

**APPROVED MINUTES**  
**BROOKFIELD ZONING COMMISSION**  
**Thursday, March 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, Vice Chairman Grimes (arrived at 8:55 p.m.) E. Kukk, Alternate and Voting Member J. D'Entremont

**Absent:** Secretary F. Lollie, J. Cordisco, Alternate M. Frankel

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

- a. **Review of Minutes of Previous Meeting : 3/13/14 - Commissioner Kukk moved to approve the Minutes of the 3/13/14 Meeting. Commissioner D'Entremont seconded the motion, and it carried unanimously.**

**2. Land Use Enforcement**

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

**Request for Voluntary Compliance**

**300 Federal Rd., #201400104** – Fifteen cars remain behind the property, just as at the last meeting. Chairman Blessey asked ZEO to contact the business and speak with Craig.

**10 Winding Rd., #201400136** – ZEO Dew met with the property owner on March 25, 2014. He will apply for a Customary Home Occupation, and will register the vehicles in the parking lot

**Cease and Desist Orders**

**101 Laurel Hill Rd., #201300758** – ZEO Dew inspected this site today and noticed no change. Chairman Blessey indicated there was quite a bit of wood still at the site, and that the police officers have been to the site as well. He believes yesterday was the last day for the tenant, and at that point, Mr. Bacon is supposed to clean up the site. ZEO Dew will contact Mr. Bacon regarding the status.

**20 Orchard St., #20140009** – The property owner has submitted an application and is obtaining a photometric study.

**99 Federal Rd., #201301096** – Savers Headquarters has reported that the business will submit a site plan modification for the next meeting.

**Citations**

**849 Federal Rd., #201301175** – The business owner has until April 23, 2014. ZEO Dew indicated that the Citation was paid. The business owner requested 6-8 weeks. There are three vehicles present at the site. ZEO Dew will follow up on or before 4/23/14.

**44 Old Middle Rd., #201301041** – ZEO Dew advised that payment is due 4/15/14.

**Town Counsel Action**

**1 High Ridge Rd., #201000315;** - Town Counsel Beecher has been advised of this matter.

**9 Stoney Farm Lane, #201100095** – This matter will be handled by Attorney Beecher

**14 Oak Grove Rd., #201300832-** This matter will be handled by Attorney Beecher

**148 North Lake Shore, #20131115** – The property owner also received letter from Attorney Beecher advising of his handling of this matter.

**439 Candlewood Lake Rd., #20140006** – No discussion.

Chairman Blessey indicated that after having an opportunity to review the above files listed under, "Town Counsel Action", Attorney Beecher will be requested to come in and discuss these matters with the Commission.

**3. Review Correspondence**

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 3/10/14; Zoning Board of Appeals 3/3/14; Planning Commission; Zoning Sub-Committee**

- b. **Memo from K. Daniel, CCD to Zoning Commission dated 3/13/14 Re: Pre-application review for Branhaven Farms**

No discussion/no motions.

Commissioner D'Entremont moved to go to Agenda Item 7.c. Commissioner Kukk seconded the motion, and it carried unanimously.

7. **New Business**

c. **86 Obtuse Hill Rd., #201400181: Single Family Conversion - Joseph Martone, 86 Obtuse Hill Rd., was present.** The file was reviewed and it was noted that an affidavit has been provided, Chairman Blessey moved to approve **86 Obtuse Hill Rd., #201400181, Single Family Conversion.** Commissioner Kukk seconded the motion, and it carried unanimously.

Chairman Blessey moved to go to Agenda Item 7.b. Commissioner D'Entremont seconded the motion, and it carried unanimously.

b. **Proposed Regulation Change #201400176: Section 242-401I(7)(a) – Planned Age-Restricted Communities, Development Standards – Number of Units.** – Chairman Blessey moved to set a Public Hearing for Proposed Regulation Change #201400176, for April 10, 2014, at 7:30 p.m. Commissioner D'Entremont seconded the motion, and it carried unanimously.

a. **110 Federal Road (BJ's Wholesale Club) #201100126: Request for Final Bond Release (Gas Station) in the amount of \$55,000.00** – ZEO Dew reported that the request will be filed after the semi-annual sweep and clean, and after an inspection of the storm water management plan has been performed. Representatives of BJ's Wholesale will be present at the next meeting. **No motion.**

6. **Old Business**

a. **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)**

*S. Sullivan, P.E., CCA, 40 Old New Milford Rd., and D. Bertram, BRT, Danbury, CT, were present.* Chairman Blessey advised that Town Counsel Beecher has advised that this application falls under a site plan modification.

