

**DRAFT MINUTES**  
**BROOKFIELD ZONING COMMISSION**  
**Thursday, January 22, 2015 – 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, Secretary F. Lollie, Commissioner J. Cordisco, E. Kukk (arrived at 7:02), Alternate and Voting Member where indicated J. D'Entremont (arrived at 7:13 p.m.), Vice Chairman M. Grimes (arrived at 7:14 p.m.)

**Absent:** M. Frankel

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

**2. Land Use Enforcement**

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

**Request for Voluntary Compliance**

**6 Lillinah Dr., No Activity Number** – ZEO Dew reported that the five cars parked in a non-designated drive are registered, and a number of cars are not registered. The property owner has advised he will have them moved by February 20, 2015. ZEO Dew noted that he has complied in the past.

**6 Oak Lane, #201401187** – ZEO Dew advised that the four cars without plates, the truck without plates, the indoor furniture, and tires in driveway have been removed.

**51 Berkshire, #201401153** – The property owner advised she is working on her accessory apartment information and this matter will be on the February 5, 2015 meeting agenda.

**33 White Pine Dr., #201400991** – The tenant was evicted from this home. The property owner has advised he will have the paperwork completed by March 12, 2015.

**Town Counsel Action**

**101 Laurel Hill Rd., #201300758** – To be discussed later on the agenda. Additionally, ZEO Dew sent a Certification of Nonpayment of the first Citation. Also, a new Citation was sent on January 20, 2015, and Attorney Beecher sent letter to Ironworks Associates on January 12, 2015.

**51 Junction Rd., #201400580** – ZEO Dew reported that Mr. Fusco came in and paid the Citation, and advised he cleaned up material. ZEO Dew then handed him a new Citation for two unregistered vehicles that remain, as well as some debris on side of building. Additionally, there is a mobile home on the property that is being used as an office. Mr. Fusco must complete a site plan modification application for that, and clean up the debris. ZEO Dew will commence enforcement on this, but the prior matters have been cleared. **Secretary Lollie moved to remove the Citation for #201400580, 51 Junction Road. Commissioner Cordisco seconded the motion, and it carried unanimously.**

**44 Old Middle Rd., #201301041** – No new information.

**1 High Ridge Rd., #201000315** – No new information.

**14 Oak Grove Rd., #201300832** – This matter is on hold until February 2015 by court order.

**44 Old Middle Rd., #201301041** – Upon inquiry from Chairman Blessey, ZEO Dew advised that all of the paperwork has been completed, and a lien has been placed on the property. Chairman Blessey discussed a possible recurrence of the violation. ZEO Dew noted it was an old date. She stated she has not been by the site, but did receive one written complaint. Attorney Beecher advised her to resolve earlier matter first. ZEO Dew will check into this.

**148 North Lake Shore, #20131115** – Attorney Beecher sent the property owner a letter on January 12, 2015, and ZEO Dew issued a new Citation on January 13, 2015.

**3. Review Correspondence**

- a. **Minutes of other Boards and Commissions:** Inland Wetlands Commission; Zoning Board of Appeals; Planning Commission;
- b. **Legal Briefings for Building Inspectors**

- c. **Letter from CT Dept. of Energy & Environ. Protection to K. Daniel dated 12/23/14  
Re: Approval of the Town of Brookfield’s Aquifer Protection Regulations**

No discussion/no motions.

**5. Old Business:**

- a. **40-64 Laurel Hill Road (The Residences at Laurel Hill) #201500002: Site Plan Modification to create Phasing Plan for proposed Incentive Housing project with a total of 72 two bedroom units in three buildings (dec date 3/13/15)**

1. “Phasing Plan” prepared by CCA, LLC dated 1/5/15 revised 1/15/15 – sheet 1 of 1  
*N. Levesque, CCA, 40 Old New Milford Rd., was present.* She advised that the applicant has prepared a modified plan per the discussion at the last meeting.

Chairman Blessey noted Commissioner D’Entremont’s concern expressed at that last meeting, regarding the completion of the site work when Phase 1 is operational. Ms. Levesque stated that with the exception of a few utility connections, the site work will be completed. With regard to the historic house, the only things that are not complete are the sidewalks and a small decorative retaining wall in the front that can be handled by landscapers. The rain garden has been completed, so access to the rear will not be necessary.

