

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, May 22, 2014 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

1. Convene Meeting

Chairman R. Blessey convened the meeting at 7:03 p.m. and established a quorum of members.

Present: Chairperson R. Blessey, Vice Chairman M. Grimes (arrived at 7:32 p.m.), Secretary F. Lollie, J. Cordisco, E. Kukk (arrived at 7:10 p.m.) Alternate and Voting Member (until Vice Chairman Grimes' arrival at 7:32 p.m.) M. Frankel

Absent: Alternate J. D'Entremont

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

- a. **Review Minutes of Previous Meetings: 5/8/14 – Chairman Blessey moved to approve the Minutes of the May 8, 2014 meeting. Secretary Lollie seconded the motion, and it carried unanimously.**

2. Land Use Enforcement

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

Requests for Voluntary Compliance

849 Federal Rd., #201400301 – Assistant ZEO Lollie indicated that he and ZEO Dew reinspected both units and there is no evidence of residential use. This matter will be removed from the Report.

67 North Mountain Rd., (no activity number) – A Request for Voluntary Compliance was sent because of the presence of three unregistered vehicles. The property owner has until May 28, 2014 to comply.

934 Federal Rd., (no activity number) – A Request for Voluntary Compliance was sent due to the presence of a banner. The property owner has until May 28, 2014 to comply.

203 Gray's Bridge Rd., (no activity number) – This matter will be continued for a month.

209 Whisconier Rd., #201400395 – A Request for Voluntary Compliance was sent due to the presence of a temporary garage in the front yard.

Cease and Desist Orders

49 Federal Rd., #201400294 – The violation relates to a parking lot modification performed without a Certificate of Zoning Compliance. ZEO Dew advised that most of the work has been completed. She will reinspect the site tomorrow and make a list of items that are outstanding, including a "no parking" sign near the emergency access

44 Old Middle Rd., #201301041 – ZEO Dew will contact a Hearing Officer.

101 Laurel Hill Rd., #201300758 – The property owner has until June 1, 2014 to comply.

Town Counsel Action

1 High Ridge Rd., #201000315 – No update.

9 Stony Farm Lane, #201100095 – The Commissioners received a copy of an agreement in their after-the-fact packets regarding a settlement.

14 Oak Grove Rd., #201300832 – No update.

148 North Lakeshore, #20131115 – ZEO Dew will calculate the fines and contact a Hearing Officer.

439 Candlewood Lake Rd., #201400006 – There has not been a recent issue with illegally parked cars; however, this matter will be left on for reinspection.

Chairman Blessey moved to amend the agenda. Secretary Lollie seconded the motion, and it carried unanimously.

Chairman Blessey moved to go to Agenda Item 7.a. Secretary Lollie seconded the motion, and it carried unanimously.

7. New Business:

- a. 10 Huckleberry Hill Road #201400350:** Site Plan Modification for a food truck to be parked next to the Pavilion by outdoor pool and 12' x 12' storage shed(*dec date 7/25/14*)
1. GIS map of property with spot for truck and 12' x 12' storage shed drawn in – handed into Land Use 5/12/14

Commissioner Kukk arrived at 7:10 p.m.

P. Regan, 2 Huckleberry Hill Rd., was present. She reviewed the plans and noted the locations of the food truck and shed. The 12' X 12' shed will be for the storage of equipment for swim meets. Upon inquiry from Chairman Blessey, Ms. Regan explained the parking locations during swim meets.

There was discussion regarding the authority of the Board of Selectmen over mobile vending.

Secretary Lollie and ZEO Dew have reviewed the setbacks for this lot.

Upon inquiry from Commissioners Kukk and Frankel, access for pedestrians and emergency vehicles was explained.

Ms. Regan advised that the shed was added to the application on Monday, however, that information is not contained in the file before the Commission.

Secretary Lollie moved to approve #201400350, YMCA, 10 Huckleberry Hill Road, Site Plan Modification for a food truck parked next to the pavilion near the outdoor pool, for swim meets only; this approval does not include the 12' X 12' shed, with the stipulation that there be not less than 18 feet between the food truck and any adjacent building in the roadway. Commissioner Cordisco seconded the motion, and it carried unanimously.

