

Middlefield Planning and Zoning

Regular Meeting

January 9, 2013

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:44 pm Present are Geoff Colgrove-staff, Bob Johnson-chairman, Jerry Russ-regular, Kevin Boyle-regular, Scott Wheeler-regular and Pete Tyc-seated alternate. Also in attendance are new alternate members Brooke Carlson and Erin Wilson. Jim Malcolm arrived at 6:45 and was seated - Pete Tyc was unseated.

2. Agenda (1:03)

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

3. Discussion with Deb Waz concerning 2013 services (3:51)

Bob Johnson explained P&Z used to use the administrative services of Midstate but they are switching to Alwaz First now. He noted the minutes will still be done by Wendy Parker but all the other administrative duties will be done by Debbie Waz.

Members discussed how they would like to receive information. It was noted if there are full size drawings submitted with applications, they would like those sent via mail to the commissioners.

Kevin Boyle explained he would like his entire packet mailed to him via regular mail. Bob Johnson would also like regular mail.

It was noted that everyone should get the big drawings via mail, and all members should also get email packets.

Bob Johnson reported that he will set the agenda and it will get emailed to all on the Friday before the meeting. It was stated that anyone who wants to be on the agenda will have to advise Nancy Davidson in the land use department by that Wednesday.

It was questioned who would be the official keeper of the applications and notices as it used to be Midstate. It was said that will be Nancy Davidson in the land use department. Once Debbie Waz has done all the collecting of the information, when it is completed she will bring it down to Nancy Davidson who will then be responsible for them. It was explained there are files currently in Essex that will be brought to the Middlefield Land Use department.

It was noted that any citizens that wish to be on the copy list for emails of agendas and minutes can be.

Debbie Waz was given a list of the of the emails and phone numbers of the commissioners.

4. Public Comment (20:23)

There were no public comments.

5. Nicholas Zito request for home occupation permit (20:41)

There was no one present to speak on this issue. It was noted that no proof of notification to the neighbors had been submitted.

6. Town of Middlefield Site plan review for renewal of earth excavation (21:34)

Brian Curtis of Jacobson and Associates, town engineer, and went over the documents and drawings that were presented. He noted there has not been very much activity on the site over the past two years, and less than 10% of what is permitted to be removed has been removed.

Commission members discussed if they wanted a public hearing; noting the minimal use and the lack of attendees at the last public hearing it was agreed it was not necessary. It was noted this is an economical benefit to the town whenever projects are done that require the gravel.

A motion was made by Scott Wheeler to approve the bi-annual earth removal and excavation permit for the town of Middlefield. This motion was seconded by Kevin Boyle and approved by all voting members.

It was noted there is value in the material there to be used as septic sand as well.

7. Zoning officers report (37:44)

Al Johanson reported that Powder Ridge will be in front of the IWWA next week, and will then be at P&Z, and Kastner will be in to discuss Happy Acre parcel permits.

Al Johanson reported that he received information on the Kokoszka property about the clean up process and he is giving them 60 days to determine the progress.

A letter from Attorney Willis regarding the Gervais property was provided and reviewed.

Bob Johnson stated that he would like to know what the status of the gas station is on the Kokoszka property. Mr. Johanson explained he is beginning a dialog and will keep the commission advised.

In response to questions, it was reported that the information on the retaining wall were put on the mylar that was filed, and there was engineering information in support of it. It was noted there was to be some sort of greenery, such as ivy, used to cover that retaining wall. Commissioners noted the first 30 - 40 feet of that retaining wall need some sort of facade - Al Johanson offered to contact Mr. Schatzman and discuss it.

8. Town Planner Report (48:54)

Geoff Colegrove noted possible changes to the regulations and provided drafts for review, and went over the document with the commissioners. Commissioners discussed the filing of the Mylars within certain time limits. It was agreed they would consider and further discuss at the next meeting.

Bob Johnson noted that Sean Hayes is expected to come in to discuss permitted uses at Powder Ridge, and noted what is permitted is already noted in the regulations.

9. Election of Officers (1:03:23)

Commissioners made the following nominations: Chairman -Bob Johnson, Vice Chairman-Jerry Russ and Secretary Scott Wheeler.

A motion was made by Scott Wheeler to elect officers for the term from January 01, 2013 to December 31,2013 as presented. This motion was seconded by Jim Malcolm and approved by all voting members.

10. Minutes to previous meeting (1:07:44)

December 12, 2012

On page three, in the motion for item 9, Lyman Golf School - The phrase "approved by all voting members" should be replace with "approved, with Bob Johnson voting in opposition"

A motion was made by Scott Wheeler to approve the minutes of the December 12, 2012 regular meeting with page three correction pertaining to Lyman Golf School vote. This motion was seconded by Jerry Russ and approved by all voting members.

11. Miscellaneous (1:10:07)

Bob Johnson noted a member of P&Z was needed for the new regional planning commission as well as an alternate who does not have to be a P&Z member, but is appointed by P&Z. Commission members discussed what is needed of this member and who would be interested and qualify. It was agreed to vote on this the following month.

Bob Johnson noted that IWWA minutes will now also be sent to P&Z members. It was noted if members of one commission attends another commission they need to be cautious about representing their commission. Geoff Colegrove is looking into a workshop with Attorney Branse to discuss various issues with land use commissions. There was also a suggestion to work shop with Steve Bryne (sp). Geoff Colegrove spoke about the hazards of ex-parte discussions.

Bob Johnson introduced the two new members, Brooke Carlson and Erin Wilson, and each of them provided some information on their background.

12. Adjourn

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

**Middlefield Planning and Zoning
Regular Meeting
February 13, 2013
Minutes
(Not approved at time of filing)**

1. Call to order

Bob Johnson called the meeting to order at 6:38 pm. Present are Scott Wheeler-regular, Kevin Boyle-regular, Pete Tyc-alternate, Robert Johnson-chairman and Erin Wilson-alternate. Bob Johnson seated all members. Also present is Geoff Colegrove-staff. Jerry Russ arrived at 6:44 and was seated, Erin Wilson was unseated.

2. Agenda (1:01)

A motion was made by Scott wheeler to approve the agenda as posted. This motion was seconded by Kevin Boyle and approved by all voting members.

3. Public session (1:22)

Ron Oblon, Strickland Road, reported that his neighbor's property is being used for warehouse storage, shipping/receiving and other commercial storage, including 5 commercial vehicles. Mr. Oblon provided information to commission members indicating that other neighbors can support this. He reported that the neighbor's son has knocked over three trees/bushes on the Coginchaug open space property, possibly to make more room to get in the trailer trucks. Mr. Oblon noted over the past years he has brought to the board's attention other open space damage to the property. He noted a possible conflict of interest with commission member Kevin Boyle in this issue as he may be related to the neighbor. He asked that the commission review the information provided and if there are fines against the neighbor the funds should be used to replace the trees removed.

Bob Johnson stated the zoning officer should review this and he is out of the country this month, but he will get the information to him and if Geoff Colegrove who is covering for the ZEO feels it is warranted, he will visit the site. Bob Johnson stated he would put this on a future agenda and have Mr. Oblon sent a copy. He noted that in regard to recusing a member, everyone in town has personal and business relationships with everyone else.

Mr. Oblon also reported that there is an illegal apartment in the upstairs of the neighbor's house.

Nicholas Zito provided information regarding the notification of abutting neighbors to his property concerning a home occupation permit request. It was noted that was the only outstanding issue. Bob Johnson reported that Mr. Zito had gone over the floor plan and indicating there would be no deliveries.

A motion was made by Scott Wheeler to approve the home occupation of the brewing of mead honey wine to be operated by Nicholas Zito of 404 Baileyville Road Hours to be maintained will be 8 am to 8 pm in accordance with all home occupation regulations. This motion was seconded by Jerry Russ and approved by all voting members.

Marianne Corona stated she is a member of the Coginchaug River Watershed group and provided information regarding the river and how to improve the conditions. She noted the group she is working with has grant money and their eighth objective relates to the

Plan of Conservation and Development. She noted she had information she could provide from other towns regarding their PCOD, and urged the commission to have a minimum of 1 acre zoning. She explained that she had a lot resources and information she would be happy to disseminate to any who requested it.

Bob Johnson noted the PCOD has been under discussion for quite some time and they are now moving forward on it.

4. Pioneer Builders informal discussion 48 Meriden Road (24:04)

Bob Johnson noted there is no application submitted at this time, however, there was printed information provided including drawings.

Marco Camanito of Pioneer Builders explained there is an existing auto repair shop which they would like to turn into four retail spaces in the front and move the auto repair facility to the back. He reported they have received a variance with ZBA. He noted they have architectural drawings and an A2 survey. It is their plan to have water and sewer provided to the property which they have permission from Middletown to do that. He went over the plans and drawings with the commissioners. Mr. Camanito asked for some general input regarding the commissions issues on parking, colors, or other items prior to filing an application.

Commission members reviewed and discussed the plans. It was noted this will need to be reviewed by the building official regarding state regulations. If this was to become a restaurant it was stated that would change the parking requirements. There has not been any environmental testing done on the site as of yet.

Geoff Colegrove explained the town engineer is Jacobson and Associates who will review these plans. It was noted the commission will need to know what materials will be used on the exteriors, lighting, landscaping, signage, screening, etc, as listed in the checklist. It was stated the entrance/exits will remain the same and Mr. Camanito was advised to discuss this with District 1 to be sure they are aware of the plans and to bring a letter back to this commission to indicate he did.

Commission members discussed the site as it is, noting they may want to address some of issues currently on site. Also noted is the right of way area with regard to signs and the need to show lighting and light cut offs on the plans.

Commission members discussed the need for a traffic study, it was noted District 1 may require one.

5. Powder Ridge Mountain Park and Resort informal discussion (49:07)

Bob Johnson reported that Mr. Hayes has applied for an application regarding removal of material from the pond. This is a special permit and a public hearing will be required. This commission will be unable to decide on this until after receiving the report from IWWA and a public hearing is scheduled with them for the 20th.

Sean Hayes noted he had three issues. First a site plan which will be submitted, however the site itself will not be changed. He provided large drawings/maps of what the site looks like currently, and went over the various items. He explained how the various trails would be used for racing, beginning, tubing, etc. He went over plans for the lodge, noting no major changes, and his plans for the pond. He provided specific information on

how the material being removed from the pond will be used elsewhere on the site. He noted because the amount of material being removed is more than 5,000 yards of material he has to advise P&Z where it is all going.

Regarding the lodge he went over the plans to renovate, noting the only change to the footprint will be the addition of a handicap ramp. Demolition plans were provided, and the plans for the interior building indicate no changes other than to change the cafeteria line on the first floor. The drawings for the handicap access to the second floor were reviewed as well as the third level. Signs for the property were discussed, noting the building official wants to have the buildings labeled clearly for emergency personnel to identify. Jan Wojas, architect also provided information on the plans.

Commission members went over fire suppression and protection, noting that all the state and local codes need to be followed and the details need to be on the site plan.

Commissioners reviewed paving/drainage plans for the parking areas. Sean Hayes explained the drawings/maps indicate future ideas, not necessarily what he will be applying for. It was advised that Brian Curtis will have to review the site after the snow melts and to approve. Drainage issues on the hill side and the pond were discussed.

Sean Hayes explained he has a building permit for lodge and the only change to the foot print are the handicap access and the pads on the bottom of the staircases, and asked if he needed a full application to this commission to do that. It was agreed no more was needed from Mr. Hayes to do the handicap ramp as it can be done by the building official.

Regarding the signs on the building Geoff Colegrove did not think the regulations addressed that but would check and confirm. Commissioners discussed how the signs would be lit, and it was determined that most would be down lit, but some would be back lit. Sean Hayes went through drawings to indicate.

It was noted hotel rooms were approved long ago, and will remain classified as hotel rooms, but are intended to be used as day rooms.

It was noted if a gazebo was installed, it would need to be brought to this commission as it would be a site plan change.

It was agreed this will go on the agenda next month, but if this is not cleared through IWWA by then it will just be tabled.

Sean Hayes noted that timing is an issue and he needs to move forward. He has been advised his meeting with IWWA on the 20th will include a public hearing with a vote immediately following.

It was agreed to schedule the P&Z hearing for the 13th and continue if the IWWA does not complete their report. Sean Hayes as asked to be present for the public hearing and to bring forward his plans as shown. Commission members went over what they would like to see in terms of construction sequence notes, Sean Hayes explained it is all already in the IWWA application and will be available to this commission. Sean Hayes was asked to provide six copies of the information as soon as possible so that the commissioners can review prior to the next meeting.

It was noted there is a requirement for the public hearing that a sign be posted-timing and details about the sign were provided. The need for noticing the abutters was discussed for a special permit, commissioners discussed who the abutting neighbors are stating only the green cards were needed indicating that a letter was sent out.

Lighting for the hill side was discussed, Sean Hayes noted he is considering changing over to LED lighting for all and explained his plans for the site's electricity needs.

Sean Hayes went over the site's septic system, past present and potential future of leaching fields and pipes.

6. Review draft of proposed regulation changes (2:20:27)

Geoff Colegrove provided a draft for the commission to review, it was noted there were none opposed to the first section. Commission members discussed the requirements for copies to be filed and the time limits. It was agreed to remove the "180 days".

The changes for section 10.08.04 was reviewed and agreed upon. Geoff Colegrove stated he would re-draft the next two sections for the commission's review and questioned if the commission wanted to consider adaptive reuse in terms of permitted uses, as they will then need to address density issues.

Commissioners discussed how they wanted to proceed. It was agreed they wanted to deal with the first four. Bob Johnson had a problem giving the authority to the ZEO to grant the changes, suggesting that it should come to the commission. It was agreed to schedule the public hearing for the first four at the next meeting and then deal with the others in subsequent meetings.

7. Plan of Conservation and Development (2:38:01)

It was noted that the state has made changes to time lines and there is money in the budget for this. Geoff Colegrove updated the commission on the State PCoD, and confirmed there is \$12,500 budgeted for this. Geoff Colegrove suggested various areas they can easily update.

