

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

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1. **Convene Meeting**

Acting and Vice Chairman Grimes convened the meeting at 7:00 p.m. and established a quorum of members.

**Present:** Acting and Vice Chairman Grimes, Secretary F. Lollie, M. Frankel, J. D'Entremont (arrived at 7:01)

**Absent:** Chairman R. Blessey, J. Cordisco, E. Kukk

**Also Present:** Zoning Enforcement Officer A. Dew, Town Counsel T. Beecher (for Enforcement Section), Recording Secretary D. Cioffi

- a. **Review Minutes of Previous Meetings:** 6/12/14, 6/26/14, 7/10/14 – Not a sufficient quorum.

2. **Land Use Enforcement**

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

**Town Counsel Action-** *Town Counsel T. Beecher reported on the following:*

**1 High Ridge Rd., #201000315** – Attorney Beecher reported that judgment was entered in this matter. He advised that a lien should have been filed to enforce the citation. A title search is being done to show that Mr. Zaky has ownership interest, as there have been several transfers of ownership. He is not aware of any bank action on the property but will check.

**14 Oak Grove Rd., #201300832** – This action related to an illegal apartment in a house owned by a non-resident owner of the property. Attorney Beecher advised that the bank has foreclosed, and a judgment of foreclosure by sale was entered on June 30, 2014. A Committee has not yet been appointed, and Attorney Beecher is not aware of a sale date. Attorney Beecher would prefer to see if the foreclosure sale goes through. ZEO Dew reported that the house appears to be vacant. Commissioner Frankel inquired regarding the difference between a citation and cease and desist order. Attorney Beecher explained that the cease and desist stops the activity, and the citation allows the enforcement agency to levy fines. If the fine is not paid, and the hearing officer upholds the citation, a certificate of decision is filed, and court enters judgment. Attorney Beecher will wait to see if the foreclosure goes through, as nothing can be filed on land records now. He will continue to monitor the foreclosure proceedings and keep ZEO Dew updated.

**148 North Lake Shore Dr., #20131115** – The van, trailer and jet ski have been removed from the site, but they have come back in the past. The Cease and Desist will stand, and the site will continue to be monitored.

**439 Candlewood Lake Rd., #201400006** – Attorney Beecher reviewed that this matter relates to an alleged illegal use of the upper parking lot. Buckets have been placed in the area to block parking; however, it is unsure if they remain on Saturday nights. Assistant ZEO Lollie indicated that there is new ownership of the property. Attorney Beecher recommended that ZEO Dew contact the new property owners.

Assistant ZEO Lollie inquired if the citation for **49 Federal Road** could be withdrawn, as the site is in compliance. Attorney Beecher advised it could be withdrawn.

Acting and Vice Chairman Grimes requested that Attorney Beecher be provided with a copy of the aquifer protection regulation.

**Requests for Voluntary Compliance**

**16 Pleasant Rise, #2013001172** – ZEO Dew advised that the shed has been completed and the variance has been obtained, but the property owner has not turned in the A2 survey. **Acting and Vice Chairman Grimes moved to go to Cease and Desist for 16 Pleasant Rise, #2013001172, if no compliance by July 31, 2014. Secretary Lollie seconded the motion, and it carried unanimously.**

**34 Stony Hill Rd., #201000274** – The property line has been changed on the map and filed with the Town Clerk, but the deed has not been changed. The property owner must file the deed or Schedule A, and he has expressed a willingness to do that. **Acting and Vice Chairman Grimes moved to issue a Cease and Desist effective July 25, 2014. Secretary Lollie seconded the motion, and it carried unanimously.**

**457 Federal Rd., #201400443** – The van has been relocated to the rear of the site. This matter may be removed.

**256 Whisconier Rd., #201400558** – This site has been reinspected and the issue has been resolved.

**132 Federal Rd., #201400566** – The business owner is in the process of getting a site plan modification application prepared for the next meeting.

