

Middlefield Planning and Zoning Commission

Regular Meeting

January 11, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jerry Russ called the meeting to order at 6:30. Present are Kevin Boyle, Jerry Russ, Peter Tyc, Bill Waff and Scott Wheeler. Scott Wheeler and Peter Tyc were seated for this meeting. Also present is Geoff Colegrove.

2. Agenda (:54)

A motion was made by Bill Waff to approve the agenda of January 11, 2012 as presented; this motion was seconded by Peter Tyc and approved by all voting members.

3. Public Comment (1:52)

There were no members of the public present.

4. Sign regulations and LED signage (2:15)

Geoff Colegrove provided information for the commission to review regarding a “welcome to Middlefield” sign. Commissioners reviewed the documents/photos. Geoff Colegrove noted the photo provided had different lettering for the company that sponsored the sign and suggested they discuss if they want each group to have their own logo or lettering.

Kevin Boyle stated there is an organization in town that has a specific design in mind and will be bringing to the commission. He felt there were two different types of signs being discussed. Commission members and Geoff Colegrove discussed various sizes and designs of potential signs.

It was explained that they need to modify their regulations so that an application can be brought forward for approval. Signs on the state roads will need to conform to state regulations and Middlefield would have to apply on behalf of the civic organization, therefore the Board of Selectmen would need to approve.

It was agreed to go with the 15 square foot sign and instead of 20% of the sponsored area, it will be 10%.

Geoff Colegrove provided other information and stated he would have a draft for the commission to vote on at the next meeting.

Kevin Boyle asked that the draft be sent to the commissioners prior to the meeting as well as the First Selectman for his input.

It was agreed the draft would include a sign approved by the Board of Selectmen, there will be certain restrictions about the maximum area of the sign, and the sponsor, and the Board of Selectmen will have discretion over the final design and approval. If it is in the state right of way the state will issue the permits, and it will not come before this commission.

5. Zoning Enforcement Officer report (24:01)

Regarding the Lakeside Day Spa Geoff Colegrove reported that he sent information to the attorney office and the advice received was to draft a notice of violation which the attorney would review and revise if needed, and delivery by certification of mailing. The commission will give an opportunity for him to show cause before the board. Then a cease and desist, if there is no compliance within the 15 days, a letter will be sent outlining the consequences in terms of compensation. Board members noted that what is being advertised is in violation. It was explained that once the massage therapy permit was approved, the permit for the culinary activities was to have ceased. Geoff Colegrove stated he will draft a letter and have the attorney approve it, and get it delivered as required and they will expect Mr. Termini to come before the commission to show cause at the January 25th meeting.

Geoff Colegrove noted there were photographs provided by Jimmy D’s attorney as well as photos taken by Geoff Colegrove, and while there has been progress, it does not appear to Geoff Colegrove to be in compliance with the site plan. Commissioners reviewed the photos and the site plans. Attorney Willis will be present at the first February meeting to discuss this. Commission members agreed they would further discuss this and Mr. DiCaprio is welcome to any public meeting.

Geoff Colegrove stated there is a proliferation of temporary structures and there are certain tie-down requirements for these, and they require building and zoning permits. It was stated the highest number of them are appearing in the Lake Beseck area. Commissioners reviewed the regulations and also discussed the role Zoning Board of Appeals has regarding set back requirements. Geoff Colegrove reported there have been

complaints about these structures being put right along the property lines. And the Zoning Enforcement Officer is asking if the commission wants him to pursue these. Kevin Boyle stated yes, he should enforce the rules for temporary structures, and if they are not temporary, they should then be assessed as a structure. He suggested that the building official and Zoning Enforcement Officer review the regulations to be sure the rules are understood and enforced. It was noted a temporary structure can only be up for 180 days.

Geoff Colegrove reported that the Zoning Enforcement Officer has indicated that accessory uses are permitted in the residential zones. Geoff Colegrove agreed and will draft the needed text to address this.

6. Town Planners report (53:36)

Geoff Colegrove stated there are no new applications, and he has not received any information from property owners on Route 66. He noted that Jon Brayshaw is working with a few interested people regarding Powder Ridge. Geoff Colegrove provided some information on various Powder Ridge issues being working on including the easement and the diversion permit.

7. Previous meeting minutes (1:02:57)

December 28, 2011

Item 6 Bill Waff noted they should include the original amount of the bond as well.

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

8. Voting of officers (1:04:40)

A motion was made to elect to the following positions: Chairman-Bob Johnson, Vice Chairman-Jerry Russ, Secretary Bill Waff; A motion was made to approve by Bill Waff; the motion was seconded by Kevin Boyle and approved by all voting members.

9. Miscellaneous (1:06:29)

Jerry Russ provided a summary document intended to help advise the applicants how to proceed.

Commissioners agreed they want the applicant to understand it is the responsibility of the applicant to ensure properly done applications, and the regulations in that regard will be noted. It will also note that other departments and commissions have their own requirements.

Commissioners discussed the signs and next steps to be taken.

10. Adjourn

A motion was made to adjourn at 7:47 pm; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning Commission

Regular Meeting

January 25, 2012

Minutes

(Not approved at time of filing)

1. Call to order (4:09)

Bob Johnson called the meeting to order at 6:37pm. Present are Jim Malcolm-regular, Jerry Russ-regular, Bob Johnson-chairman, Bill Waff-regular, Geoff Colegrove-staff and Scott Wheeler-alternate.

2. Agenda (4:52)

A motion was made by Bill Waff to approve the agenda for January 25, 2012 as presented. This motion was seconded by Scott Wheeler and approved by all voting members.

3. Public Comments (5:22)

Eric Rettberg noted he owns property in the Lake Beseck area that is a pre existing non-conforming lot, and the structure has been compromised by an act of god and he would like to demolish and rebuild.

Geoff Colegrove noted regulations 8.02.03 are the applicable regulations for this situation- board members reviewed.

Mr. Rettberg explained that the roof has caved in due to snow. It was noted his has been decades since the house was inhabited. Mr. Rettberg explained that the building official would like the building taken down, and so would Mr. Rettberg, if he has an okay to rebuild on the same footprint. The house has been deemed as unsafe, but an order has not been issued. It was noted that Mr. Rettberg would rebuild in the same footprint, with no increase in height. It was agreed to include this on the agenda for the meeting in two weeks, and Mr. Rettberg would discuss this issue with the land use department. Geoff Colegrove noted the primary discussion revolves around the interpretation of the first sentence of the relevant regulation regarding the timing of the

damage that caused the unsafe conditions and documentation that it was due to a natural disaster. Board members reviewed the regulations. Geoff Colegrove noted there are issues regarding liens and taxes on the property that need to be address prior to any permits being issued.

4. Workshop (22:15)

Board members introduced themselves to Attorney Steve Byrne who provided information regarding Planning and Zoning issues.

Attorney Byrne went over the written materials provided with the commissioners beginning with conflict of interest, what may or may not constitute a conflict of interest with commissioners.

Attorney Byrne went over additional chapters including proper conduct for meetings and hearings, FOI issues, email communications, and executive sessions.

Attorney Byrne went over items in the second publication, including zoning issues such as special permits, site plans, zone changes, petitions, voting majorities, effective dates of zone changes and various timing issues.

Attorney Byrne continued with discussions on subdivisions and the Plan of Development and the procedures needed to manage these. Bonding was discussed, when it is appropriate and whether or not it is needed. Subdivisions were discussed with regard to what can and cannot form the basis of denial, various timing issues and informal discussions.

Attorney Byrne stated he would provide two more sets of the documents for the two absent board members.

In response to comments from Marianne Corona it was noted that while applicants sign a form allowing people onto their property when they fill in an application, the attorney recommends that they applicant's right to change their mind in that regard be respected. It was noted if they publish it as a site visit, the public is allowed, but commissioners can visit the site individually without the presence of the public.

5. Raymond Termini show cause hearing, home occupation permit for massage therapy business at 185 Baileyville Road (1:44:24)

Bob Johnson reported that Mr. Termini was asked to appear before the commission as it has been brought to their attention that what was approved is not what is being advertised. Bob Johnson noted that a letter was sent and asked Mr. Termini to response to that letter.

Mr. Termini provided some handouts for the commission, and thank the commission for bringing the issues to his attention. He noted he has been making some changes already, and the items that were pointed out regarding the website were valid. He noted that was a little over zealous advertising of the property. Mr. Termini provided information on the changes he made to the web site and said he would like to provide details on what has been happening since opening.

Mr. Termini provided documents showing all the web site pages as of the previous day (January 24, 2012). He reported that he has hired staff he is very happy with, and described some of the clients he has served and their happiness with the service.

Mr. Termini went through the letter and stated that the day spa services he provides are being conducted within the treatment rooms, payments for services are being made at the front door, as noted on the plan, access to the waterfront setting (as noted on the advertisements) is something that occurs as clients turn down the driveway, and nearly every room in the house includes a view of the water. With regarding to having no external evidence of the business Mr. Termini questioned the difference between his clients ability to walk down to the water to enjoy the view and the neighbors' visitors ability to walk down in their yard to enjoy the view. Mr. Termini noted he has been cautious with the schedule to not exceed the limitations for parking. Mr. Termini noted that the rear of his house is mostly only visible by boaters or from the water's edge.

One member noted there was a statement that indicated the entire house was for rent, which is not what the permit allows for, having a limit based on percentage. Mr. Termini stated his house has been available as a rental vacation home for over ten years, and that comment pertains to that, and times when the house is rented, the spa will not be operating.

Mr. Termini noted photos that were on the web site that he has since removed-in reference to the comments about exceeding the 25% allowed, and has removed the references to catered luncheon as they do not want it to appear they are cooking, or preparing food, they removed references to Amici's grill. Mr. Termini noted he would still like to offer to his clients the ability to order from Amici's grill and then have the food picked up and brought to them. Mr. Termini explained he reworded the intake from with regard to the use of the house. In response to a question, Mr. Termini noted he would not have the guests eating in the treatment

rooms, but in the kitchen. Commissioners stated that was not part of the home occupation. Mr. Termini stated by then they are done with their treatments and are now guests in his home.

Bob Johnson noted they are listening to all the comments and they will be forwarded on to the attorney who will listen to the recording and this issue will be further discussed at the next meeting. Mr. Termini noted he wants to comply with the regulations.

In response to a question, Geoff Colegrove explained that if the commission determines Mr. Termini is not in compliance with the permit issued, they will issue a cease and desist order, and that can be appealed with the Zoning Board of Appeals. If it is not resolved there, either side, the town or Mr. Termini can go to court. Geoff Colegrove stated that usually the commission would send a letter outlining the consequences of a failure to comply. Geoff Colegrove noted at this time they are trying to gather Mr. Termini's perspective.

Mr. Termini asked if one of his clients moves through the house, outside of the designated treatment areas, is that a violation? He noted he could not prevent people from wanting to enjoy the rest of the house. Bob Johnson urged Mr. Termini to read the regulations regarding home occupation.

Mr. Termini noted on the website all references to food have been removed, as well as all references to relaxation in the living room, the hours of operations were adjusted to match the approval. He noted with regard to the idea that people would hang out longer and create more traffic, this has not happened and it will not happen. He noted they are allowed only seven cars and he will not exceed that.

Mr. Termini noted there were approximately 100 changes to the web site, but the reason people will want to come to his place for massage therapy is because of the attractiveness of the house and area. Geoff Colegrove noted he would provide the attorney with the documents provided and the recording of the meeting.

Bob Johnson stated based on the approval provided he would have expected a separate entrance, going into a massage room, laying on the table, receiving a massage or facial, and then being offered water, paying for the service, make a next appointment and then exiting the same way you came in. Mr. Termini noted the difference is at his house is how beautiful the place is, and questioned if he was to advise clients they could not walk beyond the prescribed treatment areas. Commission members noted this is a home occupation and he has to follow the regulations. Mr. Termini asked that the attorney look at whether or not, because he has a home occupation permit, people can not enter his home any longer.

Commissioners suggested the attorney be given this information and allow the commission to continue the discussion at a future meeting. Mr. Termini asked if he could have an information discussion to make further amendments if recommended. Geoff Colegrove stated they need to get the information to the attorney, who will make recommendations, and the commission will further discuss and decide then if they want to make further amendments. Geoff Colegrove stated if Mr. Termini wants to make changes, he needs to advise him so the attorney can be given the information.

Mr. Termini noted the additional meetings cause addition negative press coverage. It was stated the issues arose from the representation of the scope of the activity. Mr. Termini asked if they expected clients to walk in the front door, walk up, and then walk out? Commissioners stated that is what they believed was going to happen. Mr. Termini noted that not allowing his clients then walk down to the water is telling him who he can and can not have on his property, and the commission does not have that right. Mr. Termini discussed his ability to allow someone to come on his property and fish in the water, then have a massage. He stated again that the spa services would only be conducted within the areas of the home as agreed, but when not having the spa services he should be allowed to have people anywhere on his property.

It was agreed to continue this discussion after the attorney reviews the information. Mr. Termini stated that he is willing to debate and to make compromises.

One commissioner noted only one sign is allowed, but there are two on the property, one at the road and one at the bottom of the driveway. Mr. Termini stated that sign was only to avoid people going in the wrong door.

In response to a question, Bob Johnson stated that he would get a copy of the audio recording to the two commissioners that were no present. Geoff Colegrove stated he would provide the recordings.

It was noted that Attorney Willis was due to come in next week to discuss Jimmy D's- it was agreed to have him cover both issues at that time, if it is acceptable to the attorney's firm. Board members discussed the issues they have with the advertising of the property. One member noted his wife would be willing to make an appointment and report back to the commission. Commissioners discussed the ability to enforce the issues such as allowing people to hang out in various other parts of the house. One member noted the day after the commission approved a sign, the sign was posted and the website was active. It was noted if the house is rented out the spa will be closed, and the rental has been taking place for years. It was stated this is a commercial

business in a residential zone and they should either have the zone changed or throttle back down the business. Geoff Colegrove stated they can't touch the rental issue, as it happens all the time.

It was noted the next meeting is February 8, and this issue will be further discussed. Commission members disagreed with Mr. Termini's statement that clients could also fish in the lake. Commission members discussed whether or not there was a separate entrance for the business, and whether or not that was allowable. Geoff Colegrove stated there was a dedicated entrance but not a separate one. Bob Johnson stated that he understood it was the back entrance. Commissioners noted there is an enforcement issue, but they want to protect the neighbors.

6. Zoning Enforcement Officer (2:39:58)

Geoff Colegrove noted a letter was sent to Eric Knapp for review, and then it was sent out. He noted that it was not then reviewed by Alan Johanson. Geoff Colegrove noted that the letter was not received, and that person called and had an email version sent to him. It was unclear why the letter was not received. (not clear on tape what issue this referred to)

Geoff Colegrove reported that Jimmy D's is a work in progress, and while it is cleaned up, it is not according to the plan sent and approved. Jim Malcolm asked that Jimmy D be sent a letter indicating he will be on the agenda next week. Geoff Colegrove stated he will be sent a copy of the agenda. It was stated that Jimmy D was advised by his attorney not to attend the meetings, and also noted that the commission's attorney has made it clear that he is welcome to attend.

Bill Waff asked what is being done about the junkyard on Peters Lane. Bob Johnson noted it is an ongoing issue, there have been site visits by the commission and Alan Johanson. Bob Johnson noted it is a topic of the residents of that neighborhood who believe the commission does nothing about it. The property gets cleaned up, then six months later it is back again where it was. Geoff Colegrove suggested they issue a notice of violation, then show cause hearing. Geoff Colegrove explained it is a junkyard, the property is filled with parts of vehicles. Commissioners debated what control they have over this type of activity. Geoff Colegrove stated that there is a limit of two unregistered vehicles and this property clearly exceeds that, and is a junkyard by statutory definition and by the town's regulation, that is not allowed. He noted there are also likely to be violations concerning the state motor vehicle regulations.

Commissioners discussed the property. It was suggested that Alan Johanson felt the property was getting cleaned up, but commissioners disagreed, wondering if he had entered the back yard. Geoff Colegrove recommended having Alan Johanson do a site visit, and if appropriate issue a notice of violation, and have a show cause hearing. Geoff Colegrove suggested they need to create a paper trail of requests made to get the property cleaned up. Geoff Colegrove agreed to set up a site inspection and send a letter for the next meeting.

7. Town Planner report (2:53:34)

Geoff Colegrove reported that Jon Brayshaw is heading for a town meeting in February to vote on the creation of the Lower Connecticut Valley Council of Governments. Geoff Colegrove believed the consolidation will actually happen after July 1, 2012 and maybe as late as January 2013.

Regarding the Plan of Conservation and Development it was noted the statutes require a review of the plan, not necessarily a change, every ten years. It was suggested to parcel out the various section of the plan to different commissioners and then meet as a group to discuss. Geoff Colegrove suggested they also contact other commissions and the selectmen to have them review and voice their opinions as well. He suggested the formal hearings take place after there has been input received and discussions had. Geoff Colegrove explained what will likely happen after the consolidation.

8. Minutes (3:01:40)

A motion was made by Bill Waff to approve the minutes of the January 11, 2012 meeting as presented; this motion was seconded by Jerry Russ and approved by all voting members. Bob Johnson abstained as he was not present for that meeting.

9. Miscellaneous (3:02:10)

There were no miscellaneous items to discuss.

10. Adjourn

A motion was made by Bill Waff to adjourn at 9:35 pm; this motion was seconded by Jerry Russ and approved by all voting members.

Middlefield Planning and Zoning Commission

Regular meeting February 8, 2012

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, Kevin Boyle-regular, Jim Malcolm-regular and Scott Wheeler-seated alternate. Also present is Geoff Colegrove.

2. Agenda (:46)

A motion was made by Jerry Russ to approve the agenda of February 8, 2012 as presented. This motion was seconded by Kevin Boyle and approved by all voting members.

3. Public session (1:23)

Irene Angiletta read a letter to the commission and requested some help regarding the protection of Lake Beseck (a copy of this letter is on file); she also provided a copy of a letter written to the local paper as well as to the Inland Wetlands and Watercourses Agency. Irene Angiletta provided photographs as well of some of the issues brought up in her letters. She has suggested the commission create a shoreline zone, and provided some examples for the commission to review.

Bob Johnson stated the commissioners would review the items, discuss the issue with Geoff Colegrove and make it an agenda item for a future meeting.

4. Commission attorney Willis discussion of Jimmy D's property 228 Meriden Road (14:43)

Attorney Matt Willis provided some background on the property, explaining there had been correspondence between himself and the attorney for Jimmy D's. The attorney has requested a meeting on the property in order to identify items of non-compliance in order to get those rectified.

Geoff Colegrove noted he has been to the property lately and it is still not in compliance, and provided photos of the area. He explained the items not in compliance include the parking area in back is not accessible; there are items on the neighboring property and there are items in the way of the gate. Geoff Colegrove noted the area on the plan which is supposed to be clear, but is not. Geoff Colegrove noted the agreement was clear that there were not be any cars for sale and there are particular areas that are supposed to be clear. He explained the difficulty for a customer to turn around on the property rather than back out on to Route 66. Geoff Colegrove agreed it would be worthwhile to meet on the property but felt there were simply too many items for the size of the site.

Matt Willis suggested they meet on the site with Jimmy D, his attorney and Geoff Colegrove to go over the items. Commission members agreed the meeting should be done, but noting the amount of time spent on this issue, and the continual return to non compliance, they asked that the attorney be advised that the town is not afraid to move forward with the legal measures and will do so.