Ms. Regan advised that she will not have to be present at the next meeting for the shed to be approved.

Secretary Lollie moved to go to Agenda Item 7.i., 934 Federal Rd. Chairman Blessey seconded the motion, and it carried unanimously.

- i. 934 Federal Road (New Age Collision Center) #201400360:** Site Plan Modification to add an Overhead Door on the South wall of the building for a collision repair shop (*dec date 7/25/14*)
1. "Site Plan" prepared by K M Building Consultants dated 4/10/14
 2. Sketch of proposed new door

R. Soto, 934 Federal Rd., was present. He indicated that a spray booth is being installed inside the building. The overhead door will allow for cars to be driven into the shop. **Chairman Blessey moved to approve #201400360, Site Plan Modification to add an Overhead Door on the South wall of the building for a collision repair shop. Secretary Lollie seconded the motion, and it carried unanimously.**

Secretary Lollie moved to go to Agenda Item 7.h., 10 Huckleberry Hill Road. Chairman Blessey seconded the motion, and it carried unanimously.

- h. 10 Huckleberry Hill Road (YMCA) #201400359: Site Plan Modification for a deck and benches for Day Camp recreation and camp gatherings (*dec date 7/25/14*)**
 - 1. GIS map showing the location of the proposed deck and benches – handed into Land Use 5/14/14

S. Turner, 2 Huckleberry Hill Rd., was present. He discussed the proposal to add a deck and benches for the day camp at the site. The footprint was reviewed. **Chairman Blessey moved to approve #201400359, Site Plan Modification for a deck with benches. Secretary Lollie seconded the motion, and it carried unanimously.**

Secretary Lollie moved to go to Agenda Item 7.d. Commissioner Cordisco seconded the motion, and it carried unanimously.

- d. 850 Federal Road (Village Liquor Store) #201400353: Site Plan Modification to add more parking, adjust fencing and add a handicap space (*dec date 7/25/14*)**
 - 1. Site Plan Map handed into Land Use 5/13/14
 - 2. Letter from A. Dew, Zoning Enforcement Officer to Zoning Commission dated 5/13/14 Re: Signage in Town Center District – 850 Federal Road
 - Copy of Signage regulations for Town Center District
 - Maps of Preliminary sidewalk and Access management plans by URS – sheets 1 thru 8.

S. Thengurnthyls was present on behalf of the property owners. The application relates to additional parking that has already been installed. ZEO Dew has inspected the site, and there are no issues with setbacks. The applicant will stripe the parking lot when formal approval is obtained.

Commissioner Frankel moved to approve #201400353, Site Plan Modification for additional parking, adjust fencing and add a handicapped space. Commissioner Cordisco seconded the motion, and it carried unanimously.

5. Continued Public Hearing:

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

Chairman Blessey read the introduction to the Public Hearing.

Vice Chairman Grimes arrived at 7:32 p.m., at which point Commissioner Frankel was no longer a Voting Member. Chairman Blessey left the room at 7:33 p.m. and returned at 7:35 p.m.

Vice Chairman Grimes introduced the Commission members and reviewed the policies and procedures that govern public hearings.

Secretary Lollie read the following correspondence: from A. Adams, Landscape Architect, CCA, to the Zoning Commission, dated May 22, 2014.

Community Development Director K. Daniel shared a drawing that demonstrated a hypothetical lot being developed with the requirement of 20% of developable site as public space, landscaping within the parking lot; and locations for taller light posts. A copy of the drawing was submitted for the file.

With regard to the first comment in Ms. Adams' memo, CDD Daniel reviewed the regulations of Old Saybrook and Branford.

Commissioner Frankel noted that the change in the draft from the prior public hearing was in Section (7)(b).

