

APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, March 12, 2015 – 7:00 p.m.
MEETING ROOM #209 – 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, Secretary F. Lollie, Commissioner D'Entremont, E. Kukk

Absent: Vice Chairman M. Grimes, J. Cordisco, M. Frankel

- a. **Review Minutes of Previous Meetings: 2/26/15 – Chairman Blessey moved to approve the Minutes for the February 26, 2015 meeting. Secretary Lollie seconded the motion, and it carried, 3-0-1, with Commissioner Kukk abstaining.**

2. Land Use Enforcement

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

Requests for Voluntary Compliance

51 Berkshire, #201401153 – ZEO Dew spoke with the property owners, and the tenants will be removed by September 2015. She will inspect at that time.

33 White Pine Dr., #201400991 – This application will be heard at the next meeting. ZEO Dew also needs to speak with Attorney Beecher regarding outstanding issues.

Cease and Desist

291 Federal Rd., No Activity # – ZEO Dew is sending a Cease and Desist Order tomorrow. She would like to inspect for the illegal activity (a new, unlicensed repairer) beforehand, as the complaint was done anonymously.

6 Lillinonah Dr., #201500110 – The property owner had been given another six days. He is currently on vacation, and a Show Cause Hearing has been scheduled for March 26, 2015. The property owner will either comply prior to that date, or come to that meeting.

594 Federal Rd., No Activity # – This item can be removed from the report unless the signs reappear.

Town Counsel Action

101 Laurel Hill Rd., #201300758 – ZEO Dew heard that one tractor trailer has been removed, but she has been unable to inspect to verify. Two citations have been sent to the property owner, who owes \$300.

51 Junction Rd., #201400580 – ZEO Dew will inspect when there is more snow melt.

44 Old Middle Rd., #201301041 – No change

1 High Ridge Rd., #201000315 – No change

14 Oak Grove Rd., #201300832 – ZEO Dew advised that the property owner still owns the property, and it is occupied. She will speak with Attorney Beecher and look into this matter further.

148 North Lake Shore Dr., #20131115 – ZEO Dew indicated that a marshal has served papers on behalf of the Zoning Commission, as well as notification of \$1,500 in Inland Wetlands Commission fines, along with a Health Department violation. She researched if the taxes are being paid on the property, and it appears that they are being paid by the bank. She noted that the property owner is involved in his 16th bankruptcy filing, and owes money to his last bankruptcy lawyer. Secretary Lollie noted that the wetlands fines are much greater than those of the Zoning Commission. ZEO Dew stated that the Zoning Commission has to change the ordinance in order to have its fines accrue daily, like Wetlands.

3. Review Correspondence

a. **Minutes of other Boards and Commissions:**

Inland Wetlands Commission 02/18/15 and 02/23/15

Planning Commission 02/19/15

No discussion/no motions.

Miscellaneous - 101, 103 & 105 Laurel Hill Rd #201401132 - Chairman Blessey inquired if the application for tonight's public hearing has to be discussed in light of the fact that the property is in violation. There was discussion regarding making compliance necessary as a condition of approval. ZEO Dew will speak with Town Counsel regarding this issue.

5. Old Business:

a. **51 Berkshire Dr. #201500096: Single Family Conversion for a 725 sq. ft. apartment** – There was discussion regarding eligible occupants for single-family conversions, and a relocation of the current tenants. **No motion.**

b. **33 White Pine Dr. #201500097: Single Family Conversion for a 524 sq. ft. apartment** – Chairman Blessey explained that the current regulation reads that when a Certificate of Zoning Compliance is given for a single-family conversion, it is conditioned upon the tenant(s) meeting the requirements of single-family regulations. ZEO Dew stated that she disagreed. She reviewed the situation of a couple, over 55 years old, renting to a younger couple (not related). She explained that the regulation used to allow for either the property owner or the tenant to be 55 years old/handicapped. The current regulations states that the property owner lives in the house or apartment, and the other occupant needs to be 55 years old/handicapped/caregiver/family relation. It was noted that the word “licensed” is not present before “caregiver”. Chairman Blessey stated that the intent of the regulation is to have legitimate caregiver or family member eligible to live in the house.