It was agreed they would have this meeting and Geoff Colegrove would report on it at the next meeting of the Planning and Zoning Commission.

5. Ray Termini show cause regarding home occupation permit for massage therapy business at 185 Baileyville Road (24:00)

Bob Johnson noted they discussed this issue with Ray Termini at the last meeting and asked their attorney to review the situation.

Matt Willis noted a letter had been written to the commission and there were communications from Mr. Termini indicating he would cease to do lunches, and the only outstanding item is the wandering around on the property which was not part of the approval. Matt Willis stated that the clients come in as business invitees and do not then become guests, and the approval itself then must be adhered to. It was

explained to Mr. Termini that having the day spa attendees wander around the property was not part of the permitted use.

Mr. Termini agreed that he was fine with not allowing people to linger about on the property. He stated that now things are under way, it does not appear the business will be as intense as what was approved for regarding the traffic. He stated they are no longer offering the lunches. He asked the commission if he could trade opening hours and eliminate Monday to add more hours to Saturday. He was advised to apply for an amendment to the permit and to be sure his website did not include items not approved as it will appear to be an intentional violation.

In response to a question, Mr. Termini stated that the website no longer included reference to the fact that the house is available for rent on the day spa web site but is still on a different web site. Bob Johnson stated they had to be separated.

Geoff Colegrove noted to his knowledge there have been no complaints from the abutters.

It was stated there was only one sign allowed, but there was a second sign near the house instructing clients where to go. Mr. Termini stated that there are three doors and he wants to instruct people where to go. It was suggested the second sign should only state 'enter here' or something of that nature that is only directional.

6. Eric Rettburg discussion of collapse building and roof construction, 23 Chipeway Road (39:08)

Eric Rettburg stated he would like to demolish and reconstruct on the property. Mr. Rettburg stated that he was advised that the building official was going to talk with Geoff Colegrove regarding this property. Geoff Colegrove stated he did not discuss the property with the building official. He noted that the regulation provides a time period to do the reconstruction under the definition of non-conforming. There was a question whether or not the storm in October caused the collapse- which would require an application be submitted within the six months. Geoff Colegrove suggested Mr. Rettburg apply for a variance from that regulation or from the set back requirements. Geoff Colegrove stated they were looking for something from Bob Meyer that the collapse was due to the October 31 storm. Geoff Colegrove understood from Alan Johanson that Mr. Rettburg had not been in.

Mr. Rettburg understood that Geoff Colegrove was going to discuss this with Bob Meyer, as he had been speaking with Mr. Meyer on the issue.

Mr. Rettburg noted that he has been cleaning up the property, abating the asbestos siding and understood this was not going to be a big issue. Geoff Colegrove clarified that Mr. Rettburg needed to have the official confirm the structure had collapsed due to the October 31 storm and that would allow him to request variance from Zoning Board of Appeals to rebuild. Kevin Boyle understood if it is confirmed that the storm caused the damage, the homeowner has the right then to rebuild without a variance within six months.

Jon Brayshaw noted that in the days prior to the election he saw the house in a heap.

Bob Johnson asked Mr. Rettburg to speak with the building official to get his determination about the storm causing the damage and if this needs to be put on the agenda, Geoff Colegrove will ensure that it is.

Mr. Rettburg asked for clarification regarding the use of the actual foundation- he understood the footprint had to remain, but asked if he could replace the foundation. Geoff Colegrove stated that as long as it is in the same location, the foundation can be replaced. Mr. Rettburg stated his intention is to have a surveyor create an as-built so that he can use the same dimensions. Kevin Boyle noted the foot print, including eaves and overhangs; have to remain the same, as well as volumetrically and height-wise, it must be the same or less.

7. Richard Gervase, show cause hearing regarding numerous vehicles on property at 113 Peters Lane (54:02)

Mr. Gervase made his presence known. Bob Johnson noted this property has been discussed before and the commission felt the property is back the way it was several years ago.

Mr. Gervase said he had three extra vehicles on the property and they would be leaving this weekend. He noted there have been items brought to the dump and some tents have been removed.

Geoff Colegrove provided photos of the property, noting he did not enter the property but were taken from the adjacent property. He suggested the site be inventoried with Alan Johanson, determine what is junk and what is not, and begin removing junk.

Mr. Gervase stated he would contact Alan Johanson and arrange a meeting. Bob Johnson stated he would have Alan Johanson contact the property owner to schedule a time-Mr. Gervase provided a cell phone number to Geoff Colegrove who will provide the information to Alan Johanson.d

In response to a question, Mr. Gervase was advised that having a temporary dumpster come in was acceptable.

Bob Johnson stated Mr. Gervase will not be put on an agenda without being notified.

Commissioners noted they would like to have a timetable for the cleaning up of the property. It was stated that there are properties that are not being sold in the neighborhood due to the condition of this lot.

8. Discussion of welcome sign (1:05:09)

Bob Johnson noted there was additional information from Kevin Boyle and Geoff Colegrove.

Geoff Colegrove provided a draft regulation for the commissioners to consider and went over the information with the commission. Geoff Colegrove made changes to the math equations as needed. Commissioners discussed the draft with Geoff Colegrove and First Selectman Jon Brayshaw.

Jon Brayshaw asked if there was a way to include signs such as the one at Peckham park within these regulations. Commissioners suggested Town Related signs, or informational signs. Other town related identification signs was added to the draft. Commissioners debated the issues of size limitations and other restrictions and made amendments to the draft. Geoff Colegrove stated he would get something done in order to complete the legal notice with the understanding they can reduce and make changes at the public hearing. It was agreed to include 21 square feet, 30% , other town related identification signs and add sponsor identification will be limited to service organizations.

A motion was made by Jerry Russ to have a public hearing for amended sign regulation 09.03.01.14 as proposed, for the next meeting on February 22, 2012. This motion was seconded by Kevin Boyle and approved by all voting members.

9. Zoning Enforcement Officer report (1:44:11)

Geoff Colegrove stated there was nothing additional to add.

Jon Brayshaw asked about an 8-24 review regarding repairs to the Miller Road Bridge which will be torn down and worked on over a period of several months. Geoff Colegrove stated yes and he would put it in for the next meeting. Geoff Colegrove asked Jon Brayshaw to forward the information he sent to Steve regarding the bridge.

Geoff Colegrove asked the commissioners to begin reviewing in the Plan of Conservation and Development so that they can determine who wants to review what portions of the plan. Commissioners discussed various portions of the plan, noting that Lake Beseck will also need some attention as well. Commission members discussed various portions- Geoff Colegrove noted they do not require changing, but all sections need to be reviewed to see what is still relevant and if there are any things that should be included which is not already. Jon Brayshaw noted there should be a section on GIS.

10. Minutes to previous meeting (2:03:43)

January 25, 2012

A motion was made by Jerry Russ to approve the minutes to the January 25, 2012 as submitted. This motion was seconded by Scott Wheeler and approved by all voting members.

11. Miscellaneous (2:04:41)

Bob Johnson noted there will be an annual meeting of the Federation of Planning and Zoning Agencies and if there are commissioners interested they should let him know and he will submit the application. Bob Johnson stated if he goes, he will pay his own way, but was unsure if he would attend.

Jon Brayshaw noted the budget needs to be in by March 1.

Kevin Boyle asked Geoff Colegrove to provide a listing of items from the Plan of Conservation and Development that he will do by default because he has the census information.

12. Adjourn

A motion was made to adjourn at 8:45 pm ; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning

February 22, 2012

Regular Meeting

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:35; present are Bob Johnson-chairman, Bill Waff-regular, Scott Wheeler-seated alternate, Jerry Russ-regular and Peter Tyc-seated alternate. Also present is Geoff Colegrove-staff.

2. Agenda (0:53)

A motion was made by Bill Waff to approve the agenda for the February 22, 2012 meeting as presented. This motion was seconded by Jerry Russ and approved by all voting members.

3. Public Session (01:23)

There were no public comments.

4. Zoning Officer Report (02:07)

Bob Johnson noted that Mr. Gervase was present from Peters lane. Geoff Colegrove reported that Al Johanson visited the property Tuesday and Friday. Mr. Gervase indicated that Mr. Johanson did not return his call. Mr. Colegrove provided photos of the property for the commission members to review, noting there seems to have been no activity to move anything. Mr. Gervase stated that he has made some dump runs and is continuing to work on it.

Bob Johnson requested a time frame from the property owner, noting the commission may be seeking action on this in the form of a cease and desist. Mr. Gervase indicated he had some particular issues that were delaying him. Mr. Johnson explained the commission would hold off on the C&D for the next four weeks, and they will have this on the agenda for March 28. Prior to that Mr. Johanson will be asked to visit the property to provide an update.

Regarding Jimmy D's Mr. Colegrove noted he met with the two attorneys, and he provided photographs that represented the improvement to the property. He reported that there is more work to be done and he will revisit the property. This will be on the agenda for the March 14 meeting.

5. Public hearing (10:43)

A motion was by Bill Waff to suspend the regular meeting for the public hearing. This motion was seconded by Jerry Russ and approved by all voting members.

Geoff Colegrove read the legal notice that was published in the Middletown Press on February 11 and 17, 2012 regarding Proposed Tex Amendments to section 09.03 "Signs and Outdoor Advertising Structures to add new subsection 09.03.01.14 to allow "Middlefield Welcomes You" signs.

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

Geoff Colegrove provided some history on the new subsection and what the requirements will be. Commission members reviewed the documents and discussed the possible variations of potential signs.

Summer Lerch, president of the Middlefield Lions stated her support for the adoption of this section, her comments were followed by several voices of agreement.

Mike Skelps noted his support.

Jeannine Skelps noted her support.

Don Ginter confirmed that a smaller sign will have to be within the parameters of requirements for the bigger sign.

It was noted that this was discussed with DOT.

A speaker noted there were stakes installed in a potential location.

There were none to speak in opposition of this change.

Commission members discussed the difference in the definition of civic and service organizations.

A motion was made by Bill Waff to close the public hearing on the proposed zoning text amendment 09.03. Signs and Outdoor Advertising Structures, subsection 09.03.01.14 to allow Middlefield Welcomes You signs. This motion was seconded by Peter Tyc and approved by all voting members.

A motion was made by Bill Waff to reconvene the regular meeting at 7:07 pm; this motion was seconded by Jerry Russ and approved by all voting members.

6. 8-24 Review for the rehabilitation of the Miller Road Bridge (31:23)

Geoff Colegrove noted there was a grant received to rehabilitate the Miller Road Bridge. Mr. Colegrove provided a summary of the proposal prepared by Brian Curtis. It was noted this will also go to IWWA for their approval. The P&Z commission at this time only needs to agree it is compliant with the Plan of Conservation and Development. Mr. Colegrove did not think this proposal was in conflict with that plan.

Commission members reviewed the various document provided. Geoff Colegrove explained the purpose of an 8-24 review. He noted they will be working around the schedule for the replacement of the bridge on Route 147.

A motion was made by Bill Waff to vote favorably on the 8-24 review for the rehabilitation of the Miller Road Bridge, subject to the town engineer providing a detailed presentation to P&Z. This motion was seconded by Jerry Russ and approved by all voting members.

7. Discussion of proposed text amendments (42:04)

Commissioners discussed the proposal and the terms “civic” and “service” - it was agreed to approve as it was.

A motion was made by Bill Waff to approve the proposed zoning text amendment to section 09.03 Signs and Outdoor Advertising Structures, subsection 09.03.01.14 to allow Middlefield Welcomes You signs. Effective date March 28, 2012. This motion was seconded by Jerry Russ and approved by all voting members.

8. Town planners report (45:48)

Geoff Colegrove reported that he sent out the table of contents of the Plan of Conservation and Development to all the commissioners and went over some of what needs to be done. He suggested they review it with other commissions as well.

Bob Johnson suggested the commissioners review it at home and at the next meeting decide how they want to proceed with each member choosing a particular section to address. He also suggested they plan one meeting to devote just to this issue.

Geoff Colegrove suggested a target date for completion should be the spring of 2013. Commissioners discussed the effect closing Midstate Regional will have on this process and budget items. Geoff Colegrove noted several towns have now voted to be included in the COG. Geoff Colegrove noted that he will continue to offer his services as town planner for Middlefield and describe some of the changes that he anticipates.

Commission members agreed to review the PCoD for further discussion.

Geoff Colegrove reported that he has revised the document concerning notification requirements and provided a draft and asked the commission to review it and provide comments on how they would like to proceed.

9. Minutes to previous meeting (1:02:57)

A motion was made by Bill Waff to approve the minutes of the February 8, 2012 meeting; this motion was seconded by Jerry Russ and approved by all voting members.

10. Miscellaneous (1:03:39)

Geoff Colegrove advised before the next meeting there is likely to be an application from the BOS for an interior lot approval at Powder Ridge. In response to a question it was noted that they will not need to know the use, unless it was to be residential. The BOS has been advised they need a map, an application and certification it can support a septic system for the primary use. It was suggested the intent is to use the smaller portion as a means to raise capital. Commissioners discussed the possibility of a vineyard on the property as that has been rumored to be a possible use.

Commissioners agreed they will require maps for this application, possibly an A2 survey.

11. Adjourn

A motion was made by Bill Waff to adjourn at 7:48 pm; this motion was seconded by Jerry Russ and approved by all voting members.

Middlefield Planning & Zoning

March 14, 2012

Regular Meeting

Minutes

(Not approve at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:37 pm; present are Bob Johnson-chairman, Kevin Boyle-regular, Peter Tyc-alternate, Bill Waff-regular and Scott Wheeler-alternate.

2. Agenda (46)

A motion was made by Kevin Boyle to approve the agenda; this motion was seconded by Scott Wheeler and approved by all voting members.

3. Public Session (1:10)

Marianne Corona stated that she represents Middlesex County on the board that represents wetland and commissions, and they have discovered that many are unaware of the connection between wetlands and conservation. She noted the DEEP has created videos for commissioners to receive training. She stated there are courses for P&Z commissioners including one in the spring sponsored by the Center for Land Use Education which is an all-day Saturday course. She left information with the commissioners to review and encouraged attendance. Bob Johnson noted there is money in the budget for commissioners who would like to attend.

It was noted that Sean Hayes was expected to come in to discuss modification to the site plan during public comment, but he was not present. It was suggested to include him on the next agenda.

Bill Waff requested that they have a comprehensive list of what has been approved or not approved at Powder Ridge over the years. Geoff Colegrove noted it would be a difficult listing to compile and would require attorney time and recommended waiting until after they spoke with Mr. Hayes. Bob Johnson noted that at some point they would like a quick list of what is approved under zoning. It was agreed that regarding wetlands it would be a much more difficult task, noting that there are things that were approved but never filed with the town clerk and therefore they are not valid. Geoff Colegrove noted that the STC permit was not renewed for the traffic light and south street improvements so that may be nothing. Regarding the ski area and water park, what was approved for the water park may be voided because none of the maps were ever filed. Geoff Colegrove has advised Mr. Hayes that he should start from the beginning, noting that the permit for the restaurant is for a specific location, septic and well, and if it is to be moved, it will require at least a site plan review.

Marianne Corona stated she would start putting together the list of approve wetlands.

4. Lyman Golf Training Facility proposed site modification (14:22)

John Corona, representing the Lyman Farm provided documents/maps/drawings to the commissioners. He noted there projecting an opening day around Memorial Day this spring. He explained he would like to move the dumpster locations and provided documents showing where they were intended to be and where he would like them moved to. Commission member reviewed the maps/drawings and discussed the change.

A motion was made by Bill Waff to approve the modification to the site plan for the Lyman Golf Training Facility at Miller Road and Main Street. This motion was seconded by Peter Tyc and approved by all voting members.

5. Zoning officer report (24:00)

Geoff Colegrove reported that Al Johanson will follow up on the Peter Lane property and take photographs of the progress.

Regarding Jimmy D's, Geoff Colegrove was invited to site, however, the situation was worse than previously with more items on the front lawn and more items blocking the drive. Geoff Colegrove contacted the attorney to advise him of the situation.

Bob Johnson reported that when he went by the property he had the same impression and is ready to move forward with legal steps. Kevin Boyle was in agreement. Bob Johnson asked Geoff Colegrove to advise Attorney Matt Willis to move forward with this. Bill Waff noted it has been many years and it was time to move forward. Geoff Colegrove stated he would contact him on Friday to get it started, and would also take photos. Bob Colegrove advised he would send an email as well stating the commission's position.

Geoff Colegrove reported that Mr. Schatzman has built an additional greenhouse without getting a permit at the Country Flower Farm site. Commissioners reviewed the current site plan. It was noted the

property owner cannot get a building permit until the zoning permit is signed. It was noted that currently the public can enter all the buildings, but the owner was willing to not allow the public in certain areas. Geoff Colegrove asked if the commission wanted to change the use table to allow this to be a use by right provided it is not used by the public, or to have him come in for special permit. Commissioners agreed to special permit.

Geoff Colegrove noted the owner will be advised to also come in for the two canopy structures as well. He will be advised to show all the buildings on a revised site plan. It was agreed there needs to be an as built on the site plan. It was suggested that a letter stating that he is using this green house, with no public access at his own risk.

Geoff Colegrove reported that the town is looking to split off a 22 acre parcel from the Powder Ridge site to be held by the town as open space. The town will be doing the survey work. Geoff Colegrove provided a drawing/map to indicate the areas involved. This will be an interior lot even though it has frontage, and a subdivision. Geoff Colegrove noted with wetlands on the property this will also go to the IWWA for review. Commission members discussed the past interests in the property and what other activities may be considered. Geoff Colegrove noted there may be a use table amendment, a site plan issue for some cases, and some uses may require special permit.

Geoff Colegrove noted Mr. Hayes has to work with DEEP regarding the septic system. It was noted the restaurant location will affect the septic system and this needs to be discussed with DEEP.

Bill Waff asked when Midstate is no longer who will be preparing documents for P&Z. Geoff Colegrove stated that when the consolidation takes place, he will retire from Midstate and he will continue to be town planner in Middlefield and Durham and he will continue the services of the COG.

Bob Johnson noted at Ridgeland Farm, 111 Powder Hill Road there is a dog training operation going on and this needs to be investigated to see if a special permit is required. Bob Johnson reported that this operation is being done by someone other than the property owners. Commission members discussed what they believed was happening on the property. Geoff Colegrove stated he would gather some facts for the commission and report back.

It was noted the issue on Peters Lane will be discussed at a future meeting. commission members stated it looks worse than ever.

It was noted that Mr. Termini has not yet removed the second sign on his property.

6. Miscellaneous (1:13:41)

Bob Johnson reminded the commissioners they need to review the Plan of Conservation and Development, and each should choose items from the table of contents that they are particularly interested. Scott Wheeler stated he would like to review the natural resources category.

7. Minutes to previous meetings (1:16:33)

February 22, 2012

A motion was made by Bill Waff to approve the minutes to the February 22, 2012 meeting of the Planning and Zoning Commission; this motion was seconded by Scott Wheeler and approved by all voting members.

8. Adjourn

A motion was made by Bill Waff to adjourn at 7:51; this motion was seconded by Scott Wheeler and approved by all voting members.

Regular Meeting

March 28, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:43pm. Present are Kevin Boyle-regular, Robert Johnson-chairman, Jim Malcolm-regular, Jerry Russ-vice chair, Peter Tyc-alternate and Bill Waff-secretary. Bob Johnson seated all regular members .

2. Agenda (1:15)

A motion was made by Bill Waff to approve the agenda for the March 28, 2012 meeting as presented. This motion was seconded and approved by all voting members.

