

APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, September 25, 2014 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

1. Convene Meeting

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

Present: Chairman R. Blessey, Vice Chairman M. Grimes, Secretary F. Lollie

Absent: J. Cordisco, E. Kukk, Alternates J. D'Entremont and M. Frankel

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

a. **Review Minutes of Previous Meetings:** 9/11/14 – Vice Chairman Grimes moved to approve the Minutes of the September 11, 2014 meeting. Secretary Lollie seconded the motion. Vice Chairman Grimes inquired of Secretary Lollie if the motion on Page 6, re: #201400370, Proposed Zone Change, was correct, and Secretary Lollie indicated that he reviewed it, and it was. Motion carried unanimously, 3-0.

2. Land Use Enforcement

a. **Enforcement Officer's Report:**
Request for Voluntary Compliance

150 North Lakeshore, No activity number – ZEO Dew advised that she re-sent the Request for Voluntary Compliance because the property owner has a different address. She re-inspected the site today, and found no violation. Assistant ZEO F. Lollie recommended that the matter be left on the report for monitoring.

491 Federal Rd., #201400876 – The property owner has until October 3, 2014 to comply. Vice Chairman Grimes moved to issue a Cease and Desist to 491 Federal Rd., #201400876, if no compliance by October 3, 2014. Secretary Lollie seconded the motion, and it carried unanimously.

11 Conrad Rd., No activity number – ZEO Dew read her memo dated September 25, 2014 (with attached map), which was sent to the Commissioners in their after-the-fact packets. *M. O'Hara, 11 Conrad Rd., was present.* Chairman Blessey indicated that any accessory use would have to be related to a primary use. He added that this issue has been discussed before. Mr. O'Hara advised that he has documented all personal property on the lot in the past. He indicated that four weeks ago, there was a charity car show that resulted in him allowing Candlewood East to park temporary trailers on the property. Mr. O'Hara indicated that he was seeking clarification from the Commission as to what is allowed on the lot. Chairman Blessey advised that personal property that belongs to him may be left there. Mr. O'Hara indicated that he allows friends to leave their trailers at the site temporarily.

Vice Chairman Grimes inquired of ZEO Dew if the conditions listed in her memo, as violations, exist now on the property, and she advised that they do. Vice Chairman Grimes moved to issue a Cease and Desist to 11 Conrad Rd., if no compliance by October 1, 2014. Chairman Blessey seconded the motion. Motion carried, 2-0-1, with Secretary Lollie abstaining.

ZEO Dew shared a list of the violations in her memo with Mr. O'Hara.

Mr. O'Hara indicated that he uses the wood blocks, metal stands and other pieces for winter boat storage in his work as a fabricator. Vice Chairman Grimes inquired if there is a Customary Home Occupation for the fabrication business on the site, and Chairman Blessey pointed out that was impossible without an actual home being on the site. Mr. O'Hara then indicated that his daughter used the material for art sculpting.

Mr. O'Hara indicated he spoke with ZEO Dew and Assistant ZEO Lollie regarding removing the trailers that are not registered. He asked for clarification regarding the allowance of friends' trailers at

the site, and Chairman Blessey indicated that if they are there for more than a few weeks, it is an enforcement issue. Mr. O'Hara requested clarification as to what he can do on the site. Chairman Blessey indicated that he can put things on the lot that are accessory to a residential use. He reiterated that if you do not have a main use (such as a house/residence), you cannot have an accessory use. Chairman Blessey stated that the wood pile would be allowed if there was a house with a fireplace on the site. Mr. O'Hara stated he would be coming in for a building permit for a house in a couple of weeks. He also advised that Candlewood East asked him if he wanted the wood blocks for kindling wood. He indicated that the backhoe was utilized for snow removal this past winter. He stated that the proposed house is "pre-approved". He further noted that he has attempted to resolve his issues with the neighbor that complained. Mr. O'Hara stated that Candlewood East asked him if he wanted the blue barrels, and he took them. He believes that all of the uses are acceptable.

As Vice Chairman Grimes reviewed the violations listed in ZEO Dew's memo, Mr. O'Hara stated that the four boat trailers would be gone by October 1, 2014. He reiterated that he does not feel that the wood blocks, metal stands and other miscellaneous pieces for winter boat storage are violations. Chairman Blessey pointed to the regulations for uses in residential zones, noting that there is no home on the property. Mr. O'Hara stated that the barrels are going to be given to charities and utilized for sand buckets.

