

Middlefield Planning and Zoning Commission

Regular Meeting – July 27, 2011

Minutes

(Not approved at time of filing)

1. Call to order

The meeting was called to order at 6:38 pm by Jerry Russ, present are Geoff Colegrove-staff, Kevin Boyle, Scott Wheeler and Jerry Russ. Bill Waff arrived at 6:43 pm.

2. Agenda (:20)

Geoff Colegrove noted that Attorney Corona sent in a letter withdrawing his application for his proposed zone change. One member noted that item was the primary reason for holding tonight's meeting. It was suggested to modify the item concerning the Lori Vogel application to just a discussion.

A motion was made by Kevin Boyle to modify the agendas as suggested by Geoff Colegrove.

A member of the public suggested approving the agenda as presented and when the time comes to discuss the Lori Vogel application, to note the application was withdrawn.

A motion was made by Scott Wheeler to approve the agenda of July 27, 2011 as presented. This motion was seconded by Jerry Russ and approved by all voting members.

3. Application of Lori Vogel (10:57)

Geoff Colegrove read a letter from Attorney Corona indicating this application was withdrawn.

Geoff Colegrove provided a copy of a report done by the capital region working with several towns regarding agricultural regulations and suggested the commission review this document. Geoff Colegrove noted Middlefield regulations are rather severe. It was agreed to discuss this at a future meeting.

4. Middlefield Park and Rec update on farmers market and tag sale at Peckham Park (19:39)

There was a note from the Park and Rec director indicating less than stellar results, but stating they will continue through August.

Commissioners noted it was only to go through July and if Park and Rec wanted to do any additional, it was to come before the commission. Geoff Colegrove suggested they let it go for this year, but to send a letter stating prior to any activity next year, it must come before the commission. Commissioners agreed.

5. Zoning regulations, industrial district section 06 discussion (25:04)

Geoff Colegrove noted there was a letter from Jon Brayshaw requesting they consider the possibility of expanding the uses in the IN zone. Geoff Colegrove provided

documents for the commission to review that indicated the already permitted uses, and the uses permitted in the design development district number one, with a caveat. There was also information that includes the uses in the 06 section. Geoff Colegrove provided a book of the North American Industrial Application System.

Commissioner discussed possible changes and potential effects. It was agreed the commission would review and discuss at a future meeting on the 14th.

6. Zoning Enforcement Officer report (40:52)

Geoff Colegrove reported that the letter was delivered to the property on Hubbard Street and the property on Peter' Lane appeared to have been cleared up.

7. Town Planners report (42:03)

Geoff Colegrove noted the commission is up to date as there is nothing pending before the commission at this time. He noted the golf course on the Lyman property is progressing and the inspections are happening on schedule. Geoff Colegrove discussed various construction projects in Middlefield and Durham.

8. Minutes to previous meeting (46:49)

It was noted that there may have been an issue regarding the recording. It was agreed to table this item.

9. Miscellaneous (49:40)

There were no items to discuss.

10. Adjourn

A motion was made to adjourn at 7:28 pm, this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning Commission

September 14, 2011

Regular Meeting

(Not approved at time of filing)

1. Call to order (3:27)

Bob Johnson called the meeting to order at 6:35pm. Present are Bob Johnson-chairman, Jerry Russ-vice chairman, Kevin Boyle-regular, Scott Wheeler-alternate and Geoff Colegrove-staff. Bob Johnson seated Scott Wheeler.

2. Agenda (4:07)

A motion was made by Jerry Russ to approve the agenda as noted for September 14, 2011; this motion was seconded by Kevin Boyle and approved by all voting members.

3. Public Session (4:52)

Geoff Colegrove explained that EMuscle has had to move due to a building collapse, and according to the DMV the relocation requires a Zoning Board of Appeals relocation permit. Geoff Colegrove reported that this issue is on the ZBA agenda for discussion and presentation, and the October meeting for the public hearing. Geoff Colegrove explained that EMuscle will be moving the operation from IPD2 zone on West Street to Orchard Lane IN zone.

Brian Chaffe, owner of EMuscle provided some history on the business, its operation, locations and services they offer, and provided some handouts for the commission and went over the information. He provided photos and explained the damage done by the heavy snow over the past winter season. He explained the hardship he endured during the months between in trying to manage being forced out of the building where he was. Geoff Colegrove explained that he had been given information from the DMV that this issue could have been dealt with by the building official, but while confirming that, it was discovered not to be the case, so Mr. Chaffe was aware of the need to appear before this board only recently. At this time, EMuscle is now completely moved to the Orchard Lane location. Mr. Chaffe stated that the days after the collapse he contacted the First Selectman who advised him the new location was zoned industrial and should not be a problem with him there until they can get it worked out.

Mr. Chaffe explained what they have done at the new location, and indicated that he is renting the entire building for his use. He noted 85% of his business is from the internet. He provided a letter from the police department noting EMuscle has never been cited for any traffic issues in all the time they have been in Middlefield. He noted all his certifications for waste disposal have been transferred to the new location. He provided

information regarding the painting products they use and noted they use several gallons of paint in the course of a year.

Geoff Colegrove noted if this were a new facility a special permit would be required, but this is an existing building. Planning and Zoning Commission can require a site plan, but if a change of use does not increase the parking, or septic, it is normally handled through a zoning permit.

Board members discussed if they should ask for a site plan in order to have it agreed on, and on file, and the meeting schedules to accommodate this. Mr. Chaffe was advised to work with Geoff Colegrove to create the site plan so that when he returns to the commission it will be in order. It was agreed to meet on the 27th to discuss this. It was clarified that the ZBA will still have to review this.

4. Lori Vogel Brown property (42:02)

Bob Johnson stated that there is not an application before the commission, but he wanted to review the application that had been submitted and then withdrawn. Bob Johnson suggested the commission review what triggered the withdrawal so that they do not encounter that again. Geoff Colegrove explained the building collapsed in February and the application came up in May 16-19. He noted there was no denial of a building permit as there was no application for a building permit. There had been an issue regarding the building height as the regulations had been changed from 40 feet to 35 and the commission could not approve a building application that does not meet the height requirements for zoning regulations. Regarding the location of the structure, Geoff Colegrove stated they could put it on the existing foundation. The plans had been revised and submitted on June 2, and the permit was issued for a new structure on the existing footprint for a 35 foot high building without expansion. On July 26 the permit was issued to add a 50 foot addition on to the site plan- and it came within the set back for residential zones. There had been some correspondence and the attorney felt the regulations were deficient and were confusing and he felt the structure was neither a storage building or to house animals and therefore would have to meet setback requirements for accessory structures. Geoff Colegrove agreed the use of the building could be interpreted two ways, but had concerns about the volume of the building, and suggested they review the regulations to address not only the height but volume.