3. Public session (1:25)

Joseph Darwanin recommended a changed in the ZBA's ruling on a neighboring property. He explained his neighbor was granted a variance the previous year but he was not notified and now the barn is built it interferes with his view. He stated that by not being notified his right to voice an opinion was denied. Mr. Darwanin reported that he went to the ZBA meeting but they were unable to do anything for him. He suggested that a regulation be created to require abutting neighbors to be notified.

Geoff Colegrove explained the process ZBA follows including two meetings, one to ensure the application is complete, and the second to hold the public hearing. Mr. Colegrove had advised the neighbor, Mr. Tripoli to get letters from the abutting neighbors to indicate to the ZBA that they are aware of the situation. At the first meeting of this application, Mr. Tripoli was not advised to send letters to all the abutting neighbors. Geoff Colegrove explained the statue does not require notification, it will allow it if they change the regulations. The ZBA had been given letters from neighboring properties, but not all abutters, and Mr. Darwanin was not notified. The ZBA is likely to make a recommendation to address this to the P&Z who has the authority to make the change to the regulation to require all abutters to be notified, by showing a certification of mailing, not necessarily the signed receipt as there are some who will not sign for a letter. Requiring the certification of mailing indicates the homeowner did send out the letter.

Mr. Darwanin stated that the homeowner had mislead the ZBA with information, and had he been aware of the meeting that took place, he would have provided additional information that may have affected the decision of the ZBA.

Bill Waff noted his full support for requiring notification of abutting property owners.

In response to questions, it was noted that a transcript of the two ZBA meetings were made the applicant was never advised to notify the abutters. Letters from nearby neighbors were brought in voluntarily. Mr. Darwanin stated that one of the letter writers indicated he was an abutting neighbor, but he was not.

Kevin Boyle noted the ZBA requires that the area in question be marked off with stakes and ribbons, and also by filling in the application they are giving ZBA members the right to enter the property to view it. This also gives neighbors a chance to see that there is activity planned on the property. Kevin Boyle noted his support for reviewing the requirement notification of abutting neighbors.

Geoff Colegrove noted the applicant in that case did only what the statute required, including the notification of approval in the paper. It was noted they need to consider the details of the publishing of the legal notice, considering the timing.

In response to questions it was discussed that there are situations where a neighbor who is not abutting may also be impacted by activity on a certain site, so they will need to consider that.

Board members agreed they would move forward on this discussion and request information from the ZBA chairman. Mr. Darwanin was told they would keep him advise him when the subject comes up on the agenda.

Chris Hurlbert from Park and Recreation advised that they would like to do the farmers market again this year, this time in front of the community center. Bob Johnson provided written information to the commissioners that he had received from Attorney Branse regarding this type of activity. Chris Hurlbert explained he would like to run this from the end of May to the end of August, Saturday mornings, approx 7-noon. It was suggested that the BOS have the authority over the town green. Mr. Colegrove they could adopt regulations to cover this, or they can acknowledge it is going to happen, and let the selectmen administer it. It was agreed the selectman would come in and apply for a site plan review for an activity on the green.

Chris Hurlbert clarified that he wants to call this an open market, to allow for various types of sales, vegetables, crafts, chocolates, tag sale, etc, and he will contact Jon Brayshaw to get the application started.

4. Paul Schatzman review of greenhouses, Baileyville Road (41:30)

Bob Johnson reported that a letter went out to the property owner. Geoff Colegrove attempted to contact him by phone several times, and the only response was a phone number left, which Geoff Colegrove tried to call several times, with no response. Geoff Colegrove read to the commission the letter he sent out to Mr. Schatzman.

Mr. Schatzman was not present. Board members discussed what steps they wanted to take. It was noted this property is not in the AG2 zone, it is in the planned commercial zone, which is what Mr. Schatzman had requested. Board members reviewed maps/drawings of the property and discussed the history. It was suggested to schedule a site visit, noting the building in question has no building or C/O permit and is being used. It was noted that Mr. Schatzman was also copied on the agenda. Geoff Colegrove will send a letter requesting a site visit. Board members expressed concerns about being disruptive to his business, noting that a site visit is a public meeting. Commissioners reviewed the measurements on the drawings/maps. It was agreed they would meet next Wednesday at 6:30 at the site, and there is to be no discussion during the site visit.

5. Update on Richard Gervase property on Peters Lane(1:02:59)

Bob Johnson noted Mr. Gervase was present for discussion. Geoff Colegrove reported that Al Johanson has permission from the neighbors to take pictures of the property, and there is a meeting scheduled for Monday to inventory the area in order to develop a plan.

Mr. Gervase explained he has a plan and is hoping to get everything cleaned up in the next month or two. Commissioners agreed to allow Al Johanson and Mr. Gervase to meet Monday, and this will be on the next agenda to ensure progress.

6. Jimmy D's update (1:04:55)

It had been agreed to have Matt Willis proceed with legal proceedings on this at the last meeting. Geoff Colegrove reported that he spoke with Attorney Willis, who contacted Jimmy D's attorney who suggested another meeting between Jimmy D and Geoff Colegrove. Mr. Colegrove said he would not again as it was not productive, however, he took recent photographs of the site and it is worse than it was when he and the attorneys walked the site and he forwarded those photos to the attorney.

7. Review of Plan of Conservation and Development (1:06:32)

It was noted that Scott Wheeler has volunteered to review the chapter on Natural Resources; Bill Waff will take Historic Preservation. Geoff Colegrove suggested commissioners review the information with the state/national register to be sure there have been no changes and to determine if the information there is correct.

Bob Johnson will take the Open Space Plan and Recreation Facility; Jerry Russ will take the Changing Landscapes; Kevin Boyle will take Utilities; Jerry Russ will take Open Space Plan.

For resources Geoff Colegrove noted the UConn site for natural resources. He recommended also contacting the agency most involved with that section and getting their input. Bob Johnson noted there are funds available for this if needed, and noted they could use the services of Judy at Midstate if needed, but to advise her that it should be billed for the PCD capital item. He noted they do not need to be completely conforming but they do not want to be in opposition. It was suggested to post a sign in town to elicit townspeople opinion.

8. Town Planner report (1:17:02)

Bob Johnson noted there may be a possible meeting with P&Z and Mr. Hayes of Brownstone Exploration, the interested buyer in Powder Ridge. Geoff Colegrove reported he met with IWWA and will be meeting with EDC, and would like to meet and discuss conceptual ideas, and to discuss the location of the restaurant. Bill Waff asked for a listing of what has been approved on the property and what has not. Geoff Colegrove noted that Attorney Branse has suggested they do not do that as it creates a liability. It was noted all the water park items, water park one and two, are not valid as none have been filed, and with Mr. Leavitt not being the owner of the property he can not file them. Essentially what appears to be valid is the permits for the ski area as it existed under the management of Zemel, and what is allowed by the regulations. The property is located in an AG2 zone and uses permitted are in the regulation book under outdoor recreation uses, section 7 or 8. And all those uses are by special permit. It was noted the Lyman Access issue is also not valid. Geoff Colegrove reported that he has advised Mr. Hayes that he will essentially have to start from the beginning. Commission members discussed the need for a new list of permitted uses, many of which that will be asked for were not in existence when the list was formed.

It was agreed to put him on the agenda for the next regular meeting on the 11th.

9. Minutes to previous meeting (1:31:19)

A motion was made by Bill Waff to approve the minutes of the March 14, 2012 meeting as filed. This motion was seconded by Jerry Russ and approved by all voting members.

10. Miscellaneous (1:32:00)

In response to a question, it was noted that as of two days ago both signs were still present at the Lake Side Day Spa. Bob Johnson stated that he had been told the website now includes a sauna. It was noted that the use of a sauna was not ever brought up during the application process. It was agreed this would be looked into.

11. Adjourn

A motion was made by Bill Waff to adjourn at 8:19 pm; this motion was seconded by Jim Malcolm and approved by all voting members.

Middlefield Planning and Zoning

Regular Meeting - April 11, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:36 pm. Present are Kevin Boyle-regular, Bob Johnson-chairman, Peter Tyc-alternate, Bill Waff-secretary and Scott Wheeler-alternate. All members were seated. Also present is Geoff Colegrove-staff. Jerry Russ arrived at 6:40 and was seated. Scott Wheeler was unseated.

2. Agenda (:45)

A motion was made by Bill Waff to approve the agenda as presented. This motion was seconded by Kevin Boyle and approved by all voting members.

3. Public Session (1:18)

There were no public comments.

4. Sean Hayes presentation of preliminary plans for Powder Ridge (1:46)

Bob Johnson noted Mr. Hayes has been to IWWA and EDC and wished to provide a brief overview of his plans for the property.

Mr. Hayes explained his company is under letter of intent to purchase Powder Ridge and his plan is to restore the current facilities on the property, in order to get it up and running. He noted specifically they will be focusing on the lodge, noting the cafeteria will be essentially the same, and the retail areas will remain, as will the primary ticketing area. They are planning significant changes to the upstairs portion, and he described the current condition, and explained how he intends to refurbish it, focusing on the views available. Mr. Hayes explained how he will be creating day rooms that will be available for use by customers. He stated he will be using the pool, and heating it. Mr. Hayes said the rental building will likely remain about the same other than restoration. He explained there may be extensive work needed on the maintenance building. He explained areas where he intends to create shopping areas with the idea of being open by Thanksgiving. He explained where he will like to include the restaurant. Using a map he indicated an area to be used for driveways and parking areas. He noted they plan to restore two of the big lifts, and eventually having five lifts, noting the need for different lifts for the different trails, including the bunny hill and the terrain area. He noted they will be focusing on the features, providing features beyond what is available today in order to bring new people in.

A question was asked about septic systems; to which Mr. Hayes noted there is a redesign of the septic system on file. He explained that once they get near capacity of the existing facility, they will put in a new system. In response to a question, Mr. Hayes noted that they are moving forward on schedule.

In response to a question regarding the need to make snow, Mr. Hayes explained they have several things they are going to, including the redirecting of water from the hill into the snow pond. He also noted they will not be using snow to create the features which will minimize the need for snow. He explained they will also be dredging the man-made pond along with other changes which will increase the capacity, removing the need to get water from Lake Beseck.

Marianne Corona recommended that Mr. Hayes be required to hire a snow making consultant because she has serious questions about whether the water from the pond will be sufficient to make the

snow needed. She noted the whole focus from the townspeople was to have skiing and they need to ensure there will be enough snow for that.

In response to a question from the commission regarding IWWA and dredging the pond, Ms. Corona stated that an army corps of engineer permit may be required and an IWWA permit will be required, which will require substantial plans. Ms. Corona was asked if she felt it would be a better idea to expand the pond to avoid taking water from Lake Beseck, she stated she had no personal opinion about that. She stated that the snow making consultant could determine if what Mr. Hayes is suggesting will be adequate. She emphasized that to run the ski area the way the townspeople envision it, will take a lot of water as noted by all the previously interested parties. She read from the RFQ regarding what they had requested.

It was noted the pond was created prior to IWWA regulations. Mr. Hayes explained there was a sediment area that was originally supposed to be constantly cleaned out and was not, which is why all the sediment has now run into the pond. The last recorded dredging was 15 years ago.

Regarding the pumping of the wells Mr. Colegrove noted pumping any more than 50,000 gallons a day will require a diversion permit. He noted that the wells were dug, but a diversion permit was never issued. As the wells were connected in some way, it was determined that pumping any more than 33 gallons a minute from either well would require the DEEP permit. He noted that raising the level of the pond will flood the pool. Mr. Colegrove noted that any activity with the dam will also require DEEP review.

Mr. Hayes noted they will be moving forward slowly and address these issues as they come up. Various potential issues were discussed.

Mr. Colegrove provided several documents dealing with previous approvals, and a status report of applications most of which were never filed in the land records. Mr. Colegrove went over the documents with the commissioners.

5. Paul Schatzman review of greenhouses, Baileyville Road (47:01)

Bob Johnson reported that the commission did a site visit the previous Wednesday at the property. Commission member reviewed documents/maps/drawings provided showing the property. Bob Johnson noted the issues included the additional green house as well as the two greenhouse covers on the right. Geoff Colegrove noted the only new structures were the ones in the rear.

In response to a question, a speaker stated the drainage outlet is in the lower field and was not moved from where it was. One of the drawings indicated there was a building over it- but it was not like that on the site. Commissioners discussed the drawing versus what they saw on the site.

Bob Johnson explained the commission requires an application for a special permit and the applicant will have to provide an amended site plan showing existing and proposed structures with the proper professional certifications.

Geoff Colegrove stated that when Mr. Schatzman filed the zoning permit application he had indicated he was in the AG2 zone, however, the zone was changed prior to Mr. Schatzman's having purchased the property to Planned Commercial. The zone line had also been extended, noted on the map/drawing.

Mr. Colegrove explained that greenhouses are covered under special permits, but in the Planned Commercial zone they are not permitted by right uses. He stated that the greenhouse is in the PC zone and therefore a special permit is required. He explained this can be done through a site plan review because he already has the special permit for greenhouse, i.e. not changing the use, but adding to it. But this will still require the updated site plan.

The other concern was the access area, and the continuation of work without the needed permit.

Mr. Schatzman explained how he had visited the building department, and what had transpired, and why he thought he was all set. He noted he will certainly comply with what the commission is requesting of him. Mr. Colegrove explained he needed to provide a new plan done by a professional, they need to calculate the coverage issues, and have the buildings reviewed. Commission members discussed the potential need for an A2 survey, noting they need a lot more detail on the map than what has been presented. It was explained that to proceed the mapping needs to not change, but they can decide if they need public hearings with neighbor notification, or if they have only a site plan review. Kevin Boyle asked that an A2 comprehensive map done, then they can decide what steps to take after reviewing the comprehensive map. It was noted that the building inspector also needs to review his issues.

After discussion, it was decided that the first step is to create the A2 survey, and they will put this on the next agenda to determine the next steps, to table if the survey is not completed by that time.

Bob Johnson noted during the site walk he saw there had been a lot of work done there and he did not feel work should continue without building permits in place. He noted his shock at seeing the Jersey barriers-as was another commissioner. Mr. Schatzman stated he thought he was doing the right thing in order to stabilize the area. Bob Johnson noted he felt the work should stop until they discuss it. He noted there are issues regarding the back slope and it will have to be addressed by the town engineer. Bob Johnson asked that the work in that area be stopped- he asked that once the gravel is leveled to cease all the work there until they get all the permits in order. It was suggested that the person doing the A2 survey contact Geoff Colegrove in order to be sure all that the commission needs is noted on that survey.

6. ZEO Report (1:19:06)

Geoff Colegrove reported that he was asked by the attorney to provide information regarding Jimmy D's, and he has been gathering that to send.

Regarding Peters Lane, Al Johansen met with the homeowner and a rolloff is being delivered this week, they are scheduling regular meetings to ensure progress is being made.

Bpb Johnson reported there had been a complaint about a shed having been built at 25 Woodland Heights, without any permits. An A2 survey was done and this will go before the ZBA, or the homeowner may move it.

7. Plan of Conservation and Development (1:26:28)

Bob Johnson reminded commissioners they can utilize Midstate and there is money allocated for those resources to review the PCOD.

8. Town Planner Report (1:27:28)

Geoff Colegrove provided a copy of the application from Park and Rec and noted it will be on the next agenda.

Geoff Colegrove provided information regarding ZEOs ability to go onto private property. He also provided documents from the attorney regarding the rearranging of property lines on the Powder Ridge property.

Bob Johnson reported he had a call from Attorney Matt Willis who advised that because Attorney Antin will be a witness in the case regarding the \$25,000 deposit, he can not represent the town. So Branse and Willis will be representing the town.

9. Minutes to previous meeting (1:36:42)

section 3, public session, first line the word "changed" should be "change"

A motion was made by Bill Waff to approve the minutes to the March 28, 2012 meeting of the Planning and Zoning Commission as corrected; this motion was seconded by Jerry Russ and approved by all voting members.

10. Miscellaneous (1:38:00)

Geoff Colegrove reported that there are no permits issued for a sauna at the Lakeside Spa on Baileyville Road. He reported that the health department is looking into the requirements. It was noted this is on the website, but they have not confirmed it is within the building. Commission members explained what the unit is. It was suggested they have Mr. Termini come in to indicate where on the property this unit is, and how it relates to the spa permit issued. Commissioners discussed having a site visit. It was agreed to have him come in and request permission to do weekly site visits.

Bob Johnson reported that Marianne Corona is putting together a free workshop for all the commissions in town with Attorney Mark Branse. He suggested if there is anyone interested in doing this, they should contact Marianne Corona.

There was information regarding the Land Use Academy, a day long session-Bob Johnson reported that he attended one and it was beneficial. He noted it is \$45 and the commission has funds in their budget to cover this if the commissioners writes a check and requests reimbursement, or have them bill the town.

There was a questions about the use of soccer nets at Peckham Park- Bob Johnson stated he would look into this.

One commissioner noted a property along Main Street, across from Bittersweet Ridge that appears to have a lot of vehicles. One of the commissioners stated he would follow up on this.

11. Adjourn

A motion was made by Bill Waff to adjourn at 8:34 pm; this motion was seconded by Jerry Russ and approved by all voting members.

Middlefield Planning and Zoning

Regular Meeting

April 25, 2012

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, Kevin Boyle-regular, Jerry Russ-vice chairman, Bill Waff-secretary, Scott Wheeler-seated alternate and Pete Tyc.

2. Agenda(1:35)

A motion was made by Bill Waff to approve the agenda of April 25, 2012 as presented. This motion was seconded by Kevin Boyle and approved by all voting members.

3. Public Session (1:38)

There were no public comments.

4. Raymond Termini show cause for violation of home occupation permit (1:51)

Bob Johnson noted that Mr. Termini had requested to attend the next meeting due to a scheduling conflict. It was agreed to meet with him at the next meeting in two weeks.

A motion was made by Bill Waff to continue the show cause hearing for the violation of a home occupation permit at 185 Baileyville Road until the May 9 meeting. Applicant/owner Raymond Termini. This motion was seconded by Scott Wheeler and approved by all voting members.

5. Paul Schatzman review of greenhouses at 320 Baileyville Road (4:00)

Bob Johnson noted that Mr. Schatzman was present. It was noted that a surveyor has been hired to review the property and he has been in touch with Mr. Colegrove. Mr. Colegrove advised that there may be wetlands on the property that may be affected activity on the property. Mr. Colegrove will continue to work with the surveyor to address all the issues.

In response to comments, Mr. Schatzman indicated no customers are allowed in the production area.

6. Town of Middlefield Park and Rec site plan review for outdoor farmers market(9:36)

Commissioners reviewed documents received. Mr. Colegrove indicated that no public hearing would be required. Bob Johnson suggested the commission review the days, the hours and the types of vendors. It was noted there will need to be sanitary services- which the community center can provide as long as someone has a key to open and close the door and to be present.

It was stated it will be Saturday mornings, into the early afternoon, on the green, with farmers and tables for other items. One member questioned if there would be ADA issues due to a particular curb. Bob Johnson stated he would follow up with Chris Hurlbert regarding the bathroom issue and who will be responsible for the building, and potential ADA issue. He advised the commission if there were any other questions to be asked to advise him by email. It was suggested their approval could include a review time so that if it becomes a flea market they can address it. It was noted if there were to be any food preparation the health department will need to review.

7. Zoning officers report (21:14)

Geoff Colegrove reported that Attorney Willis had requested photographs of Jimmy D's property, which were provided, and the contempt papers will be filed soon.