There were no questions of clarification from the audience. Vice Chairman Grimes inquired regarding the date of the Branford regulations read by CDD Daniel, and she advised that the Incentive Housing Overlay regulation was dated 12/3/12.

Chairman Blessey stated that he feels that the 20% commercial requirement limits the scope and possibilities for development. Additionally, he suggested that the language needs to be added so that there are not situations of residential and commercial uses on the first floor of developments that are competing with one another. He recommended that commercial developments be in the front, with main access, and any residential uses be accessible on a minor side.

There was discussion regarding whether the public hearing must be kept open if the percentage number is changed. Commissioner Kukk, Cordisco and Frankel agreed that a 60/40% would be acceptable.

There were no questions of clarification.

No one was present to speak in favor of the application. K. Nilsen, 777 Federal Rd., was present to speak in opposition. He referenced a recent court case, and stated that the new landscaping and parking regulations diminish development opportunities. He noted that the main opportunity is residential development, and the commercial development will follow.

No one else was present to speak in opposition to the application.

There was discussion regarding balancing commercial and residential development.

Vice Chairman Grimes moved to close the Public Hearing re: Proposed Regulation Change #201400115: Section 242-404K and Appendix – Incentive Housing Guidelines. CDD Daniel suggested that the proposed change be noted on the file. There was discussion regarding the manner in which a motion should be amended. **No second on the motion.**

CDD Daniel noted that the most recent revision to the draft was dated May 9, 2014.

The following change was proposed:

Section 7, Permitted Uses, Subsection b.1.4. – “No more than fifty percent (50%) of the ground floor square footage may be devoted to residential uses.”

Chairman Blessey moved to close the Public Hearing Proposed Regulation Change #201400115: Section 242-404K and Appendix – Incentive Housing Guidelines. Commissioner Cordisco seconded the motion, and it carried unanimously.

Chairman Blessey moved to approve the Proposed Regulation Change, #201400115: Section 242-404K and Appendix – Incentive Housing Guidelines. Secretary Lollie seconded the motion. Commissioner Frankel inquired regarding the rationale for the approval. Chairman Blessey advised that the above proposed change was more favorable than the language in the last draft. Motion carried unanimously, and the effective date of the change will be June 1, 2014. The change will be listed on the Town website.

b. 17 Obtuse Road North #200600923: Request for Final Bond Release of \$180.00 – It was noted that this property was inspected. Chairman Blessey moved to recommend to the Board

of Selectmen the release of the bond at 17 Obtuse Road North, of \$180.00, #200600923. Secretary Lollie seconded the motion, and it carried unanimously.

- c. **474 Candlewood Lake Road (Brookfield Bay Marina) #201400351:** Site Plan Modification for a Mobile Food Truck (*dec date 7/25/14*)
 1. Site Plan handed into Land Use 5/13/14

Withdrawn via email from L. Ault dated May 22, 2014.

- e. **850 Federal Road (Village Liquor Store) #201400354:** Roadside sign – 44 sq. ft. *S. Thengurnthyls was present on behalf of the property owners.* The application is for a roadside sign that was recently moved due to parking lot paving. Chairman Blessey read a memo to the Zoning Commission from ZEO Dew regarding Section 242-505 H(5), noting that approval of the sign would be in conflict with that regulation.

Vice Chairman Grimes moved to deny #201400354, 850 Federal Road, Roadside sign, for not being in compliance with Section 242-505H(5). There was discussion regarding a potential hardship associated with the proposed sign. Secretary Lollie seconded the motion. Chairman Blessey advised the applicant regarding the possibility of obtaining a variance through the Zoning Board of Appeals. Motion carried unanimously.

Chairman Blessey explained the variance procedure with the Zoning Board of Appeals.

- f. **203 Grays Bridge Road (Grays Bridge Farm & Earth Products) #201400356:** Site Plan Modification to move the location of materials on site and move the location of 1 Hoophouse (*dec date 7/25/14*)
 1. Map of site handed into Land Use 5/13/14 – date drawn on 5/5/14
 2. Memo from A. Dew, ZEO to Zoning dated 5/14/14 Re: 203 Grays Bridge Rd
 3. Copy of “Request for Voluntary Compliance” dated 4/11/14 for 203 Gray’s Bridge Rd – Re: File #201400215
 4. Site Plan Map dated 6/24/10 – (on cart with current file)

Tabled.