Board members discussed how they can address issues such as the building that was proposed. Geoff Colegrove said that in the file on the site plan it had been noted as 60 feet from the property line, but when scaled off, it was not 60 feet, but this was back in 2003. The permit then had been issued based on that site plan and it was built in accordance with that site plan, and then the issue came up in June to put the structure on that existing foundation. Bob Johnson suggested if there is a gray area about interpretation, it should be brought to the commission's attorney for his review. Geoff Colegrove reported that the Zoning Enforcement Officer had indicated there was a problem with the regulations and it was a reasonable interpretation and questioned the waste of money. Bob Johnson noted concerns that in the spring a building permit would not be given, but a month later he changed his mind without coming to the commission. Geoff Colegrove noted it is within his legal rights to do that.

Geoff Colegrove noted the Vogel Brown property is the only commercial boarding facility in town, and there is a void in the regulations concerning this type of

facilities including indoor riding areas. He suggested they consider volume restrictions be included.

Attorney Corona stated that he would provide any additional information about what took place if the commission had any questions. He did not agree that there is something defective about the regulations. There is a generic residential setback requirement and also regulations specific to farming- and in two limited cases the setback requirements were increased. Attorney Corona did not feel Alan Johanson changed his mind. Attorney Corona noted he provided additional information and perspective regarding the regulations. He noted the setback requirement that is generally applicable to all buildings in the zone applies to this building because there is no escalated set back requirement for this type of building. He noted that for the type of use of this building, it makes more sense to have that activity taking place indoors as any negative impacts such as dust, noise, lighting, insects, etc would be total eliminated from the neighboring properties.

Board members discussed the potential steps that could have been taken with this issue and the various outcomes that may have occurred, including an appeal with the court system.

5. Raymond Termini request for home occupation permit for massage/physical therapy at Baileyville Road (1:11:21)

Raymond Termini, 185 Baileyville Road, noted that he had an approval for a home occupation business already, but wished to change the business. He explained that he would like to have clients come to his house, and it would not involve any more than one room. There would never be more than two cars on the property related to this business, one for the therapist and one for the client.

It was noted that the commission would want the current home occupation to be rescinded as they would not want two home occupation permits on the same property.

It was explained that Mr. Termini does not hold the certifications of a therapist, owns a company that employs therapists in other sites.

Mr. Termini was advised to provide a request to have the other approval rescinded and the details regarding the structure of the house, he was advised that information was available on line, and to show what area of the property would be used for the home occupation; and to provide all that information with the application.

6. Zoning regulations industrial district section 06 discussion of possible changes agricultural regulations (1:23:54)

It was noted there was no application before the commission; this was brought up by a letter from the First Selectman. Geoff Colegrove put together the commercial regulations with the industrial regulations to see all the permitted uses, so the commission can choose what they want to include in the zones. Geoff Colegrove and the commission discussed the various uses allowed throughout the town. Board members like the idea of ‘cherry picking’ the uses when reviewing plans. Commissioners agreed if they are to relax any of the regulations they need to proceed with caution, and invite land owners who are in the zones affected to get their thoughts.

It was agreed to invite landowners in for the first meeting in October to discuss the issues. Geoff Colegrove will draft a letter from Bob Johnson as well as the one from

Jon Brayshaw and a copy of the existing regulations that affect them and have Bob Johnson review it. This will go on the October 12 agenda, right after public comment.

7. Miscellaneous (1:35:10)

Board members discussed the conditions of properties in town.

8. Zoning Enforcement Officer report (1:37:56)

Geoff Colegrove had no information to provide.

Bob Johnson stated that Hubbard Street was going through with the notice from the Sheriff; Peters Lane property is a little bit cleaner as it appears everything was moved to the back yard. Alan Johanson has been asked to continue to follow up on this.

9. Town Planner's report (1:38:38)

Geoff Colegrove reported there will be a meeting on the 20th with the Board of Selectmen to discuss the consolidation of Midstate Region and Estuary Region.

Geoff Colegrove reported he met with a prospective buyer for property on the Industrial Park access road. He explained there may be an issue regarding a trench dug on one of the properties.

Geoff Colegrove reported that the Economic Development Commission is working with a private developer who is interested in the Hubbard Street/Zygo property

Regarding Powder Ridge, DEEP is requiring an easement into the lake which they were not aware of two months ago and this is being addressed with the state, who owns the lake. Geoff Colegrove provided information on the documents going back and forth, noting he is encouraged at this point that things are moving forward.

Geoff Colegrove reported that work on 1 Lorraine Terrace is going on the back burner and there will be application to expand or modify the auto body shop.

It was reported that work on the golf course is moving quickly.

Commission members discussed the garage on Route 66- it was noted by one member that there seemed to be a lot of activity there.

It was stated that the Plan of Conservation and Development was coming up on the ten year mark, but the state has extended the time by two years as they have not reviewed their plan. It was agreed they need to consider this.

10. Minutes of previous meeting (1:51:13)

A motion was made by Jerry Russ to approve the minutes of the July 27, 2011 meeting as filed. This motion was seconded by Scott Wheeler and approved by all voting members.

11. Miscellaneous (1:53:09)

Bob Johnson noted Chuck Corley, the former reporter with the Town Times, had treated this commission fairly and did a good job.

12. Adjourn

A motion was made to adjourn at 8:26 pm; the motion was seconded and approved by all voting members.

Middlefield Planning and Zoning Commission

Regular Meeting

September 27, 2011

Minutes

(Not approved at time of filing)

1. Call to order (9:30)

Bob Johnson called the meeting to order at 6:43pm without a quorum noting that the commission could take public comment but they can not act on any motions. Present are Bob Johnson-chairman, Peter Tyc-alternate and Geoff Colegrove-staff. Jerry Russ arrived at 6:50 pm.

2. Public comment (10:53)

There were no public comments-although there were members of the public to speak on an agenda item.

3. Route 66 property, expansion (12:05)

Mr. Crescimano went over map/drawing of his property on Route 66 referred to as Henderson Auto, explaining that he would like to square up the structure and bring in various businesses. He used the maps/drawings to indicate what he would like to do. It was noted that if there was any intention to put in a restaurant there are other things to consider. Wetlands areas were noted, with Geoff Colegrove advising the need for an Inland Wetlands and Watercourses Agency review. Geoff Colegrove also noted they need to speak to Middletown Water & Sewer to confirm the sewer usage as well. The site plan will need to be updated and DOT will need to review as well. Geoff Colegrove stated they need to review for lot coverage, including additional parking as well, and whether or not they get connection to the sewer will affect the amount of lot coverage allowed. Bob Johnson suggested they talk to the building official regarding the multi-use of the building considering one use is automotive. It was advised the property owner should include information on the lighting and landscaping. It was agreed to include this on the next agenda for discussion.