Geoff Colegrove noted that the property on Peters Lane is being cleaned up, slowly, Al Johanson is meeting with the property owner weekly to ensure continued activity.

Regarding 25 Woodland Heights, Geoff Colegrove reported a survey was done and the structure is within the setback area. Mr. Colegrove noted an application is due in to the ZBA in the next two weeks. Geoff Colegrove advised the property owner he must provide notice to the abutters. He explained there was a discrepancy about the names of the abutters that is being addressed.

Geoff Colegrove reported there are two vacant lots off of Toad Ridge Road for which the property owner is now asking for permits for the site. There is a question regarding set backs- there was an approved sub division map signed by the Planning Commission in the past, and therefore they do not have to comply with any setbacks, however, there are deed restrictions. Geoff Colegrove noted there is a similar situation on the corner of Way Road and Mack Road, which was approved in 1959.

8. Plan of Conservation and Development (27:54)

Bob Johnson suggested they devote the May 23 meeting to discuss the PCOD. Geoff Colegrove stated he had a draft of the population section completed and will provide a copy to all the commissioners

before then. He noted there would not be a charge to Middlefield for this as he is completing it for the consolidation with the Estuary Region.

9. Town Planners Report (29:40)

Geoff Colegrove advised that Marianne Corona had requested that the P&Z commission receive information regarding the IWWA approval for the water park at Powder Ridge as well as the P&Z application, however, Mr. Colegrove advised there should not be any information gathered and sent because it has no bearing on what is happening on the site now.

Mr. Colegrove noted the only activity scheduled to come before this commission is the separation of the interior lot which is being surveyed now. Commissioners questioned if that can be done by the town or not, and if it can be, should the town be going through the expense of it. It was noted that division is a condition of the contract.

10. Approval of minutes to previous meeting (37:40)

April 11, 2012

A motion was made by Bill Waff to approve the minutes to the April 11, 2012 meeting of the Planning and Zoning Commission; this motion was seconded by Jerry Russ and approved by all voting members.

11. Miscellaneous (38:41)

There were no miscellaneous issues to discuss

12. Adjourn

A motion was made by Bill Waff to adjourn at 7:50 pm; this motion was seconded by and approved by all voting members.

Middlefield Planning and Zoning

Regular Meeting

May 9, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:36 pm. Seated are Robert Johnson-chairman, Jerry Russ-vice chairman, Bill Waff-secretary, Kevin Boyle-regular member and Jim Malcolm-regular member. Bob Johnson noted he requested that Jim Malcolm recuse himself but Mr. Malcolm chose to be seated. Also present is Geoff Colegrove-staff.

2. Agenda (:56)

A motion was made by Bill Waff to approve the agenda for May 9, 2012 as presented; this motion was seconded by Kevin Boyle and approved by all voting members.

3. Public session (1:39)

There were no public comments.

4. Raymond Termini show cause for violation of home occupation permit (2:03)

It was noted Mr. Termini was not present. Attorney Matt Willis was present to discuss this. Bob Johnson explained the commissions' issues including the addition of the sauna. It was noted that Mr. Termini arrived and was asked to discuss the sauna. The commission also had an issue with the sign remaining next to the house in violation of the one sign permitted by the road; and the advertising that clients are allowed the use of the house after receiving their services.

Attorney Willis stated these were activities not approved by the commission, and suggested that the ZEO visit the establishment to determine exactly what is in the house. Mr. Termini stated he has already invited them to come to the property. Regarding the sign he stated at the last meeting it was left that he could take it down once he figures out how to replace it-there were no deadlines as to when he had to take it down. He explained the sauna is a \$4,300 self contained unit that went into a space already pre-approved for the day spa services. He noted he did not know about these when he originally applied. Regarding the advertising, he was not aware of that and thought he had addressed all those references and will do so.

It was noted there was a particular advertisement through Groupon that indicated. Mr. Termini noted that the Groupon was originally set up in December, and when they ran it again they likely used the same language. Mr. Termini stated the Groupon website is not under his control. He also noted that it had been stated he had violated some codes, rather than that the commission had concerns and he would like that corrected as he did not violate any codes.

Bob Johnson read the letter that was sent to Mr. Termini in this regard. Attorney Willis recommended they have the ZEO inspect the site, to solidify the issues-The personal sauna, the sign and the ongoing advertising. Mr. Termini stated again he has indicated before the ZEO is welcome.

Commissioners discussed the issue of the sign's removal, Mr. Termini felt there was not a time limit, Mr. Johnson felt it was to be removed in a week. It was stated Mr. Termini is allowed one sign for home occupation, two square feet according to the regulations. He was asked to remove the second sign. Mr. Termini noted the regulations require a separate entrance for the day spa activities-and questioned how he is to designate that if there is not a sign. He was told he can have one sign, either the one at the street or the one by the door. Mr. Colegrove suggested he could paint something on the sidewalk to address that.

It was agreed the ZEO will contact Mr. Termini for a site visit, and this will be back on the agenda in two weeks. Mr. Termini asked if the ZEO visits and finds the sauna is acceptable in its location and the sign is gone, must he attend the next meeting. Mr. Johnson stated it would be on the next agenda but Mr. Termini can attend or not, but the commission will have to discuss it to determine if it has been resolved.

Mr. Malcolm asked if there were a sign, not visible from road, that only said "entrance" if that would be acceptable, or could he request a variance from ZBA. For the benefit of the commission, Mr. Termini explained the layout of the drive and door way areas, noting it was not visible from the road. Commissioners and Mr. Termini agreed to a sign that only said "entrance" with an arrow pointing toward the correct door.

Mr. Termini asked the commissioners if any of them had heard of any complaints. None of the commissioners stated they had. Attorney Willis suggested they get the ZEO to visit the site and come back in two weeks in order to ensure compliance.

5. Jimmy Ds (21:28)

Geoff Colegrove reported that Jimmy D's attorney has decided he is in compliance and has filed an objection to the papers that Attorney Willis filed. Geoff Colegrove noted that he did not believe the site was in compliance and explained why. He reported that he is continuing to keep an eye on the site and

there does not appear to be any effort to maintain compliance. It was noted there will be a June court date to continue this. Attorney Willis recommended that Mr. Colegrove visit the site at least once per week

6. Paul Schatzman review of green houses (29:30)

Paul Schatzman provided documents to the commission. Commissioners reviewed the documents, noting there should have been topographical information provided. Geoff Colegrove used the map/drawings to indicate where there also needs to be wetlands boundaries noted as well building dimensions and distances to property lines.

Bob Johnson noted this will be on the next agenda for additional discussion.

7. Town of Middlefield, Park and Rec, site plan review for outdoor farmers market (33:32)

Chris Hurlburt Park and Rec director went over the application with the commission. It was noted the restrooms will be available in the Community Center. He noted it will be called an open farm market featuring produce, baked goods, crafts, jewelry, as well as tag sale type things. He noted they are trying to focus on it being a farm market not a flea market but they do not want to limit it. The hours will be 8-12 with set up starting at 7 am. It was noted participants will have to clean up after themselves- there were concerns the town dumpster may be over used. It was explained if there are ADA issues they will be addressed using a small ramp for the curb. This will run from June to September. It was questioned if the fire/police departments have supported this as well as the selectmen.

A motion was made by Bill Waff to approve the site plan for an outdoor Farmers Market at 405 Main Street based on vendor application submitted. applicant: Middlefield Park and Recreation Department; owner: Town of Middlefield. This motion was seconded by Jerry Russ and approved by all voting members.

8. Mr. Termini (42:30)

Mr. Termini provided a revised version of his sign to ask if the commission found it acceptable- Mr. Johnson advised him to return in two weeks. Mr. Termini asked several more times and was advised they have finish his discussion for this evening and the attorney was no longer present, and he should return in two for further discussion.

9. Division of interior lot, Powder Ridge Property (44:04)

Bob Johnson reported that there is an application from the Town of Middlefield regarding the approximately 20 acres. Geoff Colegrove noted there was an opinion from Attorney Branse concerning the issue of whether or not this is a subdivision. This is an application to break of 19.8 acres of land that fronts on Powder Ridge Road which will be an interior lot, which require an approval by the commission. Mr. Colegrove explained that there are four pieces of property making up Powder Ridge and they want to combine all of them - to create two pieces, the interior lot with the ski area and most of the other activities and the front lot. Maps/drawings were provided for the commission to review as well as documents from the health department and a hand out.

Commissioners reviewed the information. In response to a question, Mr. Colegrove noted the commission can call a public hearing for any item on the agenda. It was explained that DEEP was not given this information as the septic area was out of that area. Mr. Colegrove recommended a review by DEEP to clarify.

Jon Brayshaw stated that Jim Malcolm was present for a February 3 meeting to express an interest in purchasing this property and to discuss what Mr. Malcolm thought should go on the property. Mr. Brayshaw stated that he trusts Mr. Malcolm and would expect him to do the right thing but wanted that to

be on the record. Jon Brayshaw went over the drawings/maps with the commission to show what pieces of the property Brownstone is interested in purchasing and what part the town would like to retain. Mr. Brayshaw discussed the various potentials for the pieces of property. He noted the town has the reversion rights to the Nerden Camp property which is adjacent to the piece the town would like to retain. He noted the DECD will require some open space and this may be used to accommodate that requirement.

Commission members discussed if they wanted to hold a public hearing on this with First Selectman Jon Brayshaw and Selectman Dave Burgess.

Bob Johnson asked for members of the to speak.

Marianne Corona commented- (not clear on tape due to paper noises and microphone movement) She indicated that DEEP will require additional plans regarding the septic system, and noted that an application before them will take time for approval, and described a conversation with someone who felt it was foolish to continue without a review from DEEP. Marianne Corona provided contact information for the persons she spoke with. She also noted there was information from the town sanitarian regarding failed septic systems on that site.

Jon Brayshaw noted that any activity on the Powder Ridge property will be approved by all the necessary commission and agencies, however, there is no activity planned for the 20 acres, which is the subject of this meeting. He noted the points Ms. Corona have made have been passed on to the potential buyer, but they are not germane to the discussion before the commission at this time.

Marianne Corona noted her comments have to do with the Powder Ridge property at large and encouraged the commissioners to discuss these issues with DEEP to determine their viewpoint. She quoted a DEEP representative who said it was foolish to divide off any parcels until they found out what the needs of the ski area will be.

Lucy Petrella discussed the public hearings held on the Strickland Property, and suggested the town should have some input on this property as well and supported a public hearing for this decision. It was noted by one commissioner that for this property no matter their decision regarding the split, the property will not be sold without going to a town meeting first.

Laura Williams asked about the minutes to the February 22 meeting where it was stated that Mr. Colegrove indicated the first selectman would have to bring a map and certification that the land can support a septic system. Mr. Colegrove noted that requirement had been met with the documents provided. She noted it was not required to know what the use of the lot would be, but that it was suggested the smaller portion could be sold to raise capital. Mr. Colegrove noted that at this time there is no proposed use for the property, but noted there were many possibilities suggested.

Carl Zanoni noted there were two arguments to proceed. One was to make lots out of this, and the other was to get the contract going. Mr. Zanoni did not think either were very convincing arguments and saw no difference in doing this now or later.

Jon Brayshaw noted there were several ways to address this issue, whether or not to make this split now or not. He recommended that by doing it now, the town retains control now, and it is protected, regardless of what happens. He noted that Connecticut has a reputation for being slow to business, and would like to move forward to do everything they can to help Brownstone be successful and to be business friendly.

Commission members agreed to hold a public hearing in two weeks to discuss this. Mr. Colegrove reminded Mr. Brayshaw to post a sign on the site to advise of the public hearing.

Marianne Corona discussed the RFQ she worked on, and suggested the first selectmen review that document.

John Corona noted historically on these types of applications the commission's focus was to determine if the driveways for the lots are safe and appropriate and he noted there is an existing drive

already. Mr. Corona stated this has never been a place where the commission evaluates whether its a good idea for the property owner, its just about the approach to the lot-and that is the only reason to have an approval for an interior lot. Mr. Corona stated that even if this proves to be an unwise decision, there will be nothing preventing the town from undoing it at any time. He stated if the commission is going to have a public hearing on this, the only item germane is about the quality of the drive way, whether it is safe and appropriate to access the lot. It is not about whether it is in the public interest to sell the property.

Mr. Colegrove noted that technically that may be correct, but due to public interest in this site it may be a prudent decision to hold the public hearing and have the idea vetted by the townspeople. Mr. Colegrove noted they should not be deciding if it is appropriate for the town to split the property or not.

It was agreed they would hold the public hearing on May 23.

10. Jafaria Association, expansion of parking area, 1 Meriden Road (1:30:15)

The vice president of the association was present and explained he received a letter, and was unaware that any regulations had been broken. He reported that he hired a contractor to repair the lot, and expanded to add 20 parking spaces.

Bob Johnson explained that there was a retaining wall that seems to have been modified. Mr. Colegrove advised that the parking area had been approved as part of site plan and any modifications need to come before this commission for approval. He noted that there have been changes in the zoning of that area since it was originally installed and recommended that they have an engineer/surveyor review the current regulations.

Commission members reviewed the documents provided- It noted the issue may be one of coverage of the lot. Mr. Colegrove suggested they come to the land use office to meet with him and Al Johansen do discuss what they need to do.

11. Peters Lane update (1:37:20)

Mr. Colegrove stated that he has not received any information regarding this. Commission members who viewed the property indicate slow progress if any.

Bob Johnson explained to first selectman that in the past 18 months he has asked the ZEO questions about this, and he receive no response at all. Mr. Johnson stated his frustration with this, noting that he also asked that the ZEO attend this meeting to discuss the Peters Lane and Termini issues, but he was not present. Mr. Johnson noted without the ZEO answering these questions, it is left to Geoff Colegrove to manage it. Mr. Johnson asked that the first selectman address this. It was noted that the ZEO has not attend the commission meetings in over a year. Mr. Johnson stated that they are paying for services they are not getting with the ZEO.

Bob Johnson reported that the ZEO was asked to take pictures of this property, inventory the items, meet with the homeowner, and to create a timeline of what what been done, and the commission wants a written report.

This item will be back on the agenda for the next meeting.

Mr. Brayshaw noted there have been questions regarding who has access to what staff, including attorneys, engineers, planners, etc. He stated that all information should be brought through the chair for any professional services, and the commission members must be advised they are not to utilize those services unless it is through the chairman.

Geoff Colegrove advised that he is not generally contacted by members of this commission. Regarding Al Johansen, Mr. Colegrove explained that he will only respond to written, signed complaints, and he will not enter a property without permission from the property owner.

12. Review of Plan of Conservation and Development (1:50:55)

It was agreed to continue this item, and consider scheduling a special meeting just to work on this.

13. Town Planners Report (1:51:42)

Mr. Colegrove provided the status report, noting there was nothing to add.

14. Minutes to previous meeting (1:51:46)

A motion was made by Bill Waff to approve the minutes of the April 25, 2012 meeting of the P&Z commission; this motion was seconded and approved by all voting members.

15. Miscellaneous (1:52:24)

There were no miscellaneous items.

16. Adjourn

A motion was made to adjourn at 8:29 pm; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning

Regular meeting

May 23, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:39 pm. Present are Kevin Boyle-regular, Bob Johnson-chairman, Jim Malcolm-regular, Jerry Russ-vice chairman and Bill Waff-secretary. Also present is Geoff Colegrove.

2. Agenda (:52)

A motion was made by Bill Waff to approve the May 23, 2012 agenda as presented; this motion was seconded and approved by all voting members.

3. Public Session (1:37)

There were no comments.

4. Paul Schatzman review of greenhouses, 320 Baileyville Road (1:56)

Jim Malcolm recused himself from this discussion.

Mr. Schatzman provided revised drawings to the commission for their review. Geoff Colegrove and commission members reviewed the documents and discussed the locations of various activities on the site.

Commission members noted there were pieces of information they need to have. It was suggested that the person who created the site map attend a future meeting to discuss or to contact Geoff Colegrove to be sure what they need is shown.

It was stated that the commission wants the maps (Topo and existing As Built) to be combined; the area that was added to the area of fill, the southeast corner to be shown; they want the wetlands indicated and the distance between to determine if a referral to IWWA is needed.

Commission members discussed the need to have the surveyor attend the meeting and indicated what they wanted on the maps/drawings.

Geoff Colegrove asked the commission if they wanted details on the wall- (Difficult to determine on tape with background noise)

Geoff Colegrove agreed to contact Mr. Guilano (surveyor) and this item will be on the next agenda.

5. ZEO Report (16:16)

Geoff Colegrove reported he visited Jimmy D's and took photographs over the weekend which will be handed over to Attorney Willis. He noted there has not been any substantial difference.

Regarding the property on Peter's Lane, Mr. Colegrove reported that Mr. Johanson will be meeting with the property owner on the Monday before the next meeting.

Geoff Colegrove noted he met with the architect concerning the Jafaria Center and they are in the process of revising site plan. Mr. Colegrove noted they are allowed parking in that area, but the buffer was up to the commission.

6. Public Hearing regarding Powder Ridge property division (21:15)

It was noted that Brendan Shane from Branse & Willis was present for the public hearing.

A motion was made by Bill Waff to recess the regular meeting for the public hearing. This motion was seconded by Jerry Russ and approved by all voting members.

Bob Johnson noted the seating would remain the same for the public hearing as it was for the meeting. Geoff Colegrove read the public notice as it was published in the Middletown Press on May 12, and May 17, 2012.

Bob Johnson went over the procedures of the public hearing and noted this is only about the creation of an interior lot- not about the sale of the property.

Geoff Colegrove noted the sign was posted as required.

Bill Waff stated that on April 12, 2007 the people of Middlefield voted on a referendum question- and read that referendum question to the commission. He stated that the referendum included an amount of acres, and the people of Middlefield voted on this, and only the people of Middlefield can change it- and that has not happened. He stated the application to create an interior lot is inappropriate and premature, when it is decision of the townspeople to pursue this. Mr. Waff said there should be a reason for this action to be considered, otherwise how can this commission determine if it will preserve the area for skiing, recreation or open space land. Mr. Waff stated that he would probably vote against the application at this time.

Bob Johnson questioned legal counsel, stating he is treating this as an application from a land owner. Attorney Shane said the relevant question is whether the town has standing to file this application, and the owner of the land has standing, the town is the owner of the land and the BOS is entitled to act on behalf of the town. He stated the question at this time is not whether or not the town can sell the property- that will have to go before the townspeople. He stated the only question before the commission is whether or not, as proposed, does it meet the regulations. In response to a question, the attorney stated it was his opinion that the town of Middlefield owns the property and therefore has standing to file this application.

Jon Brayshaw stated that he would like to go forward with selling the property, minus the area shown (he used a map/drawing to indicate) that is the subject of the application. He explained that any person buying the ski area would not need that piece of land to make it successful and it would be in the best interest of the town to retain ownership of that piece, for open space, or some other use. He noted there were handouts that provided some information.

Bill Waff asked when the first selectman said “we” who was he referring to. Jon Brayshaw said the administration did, as they are charged with exercising its judgment in putting together this deal. He noted they have worked with town planner and the town attorney.

Mr. Waff asked if there were anyone from the public who had requested this action- Attorney Shane stated the only question before the commission is whether the application complies with section 09.05. Mr. Waff said there has to be a reason for doing this- Attorney Shane pointed out the regulations do not require a stated reason- and again noted the only question is whether it complies with the regulations.

