moratorium Concerning Development Applications In The Town Center And Incentive Housing Overlay Districts

It was noted that the same introduction from the prior public hearing would be utilized for this public hearing, and there were no objections.

Secretary Lollie read the legal notice, which was published in the News Times on March 1 and March 10, 2014.

Acting and Vice Chairman Grimes read the Resolution, which has been reviewed by Town Counsel Beecher. Commissioner Cordisco, Secretary Lollie, Commissioner Kukk, Frankel, D’Entremont expressed satisfaction with having the time for additional review

Ms. A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., was present, and inquired if the moratorium includes site plan modifications and/or design review applications that have already been approved. Acting and Vice Chairman Grimes indicated it would not. S. Sullivan, PE, CCA, 40 Old New Milford Rd., was present. The difference between the site plan modification and design review application was noted. Ms. Adams inquired if the Commission would still allow informal meetings and was advised that it would.

No one in the audience spoke in favor of the application, nor did anyone speak in opposition to the application.

Secretary Lollie moved to close the Public Hearing re: **Proposal of Zoning Commission #201400131: Moratorium on Design Review or Site Plan Modifications in the Town Center District and Incentive Housing Overlay Zones.** Commissioner D’Entremont seconded the motion. Motion carried unanimously.

Secretary Lollie moved to approve **Proposal of Zoning Commission #201400131: Moratorium on Design Review or Site Plan Modifications in the Town Center District and Incentive Housing Overlay Zones.** Commissioner Kukk seconded the motion. Commissioner Frankel suggested that the reasons be listed for the record. Motion carried unanimously.

6. New Business (continued)

- b. Charter Revision Commission:** Letter from Matt Grimes to Zoning Commission dated 3/4/14 Re: Opinion regarding Commissions filling their own vacancies.

Acting and Vice Chairman Grimes explained that seven elected Boards in Town fill their own vacancies. It is being proposed that the Zoning Commission, Zoning Board of Appeals and the Board of Assessment Appeals be added to that list.

Selectman M. Flynn was present. He discussed his background of service on various Boards, and noted his opinion that the Land Use Commissions should have authority to fill their own vacancies based on their knowledge of operations and in order to expedite the filling of regular spots.

Acting and Vice Chairman Grimes indicated he would abstain from this vote. Alternate Commissioner Frankel was a Voting Member for this item.

Secretary Lollie moved to have Chairman Blessey send a memo to the Charter Revision Commission indicating that the Brookfield Zoning Commission unanimously endorses the concept of allowing the Zoning Commission to fill its own vacancies. Commissioner Cordisco seconded the motion, and it carried unanimously.

- c. 398 & 414 Federal Road (Barnbeck Place) #201400147: Site Plan Modification for Incentive Housing Project to change building footprints, change parking layout and other modifications (dec date by 5/9/14)**

1. Map titled “Layout & Materials Plan” prepared by CCA, LLC dated 1/26/10 revised thru 3/6/14 – sheet C1
 - “Grading & Drainage Plan” dated 1/26/10 revised thru 3/6/14 – sheet C2
 - “Site Utilities Plan” dated 1/26/14 revised thru 3/6/14 – sheet C3
 - “Erosion & Sedimentation Control Plan” dated 1/26/10 revised thru 3/6/14 – sheet C4
 - “Landscape Plan” dated 1/26/10 revised thru 3/6/14 – sheet C5
2. Elevation and Architectural Plans prepared by BSB design dated 3/6/14

S. Sullivan, PE, CCA, 40 Old New Milford Rd., was present. He advised that the applicant has decided not to proceed on proposing a bond reduction. The applicant has obtained construction financing, and has partnered with The Market Group. Additionally, the contractor and architects have changed.

Mr. Sullivan reviewed the architectural changes that are being proposed, noting that the dimensions are the same. He indicated that the major change is the lobby area/entrance way. Mr. Sullivan discussed that the courtyard area is now facing south, the parking garages have been changed to include storage, and the traffic flow for the garage has been changed.

Upon inquiry from Commissioner Frankel, it was confirmed that the maximum height in the IRC is 50 feet.

Mr. Sullivan reviewed the locations of the handicapped parking spots, and pointed out the court yard on the plans for Commissioners Frankel and Kukk. Additionally, he advised that the square footage of the building is 45,900 square feet, compared to the previous of 45,300. With regard to the unit counts, the southern building will have 102 units, and the northern building will have 63 units. He then reviewed the parking spots associated with those unit numbers.

Commissioner Frankel inquired when the special permit expired, and Mr. Sullivan indicated it would expire in 2017.

Mr. Sullivan indicated that the extra spaces in the garage were changed to compact spaces for the northern building. Proposed sidewalks were reviewed, and bicycle racks were noted. There was discussion regarding a cemetery easement. Upon inquiry from the Commission, Mr. Sullivan indicated that he would speak with the applicant regarding additional sidewalks. He advised that the applicant is anxious to obtain building permits

The landscaping plan was submitted.

The previous architectural drawings were reviewed. Commissioner Frankel indicated she would like to make sure the modifications comply with the design requirements. She requested additional time for the Commission and the ZEO to do this.

Commissioner Kukk inquired regarding the landscaping for the courtyard. Ms. Adams indicated some of it would be partially landscaped, with flagstone.

Commissioner Frankel advised that details regarding the courtyard, building mass, lighting, sidewalks, building materials and architectural compliance must be obtained for additional review for the Commission.

Acting and Vice Chairman Grimes moved to table 398 & 414 Federal Road (Barnbeck Place) #201400147: Site Plan Modification for Incentive Housing Project to change building footprints, change parking layout and other modifications to the March 27, 2014 meeting. Secretary Lollie seconded the motion, and it carried unanimously.

2. Land Use Enforcement

a. Enforcement Officer's Report:

Cease and Desist Orders

20 Orchard St., #20140009 – The property owner has not yet submitted a photometric plan. **Acting and Vice Chairman Grimes moved to issue a Citation to 20 Orchard St., #20140009. Commissioner Kukk seconded the motion, and it carried unanimously.**

99 Federal Rd., #201301096 – A Cease and Desist was issued for failure to provide a site plan modification for additional storage.

Citations

849 Federal Rd., #201301175 – ZEO Dew reviewed the recent enforcement actions. The Citation was paid. This matter will be taken off of the list.

44 Old Middle Rd., #201301041 – ZEO Dew reviewed the results of the Hearing Officer. There was discussion regarding payment of the fine.

439 Candlewood Lake Rd., #20140006 – ZEO Dew indicated that the property owner does not have approval for upper parking lot. The Citation has been put on front door. **Acting and Vice Chairman Grimes moved to refer 439 Candlewood Lake Rd., #20140006, to Town Counsel, if no**

compliance by March 14, 2014. Commissioner Cordisco seconded the motion, and it carried unanimously.

Town Counsel Action

1 High Ridge Rd., #201000315; 9 Stoney Farm Lane, #201100095 – Nothing new to report.

14 Oak Grove Rd., #201300832 – ZEO Dew has not heard from the property owner regarding the status of the eviction. Commissioner Kukk indicated he would send Town Counsel an email regarding moving this matter along.

148 North Lakeshore, #20131115 – It is unclear if a Citation Hearing has been requested.

7. **Tabled Items:** None.

8. **Informal Discussion:** None.

9. **Comments of Commissioners:** There was discussion regarding sidewalk and bike plan. ZEO Dew advised there is preliminary information in the Land Use Office for the Commissioners to look at.

10. **Adjourn:** Secretary Lollie moved to adjourn the meeting at 9:16 p.m. Commissioner D’Entremont seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for March 27, 2014****