4. Brian Chaffee, EMuscle site plan review, 31 Orchard Lane (27:22)

Mr. Chaffee indicated he did not receive the proper documents. He provided to the commission a document with about 40 signatures from neighbors and businesses in the community and asked if he could be put on the next agenda for further discussion. Bob Johnson noted the application is in and the timer has begun.

5. Agenda (30:53)

A motion was made by Jerry Russ to approve the agenda of September 27, 2011 as presented; this motion was seconded by Peter Tyc and approved by all voting members.

6. Public session (31:43)

There were no public comments.

7. Raymond Termini request for home occupation massage and occupational therapy, 185 Bailyville Road (32:00)

Mr. Termini provided information indicating where in the home the services would be provided.

It was noted there is another home occupation permit for this property, but that will be voided upon the approval of this one. Bob Johnson noted there is a requirement that the owner provide proof he has notified the neighbors of his intentions. It was agreed they need more proof of the neighborhood notification.

Commission members reviewed the documents provided. Mr. Termini noted there are several homes in the area that have a massage therapy home occupation permits. He noted he is also including physical therapy as well.

Bob Johnson asked the commission if they felt legal counsel should be sought as it would not be the home owner providing the actual service. Board members debated this question with Mr. Termini, noting that those who provide the service have to be certified by the state and Mr. Termini is not.

It was agreed this will be on the next agenda to allow Mr. Termini to provide proof of neighborhood notification of the abutting neighbors only. Geoff Colegrove stated he would provide the minutes to the attorney for clarification on the issue about the homeowner not being the person who would actually be providing the service.

Bob Johnson noted the commission would not make any decisions on this issue tonight but invited the members of the public who were present to speak tonight, or to return to the next meeting.

Dwight Fowler, Woodland Heights, stated that this home occupation seemed to be a lesser use than the previous one. Mr. Fowler was supportive of the application.

Richard Boynton, Lake Shore Drive, spoke on behalf of himself and the Lake Beseck Association. He noted they are sensitive to changes in the character of the lake community, and were not supportive of businesses in residential area, and in particular those involving massage. He acknowledged the massage therapy is a legal business but it is easy to see it could be something else and the community does not want a massage parlor. He stated there is a strong opposition to this application.

Edward Jones, Baileyville Road noted he had the same concerns Mr. Boynton mentioned.

Mark Sperl, Day School Drive stated that he agreed with the basic comments so far, and noted that with regard to parking there could be as many as 8 cars at one time.

Bob Belisle, Bailyville Road, noted if the owner of the property is not the one holding the license, then he would not be held accountable for any malfeasance taking place on the site.

Barbara Sperl, Rosemary Lane, stated she was an abutting neighbor and was not in favor of a business of this type at all.

Susan Blair, Bailyville Road, said she found massage therapy and physical therapy a very grey line, especially in a residential area with families with children across the street, as well as many bus stops in the area. She suggested he use the business office

at 6 Way Road rather than his home. She noted issues concerning lighting of the area as well as parking concerns. She stated other neighbors should have to be notified, not just the abutting neighbors.

Barbara Rogers, Mattabeseck Road, member of the Lake Beseck Association, stated that the area has been improving drastically and the home businesses that had been there are gradually going away and it is becoming a more desirable location for a home and she wants to keep it that way. She noted he had a good plan for a good business, but it was in an inappropriate location.

Lloyd Blair, Baileyville Road, asked the board to look at the issue of interpreting occupation and the use of it. He did not think this was something to be put in a neighborhood, especially with someone not having a license performing his job on site. Mr. Blair stated he was not in favor of this and felt it was not appropriate.

Bob Johnson addressed a comment, noting that the regulations require only that the applicant notify only the abutting property owners.

Mr. Termini noted he has been a part of the lake community since 2003 and whether he goes through with the permit for massage therapy and physical therapy he urged everyone to reconsider their position of condemning an entire profession of therapists that are helping people. He stated that he is not opening a massage parlor, and will only be using two rooms in his house for treatments. Regarding parking, he noted he currently has a home occupation with approval for 10 parking spaces and he has never had a complaint about the cars because he has never had more than three or four cars there. He asked the speakers to decipher the difference between “massage parlors” and the treatment and caring of people through massage therapy and physical therapy.

One speaker asked if there are two other such home occupations in the area, won't that competition make it difficult to operate? She also noted as a patient of physical therapy, she would be a little nervous going into someone's home.

Mr. Termini noted the number of people receiving home care is significant.

Mr. Fowler stated that he has received massage therapy for years from various places and has never been offered other services that are being alluded to. He noted if this became an illegal operation there are ways to deal with that.

Another speaker noted that in this case the property owner is not the licensee and will be bringing in employees to do the job.

Another speaker stated that his concern was that the scale of this occupation was not appropriate for a home occupation, as the property owner will be bringing in employees.

Bob Johnson noted they will continue this issue in two weeks on October 12. In response to comments, it was noted the commission will likely address hours of operation if they choose to approve the application.

In response to comments, Mr. Termini noted most clients of this service statistically are women, and he also has no intention of operating past 6 pm at the latest. Geoff Colegrove noted the application is on file at the town clerk's office.

8. Zoning Regulations dealing with the industrial district (1:20:53)

Geoff Colegrove drafted a letter to be sent to affected property owners. Bob Johnson noted he would sign the letter and invite those property owners in for the October 12 meeting in order to receive their input. Board members agreed.

9. Zoning Enforcement Officer report (1:26:16)

Geoff Colegrove stated that Alan Johanson has been in most every day but there has been nothing brought to his attention.

10. Town Planner's report (1:27:31)

Geoff Colegrove reported he is working to get the closing done on Powder Ridge and provided some update on the issues being worked on including the survey of the lake and easements needed.

Geoff Colegrove noted he met with an interested buyer of an industrial lot from the section off the industrial park access drive. Board members reviewed photos of the area that had been dug up.

11. Minutes to previous meeting (1:40:40)

A motion was made by Jerry Russ to approve the minutes of the September 14, 2011 meeting. This motion was seconded by Pete Tyc and approved by all voting members.

12. Miscellaneous (1:41:32)

It was noted they need to start thinking about the Plan of Conservation and Development for the beginning of the year. Geoff Colegrove suggested waiting until they get the census data.