**Cease and Desist Orders**

**44 Mist Hill Dr., #201400521** – ZEO Dew and Assistant ZEO Lollie advised there is no truck on the site at the present time. The last complaint from the neighbor occurred on July 9, 2014. Acting and Vice Chairman Grimes suggested that the matter might be better handled by the police. He requested that the matter stay on the report for now for monitoring.

**1087 Federal Rd., #201400562** – The sign matter has been resolved, however, the application for the Certificate of Zoning Compliance has not yet been completed and returned.

**51 Junction Rd., #201400580** – The property owner did not receive the Cease and Desist until July 21, 2014. **Secretary Lollie moved to issue a Citation to 51 Junction Rd., #201400580, if no compliance by July 31, 2014. Acting and Vice Chairman Grimes seconded the motion. There was discussion regarding the structures and garbage on the property. Motion carried unanimously.**

**Citations**

**44 Old Middle Rd., #201301041** – The property owner has not paid the \$150 fine that the Hearing Officer upheld. Attorney Beecher offered to send a letter to the property owner regarding the fine. When the judgment is confirmed by the court, a lien can be put on the land records.

**101 Laurel Hill Rd., #201300758** – The property owner continues to make progress cleaning up the site and removing wood. ZEO Dew will ask him when he expects to be done.

**49 Federal Rd., #201400294** – The property is in compliance. **Acting and Vice Chairman Grimes moved to remove and clear the Citation for 49 Federal Rd., #201400294, after careful review of the file. Secretary Lollie seconded the motion, and it carried unanimously.**

**3. Review Correspondence**

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission; Zoning Board of Appeals 7/7/14; Planning Commission; Zoning Sub-Committee**
- b. **Legal Briefings for Building Inspectors: July 2014**

No discussion/no motions.

Secretary Lollie moved to go to Agenda Item 5.a. Commissioner D'Entremont seconded the motion, and it carried unanimously.

**5. Old Business:**

- a. **204 Candlewood Lake Road #201200635:** Request for final bond release of \$15,186.00

1. Memo from A. Dew dated 7/9/14 Re: 204 Candlewood Lake Rd Bond Release – Assistant ZEO Lollie advised that he and ZEO Dew have inspected the site, and they recommend release of the bond. **Acting and Vice Chairman Grimes moved to recommend to the Board of Selectmen a final bond release of \$15,186.00 for 204 Candlewood Lake Road, #201200635. Secretary Lollie seconded the motion, and it carried unanimously.**

**b. 20-28 Old Grays Bridge Road #201200161:** Request for final bond release of \$4,860.00 – Assistant ZEO Lollie advised that this property is in satisfactory condition. **Acting and Vice Chairman Grimes moved to recommend to the Board of Selectmen a final bond release of \$4,860.00 for 20-28 Old Gray’s Bridge Rd., #201200161. Secretary Lollie seconded the motion, and it carried unanimously.**

**4. Continued Public Hearing:**

**a. Proposed Zone Change for 19 & 23 Station Road #201400370:** Request for 19 & 23 Station Road which is currently in the Town Center District to include Incentive Housing District Overlay: Perimeter sub-zone (*ph close date 8/13/14*)

Acting and Chairman Grimes explained that a full seating of five members is required for zone change approval. It was noted that Commissioners Frankel and D’Entremont did not listen to the recording of the initial public hearing.

*Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, and Ms. A. Adams, were present.* It was noted that the Planning Commission referral was received and is in the file. Secretary Lollie read the Planning Commission’s memo into the record.

Attorney Scalzo explained the role of the proposal in serving as a transitional zone among neighboring sites. Commissioner Frankel inquired regarding an area on the plans, and Attorney Scalzo advised it would become a wetlands park. Ms. Adams reviewed a copy of the conceptual plan. Commissioner Frankel inquired if the reasons for the zone change were put on the record, and Attorney Scalzo referred to the application.