8. Town Planners report (2:44:30)

Geoff Colegrove reported the town is wrapping up the negotiations on the 20 acre parcel on Powder Hill Road, and this will require an 8-24 review. It was agreed to include the review on a future agenda.

9. Minutes to previous meeting (2:48:32)

A motion was made by Scott Wheeler to approve the minutes of the January 9, 2013 meeting as filed. This motion was seconded by Peter Tyc and approved by all voting members.

10. Miscellaneous (2:49:00)

Bob Johnson reported that Brian Curtis had a question regarding the number of drawings needed for the Miller Road Bridge, and it was decided that one set will be adequate and this will be on the agenda for the next meeting.

It was noted that Al Johansson was on vacation and there was no new information to discuss.

The barn collapse that recently occurred had people thinking about dilapidated buildings. It was noted the building official can address these as they are brought to his attention by the commission in writing. While there is a limit to what can be done, it may

be enough to contact the owner to encourage action to remedy the situation. It was explained that condemnation of a building puts the town in a position of responsibility to some degree and the building official would rather declare a building as unsafe rather than condemned.

Bob Johnson noted there was an invitation to an event at the Aqua Turf.

Bob Johnson discussed the town web site and how poor it is, and encouraged everyone, not only as P&Z, but as townspeople to attend budget meetings and tell the BOF that this issue needs to be addressed.

11. Adjourn

A motion was made to adjourn at 9:33 pm; this motion was seconded and approved by all voting members.

Middlefield Planing and Zoning

Regular meeting

March 13, 2013

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, Scott Wheeler-secretary, Kevin Boyle-regular, Jim Malcolm-regular, Brooke Carlson-alternate, Peter Tyc-alternate, Erin Wilson-alternate and Jerry Russ-seated alternate. Also present is Geoff Colegrove-staff, Attorney Mark Branse, Town Engineer Brian Curtis and ZEO Al Johanson. Attorney Branse left after the motion concerning the 8-24 review of Powder Hill Road property.

2. Agenda (1:56)

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

3. Public session (2:46)

There were no public comments.

4. Zoning Enforcement Officers report (3:11)

Al Johanson noted 145 Jackson Hill Road, stating there had been an issue regarding abandoned vehicles and a gasoline tank. Mr. Johanson reported that the proper reports are being submitted and are in order.

Al Johanson noted 85 Strickland and reported that he wrote a letter to the property owner explaining there was a complaint and that he would be monitoring the situation. He reported he has visited three times and has not yet seen anything to report regarding commercial activity.

It was noted they are still in the court system regarding the property on Peter's Lane.

In response to questions about the cars on the Jackson Hill Road property Mr. Johanson stated he would be discussing this with Attorney Willis and proceed accordingly as this is in probate.

5. Minutes to previous meeting (10:43)

Page 2, under the motion, the phrase "a lot resources" should be changed to "a lot of resources"

Page 3, second to last paragraph, the phrase "Sean Hayes as asked" should be changed to "Sean Hayes was asked"

Page 4, item 7, "PCoD" was indicated, but the change requested was not clear.

Page 4, second paragraph was noted to be a run on sentence.

A motion was made by Scott Wheeler to approve the minutes of the February 13, 2013 meeting of the Planning and Zoning as corrected. This motion was seconded by Jerry Russ and approved by all voting members.

6. Town Planner Report (13:37)

Geoff Colegrove noted he spoke to Jon Brayshaw who indicated there would be a letter regarding the 824 review.

Geoff Colegrove reported he needs to contact the Council of Governments regarding the Plan of Conservation and Development. He noted that most of the comments submitted by Middlefield have been addressed.

Geoff Colegrove noted there are still two items to discuss regarding the regulations, one of which is the process of reviewing applications on existing industrial properties and the uses in those zone. He noted there are three of those zones in town and went over what properties were included. He noted these older facilities have not come before the commission as special permits or site plans because they pre exist zoning. He suggested a procedure to apply for a change of use that would be user friendly. Commission members were asked to provide some feed back prior to his spending time drafting changes in order to have an idea of what the commission would like.

Attorney Branse advised the commission to realize their level of discretion is much lower for a site plan, so the list of appropriate uses has to be one the commission is comfortable with anywhere in the zone, and that site plan uses are subject to automatic approval if the commission misses the time deadlines.

Commission members discussed and debated ways to address the regulations in this regard.

It was agreed to include this on an April agenda and to request Attorney Branse to provide his opinions on the draft done by Geoff Colegrove.

Mark Branse noted the issue is in the way they have enumerated the uses, which currently is so broad that he would advise keeping it special permit. He recommended identifying what the site plan uses could be, those that do not require a special permit.

Bob Johnson said they would continue to discuss this at a future meeting. Geoff Colegrove will provide a preliminary list.

7. Public Hearing Powder Ridge Mountain Park (53:25)

A motion was made by Scott Wheeler to suspend regular meeting at 7:30 pm. 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 28 and March 6, 2013.

Seated for this hearing are Bob Johnson, Jerry Russ, Scott Wheeler, Kevin Boyle and Jim Malcolm. Bob Johnson asked if there were any opposed to this seating, there were none.

Sean Hayes of Powder Ridge Mountain Park provided large aerial photograph for the commission to review and went over those indicating the location of the lodge, the pond, and the streams that provide water to the pond. He explained that the man made overflow access is approximately 80% blocked. A second exhibit a large drawing approved at IWWA showing the grades of the property and where they will remove approximately 22,000 yards of material will be removed from the pond in order to expand. This will not impact the inflow or the outflow of the water, only increasing the amount of water stored in the pond. Mr. Hayes provided a third map indicating the various where he intends to place the removed material.

In response to questions Mr. Hayes noted the soil was tested and found to be suitable for those applications, and some of the material will be stored and saved, and returned to the pond as a clay base. The place where the material will be stored, if necessary, was noted on the aerial photograph. The movement of the materials will be done by four wheel drive dump trucks as well a an articulating dump truck.

Commission members reviewed the IWWA approval.

In response to questions Mr. Hayes explained where the storage locations would be for fuel storage for the excavators and such, noting the trucks will be driven off site to be fueled.

Commission members discussed a particular culvert. Attorney Branse noted this was not a public highway, and it was not a drainage culvert. One commissioner noted if this is a structure people will be going over they will want it to be engineered.

In response to questions Sean Hayes provided information about the culvert and other structures. It was noted the deposition of material in the tubing area will be approximately 15 feet from the property line. Sean Hayes noted he sent notices of this public hearing to all property owners.

In response to questions about other possible work Sean Hayes stated if he is going to increase the half pipe he would come back to the commission.

Commissioners questioned the amounts of material removed versus the amounts of the material to be placed, and the possibility of expansion as it is removed. Sean Hayes stated if there was additional material it will be stored and protected with silt fences until he can come back to the commission.

Commissioners discussed who would be doing the inspections. Engineer Brian Curtis noted in a past project the applicant and his engineer was responsible to do them, and to work with the wetlands officer by providing regular inspection reports.

Peter Tyc noted the regulations state anything greater than 18 inches shall not take place within 25 of a property line, section 09.01.03.06. Sean Hayes explained if needed he can move that line. The abutting property owner is Lyman Farms. Attorney Branse noted there may be a way to have that waived.

It was recommended that inspections be done by the applicant with regular reports to the town's wetland officer, Lee Vito, who could then make periodic inspections.

In a particular notation the drawdown was discussed and said to imply it was the drawdown for this dredging, not for making snow.

With regard to the new pedestrian bridge Sean Hayes stated it would be pressure treated wood to match the existing one, noting it will include horizontals in order to be up to code.

Bob Johnson asked to schedule a site visit for the following Saturday, and then schedule a special meeting. It was agreed to meet on the 16th at the site at 9:30 am and the following Wednesday to meet and continue the public hearing.

For clarification it was noted they are considering the structure of the bridge, and if this application is approved, as the bridge is on the drawing it will be approved as well.

Sean Hayes stated his estimate is for this project to take six weeks, but when he can begin is weather dependant.

Sean Hayes stated he had the notifications of mailings. Geoff Colegrove noted section 8.7 that discusses referral of activities for special permits to abutting communities. Geoff Colegrove stated he has made the notification.

Bob Monthei stated that they will need water to make snow and asked the commission not to pick him to death with all the small rules. He urged the commission to approve the application.

Marianne Corona clarified that the public hearing will remain open until the 20th. She thought the commission would require a site plan noting there are significant changes being made on the property, and the last site plan may have been Mr. Zemel's.

Bob Johnson stated that he had clarified with counsel and the drawings and information being submitted for this application regarding the pond are acceptable. He noted he would like to see a site plan developed in the future.

Attorney Branse noted for an application for an excavation and fill all that is needed is information regarding that. If he is applying for the bridge they then need the details of the bridge, but he does not have to provide information on things not being applied for.

Geoff Colegrove noted that Sean Hayes is attempting to get the site plans from the water park and has plans to create a site plan.

Marianne Corona said it is a good idea for the folks who come after to have a good site plan.

A motion was made by Scott Wheeler to continue the public hearing of 99 Powder hill Road Section 09.01 of the Planning and zoning regulations excavation/removal/deposit of material to March 16, 2013, at 9:30 am at the bottom of the access driveway; also motion to hold a special meeting on March 20th at 6:30

pm at the community center. This motion was seconded by Jerry Russ and approved by all voting members.

Attorney Branse explained the procedures for site visit, emphasizing there is to be no discussion, however questions regarding locations and orientation are acceptable. All other questions and comments should be saved until the meeting.

8. Public Hearing regarding Planning and Zoning regulations (1:57:54)

Geoff Colegrove provided copies of the drafts and read the legal notice published on February 28 and March 6. Geoff Colegrove noted that his changes did reflect the comments provided by Attorney Branse.

Seated for this hearing are Bob Johnson, Jerry Russ, Scott Wheeler, Kevin Boyle and Jim Malcolm. Bob Johnson asked if there were any opposed to this seating, there were none.

Geoff Colegrove went over the draft as submitted. Commissioners reviewed the draft changes.

Bob Johnson noted he did send a copy of this agenda to the person who had the issue regarding abutting neighbor notifications but he was not present.

Marianne Corona noted accessory uses and pointed out there are certain properties with canvas structures. She suggested the commission look at what are accessory structures.

Geoff Colegrove noted those structures, referred to as hoop buildings are buildings are covered by setbacks no matter their construction materials or temporary nature. Attorney Branse noted they must have zoning permit, comply with setback and building codes. He noted there is a large body of case law that covers these issues.

Chris Champagne, member of the ZBA, noted they requested the change and urged its adoption. He provided information on the procedures followed by the ZBA. He provided an example of an application that they heard where the variance was approved, and about a year later a neighbor came forward with information indicating the ZBA was given incorrect information. He urged the commission to approve that change. He also noted the numeration of this change 10.08.05 may need to be changed to be 10.08.06.

Attorney Branse noted they also need to address 10.08.05 in regard to advertising costs.

Attorney John Corona suggested the commission consider a sign rather than or in addition to a mailing in order to notify neighbors. This will also allow for neighbors not exactly abutting the property in question are also given notice.

Commissioners agreed properties across the road should be given notice- but that is not included in the term abutters. It was agreed they can continue this in order to allow for that change.

Chris Champagne noted the ZBA did consider signs as well, and noted several issues they brought up included the costs of a sign both to the property owner and the town, who is responsible for the sign, who is to confirm the sign is posted, etc.

Kevin Boyle stated he would rather support a radius of abutters, which would include those across the street, rather than a sign.

Commission members discussed various ways to address this, Attorney Branse stated he could provide a new draft for the commission to consider.

It was decided to further discuss this at a future meeting and that Attorney Branse would provide drafts to consider.

A motion was made by Scott Wheeler to continue the public hearing to amend existing planning and zoning regulations to April 10 at 7 pm. This motion was seconded by Jim Malcolm and approved by all voting members.

A motion was made by Scott Wheeler to reconvene the regular P&Z meeting at 9:17 pm. This motion was seconded and approved by all voting members.

9. 8-24 Review of 19.7 acres at 99 Powder Hill Road (2:42:59)

Bob Johnson provided a letter from the first selectmen regarding the sale of this property requesting the 8-24 review.

Attorney Branse explained the purpose of 8-24 review is to determine if it complies with the PoCD (Plan of Conservation and Development)

Geoff Colegrove provided some history on the parcel noting that Sean Hayes will have first right of refusal and if he is not interested it will be sold to Laurie Vogel Brown. The price was based on an appraisal received.

Attorney Corona who represents Laurie Vogel Brown indicated if a house was to be built on the property it will have to be located on the rear portion. The use of the property will be in compliance with the applicable zone which only allows agricultural or residential use. This area is on the PoCD as agricultural recreational district. It was noted any buildings not sided with wood has to be approved by the selectmen, and the coverage was reduced to 10%. Commission members discussed possible structures that could be placed on that site.

A motion was made by Scott Wheeler to produce a favorable recommendation 824 review of 19.7 acres, 99 Powder Hill Road, Town of Middlefield/Vogel Brown; This motion was seconded by Kevin Boyle and approved by all voting members.

10. 8-24 Review of Miller Road Bridge Reconstruction (3:00:43)

Brian Curtis noted information was provided last year from his office on this project, and P&Z provided a favorable recommendation for the bridge improvements. The commission had requested at the time to return when there were final details to present. Brian Curtis provided documents/maps/drawings and went over the plan to reconstruct the bridge. It is estimated to go out to bid in April and plan for a summer construction.

A motion was made by Scott Wheeler to recommend a favorable 824 review Miller Road Bridge reconstruction; This motion was seconded by Jerry Russ and approved by all voting members.

11. Miscellaneous (3:10:48)

There were no miscellaneous items.

12. Adjourn

A motion was made to adjourn at 9:48; this motion was seconded and approved by all voting members.