13. Adjourn

A motion was made to adjourn at 8:15 pm; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning Commission

Regular Meeting

October 12, 2011

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:37pm; present are Bob Johnson-chairman, Geoff Colegrove-staff, Bill Waff-regular, Jim Malcolm-regular, Peter Tyc-alternate and Scott Wheeler-alternate. Bob Johnson seated both alternate members.

2. Agenda

Bob Johnson reported that Anthony Crescimano asked to be removed from the agenda regarding item 8. Bob Johnson noted if he wished to be put back on the agenda, he will have to contact Midstate Regional Planning.

Bob Johnson reported that Ray Termini has asked for his item to be carried over, item 6, to the next meeting in two weeks.

A motion was made by Bill Waff to approve the agenda as amended; this motion was seconded by Jim Malcolm and approved by all voting members.

3. Public session (2:39)

There were no public comments.

4. Brian Chaffee E-Muscle site plan review, 31 Orchard Lane (3:07)

Bob Johnson explained that Mr. Chaffee was in front of the Zoning Board of Appeals and reviewed the minutes to that meeting with the commission. Zoning Board of Appeals had motioned to hold a public hearing on the matter at the next meeting. Bob Johnson noted as there are wetlands on the site there has to be a report from Inland Wetlands and Watercourses Agency, and he is on their agenda for a future meeting.

Mr. Chaffee was not present at the moment, and it was agreed if he comes in, the commission will discuss the issue with him. A letter from Lee Vito was provided for the commissioners to review which indicated a desire to have the septic system inspected and a water sample provided.

5. Zone review (9:06)

Bob Johnson noted they sent out letters for the IN zone review to property owners.

6. Zoning Enforcement Officer report (9:31)

Geoff Colegrove indicted that Alan Johanson was on vacation and performed site inspections when he returned. Regarding Hubbard Street, the property had been cleaned up slightly and will continue to follow up.

7. Town planners report (10:20)

Geoff Colegrove went over the status report with the commission, and provided update on Powder Ridge, which is holding pending receipt of a report regarding the engineering details on the pump house structure.

Geoff Colegrove discussed the Dumas property on the industrial park area-concerning a trench that was dug, causing serious damage to the site. Geoff Colegrove noted there is now a question as to the value of the property and potential restoration options that need to be resolved before any sale or swap can take place. Geoff Colegrove will be meeting with Dumas attorney to determine the next steps.

8. Minutes to previous meetings (20:05)

A motion was made by Scott Wheeler to approve the minutes to the September 27, 2011 meeting; this motion was seconded by Jim Malcolm and approved by all voting members. Bill Waff abstained from voting as he was not present for that meeting.

9. Miscellaneous (20:59)

Bill Waff asked if there was a legal opinion regarding the Termini property. Bob Johnson reported that Attorney Branse indicated the applicant can do the business without holding the license to perform the service. Bob Johnson stated there were other regulatory concerns but as they will discuss this more at the next meeting he will further discuss it then.

Jim Malcolm suggested they need to look at the Route 66 corridor to develop a vision of what they want before they proceed to discuss the Crescimano property. He reminded the commission as this is a special permit they have the right to approve or disapprove and if they do not have dynamic thinking of what to do-it will be hap hazard development. Bob Johnson noted they spent \$30,000 and a year and half to come up with Design District 1 and 2 and there is a clear vision of what is and is not going to be allowed. He noted Mr. Crescimano has the right to come before the commission with his plan and when an application comes before them they can review and decide then. Bob Johnson will have Midstate call him to determine his desire to be on the next agenda.

10. Break (27:52)

Commission members took a short break to allow for residents to arrive for the 7 pm discussion.

11. Brian Chaffee-E Muscle site plan review, 31 Orchard Lane (32:09)

Mr. Chaffee provided information on his hours of operation, and explained that he tried to get signatures of certain people, however, they were not available during the day and he had to return in the evening to obtain the signatures. He reported that he received very supportive feedback from the neighbors. He provided the commission with a copy of the site map-commissioners reviewed this document.

Geoff Colegrove noted he has included this on the agenda for Inland Wetlands and Watercourses Agency meeting of the 19th as there are concerns about the handling of potentially hazardous material and suggested Mr. Chaffee be prepared to discuss that.

Bob Johnson indicated the health department wants a septic inspection. In reviewing the document Bob Johnson indicated some concerns about it being an older document.

Commission members discussed the storage areas. Geoff Colegrove noted they can act on this tonight as the referral to wetlands has been made. He noted the site plan seems to accurately describe the area despite its age. The only real differences are the parking area and the storage building. It was noted a sign will be allowed, but there are regulations regarding them. If it were to be an illuminated sign this commission would then have to review.

Geoff Colegrove went over the sequence of what needs to happen, which should occur before the end of the month. It was agreed to accept the site plan and then put this issue on the next agenda.

12. Zoning regulations (53:32)

Bob Johnson noted there were no property owners present to discuss this, however Jon Brayshaw was present to encourage the commission to begin the review. Commissioners reviewed the letters sent out. Geoff Colegrove explained how they determined who to send the letters out.

Commission members reviewed the maps of the IN zone areas that would be affected by the potential changes in the allowable uses. Geoff Colegrove provided descriptions of the various uses to be considered. These changes would allow a building owner to expand the number of permitted uses within.

Jon Brayshaw supported these changes explaining how things have changed and that industrial uses are not what they used to be and the town has to review the allowable uses in order to address the many newer uses. Jon Brayshaw suggested the commission discuss this with the Economic Development Commission as well to consider the multiple industrial uses.

Geoff Colegrove suggested they review the list of all the uses and choose just which ones they want to include, and then consider various factors such as parking, deliveries, access for trailer trucks, number of employees and patrons, etc to review what uses are appropriate for the zones.

Commission members agreed to continue to review this at the first meeting in November, with Geoff Colegrove providing the additional information including a listing of the potential uses.

13. Adjourn (1:23:30)

A motion was made to adjourn at 8:01 pm; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning Commission

Regular meeting

October 26, 2011

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:40 pm; present are Bob Johnson-chairman, Geoff Colegrove-staff, Jerry Russ-regular, Jim Malcolm-regular, Bill Waff-regular and Kevin Boyle-regular.

2. Agenda (1:29)

Geoff Colegrove noted that regarding item 8, Jafaria has withdrawn their proposal and will not be in attendance.

A motion was made by Kevin Boyle to approve the agenda with the amendment; this motion was seconded by Bill Waff and approved by all voting members.