*E. Kuczarski, Dakota Partners, was present.* He stated that the plan is to open Building 3 in late March, early April, depending on when the pavement can be put down. Chairman Blessey inquired how the construction phases would be separated, and Ms. Levesque replied that a six foot tall chain link fence will be utilized.

*Commissioner D’Entremont arrived at 7:13 p.m.*

Upon inquiry from Chairman Blessey, Ms. Levesque reviewed the parking for the buildings.

*Vice Chairman Grimes arrived at 7:14 p.m. He recused himself from this matter at this time.*

ZEO Dew noted that any concerns she had have been addressed.

**Secretary Lollie moved to approve application #201500002, Site Plan Modification, to create a Phasing Plan for proposed Incentive Housing project with a total of 72 two-bedroom units in three buildings, at 40-64 Laurel Hill Road. Commissioner D’Entremont seconded the motion, and it carried unanimously.**

**1. Convene Meeting (continued)**

- a. **Review Minutes of Previous Meetings: 1/8/15 – Vice Chairman Grimes moved to approve the Minutes of the 1/8/15 meeting as submitted. Secretary Lollie seconded the motion, and it carried 3-0-2, with Commissioners Cordisco and Kukk abstaining.**  
**1/8/15 special – Vice Chairman Grimes moved to approve the Minutes of the 1/8/15 Special Meeting as submitted. Secretary Lollie seconded the motion, and it carried, 3-0-2, with Commissioners Cordisco and Kukk abstaining.**

**6. New Business:**

- a. **800, 802, 806 Federal Rd & 7 Station Rd #201500027 (Brookfield Village): Site Plan Modification to the architecture of buildings #2 and #3 exclusively and to include minor rework of overall footprint. Addition of balconies as an amenity,**

**addition of windows for architectural interest and visibility, a reduction of four (4) units, and change in textures. Realignment of walkways to entrances.** (*dec date 3/28/15*)

1. **Map Update Sheets:**

- “Site Layout And Materials Plan” prepared by CCA, LLC dated 3/21/13 revised 1/14/15 – sheet C2
- “Grading Plan” dated 3/21/13 revised 1/14/15 – sheet C3
- “Drainage Plan” dated 3/21/13 revised thru 1/14/15 – sheet C4
- “Utilities Plan” dated 3/21/13 revised thru 1/14/15 – sheet C5
- “Landscaping Plan” dated 3/21/13 revised 1/14/15 – sheet C6

2. **Architectural Plans:**

- “Floor Plans” prepared by The Sullivan Architectural Group dated 1/5/15 – sheet A-100
- “Roof Plan” dated 1/5/15 – sheet A-101
- “Building Elevations” dated 1/5/15 – sheet A-200 & A-201

*Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, A. Adams, Landscape Architect, CCA, 40 Old New Milford Rd., and A. Rothman, were present on behalf of the applicant/developer.*

Attorney Scalzo stated that the application is a site plan modification related to architectural and other changes that will undergo a pre-application review on Tuesday at 3 p.m. ZEO Dew noted that there is a change in the number of apartments. Chairman Blessey questioned whether the changes warrant a design review with a public hearing.

Ms. A. Adams advised that the changes do not involve greater than a 2,500 square foot change within the building, and there will be no additional parking spaces. Those two considerations do not necessitate a design review.

*R. Posthauer, CCA, 40 Old New Milford Rd., was present,* and noted that most of the changes are to the interior of the structure. Chairman Blessey stated that his concern is the addition of bedrooms. ZEO Dew clarified that the number of units has been reduced from 76 to 72; with 36 1-bedroom units and 36 2-bedroom units. Ms. Adams noted that the parking space ratio is based on unit count, not bedrooms.

Chairman Blessey reviewed the application history thus far, including the implementation of the Town Center District regulations. ZEO Dew reviewed the original approval for 76 units. Chairman Blessey inquired if the changes were substantial enough to warrant a design review. Commissioner Cordisco noted that the bedroom count has been reduced from 112 to 108. Attorney Scalzo stated that he believes the change falls under the site plan modification category, but noted it is the Commission’s decision whether the bedroom count change necessitates a design review. Attorney Scalzo and Mr. Rothman noted that the target audience remains the 55-plus age group, however, studies have concluded that this age group favors two-bedroom housing for use of the extra room as an office, a gym, or other uses.

There was discussion among the Commission members whether this type of change warrants a design review, and it was decided by all Commission members that it should remain a site plan modification.

Attorney Scalzo reiterated that he has no objection to doing a pre-application review with Land Use professionals next week.