*No one was present to speak in favor of the application, nor was anyone present to speak in opposition.*

**Secretary Lollie moved to close the Public Hearing for the Proposed Zone Change for 19 & 23 Station Road, #201400370. Commissioner D’Entremont seconded the motion, and it carried unanimously.**

**6. New Business:**

**a. 1084 Federal Road (New England Energy Management) #201400602:** Site Plan Modification for a Solar Canopy

1. “Pre-Sale Layout” prepared by RGS Energy dated 7/3/14 – Drawing PV.1

*S. Hinson, 1084 Federal Road, was present.* The site plan for the solar canopy was submitted for the file. He indicated that he will not lose any parking at the site. The solar panels will be the roof, supported by columns, so the object will qualify as a structure. It does not meet setbacks, and Secretary Lollie advised that a variance would be necessary, as well as an A2 survey.

There was discussion regarding whether the applicant would withdraw the application, have it tabled, or have it approved/denied tonight. Chairman Grimes explained the authority of the Zoning Board of Appeals and the Zoning Commission.

After additional discussion, Mr. Hinson decided he would withdraw the application, and initialed the application as such. He will come in to the Land Use Office on Friday and meet with ZEO Dew or Assistant ZEO Lollie about the process.

There was additional discussion among the Commission members regarding whether or not an A2 survey is necessary. Secretary Lollie read the section of the regulations that governs design review approval permit modification. It was noted that an A2 survey is required at the completion of a project. No action was taken by the Commission.

*The applicant withdrew the application.*

- b. **419 Federal Rd., #201300362**: Request for full bond release of \$3,965.00 – Secretary Lollie moved to recommend to the Board of Selectmen the full bond release of \$3,965.00 for 419 Federal Rd., #201300362. Commissioner D’Entremont seconded the motion, and it carried unanimously.

**Acting and Vice Chairman Grimes moved to add as Item 6.c., Proposed Zone Regulation Change, #201400650. Secretary Lollie seconded the motion, and it carried unanimously.**

- a. **Proposed Zone Regulation Change, #201400650** - Acting and Vice Chairman Grimes explained that this regulation change does not require an application and/or public hearing, as it is a result of a directive from the State. Many of the Commissioners present thought it should, however, be an application, with a public hearing, so that those affected could have opportunity to be heard. Commissioner Frankel inquired if the affected property owners have been notified and Acting and Vice Chairman Grimes believe they may have been by the State. It was requested that Town Counsel be consulted to determine if any additional notification is necessary.

**Acting and Vice Chairman Grimes moved to set a Public Hearing on August 14, 2014, at 7:30 p.m. to consider application #201400650, an application of the Brookfield Zoning Commission regarding changing the zone of the aquifer protection area. The application will be given to the Town Attorney for review, and the Commission will ask him how to proceed with notifying abutting property owners. Secretary Lollie seconded the motion, and it carried unanimously.**

**7. Tabled Items: None.**

**8. Informal Discussion:**

- a. **101 Laurel Hill Road**: Requested by John McCoy – *No one present*. Assistant ZEO Dew explained that Mr. McKoy has an inquiry regarding building height, and if “half-stories”, or an underground garage, are included in the measurement. The Commission indicated that the regulation clearly states that a building may be no more than three stories tall.

**Chick-fil-A** – There was discussion regarding event parking for the grand opening.

**Graffiti Bridge** – There was discussion regarding a memo regarding the history of the bridge, and if there are safety issues involved in putting signs there. There was discussion if the Commission has any authority over signs on the bridge, and regarding advertising signs on the bridge. Most of the Commissioners indicated they did not want any signs on the bridge if they are not painted on it. It was suggested that this be put in the regulations, due to safety concerns.

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

**10. Adjourn:** Commissioner Frankel moved to adjourn the meeting at 8:15 p.m. Commissioner D'Entremont seconded the motion, and it carried unanimously.

**\*\*Next Regular Meeting Scheduled for August 14, 2014\*\***