3. Public session (2:23)

There were no public comments.

4. Raymond Termini request for home occupation permit for massage therapy, physical therapy at 185 Baileyville Road (2:49)

It was noted that there was a drawing/map that indicated the original parking area with regard to the cooking school permit, which could not be located.

Mr. Termini noted the last approval allowed 10 parking spots, but he would accept only five for this application. Bob Johnson did not think five spaces would be adequate. Geoff Colegrove noted there should be a site plan submitted with the application and without one the commission should not move forward on this.

Commission members discussed with Mr. Termini the number of parking spaces. He noted he submitted the site plan the last time he was before the commission, and he was advised that every thing would be returned to the land use department. He noted he has done his part when he submitted the site plan and he did not have another copy. Mr. Termini also provided receipts for the registered mail to the abutting neighbors.

Commission members reviewed the available documents.

In response to questions Mr. Termini indicated he may have up to three employees. He also noted that there would be a maximum of two clients on site at any time, and he would put his car in the garage-making five an adequate number of spaces. In response to Bob Johnson comments, Mr. Termini stated that he would then ask for seven spaces, and he will comply with that.

It was clarified that with an approval of this home occupation, the permit for the 'cooking school' would no longer be valid.

In response to a question Mr. Termini stated he would not have any issue with a stipulation limiting him to only two clients at a time.

Bob Johnson reported that the attorney had advised that it was acceptable that the homeowner not be the licensed practitioner of this home occupation. Bob Johnson read from the Attorney's letter regarding this application and the potential need for additional parking spaces.

It was noted that the applicant provided information indicating how much of the home is dedicated to this service, and there was agreement that coverage was not an issue. The attorney also noted if they are offering physical therapy, it is being offered on the second floor of the building, and also the lack of restrooms, storage area, waiting room, reception area, which all have to exist.

Bob Johnson noted agreement that Mr. Termini did hand in the site plan showing the parking areas. Commissions agreed they need to see a site plan.

Mr. Termini indicated regarding business hours, they would be standard hours, but he would like to accommodate clients coming in after their work day, but he did not want night time hours. Lighting was brought up-Mr. Termini noted it was considered during the last approval and he adjusted the lighting on the house for that.

Bob Johnson provided information that was received during the previous application. It was suggested that they locate the site plan, and Mr. Termini indicate the number and location of the parking spaces, a specific number of employees, as well as other areas in the house that will be used for waiting areas and reception.

Geoff Colegrove read the conditions of approval from the last application.

Edward Jones, Baileyville Road stated that Barbara Sperl has asked to see the receipts as she does not recall signing for a letter and she is an abutting neighbor at 14 Rosemary Lane. It was clarified that there was not a receipt for the property at 14 Rosemary Lane. Bob Johnson read the addresses that were included on the receipts, noting they will be available for public inspection. It was noted that the abutting neighbor has to be notified. Mr. Termini explained that his employee went all around his house and collected the addresses and sent out six letters. He stated that he will review the list and send additional letters if needed.

Barbara Rogers stated that at the end of the last meeting Mr. Termini approached a group of residents in the hall way and said he would withdraw the application.

Barbara Sperl stated that a letter handed to her while she was in the yard, and that there would be one or two cars in the driveway.

In response to comments Bob Johnson stated that abutters have to be notified and proof of that has to be made.

Mr. Termini stated that he did consider withdrawing his application however, after further consideration he decided to move forward. Bob Johnson stated that the commission is not concerned with what happens in the hallway. He noted they will further this discussion in two weeks.

Mark Sperl, Day School Drive asked if this commission will make a site visit. Bob Johnson stated they have the option to make a site visit if they wish.

Another speaker, name unclear, asked if there were neighbor concerns with the culinary school. Bob Johnson stated that there was. This speaker noted she had been to a neighborhood meeting where there were concerns noted about this being a disreputable

profession. She stated that at that meeting there had been more concerns about personality issues rather than zoning issues and she felt that was not fair.

It was agreed to continue this in two weeks.

It was noted that the woman who indicated her address was not among the receipts for the mailing, later admitted that she did in fact have a copy of the letter handed to her.

5. Brian Chaffee E-Muscle LLC, site plan review (47:45)

Bob Johnson noted the site plan handed in two weeks ago was deemed not adequate by the attorneys.

Geoff Colegrove noted that Mr. Chaffee was given a copy of Attorney Branse's letter and this has been before Zoning Board of Appeals who approved the location permit, and before the Inland Wetlands and Watercourses Agency who approved the referral as there is no activity in the review area. Attorney Branse had issues with the accuracy of the site plan with regard to the uses. Geoff Colegrove noted that Motor Vehicle department will require an A2 certification as part of their process. Attorney Branse has suggested the application be withdrawn and reapply for special permit or to be denied as it is not the right application. Geoff Colegrove understood that Mr. Chaffee would withdraw.

Brian Chaffee provided a letter of withdrawal for the application until after he can get the A2 survey completed. He noted there was an issue regarding the septic, which has now been checked; the water test was done and results are pending. Bob Johnson noted that Lee Vito has not yet received the septic inspection or water sample. Mr. Chaffee assured that he would have them, and the commission would have the sign off by Mr. Vito by the next meeting. Mr. Chaffee provided documents of approval from Zoning Board of Appeals as well as information about or from the abutting neighbor.

Geoff Colegrove noted the special permit application will require a public hearing and a sign will need to be posted. Geoff Colegrove discussed permission to notice the public hearing, and asked the commission if they would accept a detailed as built with an A2 certification as there will be no changes to the topography to the site. Commission members debated what they would require for this and future similar applications.

Geoff Colegrove stated that Attorney Branse says any change of use requires a special permit- Geoff Colegrove stated that means anytime there is a sale at the industrial park, the commission will need to have a public hearing, posting a sign, special permit, paying the fees and the whole nine yards. He suggested if there has been no physical change to the site, they should think carefully because it is another level of review. Commission members debated, considering potential scenarios.

It was agreed the site plan has to have A2 accuracy that shows all the structures and uses on the site. Additional information the commission needs beyond that to make a decision has yet to be determined. Regarding this particular property Kevin Boyle suggested that photos be taken around the swale along the perimeter of the property.

Currently Mr. Chaffee can not file the application as it is not complete without the survey. It was suggested that whatever fees he has paid for this site plan application should be applied to the special permit. Commissioners agreed.

Bob Johnson agreed they do not need all the information as though it were a brand new site- but they need topography as the site has seen considerable changes

without going through the proper channels and they need a clear picture of where they are right now.

