

**APPROVED MINUTES  
BROOKFIELD ZONING COMMISSION  
Thursday, April 24, 2014 – 7:00 p.m.  
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

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**1. Convene Meeting**

**Present:** Chairman R. Blessey, Vice Chairman M. Grimes (left the meeting at 8:28 p.m.),  
Alternate and Voting Members J. D'Entremont and M. Frankel

**Absent:** Secretary F. Lollie, J. Cordisco, E. Kukk

**Also Present:** Zoning Enforcement Officer A. Dew, Community Development Director K. Daniel,  
Recording Secretary D. Cioffi

- a. **Review Minutes of Previous Meetings: 3/20/14 special** – Not a sufficient quorum.  
**3/27/14 special** – Not a sufficient quorum.  
**4/10/14** – Vice Chairman Grimes moved to approve the Minutes of the Regular Meeting of April 10, 2014. Chairman Blessey seconded the motion, and it carried, 3-0-1, with Commissioner Frankel abstaining.

**2. Land Use Enforcement**

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

*ZEO Dew reported on the following:*

**Requests for Voluntary Compliance**

**300 Federal Rd., #201400104** – The property owner does not have a Certificate of Zoning Compliance for storage, and there are eleven unregistered vehicles on the site. **Vice Chairman Grimes moved to issue a Cease and Desist to 300 Federal Rd., #201400104, effective 4/25/14. Chairman Blessey seconded the motion, and it carried unanimously.**

**10 Winding Rd., #201400136** – The property owner has been cooperating and all of the unregistered vehicles have been removed. Additionally, the camper/trailer/truck is parked in a designated parking. ZEO Dew will follow up with the property owner tomorrow regarding the customary home occupation.

**164 Federal Rd., #2014002678** – This violation relates to the wind socks being present this past weekend when Firestone had a tire sale.

**Cease and Desist Orders**

**20 Orchard Place, #20140009** – This matter is on tonight's agenda.

**189 Federal Rd., #201400284** – This violation relates to more banners being present at the site. ZEO Dew has talked with the owners.

**Citations**

**849 Federal Rd., #201301175** – Upon inspection today, ZEO Dew found all the trucks, chips and materials to be gone. Mr. Thorne had been requested to vacate the premises as of yesterday, and ZEO Dew indicated there are some personal items stored in the back buildings. The fine of \$150 has been paid. As there are items on the property that show a potential continuation of the illegal use, Chairman Blessey will reinspect. This matter will remain on the agenda.

**44 Old Middle Rd., #201301041** – ZEO Dew will file the fine documentation in Superior Court.

**101 Laurel Hill Rd., #201300758** – The Citation was issued on April 22, 2014. The property owner has until May 9, 2014 to set a hearing or clear the violation. The Citation was sent registered and regular mail.

**Town Counsel Action**

**1 High Ridge Rd., #201000315; 9 Stoney Farm Lane, #201100095; 14 Oak Grove Rd., #201300832; 439 Candlewood Lake Rd., #201400006** – Nothing new to report. There was brief discussion regarding Attorney Beecher's March 24, 2014 letter.

**148 N. Lake Shore Dr., #20131115** – This violation has been resolved, and the matter can be removed from the report.

**3. Review Correspondence**

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission; Zoning Board of Appeals 4/7/14; Planning Commission 4/3/14; Zoning Sub-Committee –**

No discussion/no motions.

- b. **40 and 64 Laurel Hill Road #201200588:** Permit Transfer from Dakota Partners, Inc., Lawrence Hoyt and Anne Hepner to Laurel Hill Residences LLC (received in Land Use 4/9/14) – *Discussed later in meeting, see below.*
- c. **Legal Briefings for Building Inspectors:** April 2014 – No discussion/no motions.
- d. **Iroquois report:** April 2014 – No discussion/no motions.