Middlefield planning and Zoning

Special Meeting

March 20, 2013

Minutes

(Not approved at time of Filing)

1. Call to order

Bob Johnson called the meeting to order at 6:35. Seated are Bob Johnson - Chairman, Kevin Boyle-regular, Scott Wheeler-regular, and Peter Tyc-alternate. Also present is Erin Wilson-alternate, Attorney Mark Branse, Engineer Brian Curtis. Jerry Russ-regular arrived and was seated prior to the start of hearing.

2. Information

Attorney Branse provided information to the commissioners about regulations and the land use academy. Bob Johnson noted there were funds available to cover the costs for commissioners.

3. Public hearing continuation for Powder Ridge (4:59)

Sean Hayes stated he had nothing additional to present but would answer any questions.

Bob Johnson noted there had been an issue regarding the proximity to the property line. Attorney Branse noted in this regard one option was for the property owner to shift the area of fill to stay out of the 25 foot setback, but the regulations allow for the setback to be reduced when it is part of a common plan between property owners. The adjoining property owner is Lyman Farms and it was reported that they are reviewing it. As they have no response it was noted if the application were approved it could carry a condition in this regard.

Sean Hayes noted it is not a problem for him to shift this, however he does not think Lyman Farms has an issue and will accept any decision in this regard.

Bob Johnson explained the other issue had to do with the bond amount

Brian Curtis explained they had an issue regarding creating a berm across the entire hill and suggest a series of cross culverts. He noted the locations for those should be determined on site. Another issue had to do with a particular area that needs to be staked out. The third issue was with erosion and sedimentation controls and the need for inspections/adjustments. Brian Curtis stated he understood there was an erosion control bond in place with the IWWA but that is not the case and he recommended that there be one in place according to the regulations. The types and forms of bonds were discussed.

Brian Curtis noted that he would like standard inspections to be coordinated with the enforcement officer.

Sean Hayes explained the cross culverts are already in place, and some are in disrepair and those will be repaired as they go. He used a map/drawing to indicate to the commission where they are.

Marianne Corona stated that they need to have a site plan.

In response to a question, Brian Curtis explained the bond process. He noted a cash bond or letter of credit is essentially the same thing, and he has a standard form for the letter of credit and will accept no other.

Scott Wheeler asked if the bridge crossing was a part of this application- it was noted it was in fact on the drawings. Scott Wheeler indicated this brings it close to requiring a site plan.

Attorney Branse stated if the plans depict what is being proposed by the applicant in this application, excavation and fill application, then that is what it must show. Unless there is a reason to see the excavation / fill relative to buildings or something else- the applicant is not asking for that.

A motion was made by Scott Wheeler to close the public hearing regarding the special permit application 99 Powder Hill Road section 09.01 Middlefield PZ regulations, the excavation/removal or deposition of excess of 500 cubic yards of material at 7:06. This motion was seconded by Jerry Russ and approved by all voting members.

4. Discussion and action on application (30:17)

Commission members discussed including a condition that indicates if Lyman Farms accepts the deposition as a common plan between properties it can be put as currently noted on documents, but if they do not, Mr. Hayes will have to shift his plan to remain outside of the setback area. Attorney Branse explained he could draft that condition.

Commission members discussed a condition for the bond.

Attorney Branse suggested the following condition:

An erosion sedimentation control bond shall be posted in the form of cash, passbook, letter of credit, and the forms of such bonds shall be in accordance with standard forms and subject to review and approval by the commission's legal counsel. The amount of the erosion and sedimentation control bond shall be based on estimate prepared by the applicant's engineer and approved by the commission's consulting engineer. The fill to be placed on the southerly side of the property near the property line of the Lyman Farms shall be either shifted northerly to maintain the setback required by section 09.01.03.06 or the applicant shall obtain written confirmation from the adjoining owner indicating that the grading depicted on the plans is part of an integrated site plan and is acceptable to that owner. Such written certification is subject to review by the (to be determined by the commission) For all conditions contained in letters dated March 18, 2013, and March 19, 2013 from the commission's consulting engineer.

Commissioners discussed- and agreed the bond should be in the form of cash passbook or letter of credit- as long as the LOC is in the format accepted by counsel; and that written certification should be reviewed by the commission's legal counsel. Bob

Johnson stated he would like the inspections get reported to Lee Vito or Brian Curtis or both. Brian Curtis noted it is within the letter from the engineer.

A motion was made to approve the special permit application 99 Powder Hill Road section 09.01 of Middlefield P&Z regulations, excavation/removal or deposition in excess of 500 cubic yards of material in strict accordance with plans and supporting documents submitted in support of the application and subject to the following conditions;

1.-An erosion sedimentation control bond shall be posted in the form of cash, passbook, letter of credit, and the forms of such bonds shall be in accordance with standard forms and subject to review and approval by the commission's legal counsel. The amount of the erosion and sedimentation control bond shall be based on estimate prepared by the applicant's engineer and approved by the commission's consulting engineer.

2.-The fill to be placed on the southerly side of the property near the property line of the Lyman Farms shall be either shifted northerly to maintain the setback required by section 09.01.03.06 or the applicant shall obtain written confirmation from the adjoining owner indicating that the grading depicted on the plans is part of an integrated site plan and is acceptable to that owner. Such written certification is subject to review by the commission's legal counsel.

3.-All conditions contained in letters dated March 18, 2013, and March 19, 2013 from the commission's consulting engineer.

This motion was seconded by Kevin Boyle and approved by all voting members.

5. Adjourn

A motion was made to adjourn at 7:21; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning

April 10, 2013

Regular Meeting

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:36pm. Present are Scott Wheeler-regular, Peter Tyc-alternate, Brooke Carlson-alternate, Kevin Boyle-regular, Bob Johnson-chairman, Geoff Colegrove-staff and Attorney Branse. All present members were seated.

2. Agenda (1:19)

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

3. Public Session (1:51)

There were no public comments

4. Lillian Rousch, 6 Lakeview Place discussion of rebuilding of shed (2:13)

It was explained the shed on this property had collapsed due to the blizzard the previous winter. Section 08.02.03 was quoted indicating approval to rebuild a non conforming building under certain circumstance providing the height, footprint and volume of the building are not increased.

Lillian Rousch explained how the shed collapsed and provided photos of the shed before and after the blizzard. She noted she would be using the same flooring. The blizzard was said to be in February. She noted the new shed will be made of wood not metal and will be slightly higher.

It was clarified that to make it any higher, it will then require a ZBA approval. Ms. Rousch indicated she would then keep it the same height. Attorney Branse explained there is a provision that would allow her to go higher. In review of the photos, it was noted if the door only was made higher, the shed itself could remain the same height.

Ms. Rousch was advised to meet with Al Johanson and her builder to get all the needed permits.

A motion was made by Scott Wheeler to approve rebuilding of shed at six Lakeview Place, Lillian Rousch as per Middlefield planning and zoning regulations 08.02.03; to be built on the same footprint, square feet and height. This motion was seconded by Kevin Boyle and approved by all voting members.

5. ZEO report (17:46)

Al Johanson provided a letter received regarding Powder Ridge requesting to allow for overnight during a mountain biking event October 5 and 6, 2013. After review of regulations and documents it was determined that camping is not permitted. Al Johanson noted that Lee Vito had concerns about the septic system and water system.

Geoff Colegrove noted that in the past camping approvals had been requested and were denied. He noted in order to approve they would need to amend the use table for the camping and apply for special permit for the mountain biking. Geoff Colegrove noted he would contact Sean Hayes to discuss.

Regarding Kokoszka property a letter was sent a week ago, to the property owner regarding abandoned vehicles and Al Johanson is waiting for a reply to that letter.

The ZEO reported he has been tracking the Tremini property as requested. Bob Johnson noted there had been questions from the community regarding parking. IT was noted the site plans indicates 10 spaces, but the motion to approve only allowed for seven. Attorney Branse noted if there ten spaces, it would be a violation. Bob Johnson asked that the ZEO keep an eye on the number of cars. Al Johanson suggested he write a letter advising the owner of the number of parking spots- it was agreed by the commission to do that.

Regarding the fencing on Matabeseck Road, a letter was written on April 8, as there is still no application for variance or zoning permit, and she was given 30 days before a cease and desist order will be given.

The ZEO noted a property on Oxford Drive where there has been about 500 to 600 yards of fill brought in. It was noted there may be wetlands in the area. There has

been no permit issued or requested. There were documents regarding this property/issue from 2008. The ZEO was advised to follow up by determining where the fill came from, and decide if they want to test it. Lee Vito, who visited the site advised the fill looked okay. A letter will be drafted and sent to the commission for their review. It was noted the property may be owned or have a right of way by CL&P. Attorney Branse noted if the property is actually owned by CL&P they will need to be the ones to apply for a permit. It was agreed the letter will be written to the property owner and copied to CL&P.

Al Johanson reported a letter was sent to a property on Hubbard / Cherry Hill road, but no response has been received.

Scott Wheeler asked about Country Flower Farms and the plantings they were supposed to do with the cement barriers. Alan Johanson said he would follow up. This will be on the next month's agenda.

6. Continuation of public hearing for amendments to the regulations (39:31)

A motion was made to suspend the regular meeting for the public hearing at 7:15, this motion was seconded and approved by all voting members.

Geoff Colegrove read the legal notice for the record and provided drafts, as well as information from Attorney Branse.

Bob Johnson noted that he invited Attorney Branse to discuss this issue as well as another under miscellaneous. He noted that Bascom and Benjamin was also invited to attend this meeting.

Board members discussed the need for signs and notifying abutting property owners.

Attorney Corona noted there may be occasions where there are many abutting neighbors and to notify all by mail can be an onerous regulation. He noted that determining who those neighbors can also be more difficult than anticipated. He noted as well that signs are not as expensive or difficult as they once were. Attorney Corona asked that these regulations be unified when it comes to ZBA and P&Z.

Attorney Branse noted the regulations indicate property owners as noted on assessors files so that is who must be notified. He also provided information regarding signs, noting that those most effected may be more likely to see a sign. There are towns that require both mailings and signs to notify abutters.

Kevin Boyle noted with signs they need to address who is responsible to put it up and maintain it.

Geoff Colegrove provided example of assessor card addresses versus tax collector addresses, and in instances such as ownership by an LLC. It was suggested that the notifications could be put on line as well.

A motion was made by Scott Wheeler to close the public hearing on April 10, 2013 at 7:48 on amending the regulations. This motion was seconded by Kevin Boyle and approved by all voting members.

7. Discussion of amendments to the regulation (1:11:40)

Commission members discussed the proposed amendments.

Geoff Colegrove stated he would handle getting the legal notice done.

A motion was made by Scott Wheeler to approve the posted amendments to existing planning and zoning regulations amendments A, B, C and approve amendment D as modified by Attorney Branse to become effective on May 1, 2013. This motion was seconded by Peter Tyc and approved by all voting members.

8. Powder Ridge (1:20:15)

Geoff Colegrove noted he would be meeting with Powder Ridge Park owners to discuss what is needed.

It was said that bicycling is on the use table, but they need to have a special permit to allow it. Attorney Branse stated that the applicant has to advise under what permit he is using for any particular activity. Geoff Colegrove noted that in the past the commission denied the camping use as it was to be a seasonal activity, not a specific event related activity as is being proposed now.

In response to comments, it was noted if there are issues about sanitation and potable water, that is the concern of the health department, not this commission, but this commission can ask those questions to be sure it is being addressed. Various scenarios were discussed and debated.

9. Miscellaneous (1:28:44)

Bob Johnson noted there are a lot of uses in the IN zone that are obsolete. Geoff Colegrove reported that Attorney Branse reviewed the IN zone and the Industrial Park I and II and reorganized it to make it a more usable section.

Geoff Colegrove recommended they inventory all the current uses and described how it was done in Durham. He provided the commission with other documents regarding various uses. Commission members reviewed and discussed. Attorney Branse provided various language that could be used in order to allow/not allow various uses.

Commission members discussed a noise ordinance, as Middlefield does not currently have one. It would require an action by the Board of Selectmen in order to accomplish a noise ordinance.

Bob Johnson stated that he would communicate with the BOS suggesting they consider it.

Commission members reviewed the information provided by Attorney Branse regarding the industrial zone and its uses.

Geoff Colegrove requested the commission members review the Durham version and advise what they approve/disapprove of in order to give him some guidance to create an actual draft.

In response to questions, Attorney Branse noted there were no legal requirements for motion sheets. Bob Johnson suggested P&Z purchase a laptop and create their motions electronically to send where they need to go. Geoff Colegrove noted that the town clerk needs to be notified within 24 hours of the vote of the commission and who voted in which way. Commissioners supported the idea of using a laptop.

Bob Johnson noted there is a seminar, called the clear meeting, and recommended it for commissioners, noting the cost can be reimbursed.

10. Minutes (2:10:48)

A motion was made by Scot wheeler to accept the minutes of March 13, 2013 and March 20, 2013. This motion was seconded and approved by all voting members.

11. Town Planners Report (2:11:58)

Geoff Colegrove noted there were no other items to discuss.

12. Adjourn

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

**Middlefield Planning and Zoning
Special Meeting
May 15, 2013
Minutes
(Not approved at time of filing)**

1. Call to order

Bob Johnson called the meeting to order at 6:40 pm. Present are Robert Johnson-chairman, Jerry Russ-vice chairman, Scott Wheeler-secretary and Peter Tyc-seated alternate. Also present is attorney Matt Willis, who left at 7:40.

2. Executive session (1:40)

A motion was made by Scott Wheeler to enter executive session at 6:41 to dicuss pending litigation of Mr. Gervais of 113 Peters Lane. This motion was seconded by Jerry Russ and approved by all voting members.

It was noted that there were no motions made nor votes takes during executive session.

3. Zoning Enforcement Officer's report (:58)

Al Johanson reported that Calvenese and Kastner property, formerly Happy Acres, has met all conditions to the permit and two zoning permits have been signed to build two houses.

Al Johanson reported that he sent a letter to Ray Termini at 185 Baileyville Road regarding the need for an updated site plan as the one on file is not in conformance with commission's request.