Geoff Colegrove noted in the regulations there is a provision for the commission to waive special permit process if there is a previously approved site plan, and in this case it does not apply.

Marianne Corona stated that the Inland Wetlands and Watercourses Agency has two engineers on their board, an oncologist, a builder and two environmentally involved people who were all very happy with what Mr. Chaffee provided in his presentation. She encouraged the commission to use common sense and question if every time a use changes they want them to come in for a special permit. She recommended that they visit the site as it is a superior site for the town of Middlefield.

Bob Johnson said this requires updating and to get a topography will update the 47 year old plan.

Kevin Boyle agreed this is an issue with the regulations that needs to be reviewed, but this application is separate issue.

One board member disagreed with Bob Johnson and did not want to make this more difficult for the applicant, noting that if Inland Wetlands and Watercourses Agency approved with the information provided then the additional cost of requiring the topography was not justified.

Board members discussed a relaxed topography- a straw poll was held, four chose to ask for a topography, one that chose not to ask and two without comment.

It was noted that it should be the responsibility of the owner to provide that, not a tenant.

Commission members discussed with the applicant whether or not the former site could again be used as an automotive restoration facility and what would be necessary if anything.

6. Recess – a short recess was taken (1:45:07)

7. Zoning Enforcement Officer report (1:48:29)

Geoff Colegrove provided information regarding Jimmy D's property and an agreement that was entered into, and went over the details, noting that Jimmy DiCaprio has not complied with the stipulations concerning storage of items and the access. Commission members discussed the conditions and what they wanted to see on that site. Commission members agreed they needed to act on this willful disregard of the conditions agreed to.

A motion was made by Bill Waff that the Planning and Zoning Commission has determined that James DiCaprio has not complied with the superior court stipulations of September 15, 2007 and request that the commission's attorney take further legal action. This motion was seconded by Jerry Russ and approved by all voting members.

8. Industrial Zone uses and signage (2:04:38)

Geoff Colegrove provided additional documents regarding industrial zone uses that are permitted in Middletown and asked the commission just to review these as well.

Bob Johnson reported there is an idea to put up “welcome to Middlefield” signs and he asked that Geoff Colegrove provide information regarding signs in general. Geoff Colegrove provided information for the commission to review. Commissioners offered some idea of what direction they would be supportive of, and what questions they would need to address. It was noted this issue will come up on a future agenda for continued discussion. Geoff Colegrove was asked to contact DOT district 1 to determine what their allowable parameters are as well.

Geoff Colegrove suggested they have a workshop to go through the list to see what makes sense and what does not.

9. Town Planners Report (2:22:54)

Geoff Colegrove noted the Powder Ridge deal has been called off, and explained some of the issues that had affected the deal and the events leading up to the receipt of the letter explaining the termination of the deal.

10. Minutes to October 12, 2011 meeting (2:30:59)

A motion was made by Bill Waff to approve the minutes of the October 12, 2011 meeting as presented. This motion was seconded by Kevin Boyle and approved by all voting members. Jerry Russ abstained from the vote.

11. Miscellaneous (2:31:41)

Bill Waff stated that he would not be in attendance at the next meeting.

12. Adjourn

A motion was made to adjourn at 9:13pm; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning Commission

Regular Meeting

November 9, 2011

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:34pm. Present are Kevin Boyle-regular, Bob Johnson-chairman, Jim Malcolm-regular, Jerry Russ-regular, Peter Tyc-alternate and Geoff Colegrove-staff. Peter Tyc was seated for this meeting.

2. Agenda (2:50)

It was noted they would discuss signs under miscellaneous.

A motion was made to approve the agenda for November 9 as presented.

This motion was seconded at approved by all voting members.

3. Public session (2:06)

There were no comments made.

4. Raymond Termini request for home occupation permit for massage therapy – physical therapy business, 185 Baileyville Road (4:05)

Bob Johnson noted there was an outstanding issue regarding the notification of one property owner. A document was provided to address this.

Regarding parking a site plan was provided and reviewed with the commissioners. Bob Johnson noted there was a full print submitted several meetings ago, and there had been an agreement to accept the parking that was allowed for the cooking school which allowed for 10.

The applicant had been asked for information to indicate where in the house the activities would be taking place. A speaker, using the plan, indicated the area to be used for seating, a bathroom, an office, and spaces on the second floor as treatment rooms- which total 360 square feet. The speaker (probably Mr. Termini) provided additional documentation to the commission for their review and went over it.

Bob Johnson noted he discussed this application with the attorney and provided information from the attorney. Commissioners reviewed the information.

Mr. Termini stated he had four abutting neighbors and of those four, only one is opposed.

There were discussions regarding what the drawing before them was based on. Commissioners noted there could not be three outside employees, only two. Commissioners debated whether or not to approve this application.

Wilma Curren, Rosemary Lane felt this would be loud and rowdy on the property and is always loud currently.

Edward Jones, Bailyville Road questioned signs. He was advised they would allow a 2 square foot non-illuminated sign.

Grace Layland, Fowler Development, noted the location of another massage therapy business in the area that is an established business. She noted there also teachers of massage therapy in the area, and explained that clinical massage therapy is a complimentary medicine and most people receive treatment to improve healing, alleviate pain and stress. She noted that the property has a long, discreet driveway and therefore she did not understand the concerns about the parking area.

Barbara Rogers, Mattabeseck Road, stated she wants to keep the area residential.

Geoff Colegrove noted the commission has to determine the intensity of the impact to the area, and they can approve with conditions or modifications to the application.

Mr. Termini noted that the location of the properties belonging to the speakers who are opposed, do not allow them to see cars coming in or out of his driveway.

Jim Malcolm suggested they limit the hours to 9-5:30 and less on Saturday. He stated he felt this was an honorable business and that it would be less impact to the neighborhood than the cooking program. He noted the other business establishments in the area.

Another member did not think remaining open until 6:30 would be intrusive to the neighborhood. Potential conditions were discussed to address this including limiting the number of employees after a certain time. Commissioners debated the validity of the previous home occupation permit for the cooking school, and continued to discuss various conditions and limitations to the application.

A motion was made by Jerry Russ to approve the request for a home occupation permit for a massage therapy business at 185 Baileyville Road.