**4. Public Hearing: none**

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

**6. Old Business:**

- a. **227 Federal Road (La-Z-Boy) #201400203:** Illuminated 117.66 sq. ft. building sign
1. Additional material with “Electrical Notes” – sheet 1 of 2 and sheet 2 of 2 - handed into Land Use 4/17/14

*M. Buzzelli, and N. Torres, 227 Federal Rd. were present.* Chairman Blessey indicated that after lengthy discussion with the applicant’s representatives, incomplete information regarding the wattage was supplied. Chairman Blessey performed the calculations, and arrived at a wattage equivalent of 7.558 watts per foot, which meets the regulations. **Vice Chairman Grimes moved to approve #201400203, illuminated building sign, at 227 Federal Road. Commissioner D’Entremont seconded the motion. Mr. Buzzelli initialed the change on the application. Motion carried unanimously.**

b. **110 Federal Road (BJ’s Wholesale Club – Gas Station) #201100126:** Request for final bond release in the amount of \$55,000.00 – *No one present. Requested information has not yet been received.* **Chairman Blessey moved to deny the request for final bond release and send a letter to the Board of Selectmen that it will not be released until all of the requested information is received. Vice Chairman Grimes questioned whether a motion was necessary, and Chairman Blessey advised he wanted the matter off of the agenda until the maintenance plan and other requested materials are provided. ZEO Dew indicated that the applicant advised some time ago that it was working on providing the information. Vice Chairman Grimes seconded the motion, and it carried unanimously.**

- c. **20 Orchard Place #201400189: Site Plan Modification to replace existing pole light heads with LED at the condominium complex (dec date 6/13/14)**
1. “Luminaire Schedule” prepared by Joe Frey dated 4/8/14

*R. Cardita, 21 Apache Dr., Brookfield, CT, 06804, of JK Energy, was present.* The photometric plan and application were reviewed. It was noted that the shield was installed, and on all sides, except for the highway side, the light is compliant. On the highway side, the lumens are over by a few tenths. **Chairman Blessey moved to approve #201400189, Site Plan Modification for 20 Orchard Place, to replace existing light pole heads with LED at the condominium complex. Commissioner D’Entremont seconded the motion. Commissioner Frankel noted that the calculations for the lumens on the highway side are not compliant with the regulations. Vice Chairman Grimes agreed. Mr. Cardita inquired if there was a margin of error, and advised that his partner**

worked with Mr. Lollie. Chairman Blessey pointed out that Mr. Lollie discovered that overage on the lumens. Motion carried, 2-1-1, with Commissioner Frankel opposing and Vice Chairman Grimes abstaining.

Vice Chairman Grimes moved to go to Agenda Item 7.c. Chairman Blessey seconded the motion, and it carried unanimously.

**7. New Business**

**c. 612 Federal Road (Bicycle Center) #201400256: Site Plan Modification to replace old wood shingle siding with new seam metal around top of building (dec date 6/27/14)**

1. Hand drawn sketch of new roof handed into Land Use 4/17/14.

*J. Fesh, 612 Federal Rd., was present.* Mr. Fesh submitted draft elevations, and discussed plans to install a metal roof of charcoal grey material, which he showed a sample of to the Commission.

**Commissioner Frankel moved to approve #201400256, Site Plan Modification to replace wood shingle with metal seam charcoal color, at 612 Federal Road. Chairman Blessey seconded the motion, and it carried unanimously.**

Vice Chairman Grimes moved to go Agenda Item 7.b. Chairman Blessey seconded the motion, and it carried unanimously.

**b. 366 Federal Road (Healthy Weighs) #201400252: Site Plan Modification for proposed parking lot changes – Adjust curbing and expand south parking lot by 1 space /adjust curbing on north parking lot for snow plow access. (dec date 6/27/14)**

1. “Site Plan” prepared by CCA, LLC dated 8/31/12 revised thru 4/17/14 – sheet C1