ZEO Dew discussed the instance of an unpermitted apartment, that, in order to be in compliance, will have to apply for a building permit, and get approval from the Commission. Chairman Blessey advised he believes that a “conditional” Certificate of Zoning Compliance can be issued for unoccupied apartments, approved only if the tenant(s) meets the regulation. ZEO Dew stated that in the past, the unpermitted apartment goes through Zoning approval initially, and then to the Building Department. Chairman Blessey requested that ZEO Dew speak with Town Counsel regarding this matter.

6. New Business:

a. **164 Federal Road #201500124: Sign application for Illuminated signs – roadside and building signs.**

- Supplemental Sign Information
- Plot Plan prepared for Cruciano & Nicasio Savona, 164 Federal Road by C. James Osborne Jr. R.L.S. P.C. dated 11/26/1991 Class A-2 Survey
- Sheet A5.0 Exterior Elevations prepared for Moe's Southwest Grill #1637, 164 Federal Road by Thomas F. Tedrow, AIA dated 02/10/15
- Photographs of signs: former sign (street view), building view (new) and street view (new)

Darin Senna, 305 Murphy Rd., Hartford, CT, was present. There was discussion regarding the square footage and wattage requirements. **Chairman Blessey moved to approve 164 Federal Road, #201500124: Sign application for Illuminated signs – roadside and building signs. Commissioner Kukk seconded the motion, and it carried unanimously.**

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

- 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 (1 extension day used – 30 extension days granted by applicant: ph close date 3/27/15)**

Chairman Blessey reopened the Public Hearing. Secretary Lollie read the legal notice which was published in the Pennysaver on January 8 and January 22, 2015. Chairman Blessey noted that the application was received on December 11, 2014. He then reviewed the policies and procedures that govern public hearings.

Secretary Lollie read a letter from Water Source Committee to the Zoning Commission dated 3/10/15.

R. Hebert, 90 Grove St., Ridgefield, CT, was present. He advised that the Inland Wetlands Commission closed its Public Hearing regarding this site. He explained that in response to the Zoning Commission’s concerns, two major changes have been made: the number of units has been reduced by two; and the parking is now fully compliant with zoning regulations. Mr. Hebert indicated he is in possession of the Water Source Committee letter. Chairman Blessey advised Mr. Hebert that if the Commission votes to approve the application, it will be with a stipulation that there be no violations on property prior to approval. Mr. Hebert advised that one more trailer that needs to be removed. It was noted that the plan does not include a loading zone. ZEO Dew pointed out that a path was installed at the request of the Water Source Committee.

Secretary Lollie moved to close the Public Hearing for 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. Chairman Blessey seconded the motion, and it carried unanimously.

- b. Proposed Regulation Change #201500050: Section 242-202 and 242-501: Brewery and Brewpub / restaurants**

The same introduction for this hearing was used for this public hearing, and there was no objection. It was noted that the application was filed by the Zoning Commission and was received February 5, 2015. The legal notice was read by Chairman Blessey, and was published in the Pennysaver on February 12 and February 19, 2015.

ZEO Dew indicated she would like to research how other municipalities have handled the regulation of breweries and brew pubs. There was discussion regarding how the amount of beer manufactured is measured. Chairman Blessey suggested looking at the Waterbury regulations as they have several of these type of business. There was discussion regarding affiliated restaurants, and sale of product. The Commission will await ZEO Dew’s research regarding what types of facilities are in different zones and towns.

Chairman Blessey moved to continue the Public Hearing re: Proposed Regulation Change, #201500050: Section 242-202 and 242-501: Brewery and Brewpub/restaurants. Commissioner Kukuk seconded the motion, and it carried unanimously.

7. Tabled Items: None.

8. Informal Discussion: None.

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

10. **Adjourn:** Commissioner Kukk moved to adjourn the meeting at 7:48 p.m. Secretary Lollie seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for March 26, 2015****