Applicant/Owner Ray Termini. With the following conditions:

- 1. Employees are limited to only two outside employees**
- 2. Hours of operation: 9-5:30 Monday through Friday, allowing one weekday open later, until 7 pm. and 9-1 on Saturday only.**
- 3. Parking: Seven parking places only.**
- 4. A two-square foot, non- illuminated sign with commission's approval.**
- 5. Subject to a Zoning Enforcement Officer Compliance review after one year. This motion was seconded by Jim Malcolm and approved by Kevin Boyle, Jim Malcolm, Jerry Russ and Peter Tyc. Bob Johnson voted in opposition.**

5. Brian Chaffee, E-Muscle LLC site plan review for repair sand restoration of motor vehicles, 31 Orchard Lane (1:07:26)

Bob Johnson noted the previous application was withdrawn. Mario Milardo the owner of the property was present. Mr. Milardo noted the water testing and septic tank inspection have been done. There was written information from Lee Vito indicating he was satisfied with the results. Mr. Milardo stated he intends to have the A2 survey done for the next meeting. He asked the commission if having a topographic survey was normal procedure for this application as it seemed more than necessary and questioned the reason why. Bob Johnson explained that the commission has the ability to request a topographical survey and felt it was appropriate.

Geoff Colegrove noted for DMV Mr. Chaffee is required to have the A2 done but not the topographical, but the commission wanted to review for drainage implications and to see if there were any significant changes in the property from the 1975 topographical.

Mr. Milardo explained they hoped to have what they needed in order to move forward at the next meeting. It was noted that whatever fees were paid towards the previous site plan permit will be applied toward the up coming special permit request. Mr. Milardo was advised to put the necessary sign up, and to bring the needed surveys and documents to the land use department as soon as possible, and that both he and Mr. Chaffee have to sign the application.

6. Zoning regulations, industrial district section 06, discussion of possible changes, agricultural regulations (1:18:47)

Geoff Colegrove provided additional documents for the commissioners to review including information regarding signage. Geoff Colegrove provided information he collected on how other towns handle these issues. Commissioners reviewed and discussed. Commission agreed to go with the state regulations which they believed were 15 square feet-to be confirmed. Commissioner debated if they should have the traffic authority be the governing body both state and town roads or to differentiate the two. They also questioned having regulations apply to governmental signs versus civic signs.

Commission members agreed to continue the discussion to the next agenda, including the use of LED signage.

7. Approval of 2012 meeting dates (1:45:40)

Bob Johnson suggested they shift to one meeting per month. Commissioners agreed to consider this and decide at a future meeting. It was noted that they are awaiting on the census information to begin work on the Plan of Conservation and Development, and they could use the second meeting of each month to work only on the Plan of Conservation and Development.

8. Zoning Enforcement Officer report (1:51:52)

Geoff Colegrove reported that he spoke to Attorney Willis regarding Jimmy D's on Route 66, and suggested a meeting with the chairman, Alan Johanson, Geoff Colegrove and Jon Brayshaw to review the options. It was suggested that this may lead to pending litigation and they should consider an executive session with the attorney to discuss it. Jim Malcolm suggested they invite Jimmy D to these meetings as well. It was noted that the meetings are public and Jimmy D is welcome to attend any meeting to discuss the issues in open meeting. Commissioners debated a meeting with the Planning and Zoning Commission chairman, Jon Brayshaw, Alan Johanson and Geoff Colegrove in the selectman's office, versus a special meeting with executive session to allow the entire commission to be present. Commissioners agreed to have the chairman represent the commission. It was agreed that Geoff Colegrove would schedule a meeting at the First Selectman office. Geoff Colegrove will create the necessary notice to allow for any commissioners who wished to attend to do so.

9. Town Planner's report (2:00:04)

Geoff Colegrove noted there is another interested party in the Powder Ridge property and they are continuing to work on the elements needed for the selling that property.

10. Minutes of Previous meeting (2:05:25)

A motion was made to approve the minutes to the October 26, 2011 of the Planning and Zoning Commission; this motion was seconded and approved by all voting members.

11. Miscellaneous (2:06:30)

There were no items brought up.

12. Adjourn

A motion was made to adjourn; the motion was seconded and approved by all voting members.

TOWN OF MIDDLEFIELD
PLANNING AND ZONING COMMISSION
MIDDLEFIELD, CONNECTICUT

Special Meeting
Minutes of November 15, 2011
Middlefield Community Center

Call to Order

The meeting was called to order by 8:30 a.m. by Chairman Johnson.

Roll Call

Members present were Robert Johnson and Scott Wheeler

Others Present

Geoffrey Colegrove, Town Planner
Jon Brayshaw, First Selectman
Matt Willis, Esq., Commission's Attorney
Alan Johanson, Zoning Enforcement Officer

Approval of Agenda

The agenda was approved as presented.

Adjourn regular meeting and go into executive session to discuss possible litigation and strategy concerning Jimmy D's Property, 228 Meriden Road

Executive Session

8:30 a.m.

1. Attorney Matthew Willis, Discussion of possible litigation and strategy concerning Jimmy D's Property, 228 Meriden Road.

Adjourn Executive session and reconvene regular meeting.

Adjournment

The meeting was adjourned at 9:30a.m.

Respectfully submitted,

Geoffrey L. Colegrove, Town Planner

Middlefield Planning and Zoning Commission

Regular Meeting

December 28, 2011

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:36 pm. Present are Bob Johnson-chairman, Jerry Russ-regular, Scott Wheeler-seated alternate, Bill Waff-regular and Peter Tyc- alternate.

2. Agenda (1:00)

A motion was made by Bill Waff to approve the agenda as presented for the December 28, 2011 meeting; this motion was seconded by Jerry Russ and approved by all voting members.

3. Public session (1:52)

Tom Rogers, Lorraine Terrace, as what the town considered when creating a zone, noting there were houses there for over 60 years with ½ acre or less lots, and the new zone has a requirement of 1 acre. He noted his concerns that he is now non compliant in that zone. Mr. Rogers explained that several years ago he requested a job description for Geoff Colegrove and he has not yet been given any guidelines regarding Mr. Colegrove's position and this commission. Mr. Rogers stated over two years ago he came before this commission and stated that any applicant should read the Planning and Zoning Commission guidelines and should follow them. He stated that applications are being accepted by the building department and the commission then spends money with Jacobsen, Geoff Colegrove and the attorney in order to make a permit go forward, all at the expense of a taxpayer. Mr. Rogers stated that as a tax payer he is tired of that, and any application should be whole before it is allowed to go forward. He asked the commission to talk to Joe Geruch to determine how much money is spent by this commission on consultants. Mr. Rogers asked to speak on the Day Spa issue when it comes up.

In response to comments, Bob Johnson stated the commission created two design districts, people were notified and there were public hearings. Mr. Rogers stated he was not notified and he was inside the zone. Geoff Colegrove explained the commission followed all the requirements as needed for notification. Geoff Colegrove stated that the property is a non-conforming use, however there are state statutes that protect non-conforming use.