*W. Conner, Healthy Weighs, 366 Federal Rd., was present.* He submitted a site plan showing proposed parking lot changes. Mr. Conner clarified that the change increases the parking from three spaces to four in the south parking lot, a widening of the driveway, making the other parking lot deeper and contiguous with the sidewalk. There was discussion regarding the retaining wall and grade. It was noted that there are still a total of fifteen parking spaces on the site, and there is not a significant effect on the amount of impervious surface. The widening of the driveway allows for access and egress, and also allows the snow plow to get in. Mr. Conner noted that there were no issues with drainage over the winter. **Vice Chairman Grimes moved to approve #201400252: Site Plan Modification, 366 Federal Road. Commissioner D’Entremont seconded the motion, and it carried unanimously.**

**5. Continued Public Hearing:**

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

1. Design Guidelines and Standards Manual DRAFT Revised 4/17/14
2. APPENDIX B – revised 4/17/14
3. Letter from Brookfield Museum & Historical Society to Zoning Commission dated April 9, 2014

*Chairman Blessey was out of the room from 7:30 until 7:32 p.m., at which time Vice Chairman Grimes was Acting Chair.*

Acting and Vice Chairman Grimes read the introduction to the continued public hearing and introduced the Commission members. He then reviewed the policies and procedures that govern

public hearings. Receipt of the above-listed correspondence to the Commission from Brookfield Museum & Historical Society, signed by B. Brown, was acknowledged.

Community Development Director K. Daniel began her presentation of the application by referencing the “Design Guidelines and Standards Manual – DRAFT – Revised April 17, 2014” (hereinafter referred to as “Manual” and attached hereto). She indicated that the purpose of the regulation change is to develop architectural and site design standards for the incentive housing overlay zone and the Town Center District. She reviewed the process utilized in drafting the guidelines, including surveys, workshops, and utilization of other municipalities guidelines.

CDD Daniel noted that the principal changes are: the substitution of the design and technical standards, and architectural guidelines; signs, streetscape, landscaping and lighting requirements have been removed from the regulation and included the design guidelines and standards. Additionally, references are added to the design guideline manual as Appendix 3, and there are references to shared parking regulations in the Town Center District. She indicated that changes to the TCD regulation are being proposed to align with standards such as building height and the sidewalk plan. CDD Daniel further stated that language has been added to resolve conflict in the numerous existing regulations, and other language deemed to be vague, has been removed.

CDD Daniel continued her presentation with discussion of the highlights of the Manual. With regard to Section 4.7.1, she noted the need for a correction that adds the words “developable land” after “20%”. Chairman Blessey pointed out the need to remove “or behind buildings”.

Chairman Blessey read a letter from the Town of Newtown dated April 4, 2014, Planning and Zoning Commission, voting to recommend its approval and noting the proposed change meets with the Newtown Plan of Development.

*Ms. A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., was present. She submitted memo of questions, dated April 23, 2014, (attached hereto) and the Commission provided the following responses:*

*Vice Chairman Grimes left the room from 7:52 p.m. until 7:58 p.m.*

- Question 1) CDD Daniel indicated that the “10%” represents 10% of the landscaped area. Ms. Adams encouraged the Commission to clarify how the calculation will be done.
- Question 2) Ms. Adams noted that the island requirement may not be feasible in smaller lots in the TCD. She inquired if the Commission would consider a requirement of every 15 spaces. There was discussion regarding other area municipalities’ requirements, and the possibility of having the requirement applicable for lots with more than 19 spots.
- Question 3) After brief discussion, the Commission decided it would strike the requirement of an inverted “U” style from the Manual.
- Question 4) After brief discussion, it was noted this comment is not a question.
- Question 5) After brief discussion, the Commission indicated it will put a note at the beginning of Section 4.8 that the standard refers to the regular landscaping. There was discussion regarding adding specifics of sizing for trees. The Commission will revisit this.
- Question 6) Ms. Adams agreed that the bio-swales should be encouraged.

There was discussion regarding whether a “must” standard could be varied. This issue will be discussed with Town Counsel Beecher.

- Question 7) Ms. Adams was advised that the Maintenance Plan is required.
- Question 8) Chairman Blessey indicated that illumination will be outlined in the updated lighting regulations.
- Question 9) The Commission agreed that Ms. Adams’ suggested language was acceptable.
- Question 10) CDD Daniel advised Ms. Adams that the standard being proposed is “foot candles at grade”.
- Question 11) Noted.