Jon Brayshaw said if they can sell Powder Ridge and maintain that area, it would be a win, win, win, for everyone as it will be saved for the town. He questioned why they would sell this choice piece of property when it is not needed for the ski area. Bill Waff questioned how they could have a referendum that specified certain uses, skiing, recreation and open space - and without stating what this parcel will be used for = how can they decide.

Bob Johnson asked that they stick to the review only as it pertains to the regulations in section 09.05.

Jon Brayshaw used the map/drawing to show the area and explain all the areas as they are now. He stated the frontage is as required by the regulations.

Geoff Colegrove explained that he sent the packet of information to Branse & Willis and it was agreed this was not a subdivision, but a division of land under the interior lot regulation because it does not have adequate frontage. Geoff Colegrove explained why it falls under interior lot regulations, and stated that to create an interior lot requires the approval of this commission. Mr. Colegrove stated the abutters were notified, and he listed their names, and stated they had certificates of mailings for each one. Mr. Colegrove stated it was not a site plan review- and that an interior lot is not a use.

In response to a comment, Attorney Shane stated that the commission does not have to approve the combining of non conforming parcels. The commission is considering if this fits with section 09.05 of the zoning regulations, which is an administrative approval. The question is, when the properties are combined in this way, do they meet with the interior lot regulation- 09.05. Mr. Boyle asked the attorney if this meets with the regulation- to which Attorney Shane indicated they did not provide an opinion in that regard. There was a letter dated April 11, which addressed some of the issues.

Mr. Colegrove was asked if the criteria was met- he noted there is less than 200 foot frontage, the minimum access strip is more than 150 feet, there is no adjoining access strips, and therefore his opinion is that it does meet the requirement.

Bob Johnson noted with regard to the A2 survey, it was not an updated version. He stated that he was unsure if all the easements were on the map, and stated if this were approved he would like to make a condition that an updated map showing the correct easements would be required. He stated he did not think some of the NFs on the form were accurate.

Lucy Petrella asked about the maximum length of the access strip for an AG2 zone, 1,100 feet- and asked if that feet. Mr. Colegrove addressed the question by using the map/drawing. She asked how they would access the back piece and stay within the regulations. Mr. Colegrove noted if, in the future, they make separate lots that may be an issue.

In response to questions from Mrs. Petrella, Attorney Shane stated there were two questions addressed by Attorney Branse- whether this was a subdivision and whether it required this commission’s approval.

Lucy Petrella asked why there isn’t an application for interior lot- It was noted there is no separate application for that, and she used the site plan application in order to gather the pertinent application. It was noted most interior lots are approved within subdivisions, but there have been separate interior lot requests.

Lucy Petrella noted this commission has two charges, planning and zoning-and she had concerns that while it appears to meet regulations interior lots, she had concerns about access to the last piece, noting they would need exceptions to the regulations to address it. She urged the commission to proceed cautiously to avoid creating a situation that could be problematic in the future.

Dave Perillo, commented on Bill Waff's statement, asking if the selectman's position was not appropriate-who's would be. Mr. Johnson noted that is out side of the parameters of the discussion.

Mr. Johnson noted if this is approved- and in the future when it goes to be sold there will be a public hearing to address that. Attorney Shane noted at that time it would also have to come before this commission for an 8-24 review as well.

Paul Pizzo noted in the past this property has been four parcels acting as one for over 50 years, and noted this would in essence create two rear lots, and questioned why the town engineer was not reviewing this. He indicated an issue regarding the math and frontage requirements on the map. Mr. Colegrove offered an explanation using the drawing, noting set back lines. Mr. Pizzo and Mr. Colegrove disagreed on a particular point regarding the regulations and requirements. Mr. Pizzo requested the engineer's opinion-Mr. Colegrove suggested it would be a legal opinion.

Marianne Corona asked that the commission have the property surveyed. She noted that the adjoining property owner has made an official request to the selectmen that they are interested in purchasing the property. Bob Johnson noted there are some housekeeping issues, but they have an A2 survey before them. Marianne Corona was unsure if it were an accurate map. Mr. Colegrove stated it was an accurate map, stamped and signed by a licensed surveyor.

Marianne Corona commented on the issue raised by an attorney at the last meeting regarding this-(unclear on tape due to background noises 1:01:50)

Carl Zanoni (paper rustling noise masks beginning of comments) discussed contracts, and noted if this were another applicant, the commission would request better information regarding owners and easements. Mr. Zanoni suggested this would be special treatment. Mr. Zanoni recommended tabling this motion until they get an accurate map. He suggested another way to address keeping the land through the contract with Brownstone.

Laura Williams asked about the abutting property owners-if any of them sent in letters to the commission with a position for or against? Bob Johnson stated the only correspondence he received was from someone who was not an abutting property owner, and the content of that letter has only to do with the sale of the property and not the interior lot.

Laura Williams stated that the map sent with the letter to the abutting homeowners was invisible to the naked eye. She asked if they had received receipts indicating that everyone of those abutters received their packets of information.

Bob Johnson explained that they send out a notice that proves the letter was mailed by the post office. In the past there have been letters sent by certified mail that do not get picked up. This commission accepts proof that the letter was sent out.

Laura Williams asked if that is considered notification. Attorney Shane explained that the statutes requires certificates of mailing instead of certified mail.

In response to comments from Laura Williams about the presence of those abutters in the audience, Bob Johnson noted that the abutters have the right to speak, or not speak at this meeting, and if there are representatives of those persons in the audience they do not need to make that known.

Laura Williams asked who owned the road indicated on the map-Mr. Colegrove stated it was owned by the town of Middlefield, but it was not accepted as a town road.

Attorney Shane noted the commission is under no obligation to answer questions about the ownership of land that is not the subject of the application, as the commission is not tasked with knowing the ownership of adjacent parcels.

In answer to a question, Bob Johnson stated that if approved the access to the interior lot will intersect with Powder Hill Road.

Laura Williams asked questions regarding the use of the road by 75,000 skiers- Bob Johnson stated that is outside of the parameters of this meeting.

Marianne Corona stated it was important to have accurate names on adjoining properties.

Ken Leavitt confirmed they were including the camp easement (on the map). He stated his agreement with Mr. Waff's comments as well as Mr. Zanoni. He said doing this prematurely discourages other developers who may be interested in doing something in that area.

Jon Brayshaw stated that the survey is an A2 survey, which only deals with boundaries. He noted the level of quality of the A2 Survey has to do with the accuracy of the boundaries only. He noted it is an accurate, certified A2 survey.

Jon Brayshaw noted they are doing this because it makes sense. He explained that they could not simply extract this from the deal with Brownstone unless they have a definitive lot with definitive dimensions.

One commissioner asked for a measurement of a certain area- Mr. Colegrove noted on the map it was about 70 feet wide.

Mr. Colegrove noted at the last meeting there was discussion on the septic system-and he found a plan from 1997 that was revised Oct. 3, 2000, and a plan approved in 2002 by DEP. It was confirmed that the leaching chambers for the 2002 plan did not go past what is now the power line. He explained that none of the leaching chambers would be on the other property. Documents in this regard were provided for the record.

Jim Malcolm asked Mr. Brayshaw why this had never come up before with all the other buyers they discussed this with, and why are they changing it for this buyer. Bob Johnson noted they need to look at the application before them- how and why it has gotten here is not up for discussion. Mr. Malcolm stated the answer would affect his decision as they are asking to do a lot with very little input, and what they can discuss is very narrow.

Bob Johnson asked if the commission would like to continue the public hearing or close it, with possible resolution later in the meeting. In response to comments, Attorney Shane indicated the commission has 65 days act on the application from date of receipt. Commissioners discussed the benefits of continuation of the hearing, and the importance of the up to date names on the survey of abutting property owners. Attorney Shane went over the regulations noting the question is whether or not the commission believes the application is complete.

Once it was agreed they would continue the hearing, it was recommended to give the first selectman a written document indicating where the deficiencies in the map are.

10.02(a)2-3 were the sections noted. The list of items requested included making sure the town complies with section D; and E; and to correct the NF to show the current owners.

A motion was made to continue the public hearing to June 6, 2012, in the auditorium at 7 pm on the proposed division of a 19.8 acre interior lot in the AG2 zone under section 09.05 of the Middlefield Zoning Regulations, 99 Powder Hill Road. This motion was seconded by Jerry Russ and approved by all voting members.

7. Recess- a five minute recess was taken- meeting resumed at 8:26 pm

A motion was made by Bill Waff to reconvene the regular meeting at 8:26 pm; this motion was seconded by Jerry Russ and approved by all voting members.

8. Discussion of violation of home occupation permit Baileyville Road (1:47:37)

Bob Johnson noted this issue was discussed two weeks ago, and Geoff Colegrove has visited the site, taking measurements and noted the locations of items. The issues were a second sign and the addition and location of a sauna. Mr. Colegrove had found that the sauna was in one of the rooms the commission approved for home occupation use.

Geoff Colegrove reported on his visit to the site, noting there is a separation between occupation areas and living areas. He noted the sauna is located in a room that was designated as treatment room on the plans-and there is no room for anything else in that room.

Bob Johnson noted that the sauna was never brought up during the application process, and questioned Attorney Shane if the installation of the sauna would require that the homeowner return to the commission to re-do application, or is it within the parameters of day spa.

Attorney Shane noted the decision is between the commission and the enforcement officer have to decide, however, the applicant is bound by what he says in the application. If the record is not clear about what was going to occur in a treatment room, the commission needs to determine if the sauna would be a 'treatment.' He noted that treatment is not defined in the regulations so the commission will have to make that decision. If the commission decides that the sauna is outside of what treatment includes, the applicant can come in and apply for a modification. Or the commission can issue an order, which the applicant can then appeal to the ZBA, and then the ZBA will then decide whether a sauna is or is not a treatment.

Board members discussed what the representations were made during the application process. It was agreed that the sauna was not mentioned at the time, and that the treatment rooms would be used for massage therapy activities. It was noted that sauna potentially reduces the number of employees as there is no room for an employee in that treatment room now, with the sauna. Mr. Colegrove did not think the sauna increased the intensity of the use based on what he has seen, and noted the department of health has no regulations at all regarding the infra-red sauna.

Commission members discussed potential ways to address the issues. It was suggested that the sauna could be argued to be considered treatment, and it will not add any employees. Commission members noted concerns about activities they were not aware of at the time of application that keep coming to light.

Mr. Termini was asked in the future if he has any intentions to do any other activities to come before the commission for review first, or to contact Mr. Colegrove. It was explained that the commission may or may not have problems with the activity, but they do have issues when they are done without their knowledge. Mr. Termini noted that he is still learning the business as well, and was unaware at the time.

9. Review of Conservation and Development (2:06:32)

Commissioners noted if they complete the interior lot issue at the next meeting, they will have time to discuss this issue at the next regular meeting.

Geoff Colegrove noted the draft Plan of Conservation for the state of Connecticut has been issued, and on the 13th he will go over some of the maps/photos of the town with the commission. Mr. Colegrove noted there will be a workshop for town planners and ZEOs at the end of May regarding the state's plan. He recommended a visit to the state's OPM web site.

10. Town Planner report (2:09:42)

There were no issues to discuss.

11. Minutes to previous meeting (2:09:49)

A motion was made by Bill Waff to approve the minutes to the May 9, 2012 meeting of the Planning and Zoning Commission as filed; this motion was seconded by Jerry Russ and approved by all voting members.

12. Miscellaneous (2:10:20)

One member suggested the discussion regarding the jersey barrier wall was an indication that the commission was okay with that. It was suggested that there be some sort of engineering approval on that. It was stated the Mr. Guiliani was not going to approve of that. It was noted that it was made clear to the applicant that was an issue he had to address.

Bob Johnson had information from the ZBA regarding notification and suggested incorporating that along with a few other items. Mr. Colegrove noted they do not address accessory structures as permitted in the residential zone and reuse of (unclear on tape).

Bob Johnson reminded the commission they approved a site plan for 25 Orchard Lane and the Mylars have not been filed within the 90 days required. The regulations state if the Mylars are not filed, the application becomes null and void.

It was noted that the applicant was advised this needs to be done, and it is there responsibility to do so. Mr. Colegrove was asked to look into this. It was suggested the applicant be asked to come in to request an extension.

Mr. Colegrove stated that Jafaria Association has borrowed some maps, and they are moving forward.

Bob Johnson reported he spoke to the first selectman regarding issues with the zoning officer and they will move forward to resolve this. He noted he determined that many area ZEOs offers some sort of report to the commission, and 13 out of 15 he asked, keep a weekly log for the commission.

13. Adjourn

A motion was made to adjourn at 9:02 pm; this motion was seconded and approved by all voting members.

**Middlefield Planning and Zoning
Special Meeting
June 6, 2012
Minutes**

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:54 pm. Present are Bob Johnson-chairman, Bill Waff-secretary, Jim Malcolm-regular, Kevin Boyle-regular, Scott Wheeler-seated alternate. Jerry Russ arrived at 7:01 and was seated. Scott Wheeler was un-seated.

2. Agenda (:48)

A motion was made by Bill Waff to approve the agenda for June 6, 2012 meeting; this motion was seconded by Kevin Boyle and approved by all voting members.

3. Public Session (1:57)

Kevin Boyle noted that Paul Schatzman was present from Country Flower Farms-and it was suggested that his issue be noted on the next agenda.

Bob Johnson read the agenda items for the public as they did not have agendas-he noted the second item, dealing with the zoning officer would be tabled.

Attorney Brandon Shane from Branse and Willis advised that his office has received a letter from ZBA who has asked this commission to adopt regulations regarding public notice. Attorney Shane stated that his office recommends any regulations concerning public notice for ZBA be adopted for this commission as well, and requested that this commission contact his office to provide some guidelines as to what they want.

Bob Johnson provided some history regarding this issue-noting he was letting ZBA work with Branse and Willis and then PZ could review and discuss during upcoming meetings. Attorney Shane suggested issues they need to consider.

It was noted the following Wednesday there would be materials for the commissioners to review.

Pat Brown asked if the public will be allowed to comment during the discussion regarding the Powder Ridge land. - Bob Johnson stated they would be allowed to comment then.

4. Continuation of public hearing concerning interior lot on Powder Hill Road (8:31)

A motion was made by Bill Waff to recess the meeting for the public hearing; this motion was seconded by Kevin Boyle and approved by all voting members.

Bob Johnson read the legal notice for the record and noted Selectman Ed Bailey was present to represent the applicant, and Attorney Shane was present from Branse & Willis.

Attorney Shane explained the role of the commission, noting it is both a planning and a zoning commission, and the application before them is a zoning application. He explained this is a site plan application and the only question before the commission is whether or not the application as presented satisfies the regulations that govern that application. The level of discretion for this type of application is the very lowest level, the commission is to examine the application and examine the regulations and determine whether or not the application satisfies the regulations.

Commissioner Jim Malcolm stated he is lightyears away from making a decision on this tonight. He stated he would like to adjourn this meeting until two weeks from today, on the grounds that he does not think this is legal. He asked for an in-depth, legal opinion from Mark Branse. He was unsure if it was legal for them to vote on this request. He stated he did not want a lot of discussion on this until Attorney Branse provides his opinion.

Bob Johnson stated Attorney Branse has given his opinion about whether or not this is a sub division or an interior lot. He noted that a commissioner is not forced to vote on anything, as he can abstain from the vote.

Attorney Shane noted the public hearing has not yet been closed and there is no motion to vote at this moment.

Jim Malcolm requested that they do not vote on this tonight.

Selectman Ed Bailey provided a letter to the commission and a document containing supplemental information and read this letter for the record as well as the supplemental information. (these documents are on file in the land use department).

Jim Malcolm stated that Mr. Colegrove, Mr. Brayshaw and Mr. Branse are not present and he requested that this stop until they had all the personnel present.

Bob Johnson asked Ed Bailey to continue. Mr. Bailey read the supplemental information to the commission regarding the application detailing how this application does in fact meet all the requirements of the regulations 9.5.1

Bob Johnson stated in response to issues brought up at the last meeting, that the map he picked up does have the current property owners listed on it, and regulations sections D and E were also addressed. Bob Johnson stated in his opinion the issues brought up at the last meeting have been addressed.

Bill Waff stated a letter was received from Mary A. Johnson and asked for it to be read into the record. Bob Johnson stated he would.

Paul Pizzo provided several documents to the commission, using the easel to better share the information. Mr. Pizzo provided some history on his experience with this issue explaining how he had copies of maps that he was now sharing. He provided a map created by Angus MacDonald-and explained he and others came up with a plan to buy Powder Ridge, all of development rights, and the ski area. He indicated the various parcels on the map indicating ski area, open space and the Nerden Camp. He stated this map was used as part of the referendum to purchase the property. Mr. Pizzo stated there is 282 point something feet of road frontage, and there is an easement on the adjacent property that has road frontage of approximately 50 feet. This is to put up a sign, not part of the property. Mr. Pizzo explained back then they created 200 feet of frontage to create a lot, and the balance went to the town to retain for open space.

Mr. Pizzo stated there are inconsistencies in the regulations. It is an AG2 zone that requires 43,000 square feet-(which is only an acre). He used the map to show a particular piece of land that allows for a single interior lot-which has a 125 foot easement to get to the rear lot. Mr. Pizzo stated the regulations allow two adjacent interior lot access points so there can be two front lots and two interior lots. Mr. Pizzo stated what is not in the regulations is a front two acre lot and two adjacent rear lots. He stated it is very clear in the regulations there will be no two interior lots off of an existing front lot.

Mr. Pizzo used another map/drawing to show the current proposal. He stated the interior lot is supposed to have free ownership but it does not. He stated the least the town should do is take a particular piece of property and deed it to another certain parcel (noted on the maps) until such time there is no Nerden Camp. Mr. Pizzo stated what is being proposed by the town creates a second interior lot, behind the main lot, which is 200 feet from the road. He stated to have one main lot with two interior lots violates the regulations.

Mr. Pizzo went over the maps indicating possible future uses/circumstances with the parcels of land.

Bob Johnson stated according to information provided by staff, the area indicated by Mr. Pizzo to be an interior lot is not an interior lot. Mr. Pizzo stated he would challenge that opinion.

Attorney Shane asked Mr. Pizzo what section of the regulations this will violate. Mr. Pizzo stated it was section 09.05.06.

Mr. Pizzo stated something should be done to make the Nerden Camp a conforming lot, and provided the map/drawings he was using to the commission.

Pat Brown noted she had P&Z experience, and stated she asked if they did this, would the town be liable to charge of spot zoning since they have not done this anywhere else in town. Bob Johnson stated this is not a zone change application, and would not be considered spot zoning. Ms. Brown said they would be creating a precedent. Mr. Johnson advised that the commission has entertained applications for interior lots. Mr. Pizzo asked if the commission has violated its regulations. Mr. Johnson explained the commission entertains interior lot applications.

Ms. Brown asked if they violate their regulations- Mr. Johnson said he would not respond to that.

Marianne Corona advised the commission to continue the hearing in order to obtain staff opinion.

Cindy Nick stated she felt all the questions brought up last week were answered and encouraged the board to make a decision tonight and not delay. She felt there were some with ulterior motives and asked they vote tonight.

Marianne Corona stated she had no ulterior motive other than a granddaughter who wants to ski. She noted she was on P&Z 40 years ago and was able to keep the ski area alive for 40 years and hoped that it continues. She noted section 09.05.01. She noted this is also a planning commission. She read from the regulations- noting that it indicates the use must be part of the comprehensive plan. She hoped the commission would give that some thought.

Rob Poturnicki questioned the comments and asked if this were a cut and dry issue as it deals with regulations.