Bob Johnson suggested the other items of concern brought up should be taken to the Board of Selectmen, and the concerns regarding the funds spent by this commission, they should be taken up with the Board of Finance during the budget hearings.

Public Hearing (11:37)

A motion was made by Bill Waff to suspend the regular meeting for the public hearing; this motion was seconded by Peter Tyc and approved by all three selectmen.

Continuation of public hearing on Milardo Really LLC request for special permit for an antique and classic auto service and restoration business with upper level storage and office space at 31 Orchard Lane. Applicant Brian Chaffee

Geoff Colegrove read the legal notice as it was published in the Middletown Press on December 2, 2011 and December 9, 2011.

Bob Johnson noted the seating for this hearing would be Bob Johnson, Jerry Russ, Bill Waff, Scott Wheeler and Peter Tyc, and asked if there were any objections- there were none.

It was confirmed the sign was still posted and documents to satisfy the notification of abutting property owners were provided. Bob Johnson went over the procedures for Public Hearing and provided the history of this application.

Brian Chaffee stated that he has already provided all the information and comments previously.

Bob Johnson noted there was an A2 survey with topography provided.

Bob Johnson asked if there any who were opposed to this application who would like to speak-there were none.

Matt Frolino representing the Middlesex County Chamber of Commerce and Larry McHugh, provided a letter of support for Mr. Chaffee and his business. This letter was read for the record.

Stan Waz stated that he has been a resident of 31 Orchard Lane and stated his support for this application.

Jan Wojas noted this process is quite long and not too many businesses could survive such a process and suggested there be a way to speed this up and help businesses such as this to grow.

A motion was made by Bill Waff to close the public hearing on the request for special permit for an antique and classic auto service and restoration business with upper level storage and office space at 31 Orchard Lane; this motion was seconded by Jerry Russ and approved by all voting members.

A motion was made by Bill Waff to reconvene the regular meeting at 7 pm; this motion was seconded by Jerry Russ and approved by all voting members.

4. Discussion of request for special permit at 21 Orchard Lane (27:13)

Commission members discussed the process for special permit.

A motion was made by Bill Waff to approve the request for special permit for an antique and classic auto service and restoration business with upper level storage and office space at 31 Orchard Lane; applicant Brian Chaffee and Owner Milardo Realty; this motion was seconded by Peter Tyc and approved by all voting members.

5. Discussion of time frame for Spa, 1 Lorraine Terrace (32:06)

Geoff Colegrove stated that the legal opinion of Mark Branse had been received and provided a document to that effect. It was noted there was a conflict between the Middlefield regulations and the statutes regarding construction which should be

addressed. Currently there is a waiver provision to allow the permit validity to continue if the construction does not start within two years of the special permit, which was dated after the court case, not when the commission voted on it. The attorney did not agree that the new plan supersedes and eliminates the current use.

Board members reviewed the approval and time frame needs with Mr. Crescimano.

Mr. Rogers reviewed the letter from the attorney and provided his understanding of past approvals and expressed surprise at the wording of the attorney's memo as it appeared to be incorrect regarding the terms "use" and "plan." Geoff Colegrove provided information indicating that the attorney was properly advised of the history of this property.

Mr. Rogers asked the commission to contact the city of Middletown regarding the need for "no through traffic" sign and when it would be installed. Geoff Colegrove did not think it was required until a building permit is requested for the site. But it could be done as neighborly gesture.

It was confirmed that there are currently two approved plans, however, only one can be utilized at a time.

Bob Johnson stated if construction does not begin in two years Mr. Crescimano will have to come back and ask for an extension. Commission members discussed the relevant dates, indicating the date to work with should be the date the court made a decision.

A motion was made by Bill Waff to grant an extension to December 15, 2012 or until completion of the Day Spa's new permanent location on the permit #0618-10 to allow a one year authorization to continue temporary use of the existing structure by the Day Spa located at 1 Lorraine Terrace. This motion was seconded by Jerry Russ and approved by all voting members.

6. Lyman Farms request for reduction of bond for the Lyman farm golf training school (50:29)

Documents were provided from the town engineer regarding this site. Bob Johnson reported Lyman Farm is asking for a reduction of the bond for the work that is already completed regarding sedimentation and other items.

Commission members reviewed the documents provided and discussed the appropriate amounts.

A motion was made by Bill Waff to approve the reduction of the bond to \$22,410 for the Lyman Farm Golf Training School, CT Route #147 and Miller Road. This motion was seconded by Scott Wheeler and approved by all voting members.

7. Sign Regulations (57:50)

This item was tabled.

8. Zoning Enforcement Officer report (58:08)

Bob Johnson noted the home occupation granted for 185 Baileyville Road has an issue as to what was approved is not what is being advertised. Geoff Colegrove was

asked to discuss this with Alan Johanson and the attorney. Pictures of the sign were provided.

Commission members discussed the various services for Day Spa versus massage therapy. It was noted the advertisement seems to indicate more use of the property than was stated for the application, including catering services and the use of the beach. Geoff Colegrove will pull together the information provided regarding the representation of the business and have the attorney review it.

Geoff Colegrove stated he spoke to the attorney who is working with the attorney for Jimmy D's and they have been advised that this commission is going to pursue action and they are welcome to come before the commission to discuss it.

Geoff Colegrove provided a draft copy of notification requirements, indicating there are still corrections to be made. Commissioners and audience members provided ideas for consideration for Geoff Colegrove to add including just the names of the other commissions that may be involved.

Bill Waff suggested the commission continue to follow up with the Board of Selectmen regarding the Monarca property. Commission member went over the history of this property, noting it is currently a selectman's issue or possibly an Inland Wetlands and Watercourses Agency issue.

9. Minutes (1:27:07)

November 9,

A motion was made by Bill Waff to approve the minutes of November 9, 2011; this motion was seconded by Jerry Russ and approved by all voting members. Bill Waff abstained from the vote.

December 14

Page three, the phrase "A speaker noted that she had her hand up and was told she could not speak as it was not a public session; however Marianne Corona was allowed to speak twice" should be noted the speaker was Mrs. Rogers, and that it was her comment that Marianne Corona was allowed to speak.

A motion was made by Bill Waff to approve the minutes of December 14, 2011 as corrected; this motion was seconded by Scott Wheeler and approved by all voting members.

10. Miscellaneous (1:32:07)

Bob Johnson stated the second meeting of January will include a workshop and the election of officers for the commission.

11. Adjourn

A motion was made to adjourn at 8:08 pm; the motion was seconded and approved by all voting members.