Regarding the Kokoszka property another letter was sent with regard to junk and motor vehicles- there has been no response to the 30 day notice sent on May 8.

At 102 Cherry Hill, the deadline is May 20, and it has not been completed, photos have been taken.

Bob Johnson asked that with regard to the Termini property, the ZEO to keep an eye on the three parking spots that were eliminated.

Commission members discussed the progress on the Calvenese and Kastner property.

It was clarified that Cease & Desist orders were not place, only letters sent to the properties on Cherry Hill and Jackson Hill Roads.

Al Johanson noted a property on Oxford Drive, stating there has been materials deposited on CL&P property and a letter has been sent.

4. Robin Cabelus 86 Lake Shore drive special permit under 08.04 (8:48)

Bob Johnson noted that ZBA held a public hearing on this issue, and the discussion of the matter will be held at the next meeting of the ZBA. Bob Johnson noted that P&Z can not do anything until ZBA has approved the variance. It was agreed they could set the date for the P&Z public hearing tonight and if the ZBA denies her application, this meeting will be opened, and then closed. The applicant was advised of the need to notify abutting property owners, and signs.

Bob Johnson explained that ZBA and P&Z operate independently, in that P&Z will accept information for their application when it comes before them.

A motion was made by Scott Wheeler to hold a public meeting on June 12, 2013 regarding the special permit submitted by Robin Cabelus of 19 Orchard Lane regarding he property of 86 LakeShore Drive. This motion was seconded b y Peter Tyc and approved by all voting members.

5. Pioneer Builders 48 Meriden Road (20:24)

Bob Johnson provided drawings for the commission to review, and noted that the applicant is not certain of the lighting for the building, and currently there is no parking lot lighting or stanchions. The cut sheets for the lighting will be presented on the 12th, and information on signs and designs will be present later as well.

Marco Camanitio, project manager for Pioneer buildings introduced himself and went over the drawings presented, noting that all the comments submitted by town engineer Brian Curtis has been addressed.

Bob Johnson noted there was a letter from Lee Vito indicating that if the erosion controls are followed then this is not a significant activity with regard to wetlands. Bob Johnson went over all recommendations as submitted, noting they will be further reviewed on the 12th during the public hearing.

Bob Johnson asked that landscaping information be provided for the public hearing. It was noted that a letter from the building inspector regarding the wall should be provided for the public hearing.

Various aspects of the project were reviewed and discussed. Further details regarding the outside storage areas was suggested for the public hearing. The propane tanks that were on the drawing were said to be slated for removal. It was stated the fire marshal will need to review the plans as well.

Commissioners described the quantities of which documents they would like to have available for the public hearing. Commission members discussed a possible site visit. Parking lot details from Design District 2 were read and discussed as well as the need for landscaping and buffering from 05.06.07. It was noted that temporary storage

area needs to be further addressed, and if it is to remain on the site plan, it will need to be better defined.

A motion was made by Scott Wheeler to set a date for public hearing on June 12, 2013 in regard to the special permit for Pioneer Builders for 48 Meriden Road. This motion was seconded by Jerry Russ and approved by all voting members.

6. Minutes (1:03)

A motion was made by Scott Wheeler to approve the minutes of the April 10, 2013 meeting as presented. This motion was seconded by Peter Tyc and approved by all voting members.

7. Status of Certificate of Occupancy - Country Flower Farms Baileyville Road (1:05:50)

Bob Johnson reported that a special permit had been applied for last year, the permit was approved with conditions on July 11, 2012. The conditions were to be approved by October 12, 2012, however, they have not yet been met. The three conditions were: 1) the retaining wall was to be reviewed by engineer and certified to be structurally sound and safe; 2) the retaining wall is to be planted with ivy for aesthetic purposes; and 3) the drainage discharge was to be properly addressed and managed.

Bob Johnson reported that Al Johanson will write a letter to the owner indicating the special permit is in violation and technically void as the conditions were not met by the date required. Bob Johnson reported that Bob Meyers has not signed off on the Certificate of Occupancy yet, and neither has the fire marshal, or Al Johanson.

This issue will be on the June agenda for discussion. The fire marshal will be notified in writing regarding this issue as well so that he can have discussion with the property owner prior to then.

8. Adjourn

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

Middlefield Planning and Zoning

Regular Meeting

June 12, 2013

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:35 pm. Seated members are Scott Wheeler-secretary, Brooke Carlson-alternate, Jerry Russ-vice chairman, Kevin Boyle-regular and Bob Johnson-chairman. Also present is Erin Wilson-alternate and Geoff

Colegrove-staff and attorney Branse. Brian Curtis arrived at 7pm during the public hearing.

2. Agenda (1:53)

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

3. Public Session (2:35)

Marianne Corona stated she is on the Coginchaug River watershed committee which includes four towns, and they are working to protect the river. She asked if the commission members could sit with Lee Vito to review some of the resources they have concerning possible zone changes.

Bob Johnson asked if they could provide sample draft changes to the regulations that they could then review. She asked that someone from the commission provide assistance.

Attorney Branse noted regulations concerning the Farmington River that may be of interest.

4. Minutes to previous meeting (8:21)

May 15, 2013

A motion was made by Brook Carlson to approve the minutes of the May 15, 2013 P&^Z meeting as presented. This motion was seconded by Scott Wheeler and approved by all voting members.

5. Miscellaneous (9:42)

Bob Johnson reported that he attended a meeting with the new river COG, which has replaced Midstate Regional Planning, noting it was a good meeting with discussion on what services they will offer.

6. ZEO report (11:29)

Bob Johnson reported that Al Johanson was unable to attend and went over the report submitted. Items included property on Cherry Hill Road which has received a second letter of violation; A property on Jackson Hill Road which there has been a verbal agreement to move the vehicles on the house parcel by the end of summer and the gas station site will be cleaned up; work on a building on Chipeway Road which had collapsed due to snow has not been started within the time frame allowed and therefore there are no valid permits at this time.

Attorney Corona representing the property owner explained they are looking at their options, including going before the ZBA, and they are hoping to be able to build on that property.

Attorney Branse noted there was a signed document indicating that all the junk and unregistered vehicles will be removed by September 1, 2013 from Mr. Gervace's property. If this is not done, the ZEO is then authorized to do it and charge the property owner for this. Mr. Gervace is also required to pay to the town by September 1, 2014 a total of \$2,000 for attorney fees and costs. If the two deadlines are not met, there will be penalties of \$100 per day plus court costs and further attorneys fees.

7. Regulation changes/clarifications (22:30)

Geoff Colegrove provided information on section 08.04 dealing with reconstruction of non conforming uses, concerning a particular lot at lake Beseck. He noted there is no lot in Lake Beseck area that would meet the minimum lot size, so a clarification for the regulations was provided. Attorney Branse reviewed the documents/drafts with the commission explaining why he recommends them. It was noted that original particular regulation was done three years ago, Geoff Colegrove noted it seems to affect a much larger group of properties than it was originally intended to.

Bob Johnson noted that if they decide to adopt this, the ZBA, IWWA and WPCA all want to be involved and provide input. Kevin Boyle indicate he would like to move forward with it, including the input from the other commissions. Geoff Colegrove noted a particular change should not have any effect on the other commission's and their regulations.

8. Plan of Conservation and Development PCD (41:19)

Geoff Colegrove noted he will request an extension of the 10 year period from OPM.

9. Public hearing for Pioneer Builders, 48 Meriden Road special permit application (43:05)

A motion was made by Scott Wheeler to recess the regular meeting for public hearing at 7:15 pm. This motion was seconded by Kevin Boyle and approved by all voting members.

Bob Johnson noted the seating would remain as it was for the meeting, and asked if there were any objections - there were none.

Geoff Colegrove read the legal notice as it appeared in the Middletown Press on May 23 and 30, 2013.

Dave Workowski representing the property owners explained the architect was not present and he also had the larger drawings. He also noted that they are still waiting for the comments by the fire marshal and stated he would not be opposed to continuing the public hearing.

It was suggested to conduct a site visit prior to the next meeting- commission members discussed scheduling.

Mr. Workowski noted the retaining wall on the northwest portion of the property will be addressed. He stated there is no traffic impact study done, and have requested a waiver of that study, there is a variance granted for a particular hangover in the front to allow for pedestrian entrance. He noted they have not determined the color schemes as of yet. He noted that as they add tenants they will come before the commission to discuss the uses, and explained other concerns as had been discussed at the ZBA meeting and noted there is a wetlands report. He provided to the commission the statement of use.

Attorney Branse noted this was the second application under Design District two and he had been asked to determine if the application was complete and in compliance with that. He stated the application was substantially complete and in compliance, and noted there are a few things are just not completely clear including paving areas, lighting plans, landscaping, signage etc, and this information will be shared with the applicant.

It was noted if there are no uses determined, they can not yet complete a traffic study, nor determine parking requirements. Commission members, attorney Branse and Mr. Workowski discussed the implications of not knowing the uses at this time.

Marianne Corona asked if there was a motor vehicle license- the answer was yes, she noted that will affect the number of parking areas.

A motion was made to hold a site visit on June 19, at 6 pm at 48 Meriden Road and to continue the public hearing for Pioneer Builders, 48 Meriden Road, special permit application to convert an existing auto repair facility into a five space retail center with a 1,092 square foot addition, to July 10, 2013 at 7 pm. This motion was seconded by Kevin Boyle and approved by all voting members.

A motion was made by Scott Wheeler to reconvene the regular P&Z meeting at 8 pm. This motion was seconded by Jerry Russ and approved by all voting members.

10. Discussion on permitted uses at Powder Ridge Mountain Park and Resort (1:27:07)

Bob Johnson noted the uses presented were not requested by the commission, they were put together by the town planner.

Geoff Colegrove provided documents indicating approvals granted by special permit for the lodge, and provided some history of the regulations as well as that particular property. Geoff Colegrove went over some of the items being proposed by the new owner including 10 hotel rooms and a less than 200 seat restaurant. He noted the areas in particular that are in conflict stating they would be addressed, having to do with retail. He explained that he only focused on particular items concerning the lodge and not the property in its entirety.

Attorney Branse indicated that he did not see an issue with regard to the fact that retail is not listed as a principal use. Geoff Colegrove noted there is an area of 942 square feet marked on the plan as store- but the type of retail is not clarified. There are also smaller areas 229 square feet also marked as store. Attorney Branse noted the drawing/plan being used was a subdivision map, not a site plan.

It was noted that drawing correctly shows the steak house. Bob Johnson noted the proposal is to put the steak house in the lodge, and have two retail areas. One of which will be accessory use to the ski area and the second type of retail was unclear.

Sean Hayes stated that he did his due diligence and investigated prior existing uses focusing on two major dates, November 20, 1970 and June 11, 1971 and September of 1971 - all the uses were reaffirmed. Sean Hayes explained when they bought the property they were assured all the existing uses were valid. Sean Hayes went over the listing of the permitted uses. Sean Hayes explained he is proposing a sports store in the main facility and the smaller one would be related gift items and accessories.

Geoff Colegrove noted the difference is the location of the uses are not as they were when approved.

Commission members used the drawings and discussed the issues. One commissioner asked if there had been an approved site plan with those uses, and if there were any conditions associated with it.

In response to a question Attorney Branse noted the special permit includes a site plan and to move items is an amendment to the special permit, and explained it can be

moved if there is an application to modify the special permit. Attorney Branse provided examples of what can be done and what steps are required. It was clear that to move the steak house to the lodge area there will need to be an application to modify the special permit.

Sean Hayes stated that he is working on creating a site plan showing what exists, and noted that he does not intend to modify the buildings.

It was recommended that the property owner try to determine where he wants to locate all the uses and come before the commission one time with all.

Sean Hayes said there was a full kitchen in the lodge, so the use is currently in that building and so his proposal is not a significant change as there is already permission to have a restaurant in the lodge. He said the difference is he is not using the other separate restaurant location.

Attorney Branse disagreed and cited section 10.02.b .2.2

Sean Hayes stated he is only asking to expand an existing restaurant facility in the first building at this time.

Scott Wheeler noted that the location of this, not on Main Street, may have a lesser impact. Attorney Branse read the regulations where it indicates the commission has the right to waive the requirement if it finds that one special permit use is being substituted for another similar use on the same lot.

Jan Wojas, architect for Sean Hayes pointed out the property is 225 acres, both buildings being discussed, the lodge and restaurant are nearly in the middle of this property therefore any changes there would not impact the public.

Swapping hotel rooms - permitted and proposed-as well as the size of the restaurant-permitted and proposed- were discussed and debated. It was stated that it has to be very clear what is being proposed and what is being removed/changed.

Jan Wojas provided information on the seating for the restaurant and code requirements stating the highest capacity was 198. Sean Hayes confirmed he will not exceed 200, however based on fire codes they must allow for egress capability for 303 which will be apparent on the code page, but he agreed to the commission to stay within 200.

Commission members discussed with Attorney Branse how they can move forward with this.

Due to discussion, Sean Hayes acknowledged there are elements missing from the plan before them, such as lighting etc., and a lighting package will be submitted, however his intent is not to change the site. He clarified that he is now requesting a waiver of the special permit for the movement of the restaurant, and that the locations of the retail space will not change, and they are both accessory to Powder Ridge one being sports equipment related the other being branded items, gifts, and smaller accessories.

Geoff Colegrove confirmed the measurements of the spaces with Sean Hayes.

11. Recess (Recording stopped - and started again when meeting resumed)

Commission members took a 15 minute break.

12. Continuation of Powder Ridge Discussion (:04)

Attorney Branse provided a draft motion for the commission to consider, changes were discussed and made.