*At 7:30, the Commission moved to the Public Hearings.*

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

**b. Proposed Zone Change – 19 Station Road #201401130: Town Center District – Incentive Housing District Overlay; Central Core sub-zone (ph close date 2/25/15)**

1. Response memo from Planning Commission dated 1/9/15 Re: Proposed Zone Change Application #201401130

*Chairman Blessey recused himself from this matter and left the room.*

Vice Chairman M. Grimes opened the Public Hearing and introduced the Commission members. Secretary Lollie read the legal notice for both public hearings which were published in the PennySaver on January 8 and January 15, 2015. Vice Chairman Grimes noted that the application was received December 11, 2015. He then reviewed the policies and procedures that govern public hearings.

Secretary Lollie noted the above correspondence (Item 4.b.1); from HVCEO, dated 12/22/14; and from K. McPadden, WPCA, dated 12/18/14, to N. Mack.

*Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, A. Adams, Landscape Architect, CCA, 40 Old New Milford Rd., and A. Rothman, were present on behalf of the developer/owner.* Ms. Adams submitted the certified mail receipts notifying the abutting property owners, for the record. Attorney Scalzo explained that this an abutting parcel to the Brookfield Village project. This particular parcel is 4.67 acres, and abuts a .32 acre parcel at 23 Station Road (already zoned as incentive housing, core zone). The applicant seeks to make 19-23 Station Rd. an incentive housing zone, central core sub-zone.

Mr. Rothman shared a copy of a map.

Vice Chairman Grimes inquired what it would mean for the Brookfield Village Project if the zone change was not approved. Mr. Rothman advised it would lead to an inability to build housing/retail on this lot, which, he added, would be fully taxed.

*There were no questions of clarification.*

*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 application #201401130, 19 Station Rd., Proposed Zone Change. Commissioner Cordisco seconded the motion, and it carried unanimously.**

**Secretary Lollie moved to approve the Proposed Zone Change for 19 Station Rd., application #201401130, as submitted, and effective the first date after publication. Commissioner D’Entremont seconded the motion. Commissioner Kukk noted the Planning Commission’s favorable opinion on the change. Vice Chairman Grimes noted that the Planning Commission is currently working on revising the Plan of Conservation and Development. Motion carried unanimously.**

- a. **101, 103 & 105 Laurel Hill Rd #201401132: Design Review for a mixed use with 98 Residential Units and 8,600 square foot of Commercial buildings (ph close date 2/25/15)**

*Chairman Blessey rejoined the meeting, at which time Commissioner D’Entremont was no longer a voting member.*

It was noted that the legal notice for this Public Hearing was read before the prior Public Hearing.

*J. McCoy, JFM Engineering, Danbury, CT, was present on behalf of the applicant, Laurel Hill Partners. He explained that the proposal is for a 4.7 acre parcel, including three lots: 101, 103, and 105 Laurel Hill Road. The first two lots have been developed as single-family residences. The remaining lot is undeveloped, with evidence of being “manipulated” but not recently. The entire parcel sits within the incentive housing, central district.*

Mr. McCoy advised that the application has been before the Inland Wetlands Commission, and issues that Commission has raised are being addressed with minor changes. The proposal is for a 98-unit development, with four 3-story residential buildings, and one mixed-use building, containing commercial on the first floor, and residential above. Mr. McCoy indicated that the applicant became aware of changes in the incentive housing regulations during the IWC review. He noted that this allowed the applicant to meet the guidelines of the incentive housing zone, by allowing a change in the layout of the building out front, and increasing the number of units to 102. The details of the modified plan will be available next week. Mr. McCoy advised that the application is being reviewed by an outside engineer and environmentalist. The change in the building out front has resulted in the ability to create a streetscape. The residential buildings will have parking underneath, and the building in the front will have parking behind it. Mr. McCoy stated that the layout meets all of the incentive housing requirements, with the following exceptions: no loading zone, and a request for reducing the parking space requirements for 1-bedroom units from 2, to 1.5, with a reduction in shared-parking, to ninety percent. This brings the parking space total to 193 spaces. The applicant is requesting a waiver of the two aforementioned requirements.

Mr. McCoy advised that the IWC is reviewing the drainage proposal for the site. He indicated that proposal has measures to control runoff and promote infiltration. He pointed out pervious paver locations, storm water ponds, and underground detention, and stated the plans would be updated by next week.