Attorney Shane stated that what is relevant is comments from the public concerning whether or not this application meets the specifications set forth in the regulations. At the conclusion, the commission will take the public input, staff input and their own review and make a determination.

In response to a question from a commissioner, Mr. Pizzo stated the commission is creating a situation where there is already an existing interior lot, and now this will add a second, which is in violation. Mr. Pizzo stated the second interior lot is being added in front of- and noted on the map the pieces he was referring to. He stated the regulations indicate that should not be. He explained the easement should be deeded over to the Nerden Camp for their protection.

Lucy Petrella noted her experience on P&Z and noted that she too questioned if there was already an interior lot, and by changing the configuration of the frontage of Powder Ridge they are now creating a second interior lot which is against the regulations. She stated this should raise a flag with the commission and if there are questions about this meeting the regulations they need to explore that otherwise they will invalidate their decision. She noted her support for Mr. Pizzo's comment about protecting the Nerden Camp. She stated even if the easement was deeded over to them it would still remain an interior lot- just a legal interior lot with the appropriate access. Currently it is a non-conforming interior lot. She noted they may have to continue the public hearing in order to get the proper information.

Mr. Pizzo noted the only question other staff could answer is whether or not a particular piece of property (noted on map) has an effect on the interpretation. Mr. Pizzo felt it was very clear that the town will be creating a second interior lot.

Lucy Petrella asked what the remaining frontage would be. She asked if it would be sufficient to be a lot, rather than an interior lot.

Eb Bailey explained as noted in the supplemental information, that the measurements were taken from as 60 from the road frontage, not at the road frontage-which is why it appears differently. Mr. Bailey used the maps/drawings to indicate these measurements and noted the easement brought up by Mr. Pizzo is not a part of this, or any calculation presented to the commission. Bob Johnson noted that Mr. Colegrove had gone over this and it was his opinion that was met.

Marianne Corona noted there was a lot of confusion and in the past they have secured an outside engineer to go over in order to provide a third party opinion.

Mr. Pizzo stated the road frontage is the frontage, the 60 foot set back allows a reduction in the frontage in order to satisfy uneven lots.

Jim Brown stated the issues here are zoning issues, and there is no ulterior motives, and it is not political.

Bob Johnson read the letter from Mary Johnson, dated May 15, (a copy of this letter is on file in the land use department) indicating she did not support separating this parcel from the property.

Bill Waff noted at a previous BOS meeting Mr. Bailey stated the P&Z would have to vote on any housing at Powder Ridge. Mr. Waff stated he was unclear what was meant by that. Mr. Johnson stated that was not relevant to the application regarding the interior lot.

Jim Malcolm said he was not sure why they were doing this and did not know how they got to the point of taking out a piece of property. He stated the cart is before the horse and no one knows his agenda

except himself and there is not one. Mr. Malcolm strongly believed that he was correct in that the suspicions that this was an in-adequate application before them. He stated there is a referendum and the commission should review that referendum because it is what the people voted for. He stated the boards and commissions are the leaders in town and the BOS comes behind them. He stated again he did not know why there were here. Mr. Johnson noted Mr. Malcolm has made this point, and the discussion is on the interior lots. Mr. Malcolm asked again why are they doing this and questioned what was the difference if the town buys it and develops it versus the buyer of the property developing it—the end result is the same.

Mr. Johnson stated the commission will debate the merits of the interior lot only tonight and that Mr. Malcolm's concerns are off that base.

Mr. Malcolm stated his concerns are why are they doing this—there is no point in doing this.

Attorney Shane stated that any questions here would apply to any applicant. He said the questions are whether the town has standing to apply and if they do, whether the application satisfies the regulations. Attorney Shane stated the commission would not ask a private party why they are developing their property in the way they are developing it, those questions are not relevant here. There will be opportunities to address those questions at other times.

Bob Johnson asked the commission if they would like to close or continue the public hearing.

Kevin Boyle asked Attorney Shane what his reaction is to Mr. Pizzo's presentation and whether or not there was validity to it.

Attorney Shane stated it was his opinion that the Nerden Camp is probably not considered a rear lot according to the regulations, but is a pre-existing non-conforming lot which is deficient in frontage, especially because the Nerden camp does not own property that goes all the way to the road. The Nerden camp is a land-locked property with a right-of-way to reach the road, which he believed was created before regulations and therefore pre-existing non-conforming. Attorney Shane noted it is a decision the commission has to make but his it was his opinion that the Nerden Camp a pre-existing non-conforming lot which is deficient in frontage.

Kevin Boyle asked if that lot would be considered to be in 09.05.07 or 06. Attorney Shane stated it was his understanding the Nerden Camp did not own any frontage and is land locked.

Kevin Boyle asked if this application were to be approved, was it the attorney's opinion that they would be in compliance with the regulations. Attorney Shane stated it is the commission's decision to make, but it is his opinion that the Nerden Camp is not an interior lot, and did not believe the commission is running afoul of 09.05.06. After additional questions, Attorney Shane explained that he can not decide for the commission compliance to the regulations, or this application. Commissioners debated whether or not to keep the public hearing open.

Jim Malcolm stated he wanted the opportunity to go before the board of Selectmen and get clarification on the questions that he has.

In response to questions, it was noted both 7 and 14 days for the next hearing would be within the time limitations.

Jim Malcolm asked about having the attorney answer whether or not this was a legal application. Bob Johnson stated that was established— the land owner is the town of Middlefield has the right to make an application for an interior lot.

With regard to Mr. Malcolm meeting with the first selectman to discuss this issue, Attorney Shane advised against it as a commissioner should not discuss any application with an applicant outside of the public hearing.

It was noted that it was very likely Mr. Brayshaw will be in attendance at the next meeting when he can address Mr. Malcolm's issues.

Kevin Boyle asked that they have Attorney Branse issue a written opinion on the issue regarding the two rear lots.

Attorney Shane stated he will discuss this with Attorney Branse as well as Geoff Colegrove in order to provide additional information.

Kevin Boyle asked for written opinion.

In response to comments from Marianne Corona, Bob Johnson emphasized that when he early suggested that Jim Malcolm talk to the First Selectman, he miss-spoke.

Marianne Corona noted everyone in town owns the property and had a question about being able to talk about it.

Attorney Shane stated the legal term is ex parte communications- and stated this commission is to receive information about this application in this hearing, and this hearing alone. He emphasized that these commission members can not discuss this application outside of this public hearing.

Jim Malcolm asked how was he to collect information if he could not go out and talk to people about it.

Mr. Brown pointed out that Attorney Corona, who represents the Nerden Camp was here but left, and he potentially avoided a big hassle by not acting.

A motion was made by Bill Waff to continue the public hearing until June 13, at 7 pm in the auditorium and to re enter the special meeting. This motion was seconded by Jerry Russ and approved by all voting members.

5. Discussion of zoning officer (1:13:25)

Bob Johnson explained when he put this on the agenda he thought the first selectman would be in attendance to have an informal discussion, but as he was not present, the item was tabled.

6. Adjourn

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

Middlefield Planning and Zoning

June 13, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:37. Present are Kevin Boyle-regular, Robert Johnson-chairman, Jim Malcolm-regular, Jerry Russ-vice chairman and William Waff-secretary. Also in attendance Geoff Colegrove-staff, Scott Wheeler-alternate and Peter Tyc-alternate.

2. Agenda (:43)

Geoff Colegrove noted there was one item to be discussed-it was agreed to discuss under miscellaneous.

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

3. Public Session (1:43)

John Corona, representing the Lyman Farm Golf Course, indicated the C/O has been issued and an as-built has been filed. Mr. Corona advised that over the next several weeks the management anticipates there will be carts on the course. He noted at one point in the application process he had indicated there would not be carts on the course, but after discussion it was decided they would allow golf carts. Mr. Corona indicated where the carts would be stored, noting they will not be serviced on that site. Mr. Corona did not think this required approval by the commission but wanted them to be advised. Attorney Corona noted the parking area has been changed as well.

Al Johanson explained that is why he requested an as-built be provided due to those changes.

Commission members discussed the carts with Attorney Corona. He noted he has had discussions regarding pedestrian traffic across the state road.

Kevin Boyle noted he would like information regarding the storage of the carts. He also noted the fencing around the dumpster was not as planned and asked for that to be remedied.

Al Johansen asked for an as-built Mylar and filing- Attorney Corona stated he would do that.

In response to comment, Attorney Corona noted it was not the intention to have golfers crossing the road.

Bob Johnson noted it was his intention to discuss this at the next meeting. He noted that during the application they discussed the dumpster and the carts and they were told there would be no carts and 20 carts is a significant change.]

In response to comments Attorney noted while the commission does not have the right to determine whether or not they use carts on the site, they can approve how and where they will be stored.

It was agreed to put this issue on the agenda for the next meeting.

4. Zoning Officer Report (12:50)

Geoff Colegrove reported Jimmy D's will be going to court on July 10 and additional photos have been supplied for the contempt hearing.

Regarding 113 Peters Lane property- Al Johanson reported the property owner was making progress, which has slowed down a few weeks ago. Mr. Johanson will be meeting with him the following day to discuss the progress, and to put more pressure on him to get the needed work done.

In response to questions, Mr. Johanson noted he has taken pictures every two weeks and his presence at this meeting was his verbal report, and there was a printed report presented previously.

Bob Johnson requested that there be scheduled visits with pictures taken, inventory done, and documentation of what has been removed.

Al Johanson explained the property owner as agreed that most of the items would go, and he would bring information to the next meeting to indicate that.

5. Town Planners Report (16:00)

Geoff Colegrove stated he would provide the commissioners with the draft Plan of Conservation and Development, along with a summary. He noted that the state will require comments by October and there is currently information concerning Middlefield that needs to be corrected.

6. Public hearing continuation (23:35)

A motion was made by Bill Waff to recess the regular meeting at 7:01 for the public hearing; this motion was seconded by Kevin Boyle and approved by all voting members.

Bob Johnson noted the seating will remain as it was for the previous public hearings on this matter: Bob Johnson, Jerry Russ, Jim Malcolm, Bill Waff and Kevin Boyle. Bob Johnson noted also present is

counsel Attorney Brendan Shane of Branse & Willis, Geoff Colegrove town planner and the alternate P&Z members.

Attorney Shane provided his opinion on whether or not this action will create two stacked interior lots in violation of regulations, a copy of this opinion is on file in the land use department. The letter, signed by Attorney Shane and Attorney Branse indicated that this does not violate regulations. He noted that his office received a letter from Attorney Antin's office, who represents the town of Middlefield regarding conflict of interest and predisposition.

First Selectman Jon Brayshaw provided to the commission a statement from his attorney indicating that Bill Waff should be disqualified due to pre determination of the application and Jim Malcolm should be disqualified due to financial interest as a professed potential buyer of this property. Mr. Brayshaw provided documents to this effect to the commission. Jon Brayshaw stated as a town applicants have a right to assume that what they present to a commission will be received by commissioners who are open minded, who will listen to the facts and what is presented, and then draw conclusions from that. Mr. Brayshaw noted that Mr. Waff had drawn his conclusion before the evidence was heard.

Attorney Shane stated that he and attorney Branse have read and discussed the letter from Attorney Antin and they felt Attorney Antin's legal reasoning was sound, and they would be hard pressed to disagree. Attorney Shane stated it is up to the individual commissioners to determine whether or not they have a conflict of interest or a predetermination. He urged those commissioners to think carefully to determine whether or not they do. If they choose to stay on and vote on this application, against Attorney Shane and Attorney Branse's legal advice, he recommends they state it clearly for the record they do not have this conflict and will consider this application with an open mind and on its merits.

Bob Johnson asked Jim Malcolm if he cared to step down to state that, and if he does not, then to state for record that he wants to stay seated.

Jim Malcolm stated he wished to be seated.

Bob Johnson asked Bill Waff to make his decision.

Bill Waff explained that he felt it was an improper application that the commission should not even consider and that is why he would vote against it, and he would like to stay seated.

Bob Johnson noted he has been very patient with this public hearing, and he asked both commission members and the public to stick to the topic at hand, which is the creation of an interior lot only. He noted if there are opinions that have already been stated previously, they are on the record and in the minutes, and they do not need to be gone over again. He noted everyone has the right to speak.

Bob Johnson clarified with Attorney Shane that the Nerden Camp property was not an interior lot.

Attorney Shane stated they did not have an opinion whether or not that was an interior lot, it may be an interior lot of record, it may be a pre-existing non-conforming lot. But, he said, their opinion on that does not matter. It is located where it is, and the only lot being located as a function of this application is the proposed interior lot.

Geoff Colegrove indicated that the revised map does indicate the adequate frontage for the front lot, and with regard to the easement for the sign it does not affect this.

Jim Malcolm stated that he asked three times last week to have Attorney Branse address the issue whether this was being done correctly, and he could not vote without that. He stated he could not vote on this until he has Attorney Branse review the referendum and see where they started and how they got to this point, and to determine if it is proper.

Bob Johnson stated they will stick to tonight's topic, which is this application for an interior lot. In response to a question, he explained the commission can vote whether to keep the public hearing open, or close it. Once closed, they can decide whether or not to vote at that time.

Jon Brayshaw noted the Powder Ridge Ski Area includes 246 acres, and in negotiations to sell this property it became evident that the value of the different pieces were not the same. He explained using a map which parcels they decided to sell. Mr. Brayshaw provided a letter to the commission from Stuart Fairbank, a professional engineer. Mr. Brayshaw used the map to indicate the various lots/parcels noted in the letter which provides information on why they chose the parcel configuration they have.

Jan Wojas, a resident of Race Track Hollow, stated at his development half of the lots are interior lots, which is nothing new to Middlefield. He noted it functions very well and so will this. He stated his support for this application.

Marianne Corona, regarding the Nerden Camp property, read from a 1961 document regarding the Zemel transaction to establish the camp. She stated the Nerden camp property did not come in existence before zoning was established in Middlefield and felt the attorney may be in error.

Attorney Shane explained there are a variety of ways in which a lot can become non-conforming, and provided examples. He stated that no matter what this application will do, nothing about that lot will change. The only lot being located as a function of this application is the one being applied for, and the only question is whether or not that lot complies. In response to comments from Ms. Corona, Attorney Shane provided additional examples of how a lot can become non-conforming.

Marianne Corona noted that lot was created by Mr. Zemel after the establishment of Planning and Zoning. (Additional comments difficult to hear on tape with noise being created by the movement of furniture or papers)

James Brown referenced the map indicated the green and pink areas were the Powder Ridge property-and the Nerden Camp is not part of that.

Attorney Shane stated that the regulations state "no interior lot shall be located"-which is an affirmative action. He stated again the only thing being located by the application is the proposed lot- the Nerden camp exists in a certain location and nothing about that location is changing. The only thing this application seeks to locate is the proposed interior lot.

James Brown asked in the future if they sell the green area and keep the red, they have not changed the status of the Nerden property-

Attorney Shane said, several times, nothing about the Nerden Camp will change due to this application.

Mr. Brown asked if this is approved, will it change any of the possibilities for other land owners in the area.

Bob Johnson noted that any land owner has the right to come to this commission for special permits, interior lots, subdivisions-

Mr. Brown asked if they were making a special exception. Attorney Shane stated that the question before this commission is whether or not this application complies with the regulations. If the commission decides this meets the regulations, they are then obligated to approve the application. If they decide it does not, they are obligated to deny. Paul Pizzo stated the Nerden Camp exists as an interior lot potentially non-conforming, and its an interior lot because it is behind a full lot. Mr. Pizzo stated by making this subdivision it will render the Nerden Camp illegal because it is no longer in front of a full lot, but in front of a full lot and a second interior lot. Mr. Pizzo stated if they approve this action, they will make the Nerden lot illegal.

Tom Weaver, on the board of the Nerden Camp, stated that the Nerden Camp has no one here representing it, and the opinions being expressed are not from the Camp. He stated that the Nerden Camp has no position on this issue.

Jim Malcolm asked if he could address the audience. Bob Johnson said it was against procedures. Mr. Malcolm stated he had a question for Mr. Brayshaw. Mr. Malcolm asked why don't we own half of the road way.

Bob Johnson stated as a seated commission member he can ask the applicant questions, but asked that it only pertain to the interior lot and regulations 09.05.

Mr. Malcolm asked if questions about the roadway were irrelevant, and questioned why they own up to the gate, and have road frontage everywhere.

Bob Johnson explained the application was presented based on surveyor information, as well as town planner information and they decided to move forward with an interior lot application.

Bill Waff stated he had comments to make. The Powder Ridge referendum that they voted on in April 2007 specified the amount of acres, specified the purpose of the action to be taken. The people of Middlefield voted for this action, and only the people of Middlefield can change this, its not the first selectman's position to initiate this type of action. This application does not state the intended use of the property-how can we determine if the purpose is to preserve the area as ski recreation, and open space as mentioned in the referendum. How can we determine that it complies with the Plan of conservation and development?

Bob Johnson stated they had to decide whether or not to close the hearing.

Kevin Boyle asked to close the hearing.

Jim Malcolm asked if Attorney Branse would be able to submit the letter if the hearing was closed. Bob Johnson explained if the hearing is closed and the commission does not act on it, they can still accept information from staff, but not members of the public or the applicant. Attorney Shane stated the information would have to be limited to issues and questions raised during the public hearing-not new information. Attorney Shane stated if the question is about standing, his office has already addressed that.

Bob Johnson noted all the information they would receive from Branse and Willis is already before them. Jim Malcolm stated he did not agree with that.

A motion was made by Bill Waff to close the public hearing on the proposed division of a 19.8 acre interior lot in the AG2 zone under section 09.05 of the Middlefield zoning regulations, 99 Powder Hill Road. This motion was second by Jerry Russ and approved by Kevin Boyle, Bob Johnson, Jerry Russ and Bill Waff. Jim Malcolm voted in opposition.

A motion was made by Bill Waff to reconvene the meeting at 7:30 pm; this motion was seconded by Jerry Russ and approved by all voting members.

7. Discussion and action on proposed division and interior lot at 99 Powder Hill Road (53:35)

Commissioners discussed and debated voting tonight, and their support/opposition of this application.

Kevin Boyle noted his support to vote on this tonight.

Jerry Russ stated he was ready to vote on this

Jim Malcolm stated when the two most senior members of the board have serious questions about the procedure it should be taken seriously, and he did not want them to vote until Mr. Branse reviews the procedures. Mr. Malcolm did not think the boards and commissions were used in a lot of ways in this decision. This is the first domino, and if they are all comfortable and all their questions are answered about Powder Ridge, and all the nuances, then they can vote. He said there is an awful lot riding on this and he takes it very seriously .

Bob Johnson said this is just an application for an interior lot for the town of Middlefield, and concerns about what happens next to this lot can be dealt with during the process for that. This commission will do an 8-24 review if it were to be sold, and any activity on the lot will be in the hands of

the public and the BOS. Bob Johnson felt they had done due diligence on this application and he was supportive of voting.

A motion was made by Bill Waff to approve the proposed division of a 19.8 acre interior lot in the AG2 zone under section 09.05 of the Middlefield zoning regulations, 99 Powder Hill Road. This motion was seconded by Jerry Russ and approved by Kevin Boyle, Bob Johnson and Jerry Russ. Bill Waff and Jim Malcolm voted in opposition.