Upon inquiry from Mr. O'Hara, ZEO Dew indicated that this matter was before the Commission in 2011 and 2008. There was discussion regarding further enforcement. Mr. O'Hara inquired if he could have a chance to research the regulations, and was advised that he could, and directed to the regulations on the Town website. Mr. O'Hara advised that he would look into taking care of the violation, and those that are not removed, and take what actions he feels are necessary.

Cease and Desist

34 Stony Hill Rd., #201000274. – ZEO Dew advised that the owner has not picked up the Citation. She will have a sheriff deliver it. It was noted that this matter should be on the list for Citations.

491 Federal Rd., #201400729. – Green Star – ZEO Dew stated that the garbage has been cleaned up in the back of the building.

14 Candlewood Lake Rd., #201400745 – ZEO Dew indicated that the banners and streamers have been removed. The honor boxes have not yet been removed, although they are not being used.

457 Federal Rd., #201400473 – ZEO Dew noted that there are papers in the file showing that the eviction process has begun. Additionally, the signs have been removed, so no violation exists on this site, and the violation can now be removed from the report.

106 Federal Rd., #201400795 – Assistant ZEO Lollie stated that there has not been a problem since he and ZEO Dew spoke with the property manager. This matter can be removed.

Citation

101 Laurel Hill Rd., #201300788 – ZEO Dew indicated that the lot line revision has been approved, and a pre-application meeting will be held in the near future.

51 Junction Rd., #201400580 – ZEO Dew stated that the Citation was returned as "not deliverable". She will attempt to deliver by another means.

Town Counsel Action

44 Old Middle Rd., #201301041 – ZEO Dew sent the Certification of the Superior Court to the Hearing Officer, and all information will be sent to Town Counsel.

1 High Ridge, #2013000315 – Nothing new to report.

14 Oak Grove, #201300832 – Attorney Beecher is working on this matter.

148 North Lake Shore Dr., #20131115 – Mr. Pastor is present.

439 Candlewood Lake Rd., #201400006 – No change to report.

Chairman Blessey moved to go to Agenda Item 5.a., 99 Federal Rd. (Harbor Freight Tools), #201400813. Secretary Lollie seconded the motion, and it carried unanimously.

5. Old Business:

a. 99 Federal Road (Harbor Freight Tools) #201400813: Temporary Events – Chairman Blessey moved to allow 99 Federal Road (Harbor Freight Tools), #201400813 to do two more temporary events this year. Secretary Lollie seconded the motion, and it carried unanimously.

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

a. 891, 893 Still Water Circle – Federal Road #201400705: Design Review for nine (9) new Townhomes for Newbury Village PARC Development and Natural Resources Removal Application (PH close date 10/15/14)

Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, 06801, S. Sullivan, PE, CCA, 40 Old New Milford Rd., and J. Metcalf, Newbury Village, LLC, were present.

Mr. Sullivan presented revised plans with proposed sidewalks. He advised that the developer is still willing to put a sidewalk from the south driveway to the southern property line. There was brief discussion regarding the Riverview development south of the site in question.

M. Handshy was present on behalf of the applicant, and he clarified which nearby properties were recently purchased.

It was noted that there has been no additional correspondence since the last meeting on September 11, 2014.

Vice Chairman Grimes moved to close the Public Hearing re: 891, 893 Still Water Circle-Federal Road, #201400705: Design Review for nine (9) new Townhomes for Newbury Village PARC Development and Natural Resources Removal Application. Secretary Lollie seconded the motion. No vote.

There were no questions of clarification from the audience.

F. Macerone, 42 Great Heron Lane, was present, and spoke in favor of the application. No one was present to speak in opposition to the application.

Vice Chairman Grimes moved to close the Public Hearing re: 891, 893 Still Water Circle-Federal Road, #201400705: Design Review for nine (9) new Townhomes for Newbury Village PARC Development and Natural Resources Removal Application. Secretary Lollie seconded the motion, and it carried unanimously.

Secretary Lollie moved to approve #201400705, 891, 893 Still Water Circle, Newbury Village, Design Review for nine (9) new Townhomes for Newbury Village PARC Development and Natural Resources Removal Application, per the revised plans including the sidewalk from the southern driveway to the southern property line, as submitted. Vice Chairman Grimes seconded the motion. Motion carried unanimously.

Mr. Sullivan will submit a full set of plans with the revisions submitted tonight, to the Land Use Office.