Mr. Sullivan explained that the access for this most recent plan has been changed to one-way, with a width of 20'. This application is awaiting comment from the Water Source Committee. Mr. Bertram indicated that each building will now have a vestibule and a lobby. Mr. Sullivan added that another change is that the courtyard is facing south.

Mr. Sullivan advised that lighting fixtures have been submitted, similar to those at the 450, 460 Federal Road project. Also, the material specifications are on the plan, and a memo has been submitted confirming that the plans meet the guidelines for incentive housing. The plan is for the same number of units.

Commissioner Kukk indicated his satisfaction with the bicycle parking, however, he noted that there are no sidewalks for the bikes to be ride on. There was discussion regarding past discussion on sidewalks in this area. Chairman Blessey indicated that he felt they were needed at this site.

Mr. Bertram stated he did not feel the most recent revision warranted any change in review for the Water Source Committee. Chairman Blessey referenced the change in the courtyard, and the need for additional review by the WSC. Mr. Bertram indicated that a fire would not be addressed from the front of the building, but rather the Green Knoll Professional Center side. Chairman Blessey inquired regarding the height of the building, and Mr. Sullivan indicated it is 47' from grade to the mean roof. Chairman Blessey indicated the WSC would want to ensure that a truck would be in position to assist in removing people from the buildings, and he would defer to its expertise.

*At 7:30 p.m., the Commission moved to the Public Hearing.*

**4. Public Hearing 7:30 p.m.**

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

1. Response comment from HVCEO dated 3/11/14

Chairman Blessey opened the Public Hearing and introduced the Commission members. He then read the legal notice that was published in the News Times on March 14, and March 24, 2014. He indicated that the application was received on February 27, 2014. Chairman Blessey then reviewed the policies and procedures that govern public hearings.

Chairman Blessey read the following correspondence: from the Planning Commission dated March 24, 2014, to the Zoning Commission, indicating it had no objection to the Proposed Regulation Chagne; and from HVCEO dated March 10, 2014.

**Chairman Blessey moved to continue the Public Hearing re: Proposed Regulation Change #201400115: Section 242-404K and Appendix – Incentive Housing Guidelines, to the April 24, 2014 meeting. Commissioner D'Entremont seconded the motion, and it carried unanimously.**

**5. Continued 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- 65 ext. days remaining)**

1. Letter from Steve Sullivan, P.E. CCA, LLC to R. Blessey dated 3/14/14 Re: Dunkin Donuts, 337 Federal Road – Application #201400083
2. **Map Cover Sheet titled “Dunkin’ Donuts” prepared by CCA, LLC dated 2/6/14 revised 3/14/14**
  - “General Legend, Notes And Abbreviations” dated 6/2012 – sheet N1
  - “Zoning Location Survey” dated 12/5/13 revised 3/14/14 – sheet 1 of 1
  - “Demolition & Existing Conditions Plan” dated 2/6/14 – sheet C1
  - “Layout & Materials Plan” dated 2/6/14 revised 3/14/14 – sheet C2
  - “Grading & Drainage Plan” dated 2/6/14 revised 3/14/14 – sheet C3
  - “Utilities Plan” dated 2/6/14 revised 3/14/14 – sheet C4
  - “Landscape Plan” dated 2/6/14 revised 3/14/14 – sheet C5
  - “Erosion Control Plan” dated 2/6/14 revised 3/14/14 – sheet C6
  - “Notes & Details” dated 2/6/14 – sheets C7, C8, C9 & C10

- “Sedimentation And Erosion Control Plan” dated 12/7/05 – sheet E1

Chairman Blessey advised that the same introduction would be utilized for this Public Hearing, and there was no objection.

*S. Sullivan, P.E., CCA, 40 Old New Milford Rd., was present.* He advised that the courtyard has been removed from the plans, and that the sign application will be filed separately. Additionally, he pointed out the bond estimate of \$21,109.00. Commissioner D’Entremont requested conformation of what the bond would cover, and Mr. Sullivan indicated it was only for site stabilization.