A motion was made by Scott Wheeler to grant the request of Powder Ridge Mountain Park and Resort, LLC to waive the requirement for a special permit in accordance with section 10.02b.2.2 in order to authorize the relocation of a 200 seat restaurant (steak house) from the building adjacent to the swimming pool to the lodge building, occupying 4,072 square feet in said building as depicted on the floor plan dated February 11, 2013, revised through March 18, 2013 as provided to the town planner, and seating to be limited to 200 seats; to continue the two previously approved retail uses in the locations depicted on said floor plan; and to reduce the 14 rooms of the previously approved hotel use to 10 rooms in the lodge building; and to authorize the ZEO to issue zoning permits per section 10.04 for the said retails, hotel and restaurant uses, based on the findings that 1, the special permit uses are being relocated or reduced, but not increased or even substituted one for another; 2, the changes in use will require no greater parking or loading than the approved special permit; 3, the changes in use entail no exterior changes to the lodge building or the former steak house in the building by the pool and 4, the changes in use will have no impact on the site, the neighborhood, or the town which are different from the uses as currently approved.

This waiver is conditioned on the submission by the applicant within five days of a site plan for the area around the lodge building; and within 30 days a site plan for the entire site specifically indicating that there is no use approved for the existing building by the pool; and depicting all uses which are currently proposed or approved, each to be so identified, and in the case of approval, substantiation of such approval; and additional information, including but not limited to a sign plan and a lighting plan as required by section 10.02b including by reference the requirement of section 10.02a, said site plan review and approval to be considered a component of this special permit modification and subject to the level of discretion accorded to special permit applications. The approval of the site plan for the entire site as required by this paragraph shall be required prior to the issuance of a certificate of zoning compliance per section 10.04.02 for a certificate of occupancy for any use in the lodge building.

The granting of this waiver shall not be construed as approving any proposed use which may be identified on said site plan, the purpose of the site plan being only to illustrate the modifications approved by this motion and to identify future applications which may be anticipated.

This motion was seconded by Kevin Boyle and approved by all voting members.

13. IN Zone discussion (28:31)

It was agreed to table this discussion due to the lateness of the hour.

14. Meeting Schedule (28:48)

Commission members agreed to hold a special meeting in two weeks.

15. Adjourn

A motion was made to adjourn at 9:56 pm; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning

Special Meeting

June 26, 2013

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:32 pm. Seated are Bob Johnson-chairman, Scott Wheeler-secretary, Kevin Boyle-regular, Erin Wilson-alternate and Peter Tyc-alternate. Also present is Attorney Matt Willis, town planner Geoff Colegrove and alternate Brooke Carlson. Jerry Russ arrived at 6:40 and was seated- Peter Tyc was unseated.

2. Public session (1:05)

There were no public comments.

3. Application for site development plan review 140 West Street LLC (1:25)

Bob Johnson noted there had been a zoning application for a replacement of a quonset hut on the site and this was denied.

Attorney Willis noted there has been a request to remove and enlarge the quonset hut on the property and it had been determined that this required a special permit approval, according to 06.02.

The applicant's representative, Attorney Corona provided a map of the site and went over the details noting the location of the building they are discussing. He explained the building is in very poor condition and it is used as support for the main building where maintenance items are stored. Pictures of the building were presented and reviewed. It was stated the use of the building would be the same as the current building and a statement to that effect was provided.

Attorney Corona questioned why the mere replacement of a building would require a special permit application. He provided examples and photos of other properties in town with similar situations that have accessory buildings in industrial zone; some with no storage buildings but items just kept out in sight on the properties and some with other storage options. Attorney Corona noted the commission does have the power to substitute one special permit use for another and that the ZEO has the power to allow site changes. He explained the expense, time and effort for an application should not be necessary to replace a building for virtually the same building in the industrial zone. He stated that the only adjoining property owner was provided a copy of the plans and asked to review it and has indicated his support of replacement of the building.

Bob Johnson said they have an application before them to replace an existing building with one that is slightly larger, and the requirements are clear in section 10.02. Commission members had been asked to review the requirements for site plan review as

well as special permit review. Bob Johnson stated if the building was the exact same size he would still recommend going to ZBA.

The issue of non conforming use was discussed. Geoff Colegrove reported that a letter sent by Al Johanson indicated the accessory use is not permitted on the use table. commissioners reviewed the regulations, including 7.03. Geoff Colegrove stated the accessory use would not go to ZBA as there is no violation of setback, or coverage issues.

The attorneys and commissioners discussed various letters from the land use department and why this was denied.

Attorney Corona stated he is here at this time to replace an existing building, and they should not interpret the regulations in a way that raises the bar to the highest level in order to replace a derelict building with a new one that is virtually the same. It was noted there is no mention of industrial buildings in the industrial regulations.

Regulations were discussed. Attorney Corona felt it was the policy of the town for decades to allow uses to go in when it made sense, noting several contractors uses that go on. He stated if the commission wants to address their regulations in this regard, his application can be put on hold until they sort it out. But if its the policy of the commission that everytime someone wants to build an accessory building in the industrial zone they need a special permit, then people will not apply and what the town will have is containers placed all around town. The town does not collect any taxes on any of those containers. Attorney Corona noted if they have to apply for a special permit, they will instead wait for the building to collapse on its own, or tear it down for safety and lease a container box as is being done now all over town.

Bob Johnson noted there were no pictures brought in of Attorney Corona's other client, Lyman Farm where there are trailers and refrigerator trucks.

Attorney Corona said that Mr. Johanson issued a certificate of compliance for 140 West, twice, and the uses that are there now are the same uses, and yet he denied this permit because there is no legal use.

Bob Johnson stated if the commission feels it is a proper use they can move on, but it was his feeling as well as counsel that it is a special permit. He asked the commission if the application before them was a proper application.

One commissioner stated it should be a special permit.

Attorney Corona asked if that is the conclusion of the commission, and if they are planning to move forward to address this larger problem, that they suspend action on his application.

Commission members discussed the issue. Attorney Willis noted the regulations do not allow for this to be a site plan, only a special permit. It was noted if they do not act on the site plan application, within 65 days it is automatically approved.

Attorney Corona stated if the commission moves forward to fix some of these problems that may give him the latitude to withdraw the application.

It was suggested they can table this and discuss again at the next meeting in two weeks. This was agreed to by all.

4. Discussion of IN zone (36:08)

Bob Johnson noted they began these discussions two years ago. Geoff Colegrove stated that all the property owners within IN zone were asked for informal input regard the zone and not one person showed up for that discussion.

Geoff Colegrove used maps to indicate the various locations of IN zones and what is currently there and what was approved.

Bob Johnson noted over the years many permits were signed and the many different staff changes in the land use department has caused some of the problems. Commission members agreed that industrial uses have changed and discussed various text changes they could suggest. It was noted the Plan of Conservation and Development should be used as a guide.

Attorney Corona provided some history regarding the industrial property off Hubbard Street and the property on West Street. He noted that the current owner has spent a lot of money to be a responsible owner to clean the property. He noted the town needs to shift their thinking about industrial, and consider allowing some commercial uses as well. He also noted they need to consider the burden caused by special permit applications being needed each time a new use happens in a building.

Bob Johnson noted the reason for the special permits is to give the commission the control in part due to the turn over in the land use department.

Geoff Colegrove noted that they can do the special permit but in a more efficient way.

One commissioner suggested that they consider all the uses that could be permitted in an industrial zone and determine what could be allowed by special permit, and what could be allowed by right, and possible conditions such as sizes, etc. Commission members discussed/debated potential ideas.

Bob Johnson asked the commissioners to review information that had been provided in an earlier packet and highlight what they would like to see in the use table, and what changes they would like. Geoff Colegrove would then be asked to compile them for discussion.

It was suggested and agreed that the attorney work with the town planner to create a listing showing uses for discussion at a future meeting. Commissioners discussed the need to continue to follow the Plan of Conservation and Development and to consider changes to that plan if needed.

It was noted that this will be on the agenda for not the following meeting, but the one after that. Attorney Corona's application will remain on the agenda as well.

5. Adjourn

A motion was made to adjourn at 8:18pm This motion was seconded and approved by all voting members.

Middlefield Planning and Zoning

July 10, 2013 Special Meeting

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:30 pm. and seated Scott Wheeler-secretary, Bob Johnson-chairman, Kevin Boyle-regular, Brooke Carlson-alternate and Peter Tyc-alternate. Also present is Erin Wilson. Jerry Russ arrived at 6:30 and was seated in place of Brooke Carlson.

2. Pubic Session (1:24)

Attorney Corona from Lyman Farm advised that he received a phone call from the ZEO regarding golf carts at the new course crossing the road. Attorney Corona reported that it has been made very clear to management that the golf carts kept at the course will be fueled and maintained on site and will not be crossing the road for fuel and maintenance.

Kevin Boyle asked that a follow letter be sent in this regard for the files.

3. Review of Site plan for 140 West Street (3:51)

Attorney Corona provided a copy of a letter sent to modify their pending site plan application to covert to an application for special permit based on the discussions at the previous meeting.

Bob Johnson noted they will need to schedule a public hearing.

Attorney noted they are aware they will need to post signs and contact adjoining property owners.

A motion was made by Scott Wheeler to schedule a public hearing on August 14, 2013 to dicuss the application of a special permit for 140 West Street Middlefield regarding the removal and replacement of a quonset hut style building. Public hearing to be held in the community center at 7pm. This motion was seconded by Kevin Boyle and approved by all voting members.

4. ZEO Report (9:20)

Bob Johnson noted item 1 of the report was regarding the golf carts and has been addressed.

Item 2 had to do with Powder Ridge and the June 12 approval, noting condition 1 regarding the site plan around lodge building has come in. Condition 2 regarding site plan for entire site = this has not yet come in.

Item 3 regarding pond dredging and March 20 motion- condition 1 about E&S bond has not yet been received.

Item 4 regarding Country Flower Farm- The drainage inspection was done by Brian Curtis who has stated his satisfaction. Ivy has been planted on the retaining wall. Kevin Boyle indicated he visited the site that day and did not see any coverage.

Geoff Colegrove explained that the site plan was approved and the signature was verified. He noted the ivy has been planted but it is not yet covering the wall. It was unknown if the fire marshal has signed off the form.

Item 5 regarding the Kokoszka property. One vehicle has been removed and they are working to have additional vehicles removed by end of summer.

Item 6 the industrial park area, conformance review and documentation has been initiated.

5. Sean Hayes report on Powder Ridge (13:36)

Sean Hayes provided the full site plan to the commission noting it was within the 30 days. He also provided an expanded view of a certain area and went over some of the details including labeling.

Geoff Colegrove stated he would review the document. Sean Hayes noted the expanded plan shows all modification as requested by the building official with regard to handicap access.

There were questions regarding the site lighting requirements. There were no photometrics. Sean Hayes indicated he would be providing that.

Bob Johnson stated they had been clear about the lighting requirements needing to be shown, but he would have the building department review it.

6. Town Planner report (20:08)

Geoff Colegrove noted there was a letter from Pioneer Construction withdrawing the application. He noted that he had spoken with the applicants regarding this, and until the traffic study is done and IWWA dealt with it was decided not to move forward.

Kevin Boyle noted this withdrawal came after the town put the legal notice in the paper for this hearing and would not support a refund of the application fee if it were asked for.

It was noted when this comes before the commission again it will be a brand new application. The letter of withdrawal was reviewed noting it includes several planned uses for the property.

There was a request to have this on the application as an informal review.

7. Miscellaneous (33:55)

There were no miscellaneous issues.

8. Public Hearing (34:00)

Bob Johnson noted for the record the application for which the public hearing was scheduled has been withdrawn by the applicant/owner.

9. Powder Ridge (34:48)

Sean Hayes noted regarding the E&S bond they are awaiting state approval. During discussion Sean Hayes stated he was unaware he was writing the bond and felt the condition was satisfied. Geoff Colegrove noted if they chose the passbook he needs to contact attorney Branse and provide an account number, so that he can review the format. Geoff Colegrove suggested that Sean Hayes also contact Joe Geruch who can provide assistance and he will work with the attorney to ensure completion.

10. Adjourn

A motion was made by Scott Wheeler to adjourn at 7:12; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning Commission

Regular meeting – August 14, 2013

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:34pm. Present and seated are Bob Johnson-chairman, Jerry Russ-vice chairman, Scott Wheeler-secretary, Kevin Boyle –regular, Erin Wilson-alternate. Also present are Brooke Carlson-alternate, Peter Tyc-Alternate, Geoff Colegrove-town planner and Attorney Branse, and Attorney Hanil.

2. Public Session (1:18)

Cheryl Hawkins, representing her business Mon Cherie, a gourmet coffee and food truck, stated that she is looking to be approved at the Victory church where the land owners have approved her to be there Monday – Friday business hours.

Bob Johnson stated that the ZEO has advised that in 1997 there was a similar application that was approved by the commission. He noted that the attorney noted concerns about the new design district in that area, and as it was approved, it was never used. Cheryl Hawkins stated it was running for some time after it was approved.

Attorney Branse cited section 10.02. stating that the question is whether or not it was established and whether it was given a certification of zoning compliance while running. If it did not, then the 1997 approval is now void. He stated that regulations now allow for three types of restaurants by special permit. He noted questions about how much space this will take in the parking area, where the signs will be, what driveway will be used, etc., will need to be answered for a special permit approval.

It was agreed to put this on the agenda for next month for further discussion. Bob Johnson stated he would have the ZEO contact the applicant to go over what will be needed, including updating the site plan on file for the church showing where the truck will be located, etc. Ms. Hawkins explained the steps she has already gone through.

3. Approval of Minutes (12:20)

A motion was made to approve the minutes to the previous meetings, June 12, June 26, and July 10, 2013 as filed; this motion was seconded and approved by all voting members.

4. ZEO Report (13:53)

Bob Johnson stated that Al Johanson is working on the food truck issue; there has been a lot of progress on the Chihocki property on Cherry Hill Road; Peters Lane property has a date of September 1 with the courts; the Kokoszka property on Jackson Hill has had some progress made; the golf school issue was resolved with a letter regarding the carts.

Al Johanson is expected to be in attendance at the next meeting.

5. Town Planners Report (15:29)

Geoff Colegrove stated that regarding the Plan of Conservation, the state statutes have been amended and the plan is good until June 30, 2014. After that they will need to seek a waiver from the OPM commissioner if they do not have a revised plan completed.