8. Recess - Commission took a brief recess until 7:45

9. Paul Schatzman review of Greenhouses (:25)

Geoff Colegrove reported he spoke to Gulianos office about the topo, and that was then added to the map and consolidated to one site plan. He noted the drainage swale for the property was shown and the Middlefield wetlands map shows the wetland areas. Documents were provided and reviewed. Geoff Colegrove noted that he was unsure if a referral were necessary as it is nearly 200 feet away. He noted that the wetlands agent has been out there and the IWWA is aware of it. Mr. Colegrove suggested they could schedule a public hearing and if IWWA wishes to bring it up, they can at that time. Geoff Colegrove stated he would contact the chairman of IWWA and provide him with the latest information. Commission members discussed the timing of the meetings and the time constraints with regard to the application. A July 11 public hearing was scheduled.

10. Minutes to previous meetings (8:57)

It was noted May 23 and June 6 minutes were not yet approved.

A motion was made by Bill Waff to approve the minutes to the June 6, 2012 meeting as filed. This motion was seconded by Kevin Boyle and approved by all voting members.

It was agreed to table the May 23 minutes until the next meeting.

11. Miscellaneous (11:16)

Geoff Colegrove noted the owner of 31 Orchard Lane, Mr. Milardo, did not file his Mylar with the town as required. His application was approved in December 2011 and the regulations require 90 days to file, and the commission can grant up to two 90 day extensions for site plan. This application was a site plan/special permit combination, and the special permit section does not allow for extensions, but does require compliance with filing. Mr. Colegrove stated he has the Mylar and recommended the commission grant the extension to allow for filing.

Commission members discussed what should trigger their granting an extension. It was agreed they would have Geoff Colegrove ask the applicant to send in a letter asking the commission to grant the extension.

Bill Waff asked about the status of the ZEO and First Selectmen issues. Bob Johnson reported he will be meeting with the first selectman to discuss this. It was suggested they need to review what the expectations were, such as appearing at meetings at certain intervals, written versus verbal reporting, and other issues.

12. Adjourn

A motion was made to adjourn at 8:40 pm; this motion was seconded and approved by all voting members.

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Middlefield Planning and Zoning

Regular Meeting - June 27, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson Called the meeting to order at 6:37 pm. Present are Bob Johnson-chairman, Kevin Boyle-regular, Scott Wheeler-alternate and Pete Tyc-alternate. Also present is Al Johansson Zoning Enforcement Officer. Sincere condolences were offered for Geoff Colegrove who was not present for this meeting. Bob Johnson noted the alternates would be seated for this meeting.

2. Agenda (1:12)

A motion was made by Scott Wheeler to approve the agenda of July 27, 2012 as presented. This motion was seconded by Kevin Boyle and approved by all voting members.

3. Public Session (2:08)

There were no members of the public present.

4. Paul Schatzman review of green houses at 320 Baileyville Road (2:20)

Bob Johnson noted a public hearing has been scheduled for July 11, 2012 on this issue, and he will be sure Mr. Schatzman is given the handout information for the sign and for notifications.

5. Lyman Farm (2:56)

There was no one present to discuss.

6. Milardo Realty request for extension of site plan filing (3:06)

Al Johansson provided documents to commission in this regard, indicating that the office of Branse and Willis felt the commission could not grant an extension retroactively, and provided advice to move forward by starting the process for special permit again. Mr. Johnson stated he would be sure the applicant and property owner are notified of this.

7. Paul Schatzman Review of greenhouses (7:09)

A speaker, presumably Mr. Schatzman, advised the commission he has had the wetlands flagged and provided written information for the file. The requirements for signs and notifications were provided to the speaker.

Commission members discussed the 'jersey' barrier wall. The speaker stated he had an engineer look at the wall to determine its safety and is considering more attractive alternatives.

8. Zoning Enforcement Officer Report (16:17)

It was noted that Jimmy D's is going to court on July 9, if the site is not in compliance.

Al Johansson provided documents, photos of the Peters Lane property and discussed the site and its history with the commission. He noted that it appears rather than being cleared, items on the property are being moved around.

It was noted there have been cease and desist orders as well as notices of violations over many years. Commission members discussed how they wanted to proceed.

It was agreed to send a letter to the homeowner stating a time limit for action to be taken and advise if not done the next step will be to go to the court system. Al Johansson will provide a letter, indicating it must be cleared out, including the dumpster, in 30 days or they will pursue a legal remedy.

Bob Johnson noted that the property owner was notified this issue would be discussed at this meeting.

Al Johansson noted the Jafaria center has had a surveyor on the property.

9. Plan of Conservation and Development (26:20)

Bob Johnson noted there was a packet sent out from Midstate regarding the PCOD, and they may schedule a special meeting to devote just to this issue.

10. Minutes to previous meeting (27:18)

May 23, 2012 and June 13, 2012. Bob Johnson noted attached to the June 13, 2012 meeting minutes should be the transcription of the public hearing.

A motion was made by Scott Wheeler to approve the minutes of the May 23 and June 13 meeting, with the attachment of the public hearing. This motion was seconded by Kevin Boyle and approved by all voting members.

11. Miscellaneous (29:03)

Bob Johnson noted that ZBA has requested some language changes to the regulations, there will be documents mailed out to the commissioners and they will discuss this in September. Commission discussed other items they may wish to consider for changes in the regulations, including the issue about the applicant having to file certain documents for an approval to be validated.

Commission members discussed the current status of the business on the property owned by Milardo Realty- Bob Johnson stated he would follow up with the business and the property owner.

12. Adjourn

A motion was made to adjourn at 7:16 pm; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning
Regular Meeting July 11, 2012
Minutes (Not approved at time of filing)

1. Call to order

Jerry Russ opened the meeting at 6:42 pm. Present are Geoff Colegrove-staff, Jerry Russ-acting chairman, Scott Wheeler-alternate and Peter Tyc-alternate. Jerry Russ seated the alternates for this meeting.

2. Agenda (:34)

A motion was made by Scott Wheeler to approve the agenda of July 11, 2012 as presented. his motion was seconded by Peter Tyc and approved by all voting members

3. Public session (1:09)

There were no members of the public.

4. Zoning enforcement officers report (1:20)

Geoff Colegrove reported that he met with Attorney Willis at Jimmy D's site and it was in the best condition it has seen it in. Jimmy D was advised the site would be visited weekly. The court date was postponed and Geoff Colegrove will continue to monitor the site.

Regarding the Gervase property- a letter was sent to the property owner advising he had only 30 days in which to get the place cleaned up or they will go to court.

5. Town Planners report (6:11)

Geoff Colegrove reported that he was asked to look into the requirement for a second 8-24 review on the Powder Ridge Property- and after speaking to attorneys he determined that because the town voted to approve the sale of the property as a whole it was not needed.

Geoff Colegrove reported that he received a new application for special permit for 31 Orchard Lane suggested a public hearing in September. It was suggested they could request the selectmen to have the fees waived-however, there was no fee paid for the first one. There were notes in the file indicating the property owner had been advised to file his mylar. Th8s will be included on the next meeting's agenda.

Board members questioned why they would allow Jimmy D's court date to be postponed if he was not fully in compliance. Geoff Colegrove explained factors included the costs involved with the attorneys and the fact that on that day the site was very nearly in compliance. He explained how the judge will look favorably on the town if they continue to provide opportunities to get in compliance, and the site does not remain in compliance. The action has not been dropped, but the court hearing was continued.

6. Public hearing for request for special permit for green house, Baileyville Road (17:20)

A motion was made by Scott Wheeler to recess the regular meeting for the public hearing at 7:01 pm. This motion was seconded by Peter Tyc and approved by all voting members.

Jerry Russ noted the seating for the public hearing would include Scott Wheeler, Peter Tyc and Jerry Russ.

Geoff Colegrove read the legal notice as it appeared in the Middletown Press on June 28 and July 6.

Jerry Russ asked if there were any objections to the seating- there were none.

Paul Schatzman noted he had provided documents for the commission at the last meeting. Geoff Colegrove stated he sent information to the IWWA chairman.

Commission members reviewed the maps/drawings of the property as Mr. Schatzman provided history and descriptions. It was noted there were both safety and aesthetical concerns about the jersey barrier wall. Mr. Schatzman explained he has hired an engineer to review it and provided information on plantings that will beautify it. Commission members discussed the draining discharge and what needs to be done to address it.

A motion was made by Scott Wheeler to close the public hearing on the request for a special permit for greenhouses at 320 Baileyville Road at 7:21. This motion was seconded by Peter Tyc and approved by all voting members.

A motion was made by Scott Wheeler to reconvene regular meeting at 7:21 pm; this motion was seconded by Peter Tyc and approved by all voting members.

The applicant was advised once approved there is a 15 day period in which the public can file an appeal.

Board members discussed conditions and how to manage them.

7. Minutes to previous meeting (43:20)

A motion was made by Scott Wheeler to approve the minutes to the June 27 meeting as filed. This motion was seconded by Peter Tyc and approved by all voting members.

8. Discussion of 320 Baileyville Road (44:25)

Commission members reviewed the documents and decided on conditions.

A motion was made by Scott Wheeler to approve the request for a special merit for greenhouses at 320 Baileyville Road. Applicant/owner Paul Schatzman provided the following conditions are met by October 12, 2012. 1. Structural retaining wall receives structural engineer certification; 2. Structural retaining wall meet discussed aesthetics by planting of ivy; 3. Drainage discharge that starts from north and discharges on east part of property be engineered. This motion was seconded by Peter Tyc and approved by all voting members.

9. Miscellaneous (58:37)

Geoff Colegrove noted there will be a special BOS meeting on Thursday to complete the contract with Sean Hayes.

Jerry Russ reminded commissioners to continue to review the Plan of Conservation and Development.

Commission members reviewed various documents.

10. Adjourn

A motion was made by Scott Wheeler to adjourn; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning

Regular Meeting

July 25, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jerry Russ called the meeting to order. Present are Kevin Boyle-regular, Jim Malcolm-regular, Jerry Russ-regular, William Waff-regular, Geoff Colegrove and Scott Wheeler-alternate. All members were seated.

2. Agenda (1:42)

A motion was made to approve the agenda as presented; this motion was seconded and approved by all voting members.

3. Public Session (2:12)

There were no public comments

4. Zoning officer report (2:20)

It was reported that Mr. Gervace has been waiting to see Al Johanson, but that he would not be completed within the time table requested and has asked to extend to September 30 in order to complete. It

was suggested they request a report from Al Johanson at the next meeting, which is in September. It was noted Mr. Gervace indicated he did not receive any letter-Mr. Colegrove confirmed a letter was sent out. Commission members noted they would like to know there is improvement on the site before allowing an extension. Geoff Colegrove stated he would request the ZEO report to the commission members via email on the status of the property.

Regarding Jimmy D's Geoff Colegrove reported there were items within the parking area, the gate was not closed and he witnessed a customer having to park next door. He stated he would return the following day. Geoff Colegrove provided some history on the site.

Kevin Boyle questioned why they did not follow through with the court date stating he was surprised and disappointed. Geoff Colegrove explained they have a continuance to the next month and he will continue to report on the site to the attorney.

Kevin Boyle expressed his frustration that they have allowed this to be derailed again based on a single week of being close to compliant when for months and months, if not years it is not in compliance. Other members agreed with Kevin Boyle's frustration and asked that Geoff Colegrove convey that to the attorney.

Other board members offered to provide photographs of the property and provide them to Geoff Colegrove.

5. Town Planners Report (16:31)

Geoff Colegrove reported the Powder Ridge sale is moving forward and the agreement is now available to members of the public. Commission members discussed the agreement, comparing it to the Alpine version.

One commission member asked about the issue of golf carts at the new golf training center. It was noted there is also the screening around the dumpster that needs to be addressed.

Board members noted there is additional work going on at Ross Road and Spring Street.

6. Public Hearing (24:59)

A motion was made by Bill Waff to recess the regular meeting for the public hearing; the motion was seconded by Jim Malcolm and approved by all voting members.

Geoff Colegrove read the legal notice as it was printed in the Middletown Press on July 14 and 20 of 2012.

Jerry Russ noted the seating the members would include Kevin Boyle, Jim Malcolm, Jerry Russ, Bill Waff and Scott Wheeler, and asked if there were any objections to that- there were none.

It was explained this activity had been approved but due to lack of filing of the documents the approval was no longer valid and the application had to be re submitted.

It was noted the abutters were notified, the sign was posted and the certificates of mailing were provided.

Geoff Colegrove noted he had the Mylar and if approved and signed, he will give it to the administrative assistant in the land use department, the applicant will have to pick it up from her and deliver to town hall for filing, and pay the fee. It was noted the 15 day waiting period still applied. Commission members discussed the timing issues.

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. Applicant Brian Chaffee Owner Milardo Realty, LLC. This motion was seconded by Jim Malcolm and approved by all voting members.

A motion was made by Bill Waff to reconvene the regular meeting at 7:10 pm; this motion was seconded by Jim Malcolm and approved by all voting members.

7. Discussion of application for special permit at 31 Orchard Lane (33:23)

Commission members questioned if there had been any conditions on the prior approval for this.

Commission members discussed the jersey barrier wall at Country Flower Farms while potential previous conditions of approval for this application was researched.

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 Owner Milardo Realty, LLC. Any previous conditions from the prior approval still apply. This motion was seconded by Jim Malcolm and approved by all voting members.

8. Minutes to previous Meeting (47:35)

A motion was made by Bill Waff to approve the meeting minutes for the July 11, 2012 P&Z Meeting. This motion was seconded by Scott Wheeler and approved by all voting members. Bill Waff abstained from the vote as he was not present for that meeting.

9. Miscellaneous (49:01)

Kevin Boyle explained the new Welcome to Middlefield sign was installed by the Lions Club. It was noted there are three or more locations they would like to install them.

10. Adjourn

A motion was made to adjourn at 7:33 pm; the motion was seconded and approved by all voting members.

Middlefield Planning and Zoning

Regular Meeting

September 12, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Jerry Russ called the meeting to order; present are Kevin Boyle, Jerry Russ, Pete Tyc and Scott Wheeler. Geoff Colegrove-staff was also present. All members were seated.

2. Agenda (:48)

There were no amendments to the agenda.

A motion was made to approve the agenda as presented; this motion was seconded and approved by all voting members.

3. Public Comment (1:45)

Attorney Corona representing the Lyman Farm golf course, noted that on September 22 golf carts will be at the club for the day and it will be an opportunity for the commission members to see the carts on

the site. He stated there will be photographs taken for those that cannot attend. It was estimated they had proposed 16 carts on site.

Attorney Corona stated they would be coming before the commission for an approval regarding the carts. It was noted that the commission's concerns included the moving of the carts from one side of the highway to the other and the fueling of the carts. Attorney Corona stated the carts would be brought over by trailer and they will be fueled off site. It was agreed there is not an approval to store the golf carts on that site at this time.

Attorney Corona discussed the dumpster, noting the original plan included an off-white or almond colored vinyl enclosure when the dumpster was located adjacent to the clubhouse. They then returned for modifications including changing the location to out in the parking lot. At that time there were no discussions regarding the materials, colors, of the dumpster enclosure. Currently it is not a vinyl fence nor is it almond in color. Attorney Corona explained that the owners feel the green color is a better look for that area. Attorney Corona noted the cost to change that is approximately \$8,000 and the current materials are much more durable for the purpose. He explained that they contacted the neighbor directly across the street and they reviewed the choices with them and they have indicated a preference for the green color as it blends in with the background. Attorney Corona acknowledged that the commission can say the materials are unacceptable and to compel them to make the change to the almond colored vinyl, but for the reasons stated he appealed to them to not require the change.

Geoff Colegrove explained they need to apply to modify the condition of approval.

Attorney Corona stated he could include that with the application regarding the golf carts. He explained they are not trying to avoid this, and acknowledged a mistake was made regarding the construction of the dumpster, but they are happy with how it has turned out.

Jerry Russ noted they could apply for modification.

Kevin Boyle stated no matter what the neighbors said, that he felt the chain link fence with green slats was industrial looking and he wanted it to look better. He emphasized his preference for vinyl over the chain link regardless of the color.

Attorney Corona felt the neighbor's perception of the fence is important. He also noted the amount of chain link fence surrounding Peckham Park as there is a time and place for it, including around a dumpster. He stated they will abide by the commission's decision and will apply for a modification.

Kevin Boyle explained if this were ZBA a neighbor's opinion would carry more weight, but this is P&Z and they have to make decisions based on the town.

The color choices were discussed, Kevin Boyle noted the commission did not dictate the color. Attorney Corona explained they had originally chosen off-white as it was originally located near the clubhouse - but is no longer near the clubhouse and in its new location, an off-white or almond color will make it stand out more. Kevin Boyle stated they can choose the color.

It was noted this will be on the agenda for the first October meeting, and it will be an application for a modification of the site plan approval.

4. MacNaught and Nichols Zito, Northeast Calling, informal discussion of possible production of honey wine on Baileyville Road (20:44)

There was no one present to discuss.

5. John Monthei removal of gas pumps and possible sale of liquor in deli, (21:34)

Pakash Patel, owner of Lakeside Market, stated that he was here for informal discussion. Connecticut regulations prohibit selling gas and liquor.

Geoff Colegrove reported that Al Johanson said this should come in for a site plan amendment. He noted the removal of the gas pumps will dramatically improve access on the site. There was a question whether or not an application for a site plan amendment was necessary to show what the site will look like after the removal of pumps.

Commission members discussed the steps needed for removal of the pumps/tanks. Mr. Patel stated once the pumps are removed the tanks will be empty and capped. There were questions about removal versus filling of the tanks. Geoff Colegrove was asked to look into this further.

It was suggested the application process be started, and Geoff Colegrove will look into regulations concerning the tanks and whether or not they will be/should be removed. Mr. Patel was advised to have the property owner present his plans for the property as well. Commission members explained they will need to be shown what the site will look like when complete, including the removal of the island where the gas pumps are. This will be put on the next meeting's agenda

6. Zoning Enforcement Officers report (38:26)

Geoff Colegrove reported the property at Jimmy D's has been acceptable. Kevin Boyle asked why did they not get to court on this issue.

Geoff Colegrove explained there was a site visit prior to the court date that included the attorneys and Jimmy D'Caprio and the site was within compliance so they agreed to continue with monitoring, and suspend the court date.

Kevin Boyle stated that the site is not in compliance most of the time and question if they should still have brought it to court even though it was in compliance that one time. He suggested it should be brought to the court's attention how often the property is not in compliance so that the next time they take pictures to court there will be damages assessed immediately.

Geoff Colegrove noted at court if he is in compliance at that time, it will not be significant that he was not compliant before. Kevin Boyle disagreed and thought it was poor judgment to not see the court case through.

Another member stated they need to set it up so that every day they can prove he is not in compliance, there will be a fine levied. This will work toward keeping the property in compliance at all times.

Geoff Colegrove was asked to review this with the attorney.

Commissioners discussed the property on Peter's Lane- it was noted they would like to continue with the next legal step.

7. Plan of Conservation and Development (51:14)

Geoff Colegrove advised that the state PCD is in the process of being revised. Commission members reviewed the maps provided.

Commission members noted an area in the industrial zone that is marked incorrectly as open space, as well as other areas that were incorrectly designated.

Geoff Colegrove suggested the commissioners gather some comments for the next meeting and he will get them to the state.

Commission members continued to review the documents, noting which sections they were going to focus on.

Geoff Colegrove noted there is no more Midstate or Estuary- there is only the Lower Connecticut Valley Council of Governments and there will be an open house in Centerbrook on October 1, after 3 pm, at 145 Dennison Road. He explained that he will be putting together a proposal for the towns of Middlefield and Durham for services for those two towns.

Geoff Colegrove noted Judy Snyder will continue to provide support services for this commission as well as for some of the other commissions in town.

