

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

Minutes of the January 11, 2017 Regular Meeting

Chairman Bob Johnson called the meeting to order at 6:34 pm.

Attendance:

Members		Alternates	
X	Boyle, Kevin	X	Brown, Jay
A	Carlson, Brooke	X	Ekblade, Eric
X	Johnson, Robert	X	Wilson, Erin
X	Wheeler, Scott	Others	
		X	Colegrove, Geoff
		A	Curtis, Brian

A=Absent
X=Present

Jay Brown and Eric Ekblade were seated on the Commission. Bob Johnson announced that Peter Tyc has resigned from the Commission.

Public Comment

Tyler Gerry, property owner at 51 Industrial Park Road, reviewed a plan of his property from when Keystone Pipeline owned it. He explained that the plan is the same with the exception of an extension where he would like to put in gravel and parking for employees. There is also a proposed fence in that area. They are proposing to stay within the 50 percent coverage. Mr. Gerry reviewed the details of the drawing for the Commission.

Geoff Colegrove explained that he has met with Mr. Gerry several times and had asked him to come tonight's meeting with an update. Mr. Gerry was present to get any comments from the Commission. Mr. Johnson explained that the Commission would need a site plan from a registered surveyor along with the application. Mr. Colegrove wasn't sure that they would require a special permit since the gravel area is currently being used for outside storage. Mr. Colegrove also had photos of the property from Google for the Commission to review. Mr. Colegrove also explained that the special permit stays with the property, not the owner, and that this would probably be a site plan modification.

Bob Johnson offered to put the item on the agenda for February 15, 2017 and Mr. Gerry agreed. Mr. Johnson suggested any proposed or future items be included on the plan as well as showing any dumpsters.

Approval of Minutes

Scott Wheeler made a motion, seconded by Kevin Boyle, to approve the minutes of the December 14, 2016 meeting as presented. Motion carried unanimously.

Town Planner's Report

Mr. Colegrove reported that he met with Ed Bailey regarding the mapping issues of the Plan of Conservation and Development, but will save those comments until the public hearing. He had also contacted River COG about updating the maps.

Chairman's Report

Bob Johnson reported that Peter Tyc has been appointed Fire Marshal and, by state statute, can no longer serve on the Commission. Mr. Johnson thanked Mr. Tyc for his service to the Commission. Scott Wheeler asked if the Commission could present Mr. Tyc with a plaque or something for his dedication to the Town. The Commission agreed and Mr. Johnson will take care of that.

Mr. Johnson commented that he has not yet spoken to counsel regarding the subdivision regulations. He will try to email them this weekend and get any state statute changes that will need to be made to the regulations.

Mr. Johnson also reported that the Inland Wetlands Commission would like to have a joint meeting and he will contact Rebecca Adams, their chairman, to come up with a date to do that. Mr. Colegrove also stated that Randy Bernotas, the Inland Wetlands Enforcement Officer, sent a letter to 80 Industrial Park Road and asked for a representative to appear at their next meeting as they are within the 100-foot review area.

Bob Johnson also stated that everyone had received the job posting for the Zoning Enforcement Officer which is listed for 16 hours. Mr. Johnson does not feel that that is enough hours for the position. He also suggested that the Commission ask for the new officer to attend at least eight out of 12 P&Z meetings and hoped to have that as a requirement in the job description. Mr. Johnson will send the First Selectman an email requesting that someone from the Commission be included in the interviewing process. Scott Wheeler asked what materials and tools are provided for the position and Mr. Johnson thought that there was a small digital camera and that that was it. There was a short discussion about drones being available.

Scott Wheeler made a motion, seconded by Kevin Boyle, to suspend the scheduled P&Z meeting and move to public hearing at 7:00 pm. Motion carried unanimously.

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Continuation of Public Hearing

Town of Middlefield Planning and Zoning Commission: Plan of Conservation and Development

Bob Johnson opened the public hearing and seated Bob Johnson, Kevin Boyle, Scott Wheeler, Jay Brown and Eric Ekblade. There were no objections to the seated members. Mr. Johnson reviewed the public hearing process. Mr. Colegrove read the legal notices for the record.

Bob Johnson reviewed that the Commission had agreed to go over the recommendations from the COG and that Geoff Colegrove would speak with the Board of Selectmen. At this point, he asked for any comments from the public.