Geoff Colegrove noted there was a questionnaire provided from the COG. In response to a question he explained that the commission recently did a lot of work regarding Plan of Conservation and Development and the Route 66 district which qualifies as updating, but they do need to update other portions.

6. Miscellaneous (20:08)

Bob Johnson reported he will be attending the COG meeting, which is the fourth Monday, and there is room for an alternate on the board.

7. Public hearing regarding 140 West Street (21:09)

A motion was made to suspend the regular meeting for the public hearing: This motion was seconded and approved by all voting members.

Scott Wheeler read the legal notice for the record as it was published in the Middletown Press. Bob Johnson asked if there were any who were opposed to the seating of the hearing –Bob Johnson, Jerry Russ, Scott Wheeler, Kevin Boyle and Erin Wilson- there were none.

Attorney Corona, representing the applicant 140 West Street LLC, stated there were two adjoining property owners and provided certificates of mailing for those two. He stated that two signs were posted on the property, one on West Street and one on Baileyville Road. Attorney Corona explained this is now an application for special permit and went over the drawings/documents provided to explain the proposed activity.

Attorney Corona asked that they waive the requirements to show caliber of trees, provide traffic plan and other onerous items for this small application. He noted this will only be a storage building.

Bob Johnson stated that last month it changed from site plan application to a special permit, and the regulations state what is needed for the site plan, and what is before the commission is a survey, with a request for an approval for the Quonset hut. Bob Johnson did not think the survey was an adequate substitution for the site plan. He noted his reluctance to set a precedent as well as the fact that there could be other uses in that building in the future.

Kevin Boyle asked why the applicant chose a survey rather than a site plan. Attorney Corona said he did not believe there is an existing site plan, and noted they are not building a new building, or changing the use, only trying to replace a storage building. He noted if it had collapsed due to snow he would have the right to replace without coming to the commission. In response to questions, Attorney Corona noted a site plan is a survey map that shows items that are existing or proposed for the property. The survey map provided does not show all the information the regulations require because they are only trying to accomplish a relatively simple activity.

Bob Johnson noted an interest in outside lighting and parking areas. Attorney Corona asked how that would affect this application as they are not requesting any changes to lighting or parking.

Kevin Boyle noted there is no site plan and this is an opportunity for the commission to request one for the records, and for future applications when parking/lighting may become an issue. Attorney Corona noted this property will be on a future application but right now they do not know what future uses there will be, and there will be a chance for a complete site plan at that time.

Bob Johnson said the regulations require a site plan and the commission can waive some of the details required such as trees and traffic counts, but this is an opportunity for the commission to review a site plan.

In response to a question Attorney Branse said there are three concerns. He stated procedurally the commission should not accept waiving the needs for everything not submitted,

and suggested the applicant should provide a list of what they asking to waive, what portion of the site plan and why. Attorney Branse provided a listing of the items missing. Attorney Branse stated the purpose of the site plan is to also provide a base line to show what is there in terms of physical items and for uses. It was noted that to approve this may approve items that are already there which have not been reviewed. Attorney Branse noted that they do need to correlate the level of information to what is being proposed however they need to determine what is there now and whether or not it is in compliance.

Noting the concern to inadvertently approve non conformance, Geoff Colegrove questioned if the commission could make the approval limited only to the building location of the Quonset hut.

Attorney Corona noted the only purpose of this application is to replace that building. He noted he wants to do this in a responsible way but the fact is the neighboring property owner could simply build this without coming before this commission at all.

Commission members discussed options to proceed for this and future similar applications including allowing the ZEO to sign off.

Attorney Branse noted they could address this tonight using Geoff Colegrove's suggestion to approve with language indicating it is specific to the replacement of the Quonset hut, but also recommended they have the list of waivers as well as some sort of E&S controls which can not be waived. He noted the E&S requirements could be satisfied by approval under the condition that they are approved by the building department. He noted the other non waivable issue has to do with septic and wells and that can be addressed because the building is not occupied.

Attorney Corona stated he spoke to Lee Vito in this regard and that there was nothing about the proposal that would affect wells/septic in any negative way. He would be happy to accept the needs of the building department with regard to the E&S controls.

Commission members discussed past similar situations and how they were addressed.

Attorney Corona noted what they are offering is a site plan, but are asking for waivers on the pieces of information that are not on the plan because they are not necessary. He noted it is unlikely there has been a site plan presented to this commission that is fully in compliance with the regulations with regard to all the items required. In response to a question Attorney Corona stated he would come with a full site plan when there is a proposal to change the use on the property.

Attorney Branse asked about the business office use on the property which is not an approved use. Attorney Corona noted there is a lot of things that need to be straightened out and when they come before the commission for use the commission will have full review.

Kevin Boyle noted his concerns that there is not a proper site plan for this property, there is no lighting, no parking, no handicapped parking, and other items, and this is an opportunity for this commission to have a site plan in place. Commissioners agreed a site plan was needed for this property- there was discussion whether or not the replacement of this Quonset hut triggers the requirement.

Kevin Boyle noted that the Planning and Zoning Commission has intention to increase the available uses in this zone and once that is done this property will not need to come before the commission for a change in use as it will then be within the allowed uses in that zone.

Attorney Corona explained there is an economy for the applicant to see what changes are made to the zone and then determine what direction they want to go and come before the commission then.

Commission members discussed the business/uses that are currently on the property and what the building department has approved and issued certificates for.

Commission members discussed if they want to address this tonight by limiting any approval to the Quonset hut only, or to require a site plan.

Attorney Corona noted if the commission can not approve this, the applicant will either tear the building down or leave it until it falls down, neither of which will result in the commission getting a full site plan.

Bob Johnson asked if there were any comments from the public in this regard – there were none.

Erin Wilson suggested they approve it noting it's only the Quonset hut, and then pursue options with the ZEO if they are inclined to having a site plan. It was noted they need to address the unwaivable items such as E&S controls and ground water issues.

In response to questions, Attorney Branse explained various triggers that could happen to require a site plan, including a zoning violation, application for change in use.

Commissioners discussed potential scenarios that would require site plans and possible motions to move forward tonight. Attorney Branse provided draft motion ideas for consideration.

A motion was made to close the public hearing regarding the application for special permit at 140 West Street at 8:12 pm. This motion was seconded and approved by all voting members.

8. Recess - a brief recess was taken during which the recording was turned off

9. Discussion of application on 140 West Street application (:05 of new file on recording)

Commission members reviewed and discussed the draft motion of Attorney Branse.

A motion was made to approve the special permit at 140 West Street as per read into the minutes and listed on this motion sheet as provided by Attorney Branse.

Moved that the Planning and Zoning Commission grant a special permit to allow the substitution of the proposed accessory storage building in lieu of the existing storage building, in accordance with the plans, specifications, and statements of use submitted with the application, subject to the following conditions;

- 1. This approval is limited to the designated replacement of the storage building, and shall not be construed to indicate any approval of the total site or any uses currently occurring there, and this shall be noted in 16 point type on the site plan prior to endorsement and filing with the town clerk.**
- 2. Prior to the commencement of construction, the applicant shall submit an erosion and sedimentation control plan to the satisfaction of the ZEO.**
- 3. The applicant shall submit the information required by section 10.02A.2.5 prior to the commencement of construction.**
- 4. The commission waives the other site plan requirements of section 10.02A because of the unique posture of this application, being the substitution of a new building for an existing one that will have the same use as the existing, and because of the applicant's assurance that a site plan will be forthcoming upon anticipated future uses that either exist but have not been reviewed and approved or new uses that do not exist today. Because of inconsistent past process, the commission is willing to entertain a blanket waiver request but will not do so in the future.**
- 5. The applicant acknowledges that any further changes of use will require commission approval, and that existing uses requiring commission review, which have not obtained such review and approval, will be submitted for approval in order to avoid enforcement action and that such application will involve a complete application with only the absolute minimum waivers that are required.**
- 6. A Quonset hut is being approved in this location only because of its remote location on the site, and the dramatic change in grade between the subject parcel and the adjoining parcel.**

This motion was made by Scott Wheeler and seconded by Jerry Russ. Scott Wheeler, Jerry Russ, Erin Wilson and Kevin Boyle voted in favor. Bob Johnson voted in opposition.

10. Request for approval of an interior lot per section 09.05 at 99 Powder Hill road (4:01)

Bob Johnson explained the history behind this application. Attorney Antin representing the town and Ed Bailey, second selectmen were present to discuss.

Ed Bailey reported this was a repeat of a previously approved application, but due to some technical issues needs to be resolved.

Attorney Antin provided surveys and plans and went over the interior lot they need approval for. He noted this was approved in June 2012, but there was an ambiguity in the zoning regulations regarding approvals and recording of plans. He explained the situation to the commission and provided an A2 Survey, topographical map and sanitary improvements. In order to alleviate any ambiguities a new approval is required.

In response to questions, Geoff Colegrove stated that this plan does comply with the interior lot regulations and noted the standard procedures for filing maps and plans.

Marianne Corona asked about the conservation easement. Attorney Antin stated there are restrictions governing these parcels and they will be filed with the deed.

A motion was made to approve the request from the town of Middlefield for the approval of an interior lot per section 09.05 at 99 Powder Hill Road. This motion was seconded and approved by all voting members.

11. Review of site plan Powder Ridge Mountain Park Resort (22:11)

Bob Johnson explained this was a follow up to a previous meeting. Geoff Colegrove has reviewed this and been in contact with the property owner and their representatives.

Sean Hayes, property owner, went over his site plan, which is made up of seven sheets representing different areas of the property. Mr. Hayes went over the plan and a letter provided indicating all the details that are present, and the details of what is not present and why.

Geoff Colegrove explained he has gone over the documents with the applicant and recommends that the commission review what waivers are being asked for and to prioritize those that need to be addressed. It was noted that the power still has not been turned and some issues will be resolved once the power is returned.

Sean Hayes noted his site plan is essentially complete, and briefly went over his listing of requested waivers- discussing the reasons behind the need for the waivers.

It was understood the commissioners would review the letter and documents presented for further discussion at a future meeting. It was agreed to meet the following Thursday.

Sean Hayes stated that he would like to do some maintenance on the parking lot/driveway and the ZEO has stopped the permit necessary to do the work. Attorney Branse went over section 09.01.01.01 with the commission.

A motion was made to advise the ZEO to allow normal maintenance and upkeep of main parking lot of the resort as per section 09.01.01.01 as described by the applicant. This motion was seconded and approved by all voting members.

It was stated that the Durham Fair had asked about parking as an emergency location- to which Sean Hayes has agreed to. It was noted there would only be 900 spots plus bus parking only. It was noted there is a number of special events permitted on the site as well. Kevin Boyle noted there may be lighting issues.

Sean Hayes explained the situation regarding the lack of power on the site, and the difficulties he has had with the utility and what he has had to do in order to move forward.

12. IN Zone discussion / workshop (58:49)

Commission members reviewed printed documents provided with regard to the zone recommendations and discussed possible effect various changes might make to existing

properties. Attorney Branse went over the listing, providing his thoughts behind some of the various items. Commission members noted they should include possible crematorium, marijuana growth/dispensing, and to consider different applications for existing uses versus new building.

Commission members discussed the difference between site plan versus special permit, with special permit requiring a more intensive review. It was suggested that commission members review the list and possibly drive past some of the properties that would be affected to consider how they may want to address some of the uses.

It was agreed to continue the discussion at the next meeting to allow commissioners time to review on their own.

It was noted currently there is no site plan for the several business properties in town.

13. Adjourn

A motion was made to adjourn at 10:14pm; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning Commission

Regular Meeting September 11, 2013

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:42pm with a moment of silence in recognition of 9/11. Present are Bob Johnson-chairman, Scott Wheeler –secretary, Brooke Carlson-alternate and Erin Wilson-alternate. Also present are Al Johanson-ZEO and Geoff Colegrove-town planner. Peter Tyc arrived at 6:45 and was seated.

2. ZEO report

Al Johanson reported that he spoke with Jon Brayshaw regarding the presentation of a Mylar on the Quonset hut for filing soon. He noted that he will not sign the zoning permit until the legal notice has appeared and the Mylar filed.

Al Johanson stated that he has sent a request for a status update on the Kokoscka property on Jackson Hill Road.

Regarding Cherry Hill Road property the son has indicated he will be cleaning up, and a site visit will be planned.

Regarding Gervace on Peter's Lane, someone must be hired to go on the property to remove items approved by Al Johanson.

The property on Oxford Drive Al Johanson has been discussing with Attorney Willis and the issue is fill, and vehicles, and CL&P also has to allow him to access the property. Al Johanson stated he would have more information for the next meeting regarding that property as well as information on the procedures to hire someone to clean up the Peter's Lane property.

3. Public session (9:39)

Marianne Corona noted there is still an issue regarding a particular property on Route 66. Bob Johnson stated there have been calls made to DMV.

4. Application for resubdivision 17 Louis Road, owner Mr. Darmanian (11:56)

Mr. Darmanian was present. Bob Johnson reported that this has been before the ZBA for waivers which were granted.

Mr. Darmanian explained he would like to subdivide his property to create another building lot, and went over printed documentation including maps/drawings with the commission. He noted there would be an easement on the deed regarding access to each property. Commission members reviewed the driveway plans.

Geoff Colegrove noted sheds on the site map that don't meet setback requirements. Mr. Darmanian explained this can be addressed. Geoff Colegrove noted that there needs to be clear references on the health department letter regarding the site maps used. It was noted that the sanitarian requires a licensed engineer to review the plan.

Commissioners discussed the possible need for an easement from a neighbor in order to create a needed slope in a particular area. It was agreed that more information will be required, including the need for engineer information.

Particular lines were noted on the site plan regarding easements – it was stated that the engineers will have to review those as well.\

This item will be on the next agenda for October 9, the applicant was advised to contact the land use secretary if he is unable to get the additional information for that meeting. Commission members explained the time line constraints for the application process as well as the need for posting a sign on the property.

