

Received 11/01/2023
10:16am
Tonya Hogan, TC

MIDDLEFIELD PLANNING & ZONING COMMISSION
405 Main Street
Middlefield, Connecticut 06455

Minutes of the October 25, 2023

The meeting was called to order at 6:30 PM.

Attendance:

Members

Alternates

X	Brown, Jay	x	McNamara, Susan
A	Ekblade, Eric	X	Wheeler, Scott
X	Hinsch, Ken	X	Kirshner, Nate
X	Warner, Bill	Others	
X	Weber, Kathy	X	Newton, Robin, Town Planner
		A	Curtis, Brian, Engineer
		A	Yamartino, Bob, <i>ex officio member</i>

A=Absent
X=Present

Seating of Alternates

Nate Kirschner was seated as a regular member. As Nate Kirschner has to recuse himself for a pending application as he is an applicant, Susan McNamara will be seated for that application.

Public Comment

A member of the public who didn't provide their name or address indicated they live close to Route 66 and have general concerns about light pollution and noise. An example provided included the Storage facility. It was stated that their lighting is bright at night and shines off their property.

Chairman Warner explained that the lighting from the Self-Storage may be due to the use of LED lighting, but that staff would look into the lighting to see if the intensity of the lights can be turned down.

Chairman Warner also indicated that the Town does not have a noise ordinance and that issue is not regulated through the Zoning Regulations.

Receipt of Applications:

a. Town of Middlefield, Text Amendment, Family Childcare Home/Group Family Childcare Home, Per

P.A. 23-142, Sections 4.3 Permitted Uses and 2.2 Definitions (Received 10/25/23)

Town Planner Newton gave a brief overview of the changes to the regulations and why they needed to be updated to be compliant with P.A. 23-142. Ms. Newton said the hearing will be published for a date to be agreed upon by the Commission as there is no regular meeting date. The Commission conferred and decided to hold a meeting on November 29, 2023.

Public Hearing-

a. NHG Acquisitions, LLC, Text Amendment, Section 5.3 Permitted Uses, Section 5.4 Dimensional Standards, Zone DD1. (Application Received 08/23/23)(Public Hearing 09/27/23,10/25/23)

The public hearing was continued from the previous meeting. Nate Kirschner and Steven Inglese were present for NHG Acquisitions, LLC to present the proposed text amendment. Mr. Kirschner again explained he is not representing the applicant, that he is the actual applicant and that he and Mr. Inglese are business partners. Mr. Kirschner then went over with the Commission the changes to the proposed text from the previous meeting.

Town Planner Newton did clarify one item which included drive-through banks would be allowed in the other commercial district based on this proposal.

Chairman Warner indicated for the record that a Facebook post was made by him asking for feedback from the public and has been included as part of the record. He further indicated he received an email from the Chairman of the EDC and read the email into the record.

Chairman Warner indicated he would like to see a minimum size associated with any gas filling station/convenience store building and asked if the applicant would be opposed to the Commission adding this language. Mr. Kirschner and Mr. Inglese stated they were not opposed to that addition to the regulation.

Mr. Rodgers spoke about what the potential tax revenue might be. Chairman Warner indicated it was hard to say without knowing the exact size of the building.

Jim Giammatteo asked for clarification on the special permit process and what that meant. The process was further explained, and he indicated that he did not believe when the EDC discussed this proposal, they understood the special permit process as it was explained this evening.

Commissioner Hinsch indicated for the record that he had listened to the recording of the previous meeting.

With no further comment Jay Brown made a motion to close the public hearing. Kathy Weber seconded the motion which was carried unanimously.

b. Fikret Cecujanin-Special Use Permit- Establish Restaurant Use, Site Improvements and Façade Updates-222 Meriden Road. (Assessor Map 2, Lot 7) (Received 9/27/23)(Public hearing 10/25/23)

Chairman Warner opened the hearing. Attorney Corona gave a brief presentation stating this his client is still working with his design professionals on plan updates and some of the work that

had been completed may have to be reworked.

Chairman Warner indicated he and the Town Planner had spoke earlier during the day and both agreed that a Special Permit was not needed as the regulations do not differentiate between a café and full-service restaurant. Since the parcel is in a design district the commission will review the architectural drawings. The rest of the site improvements will be handled by Staff on an administrative basis.

Anne Olszewski stated she thought the building looked good with the improvements.

With no further public comment, Jay Brown made a motion to close the public hearing. Kathy Weber seconded the motion. Motion carried unanimously.

c. Robert Burt- Zone Change- Industrial to Residential- 106 Main Street. (Assessor Map 9, Lot 152)(Received 9/27/23)(Public Hearing 10/25/23)

Chairman Warner opened the hearing. James Dorsey was present representing the application. Mr. Dorsey explained that he has lived on the property in a caretaker's quarter which is allowed under the regulations. He is currently trying to purchase the property and the bank will not provide a mortgage for residential purposes because the property is zoned industrial. He is not looking to use the property for anything other than a single-family dwelling unit.

Chairman Warner indicated to the Commission that they have a zoning map showing that this property is completely surround by the HD2 residential zoning district, so this is not spot zoning.