*D. McMillan, Ridgefield, CT, Architect, was present. He discussed the façade, sidewalk, and streetscape. The materials will include vinyl shake siding, vinyl clapboard, asphalt shingle roofs, with a New England style. Each building has a different front façade, but the same materials will be used for each.*

*There were no questions of clarification from the audience.*

Commissioner Kukk inquired if the parking in the residential buildings counted as a “floor” and was advised that the proposal calls for three floors above the ground. The applicant indicated that without shared parking, the number of spaces would be 207. By calculating shared parking for two-bedroom units and commercial, the number of parking spaces provided will be reduced to 193.

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

**Vice Chairman Grimes moved to recess the Public Hearing for 101, 103 & 105 Laurel Hill Rd., #201401132, to the next regularly scheduled meeting. Secretary Lollie seconded the motion, and it carried unanimously.**

**6. New Business:**

- a. **800, 802, 806 Federal Rd & 7 Station Rd #201500027 (Brookfield Village): Site Plan Modification to the architecture of buildings #2 and #3 exclusively and to include minor rework of overall footprint. Addition of balconies as an amenity, addition of windows for architectural interest and visibility, a reduction of four (4) units, and change in textures. Realignment of walkways to entrances. (dec date 3/28/15)**

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*Ms. A. Adams, CCA, 40 Old New Milford Rd., A. Rothman, and Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, were present.* Ms. Adams indicated that the application is for minor changes to the footprint, and changes to the entry locations. A. Rothman reviewed that there would be more spaces on the bottom floors of the buildings, with the first floor being retail, with two floors of apartments. Mr. Rothman shared a drawing of what Buildings 2 and 3 are proposed to look like.

The pre-application review will take place on Tuesday, January 27, 2015. ZEO Dew will attend, and no more than two Commissioners were encouraged to be present.

**Continued to next regularly scheduled meeting.**

**8. Informal Discussion:** *H.Nuehlen, Wolcott, and P. Raffaele, Sherman, CT, were present.* Mr. Nuehlen stated that they are exploring the possibility of opening a brewery, with no restaurant, that would have the ability to sell its beer on site, perform tastings, and distribute its beer locally to restaurants and liquor store. The current use table does not address this particular use. The five towns surrounding Candlewood Lake are all being looked at as possible locations. A set address would be required for the parties to complete state and federal licensing applications.

Chairman Blessey noted that he did not see the difference between the retail sale of pizza, chocolate, donuts and the making of beer for sale. ZEO Dew noted that most municipalities are being more specific with their use tables.

Mr. Nuehlen advised he is seeking guidance related to parking, water runoff, and disposal of waste material.

The Commission noted a regulation change would require a Public Hearing. Chairman Blessey encouraged ZEO Dew to draft language for a proposed regulation change to be put on an upcoming

agenda. He suggested that Mr. Nuehlen and Mr. Raffaele keep in touch with ZEO Dew regarding their questions.

**b. Appointment of Deputy ZEO's:**

Chairman Blessey reviewed the current broad authority of Deputy Zoning Enforcement Officers. He noted that there was discussion between the Commission and the Town Attorney at the last Special meeting regarding limiting that authority.

**Vice Chairman Grimes moved to appoint as Deputy Enforcement Officers: R. Blessey, F. Lollie, E. Kukk and M. Frankel, for enforcement purposes only. Chairman Blessey seconded the motion, and it carried unanimously.**

**Chairman Blessey moved to authorize Chairman Blessey and Secretary Lollie for full Deputy ZEO power in the absence of the Zoning Enforcement Officer. Upon inquiry from Vice Chairman Grimes, ZEO Dew explained that those two individuals are present in the Land Use Office most often. Chairman Blessey noted that when the ZEO is not present, applications cannot be signed. ZEO Dew advised she will be on vacation from February 4-8, 2015. Commissioner D'Entremont seconded the motion, and it carried unanimously.**

**7. Tabled Items:       None.**

**9. Comments of Commissioners:**       ZEO Dew advised that Dr. DiGrazia wishes to come to an upcoming meeting to discuss the upcoming season at his property, if he wishes to do more than private events.

There was discussion regarding drafting language for a proposed amendment discussing vertical expansion.

**No motions.**

**10. Adjourn:**       Chairman Blessey moved to adjourn the meeting at 8:32 p.m. Commissioner Cordisco seconded the motion, and it carried unanimously.

**\*\*Next Regular Meeting Scheduled for February 5, 2015\*\***