5. Review of IN Zone (49:18)

Geoff Colegrove had provided additional information that have been provided by Attorney Branse, via mail to the commission members. Commissioners reviewed these drafts and discussed the various uses suggested and what the implications were. Commissioners agreed that the definition of manufacturing has changed over the years and industrial uses are much more varied. Commissioners discussed the need to still require special permit for some uses so that they can be more closely looked at by the Planning and Zoning Commission.

Commissioners were asked to continue to review the documents, make notations for items that need additional discussion.

Bob Johnson asked CCM for a list of towns similar in population and area to Middlefield, for which there are nine comparables and he has reviewed their regulations regarding IN zones and provided information to the commissioners.

6. Review of possible text changes (1:19:17)

Bob Johnson provided information having primarily to do with signs. Geoff Colegrove provided draft copies noting changes made. It was noted that the Lyman Golf School sign does not meet the regulations. Commissioners discussed various signs in town and the sizes allowed based on the property/frontage size. Commission members discussed how they would like to address the sign issues, and retain some control over the sizes. The signage for the Powder Ridge ski area was discussed, noting what may be allowed already and what the commission can/should approve first. It was noted that they need to consider future potential development as well. It was noted that they need to get legal opinion on whether or not they can simply not include a maximum square footage and leave it to the commission's discretion. Commission members noted concerns about the size of signs in the residential areas. Commission members discussed the timing and difficulties it may cause Powder Ridge ski area with regard to the sign he is looking for and when he will be able to apply for permit relative to his opening.

Commission members asked if the approved uses for the Powder Ridge ski area have been confirmed. It was noted that bicycling is a permitted use, and it was stated there could not be overnight permission. In the past it had been said that mountain biking would be in the category

of bicycling, and while it is a permitted use. It was made clear that if it is a permitted use, a permit is still required. There were concerns that the owner of Powder Ridge may not understand that a permit will still be required. It was also not clear that he understands what will be required for his site plan when submitted.

It was suggested that next month they have an executive session conversation with Attorney Branse to discuss what they need to do to proceed. It was suggested that they have a meeting with Attorney Branse and not allow the public to speak in order to have their questions answered without interruption.

Bob Johnson recommended they invite Attorney Branse to the next meeting to discuss the IN zone and Sign text review only. Other commission members fully supported this. Bob Johnson asked that if commissioners had additional information for the draft copies to submit them as soon as possible.

7. Town Planners report (1:59:19)

Geoff Colegrove noted the need for a regional review on the proposed changes, and suggested moving the meeting from the second Wednesday in November to the fourth Wednesday to accommodate that. It was decided to discuss this at the meeting on the 9th while Attorney Branse is present and they can determine then if they need to schedule a special meeting.

8. Miscellaneous (2:03:06)

Bob Johnson stated that the River COG meetings, held the first Monday of each month are very productive.

9. Minutes to previous meetings (2:04:01)

A motion was made to approve the minutes to the previous meeting of August 14, 2013 as filed; this motion was seconded and approved by all voting members.

10. Adjourn

A motion was made to adjourn at 8:46 pm; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning Commission

Regular meeting

October 9, 2013

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:36 pm. Seated are Bob Johnson-chairman, Scott Wheeler-secretary, Jerry Russ-vice chairman, Erin Wilson-alternate, and Peter Tyc-regular. Also present is Brooke Carlson, attorneys Branse and Hamil, and Geoff Colegrove.

2. ZEO Report. (1:11)

Al Johanson was not present but his report indicated that with regard to the Peters Lane property a company was hired to remove items from the property. With regard to Oxford Drive property there are three registered vehicle and others that are not. At Powder Ridge the pond dredging was begun, there is a lay down area for deposit of the material removed, however the property owner chose a different spot than was on the site plans. Bob Johnson indicated that Lee Vito did not have a problem with it, nor did the chairman of the IWWA, and there was still to be silt fence installed. Bob Johnson indicated that while it was not what was presented to either commission he felt if Lee Vito was not concerned with the new spot, and that the IWWA was made aware of it, he did not feel the need to stop the process.

With regard to the Kokoscka property on Jackson Hill Rd, the garage area has been cleaned up but there is additional work to be done, Al Johanson will be discussing with property owner.

3. Public comment (7:02)

Jon Brayshaw thanked the commissioners for serving and explained that several years ago his family purchased property on Baileyville Road from the Lyman Family. The pond on sight has been filling in over the years, and they are planning to dredge the pond so that it can be used again to supply water for the sprinkler system in the buildings. Now that Lake Beseck is being drained they will start. There will be approximately 500-1,000 yards of material removed from the pond and this will become an issue for Planning and Zoning Commission, but will go to IWWA first. Jon Brayshaw provided a description of how this process will take place.

Bob Johnson suggested if Jon Brayshaw wants to donate some of the material to the town he should contact the town engineer Brian Curtis. This will be on the agenda as soon as the IWWA has done their review.

4. Continuation of resubdivision application for Joseph Darmanin at 17 Louis Road (18:17)

Mr. Darmanin indicated that copies of engineered drawings were provided for the commissioners to review. Geoff Colegrove stated that Brian Curtis has been given a copy of these as well, but there was no profile provided. This plan also has to be reviewed by Lee Vito as well. It was suggested to schedule the public hearing as the needed reviews will likely be completed by then.

Mr. Darmanin asked for clarification regarding concerns. Geoff Colegrove stated that he was not sure Mr. Curtis had concerns, only that he has not yet reviewed the newest documents presented. Mr. Darmanin accepted scheduling a hearing for the November meeting. Mr. Darmanin was advised a sign would be required and the details for that can be obtained from the land use department.

A motion was made by Scott Wheeler to schedule a public hearing on November 13, 2013 regarding the application for a re subdivision from Joseph Darmanin for 17 Louis Road at 7 pm. This motion was seconded and approved by all voting members.

5. Review of sign regulations (36:37)

Bob Johnson explained there is a situation concerning Powder Ridge as they have signs they want to place signs on the road as well as some on the property. Geoff Colegrove and Attorney Branse have been working together. It was noted that changes will affect other properties in town as well as political season signs. Attorney Branse provided information on the effects that could occur with regard to political signs, noting whatever sign size is allowed, it will be allowed for political signs.

Commission members wished to address recreational areas, which would include Powder Ridge and the golf courses, which could allow for a bigger sign. Commission members reviewed the regulations as they exist, and discussed the email information between Geoff Colegrove and Attorney Branse. Basing the size restriction on the size of the lot was debated. Attorney Branse

noted within the special permit regulations they can address signage. It was noted there are signs already in town that are not in compliance with current regulations. It was stated that within special permit review the commission has the discretion to reduce the maximums but it does not allow the commission to create a variance.

Commission members discussed the relevance of considering whether or not a sign is visible from the street, and the differences between on sight signs providing information on where things are, versus signs on the road that advertise the sight and provide access information. Commissioners considered other large properties and possible implications changes may have on those sights. Commission members suggested considering frontage as well, allowing those with less frontage, and therefore less visibility from the street, to have more signage. One free standing sign per frontage with a maximum size, and for interior signs allow a certain amount of square footage of sign per building was supported by several commissioners. Geoff Colegrove noted that the sign regulations can be a nightmare and there are currently many non conforming signs in town. Several mathematical sign restrictions were discussed, based on building size.

The rules regarding temporary signs were debated briefly, noting that with Powder Ridge being in a residential area with the potential for many special events, there may be a lot of temporary signs in that area. It was noted that enforcement is not currently being done in many cases.

Attorney Branse indicated he would consider all the comments and provide a draft noting that they can tell a property owner how much signage they have, and it is up to them to decide what they want to utilize the space for. It was agreed the commissioners would continue to consider these and that they are not yet ready to schedule a public hearing. Signs required by government agencies and emergency management were discussed noting they should have some level of exemption.

Directional signs were discussed, suggesting they should be less limited, perhaps only limited in size not quantity. Commissioners discussed adding a sort of 'catch-all' clause to the ending of regulations. 10.02.b.4.12. Attorney Branse provided information regarding existing signs. There were concerns about the abuse of the regulations, and the impact to the communities where these signs are located. Commissioners discussed the need for enforcement and noted that the adoption of the revision to the section they are considering will affect Lyman Golf and Powder Ridge, but it will not clear up the issues in the Orchard or the Apple Barrel.

It was noted that Powder Ridge is asking for an amendment to a special permit to address the signs he wants.

It was agreed to have counsel present for the public hearing and further discussions on sign regulations, and possible IN zone discussions. Commissioners discussed future agendas.

Attorney Branse stated he would have draft for the sign language to Geoff Colegrove for review at the next meeting.

6. Miscellaneous (1:57:09)

Bob Johnson explained when the Lake View Estates were approved by the commission, the wording of the declaration regarding age restriction was to be reviewed by the commission and suggested that they allow either the chairman or vice chairman to sign off to avoid any delay with potential closings before the next meeting. It was clear that Attorney Branse understood the commission's position on the matter.

A motion was to resolve that the commission amends the implementation of the conditions contained in the motion for approval of the special permit for Lakeview Estates so as to delegate to the commission chairman, vice chairman or secretary the authority to review and approve the language of the declaration and covenants proposed by the permit

holder, particularly with regard to the language of the age restriction in consultation with the commission's legal counsel. This motion was seconded and approved by all voting members.

7. Powder Ridge Uses (2:08:10)

Bob Johnson noted there had been a suggestion to look fully into just what is approved and not approved for uses at the Powder Ridge sight by a third party. Bob Johnson had met with several people to perform this task and recommended Jean D'Aquila.

A motion was made by Scott Wheeler to retain the service of Jean D'Aquila to provide research regarding the permitted uses of Powder Ridge Ski Resort including all past motions through Planning and Zoning Commission. This motion was seconded and approved by all voting members.

8. Minutes (2:12:10)

This item was tabled until next meeting.

9. Town Planner

There were no issues to discuss.

10. Adjourn

A motion was made to adjourn at 8:50pm; this motion was seconded and approved by all voting members.

Middlefield Planning and Zoning Commission
Regular meeting
November 13, 2013
Minutes
(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:42 pm. Seated are Bob Johnson-chairman, Scott Wheeler-secretary, Kevin Boyle-regular, Jerry Russ-vice chairman and Peter Tyc-alternate. Also present is Erin Wilson-alternate, Brian Curtis-town engineer, Geoff Colegrove-staff and ZEO Al Johanson.

2. ZEO report (1:06)

Al Johanson reported he is monitoring the Gervace property and is awaiting information regarding possible unregistered vehicles on Oxford Drive and Ross Road.

Powder Ridge is having periodic issues requiring the ZEO attention, but there is nothing large. It was noted the pond dredging will not be as deep as they originally wanted. The materials removed and dried is being used at various locations on the property. There will be a site visit the following week to check on the stat us.

Al Johanson noted other various questions that have come to the office. It was noted that certain plans regarding a Route 66 property are public information and can be distributed to those who ask.

Al Johanson has looked at other town regulations concerning vehicles, storage shed, containers etc. and he is working on that and will provide a report when completed.

In response to questions, Al Johanson stated that the sign was present on the Termini property. There was no recent information on the Kokoszka property. It was noted that there is work to be done on the Hubbard St. property and that is being monitored as are a few others working toward compliance.

Bob Johnson reported that Powder Ridge has indicated their site plan is ready and done, and requested that it be brought into the land use department for review. Bob Johnson stated that Sean Hayes has indicated he is not looking for any waivers of any kind. Bob Johnson noted that the commission has to deliberate regarding signage. It was stated that the site plan has to be signed off prior to opening the lodge building, as a c/o will not be issued until then. Commissioners discussed the implications of a site plan not being signed off on.

3. Public Comment (18:50)

There were no public comments. Geoff Colegrove spoke to a member of the press regarding Powder Ridge.

4. Public hearing (23:18)

Bob Johnson explained there were some questions about a legal issue regarding re-subdivision that he discovered recently. Joseph Darmanin of Louis Road stated that he would like to withdraw his application and asked for a waiver. Attorney Branse provided procedure information to Mr. Darmanin and read portions of the regulations that are applicable to the situation.

Attorney Branse explained that there are changes to state law that will no longer allow waivers.

Commissioners and Attorney Branse discussed the timeline issues with the application noting it may be a better idea for the applicant if this is withdrawn. Attorney Branse and Bob Johnson recommend that the commission waive the fee for a new application if this one is withdrawn.

Mr. Darmanin stated he would withdraw, go before ZBA for a variance for 09.05 & 4, then come back to reapply with Planning and Zoning Commission with no fee.

Geoff Colegrove provided some history on the property and the divisions of the parcels in that area, and Bob Johnson went over the current ZBA variances that had been issued.

Mr. Darmanian indicated his wish to withdraw his application. Bob Johnson noted the public hearing would not then be opened.

5. Review of sign regulations (51:02)

Bob Johnson noted that Attorney Branse was present to assist with the review of the regulations.

Attorney Branse went through the draft documents provided, discussing his various comments as he went. He began with the definitions of various sign types explaining that the commission should be clear. Government required signs were discussed. It was noted that the commission can not regulate the content of signs as it is free speech. Sign sizes were discussed. Attorney Branse provided additional information regarding political signs. Size and quantity of signs were continued to be discussed and debated. Attorney Branse noted his suggested for at least one free standing sign per entrance. Commission members considered various scenarios and lighting potentials. The height of signs were discussed and debated. Commissioners were undecided on a figure to set for height- it was temporarily agreed to set at 10 feet and revisit.

Commissioners discussed and debated how they would like to address onsite signage regulations. Temporary signage was discussed as were window signs. Commissioners continued to discuss signage, and current town wide conditions and enforcement. It was noted that the ZEO does not have to receive a complaint in order to issue a violation. Commissioners indicated a preference for more enforcement.

Commissioners indicated their recommendations for the draft, which Attorney Branse repeated to the commission for their input to revising the draft. Commissioners discussed on site signs that can be seen from the street, lighting for those signs, temporary signs in terms of quantity and frequency. Commissioners had concerns about sponsor signs on Powder Ridge and asked for research on how other ski resorts manage that.