Commissioners discussed the politics of the counsels and some of the various issues that are coming up.

Commission members agreed to go through the maps and provide comments to turn into Geoff Colegrove for the next meeting.

8. Town Planners Report (1:19:14)

Geoff Colegrove provided information regarding Schatzman's property that is now on file at the town hall.

Commission members discussed how the white concrete barriers were going to look, whether or not it would be attractive. Kevin Boyle noted in the winter, even an ivy will not cover the concrete.

Commissioners asked if there was a way they could encourage Mr. Schatzman to change out the first four barriers to something more attractive. Geoff Colegrove will contact him to discuss the issue. Commissioners agreed they would rather wait until spring to have better looking long term solution rather than have something quickly done now that will be less attractive.

9. Minutes to previous meeting (1:30:23)

A motion was made to approve the minutes of the previous meeting; this motion was seconded and approved by all voting members.

10. Miscellaneous

There were no miscellaneous items.

11. Adjourn

A motion was made to adjourn at 8:07 pm; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning

Regular Meeting

October 10, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:32pm. Present are Scott Wheeler-alternate, Jerry Russ-vice chairman, Bob Johnson-chairman, Kevin Boyle-regular and Peter Tyc-alternate. Also present is Geoff Colegrove-staff, ZEO Al Johanson and attorney Matt Willis

2. Agenda (:46)

A motion was made by Scott Wheeler to approve the agenda for Oct. 10, 2012 as printed; this motion was seconded and approved by all voting members.

3. Jimmy D's update / ZEO Report (1:55)

Bob Johnson provided some history regarding Jimmy D's noting that in the spring the commission decided to move forward on Jimmy D's and other decision had been made since. Bob Johnson asked that in the future decisions regarding this be brought to the commission.

Attorney Willis noted there was a court date set in July and prior to that he and others were monitoring the property and before the court date progress had been made to bring the property to substantial compliance so rather than proceed they marked the date off, which can be reactivated.

Geoff Colegrove noted the commission had questions about going to court when the property is in compliance, but knowing it had not been for the most part prior to that.

Attorney Willis noted they did not withdraw their motion, it is still viable.

In response to questions it was explained if the property gets out of compliance again, it is a quick process to get back into the court system.

Geoff Colegrove the property is for sale and the owner has a lack of interest in the business, and the property has been functional in terms of the traffic issues. He noted he has been continuing to monitor the site.

One member noted he wants to continue to be on top of this as they are also dealing with other people in town to maintain compliance. Geoff Colegrove noted they treat everyone the same and he will continue to watch this.

Matt Willis reported in May the ZBA sent a letter to the PZ commission regarding notice/signs for variance applications.

Bob Johnson reported he has been working with ZBA and they are working with Attorney Branse and will have a meeting in November or December to discuss.

Geoff Colegrove noted there are several issues and types of applications they need to address in this regard, along with other procedural issues to deal with at the same time.

Kevin Boyle asked to have recommendations from Counsel in regard to the notification requirements.

Bob Johnson stated he would forward to the commissioners the draft document that attorney Branse provided.

Al Johanson reported on the Gervase property on Peter's Lane stating that it has not improved and the deadline passed in August. He asked the commission if they were in favor of legal action initiation, noting there has been a cease and desist order issued as well as a written warning. Commission members expressed agreement in moving forward.

Al Johanson noted he had a fence issue on Rosemary Lane-which was then taken down and a second on Mattabeseck Road which has not been taken down and has no permit. He stated the next step will be a letter of violation as there was no permit and it was too tall in places.

In response to questions, Al Johanson noted the property on Woodland Heights with the shed was given a variance.

4. Removal of gas pumps Baileyville Road (23:10)

It was noted both property owner and tenant were present.

The tenant provided a letter that he was asked for at the last meeting regarding the site plan. He reported that he wants to remove the gas pumps and to sell beer. He provided documents to the commission regarding the good condition of the tanks, and went over these and the site plan with the commissioners.

Bob Monthei one of the owners of the property noted that while his tenant wants to stop selling gas so that he can sell beer- however, as property owners, they do not want the tanks removed, but the pumps can be removed.

It was noted if an application comes before the commission, the property owner has to be in favor of it.

Attorney Willis recommended that the state regulations concerning this be reviewed by the owner. The tenant reported that the state advised him if the tank was emptied they were in good shape. Attorney Willis suggested getting that in writing. The tenant advised the state would not put anything in writing.

It was noted this commission has no purview regarding the state regulations, but they are trying to advise the applicant/owners.

The tenant was advised the tanks will be monitored and as long as they are empty all the time that is sufficient.

It was explained that the application will be needed for a site plan modification to remove the island (where the pumps are).

If the commission agrees he can sell beer Al Johanson can sign the document for the state, without an application - if the pumps/island is not used.

Commission members discussed with the owner and tenant the idea of selling beer in the grocery store.

Commission members agreed the adding of beer does not change the use of the store as it is part of retail, and no application with this commission was needed as long as there were no changes to the island/pumps. And any liquor regulations have to do with state.

Commissioners discussed if they address liquor or alcohol in their regulations at all. Al Johanson noted he always requests detailed information about the use, so that if there is a change in the stated use, the commission can be given an opportunity to review it.

It was agreed by the commission that Al Johanson could sign off on the zoning permit.

Mr. Candel (unsure of name on tape) owner of Lake Side Liquors on Route 147 said there was something wrong because he bought the business and the land, just two-tenths of a mile from the Lake Side Deli, and everyone thinks its okay that he cut into his livelihood. He stated because he was a liquor store he was not allowed to sell groceries.

Bob Johnson explained they are going by the regulations only and this satisfies those conditions.

Another speaker asked about the requirements of the EPA, and that all that is needed is to remove the top of the pump. Bob Johnson stated it does not have to be proven to the Middlefield P&Z. He explained if the site were to change, if they removed the island where the pumps are, that is an issue for this commission.

Mr. Candel stated he did not believe beer could be sold at that property. He was advised that the zone is commercial for that property.

In response to a question, he was advised that a change of use would have to come before the commission or if there was a site change. Al Johanson explained if Mr. Candel wanted to change from liquor to groceries, he would ask that he come to the commission to discuss.

5. Public Session (50:33)

Marianne Corona stated there is something big going on in Connecticut regarding conservation and development. She noted that she provided information to Chairman Johnson in this regard. She noted there are towns complaining that what they are seeing on the maps are contrary to what they have in town.

It was noted that Geoff Colegrove has brought this issue to the commission and he has been working through the COG to compile the issues that he has seen. .

Marianne Corona asked that he provide that information also to the IWWA. Mr.Colegrove noted several areas that are not consistent with what is reflected on the maps.

Al Johanson noted if there was no state funds involved it did not matter, and if there are state funds involved, he recommended contacting OPM, their secretary and bond commission people and advise them of the errors and there will then be an appeal process.

Marianne Corona reported they are working to get the Coginchaug River off the impaired river status, and they are doing a workshop regarding the storage of manure. She reported on a previous workshop regarding application timing for P&Z and IWWA, and provided a flow chart for the commissioners to review.

Marianne Corona reported that DOT and DEEP have made an agreement regarding the handling of drainage and removal of brush and debris from within 50 feet of a wetland.

6. Emily McNaught and Nicholas Zito, Northeast Calling, informal discussion regarding the production of honey wine on Baileyville Road (59:40)

Emily McNaught provided pamphlets explaining what mead is, which is what they intend to produce at their home as a home occupation. She noted this will start as a very small scale operation. She noted she is a tenant in the residence.

Another speaker explained this is a wine, but they will require a liquor permit from the state/federal government.

Emily McNaught indicated there would not be people coming to the house to purchase the product. It was clarified that the property owner will have to sign the application as well.

Bob Johnson advised they will need to complete a home occupation permit and they will be included on the agenda and the commission will review to ensure they meet all the regulations.

Geoff Colegrove noted a home occupation should be invisible to the neighborhood. A speaker indicated they would likely be delivering the product themselves to area restaurants.

Geoff Colegrove stated they need to demonstrate that they are not using more than 25% of the house for that activity. Geoff Colegrove recommended they use a copy of the house plan available on line, and indicate just what areas of the house they intend to use for the business.

7. Lyman Golf Course modification to existing site plan to change color of screening for dumpster area (1:06:38)

Bob Johnson reported that he spoke with Attorney Corona and his clients are deciding how they want to proceed. This item will be postponed until the next meeting.

8. Plan of Conservation and Development (1:08:07)

Bob Johnson noted there are deadlines coming up, and commissioners are reviewing.

Geoff Colegrove discussed reaching out to other commissions. Kevin Boyle stated he has contacted WPCA and will work with them. Bob Johnson stated he has worked with Park & Rec regarding Peckham Park.

It was noted commissioner Waff had taken historic preservation. Geoff Colegrove stated he had a draft of the transportation section, population section and economic development.

Geoff Colegrove provided some explanation about why the PCD maps are not accurate and discussed how other towns are handling it.

9. Meeting minutes (1:21:38)

A motion was made by Scott Wheeler to approve the meeting minutes of the previous meeting on September 12, 2012 as filed. This motion was seconded by Peter Tyc and approved by all voting members.

10. Miscellaneous (1:22:25)

It was noted there would be no second meeting in November.

Bob Johnson stated that someone needs to represent Middlefield on the new COG- an Jerry Russ has volunteered to continue for a few months.

Bob Johnson reported that Mr. Waff has resigned from the commission and there is now a vacancy on this commission, as well as vacancies on ZBA and on IWWA.

Kevin Boyle discussed the need for printing all the documents received as a member of the commission, and asked about having the documents mailed as well.

Board members discussed how they want to receive their documents- agendas, minutes, other items.

Geoff Colegrove noted when Midstate did it, they did not charge for postage or copying when they were mailed out.

It was agreed to go back to email and hard copy mailings for information.

One member asked if there was anything in the town regulations regarding distances between places that sell alcohol. There was a state regulation, but not a town.

Board members discussed the possibility of the state's regulations becoming less restrictive-and should they consider something for town regulations in order to control the sale of liquor, wine or beer.

11. Adjourn

A motion was made by Scott Wheeler to adjourn at 8:15 pm. This motion was seconded by Jerry Russ and approved by all voting members.

Middlefield Planning and Zoning

Regular Meeting December 12, 2012

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:44 pm. Bob Johnson seated the following members: Scott Wheeler-alternate, Jerry Russ-vice chairman, Peter Tyc-alternate, Bob Johnson-chairman and Kevin Boyle-regular. Also present is Geoff Colegrove-staff.

2. Agenda (:47)

Attorney Corona asked that they add his application for a modification of an approved site plan

A motion was made by Scott Wheeler to approve the agenda with the amendment to add a discussion on the Lyman Golf School. This motion was seconded by Kevin Boyle and approved by all voting members.

3. Public session (3:28)

There were no public comments

4. Nicholas Zito request for home occupation permit (3:53)

Nicholas Zito provided a pamphlet of information regarding the production of mead honeywine and went over the process with the commissioners. It was stated the product would be delivered out, there

would not be purchases at the property. Needed supplies would be picked by Mr. Zito and brought in. Drawings/diagrams of the property and structure were provided and reviewed.

Geoff Colegrove stated that it meets the regulations for home occupation.

It was stated there is nothing used that is a hazard of any kind. Mr. Zito stated that he has not yet spoken to his neighbors, he was advised to do so, including the Middletown water supply as they are an abutting neighbor. One member asked that hours of operation be included in the documentation. It was noted there would be no other employees other than his fiance.

It was agreed to meet on this again on the second Wednesday in January 2013 to allow Mr. Zito to notify neighbors and indicate hours of operation.

5. Town of Middlefield site plan review for renewal of excavation permit (14:32)

Bob Johnson stated he has called the road foreman three times to determine how much gravel has been removed in the last two years but he has not received a response. Once the town engineer is provided with that information. This item was tabled until January.

6. Zoning enforcement officer report (16:40)

Al Johanson reported that a court date has been set for Mr. Gervaise of Peter's Lane, and provided photos of the property for the commissioners to review.

Geoff Colegrove reported on Jimmy D's property noting some of his property is being stored on the neighbor's lot. It was suggested to contact that property owner with regard to the items being left on his property advising him of the violations.

Commission members discussed the next steps to take- it was suggested to contact Attorney Willis regarding the vehicles parked on the neighboring property. Kevin Boyle noted they need to keep the pressure on and make it uncomfortable for Jimmy D's and enforce keeping him in conformity. It was suggested that the other property owner should contact the police to have the items removed.

It was agreed to contact the neighboring property owner and advise that his site plan is being violated by Jimmy D's items being left there.

7. Pioneer Builders informal discussion of use for 48 Meridan Road (30:36)

A speaker, name unclear on tape, representing the Crescimano family, introduced representatives from Pioneer Builders who have information on a potential project. It was explained this discussion concerned the property that currently has Supreme Auto located on it. Maps/drawings were provided and reviewed. It was noted there will be a public hearing with the ZBA regarding several variances needed. The speaker explained they would like to add an addition to the building, and the front portion will be used for retail and the rear portion for the auto body work, he noted other uses may include a Laundromat and other businesses. The speaker stated he will have letters from the abutters to present to the commission.

In response to questions it was stated they are not anticipating a restaurant. It was stated that would mostly affect the parking and therefore the coverage issues. The variance that is being discussed was explained using the maps/drawings stating if it is not approved they will not be back to P&Z.

Commissioners discussed the look of the building currently and what they are considering as well as retaining wall needs. Details on the retaining wall will be required for the public hearing. It was noted the property is in the design district two, and the commission will require information on what colors, textures, and materials will be used. Geoff Colegrove noted they need to review the regulations regarding signage and advised they will need information concerning any lighting that may be used.

It was made clear that any change in uses not approved at the time of approval, will require a return to the P&Z commission for discussion, and possible approval.

A speaker noted that the building was designed for a second story, and that each section in lower part will have its own air handler. ZBA is said to be concerned with height restrictions.

Fire codes and other safety concerns were noted, advising the potential applicants that these will need to be addressed.

It was noted letters have already gone out to abutters for their notification.

8. Garland and Patricia Duby 2 lot subdivision 275 Jackson (1:05:43)

Pat Benjamin engineer and Attorney Corona represented Pat and Gar Dubey and explained their intention to subdivide their 20.34 acre property in the MD zone. Maps and drawings were providing showing the property. Pat Benjamin explained where the driveway and drainage would be located. He noted the sanitarian has approved this, and it has been through wetlands review.

Commission members reviewed the documents and discussed the use of solar energy as well as the conformity of the lot.

A motion was made by Scott Wheeler to approve the proposed application for Garland and Patricia Dubey for a proposed 2 lot subdivision at 275 Jackson Hill Road. This motion was seconded by Jerry Russ and approved by all voting members.

9. Lyman Golf School (1:25:07)

Attorney John Corona representing the Lyman Farm provided a site plan to the commission and went over the location of the golf cart storage area they would like to include. He noted with regard to the dumpster fencing, the contractor expects to complete that in the next several weeks. He noted there will be no fueling or maintaining of the carts on that site and they will be transported by trailer to the maintenance area. Attorney Corona reported that when he asked IWWA he was advised no wetlands approval was required. It was suggested the minutes to that meeting where the wetlands commission indicated no permit was required should be a part of the P&Z file.

One member noted concerns about the noise of golf carts being a nuisance to the neighbors. It was also stated this should have been discussed during the original application when it was referred to as a walking course only and for teaching only not a recreation course. Currently it is being used as a small nine-hole course.

Another member noted the carts may be being used by seniors and for those with disabilities. There were concerns about the transporting of the carts and the traffic issues.

Attorney Corona agreed when they applied carts were no envisioned however experience has shown there is a desire by patrons for the carts.

Frequency of service was noted to be a concern and an unknown factor. It was suggested they stipulate that if approved this must come back to the commission for re-evaluation in a year's time.

Attorney Corona stated while he would support that, the law does not afford the commission the right to have a time limit on a permit. He noted the farm has the right to use them, and this commission has only the right to approve where they are stored. He noted it is likely there would be less trafficking of the carts if they were stored on site.

Attorney Corona and commission members reviewed the drawings to determine the best area for storage. There were also discussions concerning other ways to allow the carts from one side of the highway to the other including a pedestrian walk way.

A motion was made by Scott Wheeler to approve the site plan modification to show a golf cart storage area to house a maximum of 16 golf carts at the Lyman Golf School No fencing will be allowed and trailers will be sued to remove carts from the school location as noted on drawing, maintenance of carts will be performed off site. This motion was seconded by Jerry Russ and approved by all voting members.

10. Approval of 2013 Schedule (1:56:27)

Commissioners reviewed the listing and discussed changing to one meeting per month rather than two, and including one in August. Commissioners agreed on the following dates: January 9, February 13, March 13, April 10, May 8, June 12, July 10, August 14, September 11, October 9, November 13 and December 11, all at 6:30 pm in the community center.

A motion was made by Scott Wheeler to approve the 2013 meeting dates as agreed; this motion was seconded by Kevin Boyle and approved by all voting members.

11. Planners report (2:05:25)

Regarding the plan of conservation and development Geoff Colegrove stated he has rewritten the population and transportation and will be meeting with the COG staff to go over this as well as two other items.

Geoff Colegrove provided a memo on possible zoning regulations revisions compiled from his office and other various town officials and residents. He went over the list noting that this commission has a two year time limit when work has to be started or the permit is no longer valid, and the state allows up to 9 years to complete a project with the possibility of a 5 year extension; there are also varying time limitations for filing mylars; and the lack of a use table; ZBA notification for abutters; use permits being allowed to go from one place to another. Geoff Colegrove noted he has not written any draft regulation, just noting the concepts.

It was agreed Geoff Colegrove would create drafts for the first four items on the list and then schedule discussion on the other items.

Commissioners discussed whether the Monarca property in the industrial park was in compliance. It was stated it is a trespassing issue for the town of Middlefield, and if it was into wetlands then it is an IWWA issue, not P&Z.

With regard to the draft regulations, Geoff Colegrove was asked to draft items one through four and get that to the attorney for review so they can be acted on, and the commission can then begin working on the other two items.

12. Previous minutes (2:19:38)

October 24, 2012

A motion was made by Scott Wheeler to approve the minutes as presented; this motion was seconded by Pete Tyc and approved by all voting members.

13. Miscellaneous (2:20:26)

Kevin Boyle noted that the commissioners did not receive any of the drawings relevant to this meeting and questioned how they can resolve that.

Bob Johnson reported that in January the commission will be using the services of Debbie Waz to do some of the administrative functions.

It was noted some time ago the commissioners agreed to have minutes sent only by email, but they did not expect to stop receiving application documents by mail. It was noted also they have cut back the number meetings and in terms of costs that should balance out the mailing fees.

It was noted that the applicant is required to submit enough copies for all the commissioners.

Kevin Boyle noted the retaining walls that were brought up earlier and noted he is trying to make Middlefield a better looking place, and questioned why they would allow what was being suggested; and asked where is the aesthetic trigger.

Geoff Colegrove noted that the building official was unaware of the retaining wall-members agreed that needed to be looked into.

Commission members discussed how they can be made aware of issues such as this in order to review it and questioned what protocol can be used to avoid having something such as very unattractive block used for retaining walls. Members discussed and defined buildings versus structures within the set backs and not within set backs.

It was agreed with regard to drawings and maps, either Debbie Waz or the administrator in the land use department should be mailing them out-Bob Johnson will follow up on that issue.

14. Adjourn

A motion was made to adjourn at 9:20 pm this motion was seconded and approved by all voting members.