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

6. New Business:

a. 227 Federal Road (Bridgewater Chocolate) #201400844: Illuminated 25.3 sq. ft.

building sign - *Mr. A. Blauner, 227 Federal Rd., and Mr. E. Landegren, 227 Federal Rd., were present.* The calculations for the proposed sign were reviewed. **Vice Chairman Grimes moved to approve #201400844, 227 Federal Road (Bridgewater Chocolate): Illuminated 25.3 sq. ft. building sign.** Secretary Lollie seconded the motion, and it carried unanimously.

b. 111 Park Ridge Road #201400863: Site Plan Modification for a mobile kitchen going by the name “Granny’s Good Food” to be placed on two (2) parking spaces on site.

1. Map of site showing where the mobile kitchen will be placed – handed into Land Use 9/18/14

D. Davis, 111 Park Ridge Rd., was present. She advised that she wants to install a trailer on the property to provide lunch at the Eastern Corporation, at the request of the Courtneys. A review of the application revealed that Mr. Bray signed as a representative of the Courtneys. The Commission noted it should get a letter from Mr. Courtney on record.

Vice Chairman Grimes moved to approve #201400863, Site Plan Modification for mobile kitchen going by the name “Granny’s Good Food” to be placed on two (2) parking spaces on the site, at 111 Park Ridge Rd., on the condition that there is a letter from Mr. Courtney in the Brookfield Land Use Office by October 1, 2014. Secretary Lollie seconded the motion, and it carried unanimously.

2. Land Use Enforcement

a. Enforcement Officer’s Report:

148 North Lake Shore Dr., #20131115 – *J. Pastor, Sr., 148 North Lake Shore Dr., was present.* ZEO Dew advised that the violations related to vehicles in undesignated drives. She had spoken with Mr. Pastor and he advised he was going to get approval for extension or curb cut for another designated drive. As of today, there are two vehicles present, as well as one trailer. All vehicles are registered to the best of her knowledge.

Mr. Pastor stated that he went to the Candlewood Shores Tax District, and got a permit for the driveway. It was noted that the Land Use Office has communicated what it needs with Mr. Pastor via email. Chairman Blessey reviewed the permit. Mr. Pastor advised that the work he can do will be started within the next three weeks. He does not anticipate that there will be any issue getting the paving done by the end of October.

Chairman Blessey will advise Town Counsel to hold further enforcement on this matter until November 1. If by October 31, 2014, there is compliance, the matter will be removed. If not, further legal action will be pursued. The Commission advised Mr. Pastor that if he anticipates any issues with the paving, he should come to either the October 9 or 23, 2014 meetings, to advise the Commission, and come in with revised date.

Mr. Pastor will have photographs for ZEO Dew and Assistant ZEO Lollie prior to October 23, 2014. Additionally, he will provide a copy of the permit for file.

Mr. Pastor added that he was not living in the house for years, and was not aware of the original violation. When he returned to the house around April 1, he began doing the work necessary to clean up the site. Mr. Pastor advised that the neighbors that filed the initial complaint park all over their own yard. Mr. Pastor provided photographs and stated that the matter had not been enforced. ZEO Dew stated that a letter was sent to 150 North Lake Shore Drive approximately thirty days ago. There was discussion regarding the discretion of the enforcement officer, issues that are within the authority of the Candlewood Shores Tax District and/or the police, and the difficulty of enforcement when violations are not present at the time of the enforcement officer's inspection.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 9/8/14; Zoning Board of Appeals 9/8/14; Planning Commission;**
- b. **Freedom of Information Workshop Flyer: Monday, October 20, 2014 at 7 P.M. in Room 133 of Town Hall**
- c. **Legal Briefings for Building Inspectors: September 2014**

Vice Chairman Grimes requested that a reminder email be sent to the Commissioners regarding the FOI Workshop (noted above as Item 3.b.).

7. Tabled Items: None.

8. Informal Discussion:

a. **Accessory Apartments** – ZEO Dew indicated she spoke with Attorney Beecher regarding accessory apartments. She advised she sent an email utilizing copies of previous meeting minutes where the topic of accessory apartments was discussed when Bill Mercer was Chairman of the Commission. Attorney Beecher will send draft language. Vice Chairman Grimes reviewed that the intent was to allow neighbors the opportunity to hear proposals on sites close to them. **No motions.**

9. Comments of Commissioners: None.

10. Adjourn: Vice Chairman Grimes moved to adjourn the meeting at 7:59 p.m. Secretary Lollie seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for October 9, 2014****