Commission members worked out the details they wanted the regulations to include with Attorney Branse. It was agreed Attorney Branse would create a new draft for discussion at the December meeting, to prepare for public hearing.

Kevin Boyle stated that he would like to change the welcome signs to be able to include more than just service organizations. Attorney Branse provided suggestions to allow that and will include it within the draft to discuss in December.

6. Review of meeting schedule 2014 (2:46)

A motion was made to approve the following meeting dates for 2014: Jan 8, Feb 12, Mar 12, April 9, May 14, June 11, July 9, Aug 13, Sept 10, Oct 8, Nov 12 and Dec 10. This motion was seconded and approved by all voting members.

7. Town Planner (2:47:34)

Geoff Colegrove reported that he has asked the COG to prepare the housing section of the PCoD and while they were agreeable to do it, he has not heard back from them. Geoff Colegrove noted if they are not going to do this, they need to know. He noted they are working on the GIS project. Bob Johnson noted he will be attending the next meeting and will bring it up. It was noted that the COG seems more centralized toward the shore area. Geoff Colegrove provided some information on what Middletown is working on. There are a total of 50 hours per year of work due by the COG on behalf of Middlefield – it was not clear how many hours are still available.

8. Approval of minutes to previous meetings (2:55:49)

A motion was made to approve the minutes to the previous meetings of Aug 14, Sept 11 and Oct 9 as filed; this motion was seconded and approved by all voting members.

9. Miscellaneous (2:57:43)

One commission member noted they are working on a cleanup of Lake Beseck starting with work this coming Sunday (Nov. 17) and asked if anyone knew of volunteers who would like to participate in a community project, to assist.

Bob Johnson noted he would advise the land use department and they could reach out to other commissions and their members for volunteers.

10. Adjourn

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

Middlefield Planning and Zoning Commission

Regular Meeting
December 11, 2013

Minutes

(Not approved at time of filing)

1. Call to order

Bob Johnson called the meeting to order at 6:33. Present and seated are Bob Johnson-chairman, Kevin Boyle-regular, Peter Tyc-alternate, Scott Wheeler –secretary. Also present is Attorney Branse and Attorney Hamil, Town Planner Geoff Colegrove and ZEO Al Johanson.

2. ZEO Report (1:51)

Al Johanson reported that Lakeview estates are looking for a C/O for at least one of the houses, and there are still a few issues that are being worked on.

Al Johanson noted vehicle issues on Oxford Lane and Ross Road and could not classify them as junkyards according to the Middlefield regulations and asked Attorney Willis for assistance. There is an ordinance in town regarding abandoned vehicles and provided a copy of this document to the commissioners. Al Johanson stated he will follow those guidelines in this regard. Board members reviewed and discussed the ordinance, noting the enforcement officer for this ordinance is the director of traffic enforcement. It was agreed that Bob Johnson will attend the Board of Selectmen meeting to request someone be appointed for that position if there is not already someone there. Al Johanson indicated he would take this responsibility if the Planning commission agreed as he works for them.

Al Johanson reported that he is getting complaints from a property owner regarding a property on Strickland Road about an excess amount of commercial vehicles entering the barn and on to conservation land. Al Johanson stated he has not seen evidence of any issues on the property in question and stated if he does see an issue he will discuss with the property owner.

Al Johanson stated the Powder Ridge bond is still up for discussion and there is still some work to be done, and he will review with the town engineer with regard to the pond dredging.

3. Public Session (16:25)

Marianne Corona stated that Attorney Branse provided a workshop last month and the idea was for conservation commissions to present to the zoning commission issues that have arisen regarding easements and conservation lands. She left documents with Attorney Branse to further discuss with the planning commission.

Marianne Corona stated there was a watershed study done in 2008 regarding the Coginchaug River and there is an advisory group in this regard that she and Lee Vito are a part of. She noted in Middlefield there are three areas, the landfill, Strickland Farm and at Powder Ridge. She stated when the town bought the land they inherited a DEEP order which has not yet been satisfied. She stated there is a ground water pollution issue that affects Lake Beseck and the watershed. She stated that she and Lee Vito will be willing to assist with this.

Attorney Corona representing Calvanese and Kastner, stated he had several issues to discuss and provided various documents/photos. He noted a sign at the property had been an issue and provided photos. Al Johanson stated that was not an item on the list. It was noted this was a condition of approval for the commission. Attorney Corona noted there are two bonds with this project, one at \$5,000 to ensure completion of the work on Powder Hill Road, most of which is done. Attorney Corona stated they are happy to leave that full bond in place until the final paving on the driveway apron is completed in the spring. The other bond relates to erosion and sedimentation controls, valued just over \$37,000. It has been determined by town engineer and Lee Vito that half of that can be released because the drainage project is complete.

The other item was the declaration for condominium which has been submitted to and approved by the commission's attorney. Attorney Corona asked for a written declaration that the commission was satisfied.

Attorney Corona stated that the missing property corners were set, and documentation was provided to that effect.

Bob Johnson noted with regard to the declaration, he is comfortable with the language and that counsel has reviewed it to their satisfaction. Attorney Branse suggested the commission make a resolution that this condition (4A) has been met.

Kevin Boyle noted with the Crestview declaration and there has been children under the age of 18 living there and he wanted to be sure that would not happen here. Bob Johnson stated they have done all they can within legal boundaries to be sure that does not happen here as it creates the potential for the town to have the education costs.

Bob Johnson noted he received a letter confirming the pins were set.

Regarding the reduction of the E&S bond, Bob Johnson noted that the town engineer is also satisfied.

Bob Johnson noted he has a letter indicating the hydrodynamic engineering has been addressed to Lee Vito's satisfaction.

Commission members reviewed information regarding the lighting.

A motion was made by Kevin Boyle to approve the reduction of the Lake View Estate Erosion Bond to \$18,500 from \$17,000. This motion was seconded and approved by all voting members.

A motion was made to approve the sign and lighting at the entrance of Lakeview Estates as shown at this meeting. This motion was seconded and approved by all voting members.

Attorney Corona noted that Mr. Kastner has extended his appreciation to the town departments who have cooperated with him to complete this project.

4. Review of application for Powder Ridge Site Plan (53:45)

Bob Johnson noted that a site plan has been submitted but they will not be reviewing the map completely at this time. There will be a meeting on January 8, at 6pm and Attorney DAquilla will present her findings regarding permitted uses at Powder Ridge.

Attorney Hamil provided information to the commission including a list of what has not been submitted with the site plan that are required. He noted that some of those items may have been addressed. Attorney Branse agreed it is likely many have, but they need to have clear understanding with everyone what is expected to be on the site/or projected to be on the site in terms of both structure and use. This will need to be clear before the Certificate of Occupation can be issued.

Kevin Boyle asked if the town engineers will be reviewing for items such as handicap parking, ramp slopes, etc.

Bob Johnson noted they discussed this in March, and if it was the desire of the commission they would review, and then up to date standards, for the parking area including storm drainage, lighting etc will be considered. Bob Johnson asked the commission if they want the engineers to review this site plan and provide a report.

Attorney Branse explained under state law, if at the time of approval the site had certain qualities, such as grass parking, they would be allowed to keep that grass parking. But if the site plan was to change grass parking to impervious parking that would trigger a storm water management review. It was noted that to determine exactly what is there now, what has been approved, and what is going to be changed is critical to moving forward.

Kevin Boyle and Bob Johnson agreed that the plan should be reviewed by the town engineers, and Bob Johnson will send a copy of the site plan the following day.

Darin Overton from Milone and McBroom, representing the applicant Powder Ridge, expressed confusion about what was being done. He noted there had been several workshop discussions and reviews of site plan, and the review letter appears to be completely different than prior discussions. He noted the site plan was not put together to comply with every aspect of regulations – however, the review letter does. He understood the site plan was to document compliance with prior approvals. He noted that the parking areas were once stone parking areas,

however grass has grown through it and the applicant has begun maintaining the stone surface. Mr. Overton stated they will need to know exactly what the commission needs to see on the site plans.

Attorney Branse stated the purpose of the letter was to create a list of what needs to be addressed, however, some will be addressed by noting they were resolved in previous applications.

Kevin Boyle explained that he needs assurance that they have met the minimum state levels for the correct number of handicap spaces, ramps that meet ADA code, proper signage, etc. and other items required by state standards.

In response to a comment Mr. Overton stated that he is trying to understand what the content of the site plan needs to be. He noted there are previous approvals, such as around the lodge, where details were provided, as well as details of the pond dredging. He noted there are no new design details on the plans where nothing new is being designed. He noted the site plan is to document what is there and to come to an agreement of what has been permitted and what exists.

It was noted there is a particular walk way/bride that is on the plan, but is not actually installed. It was stated that items that are not currently existing need to be noted as proposed, approved, not yet constructed – whichever is appropriate.

With regard to the listing provided by Attorney Hamil, it was noted that if there is an item on this of thing needed that has been submitted – someone simply needs to bring it forward or indicate where it is as it was not available when the list was made.

It was specifically noted that the list of missing items included information about lighting, however, several members of the commission stated that was presented and they have reviewed it. It was stated that the site plan was delivered in November to the land use department and if the photo metrics were not in it, then they are not there, despite possibly provided at other meetings/workshops.

It was agreed the commission will accept the application at this time and further discuss in January, and that the engineering firm would get a copy to provide a review/report for the January meeting.

Mr. Overton asked if his office should have a reply to the letter from the attorney's office for the January meeting, or if they should wait until the engineering review is complete. It was suggested he begin addressing the attorneys letter, however, there will be another meeting after the first January meeting to continue to discuss.

Sean Hayes stated that it is his belief that they have done everything they have been asked to do, including everything on the site plan.

Bob Johnson noted there were waivers discussed, and then the site plan stated there were none asked for. Sean Hayes explained at one time they asked for a waiver about the trees under six inches- but then each tree was in fact included on the site plan. There had been a request to waive the need to show all the fencing, but then they put all the fencing on the site plan – so those waivers were not then needed.

To follow the example of the fencing, Attorney Branse noted the site plan says "split rail fencing" and if the commission feels that is adequate description, then that is fine and can be removed from the list provided by the attorney.

In response to a question, Bob Johnson reported if the uses the uses have changed, DOT has indicated they will require a traffic study. Currently the DOT has been advised there has not been a change and therefore the existing traffic certificate is valid.

5. Discussion of dredging of firepond – 104 Baileyville Road (1:37:27)

Bob Johnson explained that the regulations require anything more than 500 yards of material removal has to come before this commission. He noted this will have to go through the

IWWA first and a vote is expected the following week. Jon Brayshaw had asked to be put on this evening's agenda so that it can be voted on next week if the IWWA approves.

Jon Brayshaw introduced the contractor who will be doing the work. Documents/maps were provided to the commission. Jon Brayshaw went through the maps indicating the key areas and explaining their intent. He noted the pond was last dredged in 1994 at the request of the fire department with approvals. Jon Brayshaw explained the process of dredging, and indicated on the maps/drawings where the material will be stored and where it will be dewatered. It is expected to consist of 1,000 – 1,500 cubic yards of material. It was noted on the drawing where a small amount of material will be brought in to create a work area.

Fire Chief Peter Tyc noted the fire department was in full support of this project, and there was a letter of support provided in the documents.

Whether or not this was a special permit or a simple commission approval was discussed. It was determined to be a special permit- which requires a public hearing. It was agreed to hold the public hearing at the January 8, meeting.

Jon Brayshaw noted that he needs to take advantage of the draining of Lake Beseck to get this done.

Jon Brayshaw was advised to post a sign two weeks in advance of the hearing, and to have his plans to the land use department at least 12 days prior to the public hearing date. He was advised if there are minor changes needed by IWWA and timing becomes a problem, then the original plan can be filed, but something must be on file 12 days in advance of the hearing.

6. Review of sign regulations (1:50:08)

Bob Johnson reported that he understands commissioners Erin Wilson and Brooke Carlson were satisfied with the draft submitted.

Attorney Branse provided a red line draft showing the changes, and the final draft as will be voted on and reviewed with the commission.

Kevin Boyle noted 09.03.01.14 – and suggested it say “sponsor ids shall be limited to six square feet” Attorney Branse agreed with the edit.

Bob Johnson noted they need to have a discussion in the future about enforcement.

Commission members agreed they were satisfied with the regulations, with the one edit form Kevin Boyle.

7. Review of IN zone (2:00:08)

Attorney Branse stated they need to review the uses to see if there is anything left out or if there is something that should not be allowed, or if there should be something that is special permit or site plan review. He noted that site plan uses are for all of the zone, special permit uses can be for specific areas and not in others.

8. Town Planners report (2:03:58)

Geoff Colegrove noted a letter from Linda Krousy (sp) and provided some background on the situation- noting he did not get a call, but received an email dated Nov. 19 regarding activity on Dec. 4. He noted that Jon Brayshaw had provided information about Powder Ridge.

Bob Johnson reported that the letter started with Dear Mr. Chairman and all commissioners; however none of the other commissioners were sent a copy. A copy of the letter was being sent to Geoff Colegrove email.

Geoff Colegrove stated that when he spoke to Linda about doing the housing section for Middlefield and Durham in the PCOD – he explained that Davies is doing mostly transportation and Torrence is doing local assistance. Geoff Colegrove stated that he does recall stating he was doing both towns, and he will follow up with Torrence and get things settled.

Geoff Colegrove reported the GIS people are doing a mapping program of all the property lines and are in contact with the assessors.

Bob Johnson noted the COG wants to come in and meet with the commission, and while he agrees it is a good idea, the commission currently has too many other issues to complete. Geoff Colegrove stated he needs to know what they can and can not do for the towns within the 50 hours.

9. Approval of minutes

It was noted there was a motion made at that meeting with regard to the Lake View estates that was not part of minutes.

A motion was made to approve the minutes to the previous meeting of November 13, 2013, as amended; this motion was seconded and approved by all voting members.

Attorney Branse provided some information regarding certain correspondence.

10. Adjourn

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