**Chairman Blessey moved to close the Public Hearing for 337 Federal Road, #201400083. Commissioner Kukk seconded the motion, and it carried unanimously.**

**Chairman Blessey moved to approve 337 Federal Road, #201400083: Design Review for a 2,800 sq. ft. new Dunkin’ Donuts building and associated site amenities, with the stipulation that there is no outdoor dining, no signage has been approve with the application, and that the bond be set for \$21,109.00. Commissioner Kukk seconded the motion, and it carried unanimously.**

- 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 4/16/14-65 ext. days remaining)**
1. Letter from Steve Sullivan, P.E. CCA, LLC to R. Blessey dated 3/14/14 Re: Dunkin Donuts, 337 Federal Road – Application #201400083
  2. **Map Cover Sheet titled “Dunkin’ Donuts” prepared by CCA, LLC dated 2/6/14 revised 3/14/14**
    - “General Legend, Notes And Abbreviations” dated 6/2012 – sheet N1
    - “Zoning Location Survey” dated 12/5/13 revised 3/14/14 – sheet 1 of 1
    - “Demolition & Existing Conditions Plan” dated 2/6/14 – sheet C1
    - “Layout & Materials Plan” dated 2/6/14 revised 3/14/14 – sheet C2
    - “Grading & Drainage Plan” dated 2/6/14 revised 3/14/14 – sheet C3
    - “Utilities Plan” dated 2/6/14 revised 3/14/14 – sheet C4
    - “Landscape Plan” dated 2/6/14 revised 3/14/14 – sheet C5
    - “Erosion Control Plan” dated 2/6/14 revised 3/14/14 – sheet C6
    - “Notes & Details” dated 2/6/14 – sheets C7, C8, C9 & C10
    - “Sedimentation And Erosion Control Plan” dated 12/7/05 – sheet E1
  1. Letter from Steven Sullivan, P.E. to Zoning Commission dated 3/20/14 Re: Revised Plans for Proposed Retail Building 450 & 460 Federal Rd.
  2. **Map Cover Sheet titled “Proposed Retail Development, Lots 2 & 3 – Four Fifty Federal Industrial Subdivision prepared by CCA, LLC dated 2/20/14 revised 3/20/14**
    - “General Legend, Notes And Abbreviations” dated 6/2012 – sheet N1
    - “Property & Topographic Survey” dated 2/14/14 – sheet 1 of 1
    - “Layout & Materials Plan – Lots 2 & 3” dated 2/20/14 revised 3/20/14 – sheet C1
    - “Grading & Drainage Plan” dated 2/20/14 revised 3/20/14 – sheet C2
    - “Utilities Plan” dated 2/20/14 revised 3/20/14 – sheet C3
    - “Landscape Plan” dated 2/19/14 revised 3/20/14 – sheet C4
    - “Erosion Control Plan” dated 2/20/14 revised 3/20/14 – sheet C5
    - “Notes & Details” dated 2/20/14 revised 3/20/14 – sheet C6, C7 & C8
    - “Notes & Details” dated 3/20/14 – sheet C9

- “Sedimentation And Erosion Control Plan” dated 12/7/05

Chairman Blessey advised that the same introduction would be utilized for this Public Hearing, and there was no objection.

*S. Sullivan, P.E., CCA, 40 Old New Milford Rd., was present.* He advised that the sidewalk from driveway to driveway has been added, and, at the suggestion of the Fire Marshal, “one way” and “do not enter” signs have been added. Additionally, he pointed out the bond estimate of \$68,763.75.

**Chairman Blessey moved to close the Public Hearing for 450 & 460 Federal Road, #201400113 (DR) & #201400113 (NRR): Design Review for a proposed 36,048 sq. ft. new retail building & associated site amenities. Commissioner Kukuk seconded the motion, and it carried unanimously.**

**Chairman Blessey moved to approve 450 & 460 Federal Road, #201400113, in its entirety, with the stipulation that easements be recorded for the shared driveway, and that the bond will be set at \$68,763.75. Commissioner D’Entremont seconded the motion, and it carried unanimously.**

**6. Old Business (continued)**

- a. **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*)

*S. Sullivan and D. Bertram were present.* There was continued discussion regarding sidewalks and the Water Source Committee review of the site plan modification.

Mr. Bertram pointed out that residents of the first floor of the buildings can exit via that floor of the building, and the need for ladder access to the building is reduced by the fact that it is sprinklered. He requested that the modification be approved with a condition addressing the WSC’s concerns.