CDD Daniel expressed her appreciation to Ms. Adams for her collaboration with the review of the Manual.

- Question 12) Noted.

*There were no further questions of clarification.*

Commissioner Frankel inquired if the Manual would be incorporated in the Town Center and Design Guidelines and CDD Daniel advised that it would. Commissioner Frankel also suggested that on Page 5, Section 3, to add to the beginning of the second and last sentence of the first paragraph, “New construction” before “additions and renovations”. There was discussion regarding whether on Page 12, Section 4.8, Fences, in the sixth bullet, if height of fence needed to be outlined, and it was noted that would be covered by the regulations of the underlying zone. Commissioner Frankel further suggested that in Section 4.86, on Page 13, that the sentence ends with the words, “not permitted.” rather than “not preferred.” The Commission agreed. She also recommended that on Page 16, Section 4.10.4 be clarified. After some discussion regarding Section 5.1., under “Guidelines” it was decided that “Bungalow” would stay in the Manual.

Vice Chairman Grimes acknowledged that the Manual will have to be revisited periodically.

*No one was present to speak in favor of the application. No one was present to speak in opposition.*

**Vice Chairman Grimes moved to continue the Public Hearing re: Proposed Regulation Change #201400115: Section 242-404K and Appendix – Incentive Housing Guidelines until the May 8, 2014 regular meeting of the Brookfield Zoning Commission. Commissioner Frankel seconded the motion, and it carried unanimously.**

*Vice Chairman Grimes left the meeting at 8:28 p.m.*

Ms. Adams’ April 23, 2014 memo was submitted for the file.

**7. New Business:**

- a. **133 Junction Road (First Assembly of God) #201400251: Site Plan Modification to replace and enlarge 2 doors and sidewalk construction** (dec date 6/27/14)
  - 1. **“Proposed Egress Sidewalk Layout”** prepared by William Sharp Architect / BBS Design, LLC dated 4/1/14 – sheet SP-1
    - **“Partial Floor Plans Code Analysis”** dated 12/17/13 – sheet A-1

*C. Busnel, Architect, from William Sharp Architect, and K. Krueger, were present.* Mr. Busnel indicated that the Building Department and the Fire Marshal have requested that egress doors be provided at two nursery locations on the site. An egress sidewalk is also being requested to connect everything to the existing parking lot.

It was noted that lighting options are still being investigated. The applicant's representatives were advised that a Certificate of Zoning Compliance would not be provided without compliant lighting, so another application would have to be filed to address that issue. There is a possibility that the fee of the additional application could be waived. Chairman Blessey removed lighting from the plans, and Mr. Krueger initialed the change on the plans.

**Commissioner Frankel moved to approve the emergency egress in the sidewalks; the lighting is not part of this application, as presented. Commissioner D'Entremont seconded the motion, and it carried unanimously.**

- d. Proposed Regulation Change #201400259: Section 242-602B(2)(i) & (j) – Lighting – Chairman Blessey moved to set a Public Hearing for #201400259: Section 242-602B(2)(i) & (j), Lighting fixtures and intensity, for May 8, 2014 at 7:30 p.m. Commissioner Frankel seconded the motion, and it carried unanimously.**

**3. Review Correspondence (continued)**

- b. 40 and 64 Laurel Hill Road #201200588: Permit Transfer from Dakota Partners, Inc., Lawrence Hoyt and Anne Hepner to Laurel Hill Residences LLC (received in Land Use 4/9/14) – Town Counsel has advised that these applications are not within the purview of the Commission, and will no longer be submitted for approval.**

**8. Tabled Items:           None.**

**9. Informal Discussion:           None.**

**10. Comments of Commissioners:           None.**

**11. Adjourn:           Commissioner Frankel moved to adjourn the meeting at 8:39 p.m. Commissioner D'Entremont seconded the motion, and it carried unanimously.**

**\*\*Next Regular Meeting Scheduled for May 8, 2014\*\***