- g. **Aquifer Protection Agency meeting schedule & Agenda Items:** Memo from K. Daniel, WEO/Agent for Brookfield APA to Zoning Commission/Aquifer Protection Agency dated 5/14/14

Will be discussed at the June 12, 2014 meeting.

- j. **Proposed Regulation Change #201400362:** Section 242-202: Definition – “Structure”

Vice Chairman Grimes moved to set a Public Hearing for Proposed Regulation Change, #201400362: Section 242-202: Definition – “Structure” for June 12, 2014 at 7:30 p.m. Secretary Lollie seconded the motion, and it carried unanimously.

- k. **Proposed Regulation Change #201400367:** Section 242-202: Definition – “Setback”
Vice Chairman Grimes moved to set a Public Hearing for Proposed Regulation Change, #201400367: Definition – “Setback” for June 12, 2014 at 7:30 p.m. Secretary Lollie seconded the motion, and it carried unanimously.

- 1. Proposed Regulation Change #201400368: Commercial Vehicles: Section 242-202 – Definition, Section 242-305F – Off Street Parking & Loading [Commercial Vehicles in residential zones], and Section 242-401A(2)(g) – Permitted Uses in Residential Zones [Customary Home Occupation]**

Vice Chairman Grimes moved to set a Public Hearing for Proposed Regulation Change, #201400368: Commercial Vehicles: Section 242-202 – Definition, Section 242-305F – Off Street Parking & Loading [Commercial Vehicles in residential zones], and Section 242-401A(2)(g) – Permitted Uses in Residential Zones [Customary Home Occupation] for June 12, 2014, at 7:30 p.m. Secretary Lollie seconded the motion, and it carried unanimously.

- m. 28 Obtuse Road South #201400377: Single Family Conversion for a 700 sq. ft. apartment**

- 1. Hand Drawn layout of the apartment handed into Land Use 5/15/14 –**

S. Kloben, 28 Obtuse Rd. South, was present. The application relates to a pool house with a loft, kitchen and bathroom that is sometimes used for overnight guests, but is not rented. Commissioner Frankel noted that single family conversions require special permits and presented a copy of the current regulation to the Commission. She and ZEO Dew suggested that an affidavit be filed on the land records noting that the structure will not be rented. Chairman Blessey disagreed that conversions should require special permits. He advised Mr. Kloben that the structure could be utilized in a similar fashion to another bedroom in his house. ZEO Dew will work with Town Counsel Beecher in drawing up an affidavit for this particular matter. *The application was withdrawn.*

3. Review Correspondence

- a. Minutes of other Boards and Commissions: Inland Wetlands Commission; Zoning Board of Appeals 5/5/14; Planning Commission 5/1/14; Zoning Sub-Committee**
- b. Clearscapes Newsletter: Spring 2014**

No discussion/no motions.

4. Public Hearing: None.

6. Old Business: None

8. Tabled Items: None

9. Informal Discussion: None.

10. Comments of Commissioners: ZEO Dew inquired if a date for Agenda Item 7.g. (Aquifer Protection Agency) had been set. Commissioner Frankel noted that CDD Daniel sent a memo and suggested that this matter be discussed at the June 12, 2014 meeting.

There was additional discussion regarding the requirement of special permits for single-family conversions. Commissioner Frankel noted that some neighborhoods/communities are too small to accommodate two-family properties, and suggested that the approval process be changed to a site plan modification. Chairman Blessey explained the current manner that single-family conversions are allowed, and how they are monitored annually. ZEO Dew will note this topic for continued discussion at a future meeting.

11. Adjourn: Chairman Blessey moved to adjourn the meeting at 8:50 p.m. Commissioner Cordisco seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for June 12, 2014****