With regard to sidewalks, Mr. Bertram discussed the trail system that is part of the application. Chairman Blessey indicated that he would prefer sidewalks from driveway to driveway for future development purposes, noting they are required by incentive housing regulations. Mr. Bertram advised that may cause a need to revisit the Inland Wetlands Commission because of a crossing. Commissioner Kukuk reiterated his concern about the bicycles with no place to ride.

Mr. Bertram noted the added cost associated with the sidewalks.

Chairman Blessey offered that the applicant could withdraw the application and return to the 2012 plan. He reviewed the changes: a bump out in the buildings, flipping the courtyard, and a change in the access.

Commissioner Kukuk reiterated his concern that sidewalks need to be included for safety reasons. Mr. Bertram proposed finding a hard, but pervious, surface that would allow for a bike for a particular section on the plans, which would not affect the wetlands.

Chairman Blessey recommended that the applicant use the time before the next meeting to come up with an alternative that provides the sidewalk. Mr. Bertram pointed out that the applicant is seeking the best connection between the leasing center and the north building.

There was discussion regarding consulting the Wetlands Enforcement Officer regarding any change. Mr. Bertram emphasized that building approval is imperative, with a condition by the Water Source

Committee, and continued work on the sidewalk. He advised the applicant's preference is to use the pathway on the plans, and that it is a "walking solution" for the residents in the development.

Chairman Blessey indicated that the WSC meets alternate Wednesdays, and the applicant will have to wait two weeks, and that Mr. Bertram could be available via conference call rather than flying here.

Commissioner Kukk emphasized his concern about the pedestrian walking options.

Chairman Blessey advised the applicant that the WSC will require that the pathway be maintained, and that the applicant provide a plan for that, as well as a contact person. He also encouraged that signage delineating the walking paths for residents.

Mr. Bertram discussed his concern that if sidewalks are put in the front, without leading to another location, they will not get used.

There was discussion regarding obtaining IWC approval. Mr. Bertram reviewed the lengthy history of development of this site. There was further discussion regarding any possibility of approval of the plan with stipulations, and whether the application can go forward tonight.

Mr. Bertram inquired if showing the additional sidewalks on the plans at the next meeting would be acceptable, and the Commission advised more information would be helpful but that it is unable to determine what will be decided. Mr. Bertram advised that the bridge would not be traded for a sidewalk. There was further discussion regarding other possibilities with the plan. Commissioner Kukk explained the need to have details regarding materials, and how it would be maintained.

Chairman Blessey suggested that the applicant and his team review their options and advised that the application would not be voted on tonight. Mr. Bertram indicated he was looking for feedback as to whether the Commission members present put value on the architectural changes presented tonight versus those presented in 2012. Chairman Blessey advised that the efforts are appreciated, but he prefers to evaluate it from the perspective of a resident.

*Vice Chairman Grimes arrived at 8:55 p.m.*

There was discussion regarding the role of the nearby Nordex site and walkability of the site. Commissioner Kukk reiterated his concern for the safety of the residents walking on the site. It was stated that the sidewalk out to Federal Road has value due to its providing continuity.

**No motion. Continued to the next meeting.**

**Miscellaneous: ZEO Dew advised the Commission that the continuation of the Public Hearing regarding the Guidelines allows only a small amount of time before the end of the Moratorium.**

**7. Tabled Items:           None.**

**8. Informal Discussion:**           *S. Sullivan, P.E., CCA, 40 Old New Milford Rd., and Attorney G. Michael, 70 West St., Danbury, CT, M. and R. Reiske, 172 Candlewood Lake Rd., ABC Fuel Oil, were present.* Attorney Michael indicated that his clients are contracted to purchase 53 Commerce Drive for office and storage space, and the site is in the aquifer protection district. The Commission referenced a previous approval for Petro. Mr. Sullivan indicated the Reiskes are looking for a similar operation, but the vehicles will be parked inside. Chairman Blessey advised that if they

wanted to park them outside, security fencing would be required. He suggested that the Reiske's review the Petro file with their representatives. **No motion.**

**9. Comments of Commissioners:** None.

**10. Adjourn:** Vice Chairman Grimes moved to adjourn the meeting at 9:07 p.m. Commissioner Kukk seconded the motion, and it carried unanimously.

**\*\*Next Regular Meeting Scheduled for April 10, 2014\*\***