Town Planner Newton added that this property while Industrial because of its small acreage, hard to reach access it is not viable for an industrial use and is better suited as a residential property.

Commissioner Hinsch had some questions regarding access and septic. Town Planner Newton explained that nothing related to those issues changes because of the zone change.

Jay Brown made a motion to close the public hearing. Nate Kirschner seconded the motion. Motion was carried unanimously.

d. Powder Ridge Mountain Park and Resort, LLC-Establish Recreational Campground Per Section 5.6.2B on property located at 99 Powder Hill Road, Middlefield. (Assessor Map 13, Lot 15)(Received 10/25/23)(Public Hearing 10/25/23)

Chairman Warner opened the public hearing. Town Planner Newton indicated the applicant has requested the application be tabled to the December Meeting. She then noted that upon checking the Commission's adopted schedule for 2023 there are no November or December Meetings. The Commission then indicated that they could continue to the November Meeting. Ms. Newton indicated that the applicant would like the date pushed further out. The Commission indicated that they would not be holding a December meeting so that the next meeting will be held at their regular meeting in January 2024. Ms. Newton indicated she would advise the applicant.

A brief conversation ensued regarding continued activities on the site, if these activities were complaint with the previously approved plans and the lack of erosion and sedimentation control measures on the site. Town Planner Newton indicated she and the wetlands agent would go out to investigate what work is being completed and to request proper erosion controls be installed on the site.

The Commission further discussed the need for a site walk as part of the special permit hearing. Town Planner Newton indicated she would discuss it with the applicant and that any site walk would have to be noticed.

Jay Brown made a motion to continue the public hearing to January, Nate Kirschner seconded the motion which was carried unanimously.

Old Business- NONE

New Business

- a. NHG Acquisitions, LLC, Text Amendment, Section 5.3 Permitted Uses, Section 5.4 Dimensional Standards, Zone DD1. (Application Received 08/23/23)(Public Hearing 09/27/23)

Nate Kirschner recused himself from acting on this application. Susan McNamara is seated as a regular member for this application.

Jay Brown made a motion to approve the text amendment. Kathy Weber seconded the motion. Discussion ensued regarding including a minimum square footage for a retail store building associated with any auto filling stations. The Commission indicated the minimum they wanted was 3,000 square feet. Commissioner Hinsch asked if that would include auto repair/service stations, Chairman Warber indicated no it was only applicable to retail buildings associated with gas filling stations. Jay made a motion to accept the amendment with the motion. Kathy Weber seconded the motion. Motion was carried unanimously.

- b. Fikret Cecujanin-Special Use Permit- Establish Restaurant Use, Site Improvements and Façade Updates-222 Meriden Road. (Assessor Map 2, Lot 7) (Received 9/27/23)(Public Hearing 10/25/23)

Chairman Warner opened the discussion regarding the architectural improvements. The Commission agreed that the white stucco that was being proposed is not appropriate. The Commission wants to see the wood siding remain or the applicant use Hardy Board.

The commission then discussed the use of certain colors for the building façade. The Commission felt that in keeping with the rural new England nature Barn Red or Hunter Green would be appropriate for the wood siding.

Bill Warner made a motion to approve the application of Fikret Cecujanin for Façade improvements, noting that a Special Permit is not required with the following conditions:

1. The proposed use of a full sit-down restaurant is consistent with the DD1 zoning uses.
2. The applicant may submit a site plan modification for all exterior improvements including but not limited to the retaining wall, parking improvements, outdoor dining (not including

- any future proposed outdoor entertainment) and signage.
3. The wood siding shall remain or be replaced with Hardy Board.
 4. **The approved colors for the façade are Barn Red or Hunter Green.**

Nate Kirschner seconded the motion. Motion was carried unanimously.

c. Robert Burt- Zone Change- Industrial to Residential- 106 Main Street. (Assessor Map 9, Lot 152)(Received 9/27/23)(Public Hearing 10/25/23)

Chairman Warner asked if there was any discussion on this application. With no discussion, Jay Brown made a motion to approve the Zone Change as requested. Kathy Weber seconded the motion. Motion was carried unanimously.

d. Powder Ridge Mountain Park and Resort, LLC-Establish Recreational Campground Per Section 5.6.2B on property located at 99 Powder Hill Road, Middlefield. (Assessor Map 13, Lot 15)(Received 10/25/23)(Public Hearing 10/25/23)

Application was tabled to the January meeting.

Report of the ZEO

Ms. Newton gave a brief update on a complaint on Baileyville Road and an update on the High Street Subdivision easement issue.

Report of the Town Planner:

No Report.

Chairman's Report

No Report

Approval of Minutes- September 27, 2023

Susan McNamara asked a question regarding the skating pond. Town Planner clarified what information was presented at that meeting.

Jay Brown made a motion to approve the minutes as written. Kathy Weber seconded the motion. Ken Hinsch and Jay Brown abstained. Motion carried.

Adjournment

Chairman Warner made a motion to adjourn the meeting. Jay Brown seconded the motion. The motion carried unanimously. The meeting was adjourned at 7:45 PM.

Respectfully submitted,

[Robin Newton](#)

Robin Newton, AICP, CZEO

Town Planner