Irene Angiletta, 40 Lake Shore Drive, explained that she has lived in Middlefield for over 50 years and has served on various boards and commissions. She was distressed at last month's public hearing on the POCD because she felt that there would have been more interaction between the P&Z Commission and other town groups. She did agree that the law had been served and the approximately 190-page document had been posted on the website and legal notices were published. Ms. Angiletta felt that the spirit of the document was stated to protect the natural areas of the Town and she felt that that did not seem to be reflected. She felt that the Commission should have reached out to the community, all town boards and commissions, local organizations and copies of the plan should have been available at the library and Town Hall and should have been posted in the Town Times. She mentioned that the meeting was posted in the Town Times, but it was not mentioned that the POCD would be on the agenda. Ms. Angiletta felt that the plan was well-done overall, but she was concerned about the zone change for the center of Town and quoted specifically from the POCD. She thought it was inconsistent to propose creating a village area which would allow higher density mixed use. Ms. Angiletta also had hoped that the plan would have been shared with Inland Wetlands and, if it had been, the Agency would have noted that 444 Main Street and the designated commercial area on Route 66 were in or very close to wetlands. She also commented that bike and walking trails are a good idea, but she would discourage development of a trail between Powder Ridge and the King property because of wetlands, streams and wildlife and would instead suggest a trail at the rear of John Lyman School to connect to Lake Road. The Lake Beseck watershed recommendations are praise-worthy and she would appreciate an opportunity to discuss them. Ms. Angiletta quoted from several other sections with regard to wetlands issues and fertilizers as well as the impact of impervious surface. She asked the Town of Middlefield to consider what Haddam and Chester have done with regard to considering impervious surface with residential properties as well as commercial properties. She then mentioned two properties in the Lake Beseck area with large amounts of impervious surface and reported that Inland Wetlands has begun discussions about buffers.

Ellen Waff, Laurel Grove Road, was present speaking also for her husband, Bill Waff, who have both read the entire document. Mrs. Waff asked how many Commission members have read the entire document. Mr. Johnson stated that all of the members have read the entire document, but

Mrs. Waff was doubtful. Mrs. Waff read her husband's comments, beginning with that the document is too big and much of the data is unnecessary. A lot of history, geological history, etc. were very interesting but not necessarily relevant. Mr. Waff had commented that the Town of Salisbury has about the same population, with five times the land area, and their POCD is 68 pages and suggested that the Commission members read it. It was also suggested that goals and recommendations be put into a table in the appendix with responsible task leaders and partners. Task leaders should then provide an annual status report to P&Z. Mrs. Waff asked what the report is for and how it is used. She gave the definition of what a plan should be and commented that it didn't have to be long. She explained that assisted living does not equal affordable. She also asked how the goals could be implemented and reviewed the various types of roads that the Town has. She also agreed with marked bike lanes. Mrs. Waff also thought that the report needed better maps. Mrs. Waff also commented that recommendations should be made into plans and that is the responsibility of the Planning and Zoning Commission. She also commented that there have been issues with enforcement in the past.

Mrs. Waff also commented that capital reserve for land acquisition doesn't really have much to do with P&Z and is a Board of Finance item. She felt that the overview in Section 5 belongs in the Town's annual report. Mrs. Waff also stated that the name of her house is actually Talcott Birdsey and also felt that there were more historic houses that were not on the list. Reviewing Sections 8 and 9, Mrs. Waff felt that there were items required of developers and wondered if they were ever asked of them. In summary, Mrs. Waff suggested that the Commission get rid of what's not needed and implement an action plan.

Marianne Corona commented that she has served on a number of boards in town and concurred with Irene Angiletta with regard to wetlands. She mentioned protection of state water and that the Town has three public water supplies, all belonging to Middletown. The water table is in dire need and the lack of water is affecting the orchards and other farms. Mrs. Corona also brought up fracking and fracking waste. She also felt it was very important to consult the various groups in Town, but also the major players, including Lyman and Zygo as well as the power company. She felt that it is essential that the Commission communicate with the major players. Mrs. Corona also strongly encouraged the Commission to update the Planning and Zoning regulations to achieve what has been recommended in the POCD. She also mentioned the conflict between farmland and new solar installations. Mrs. Corona also encouraged the Commission to speak with the Connecticut Forest and Park with regard to trails.

Paul Pizzo, Long Hill Road, stated that he had talked to someone from the environment committee at Lake Beseck and they had no knowledge of the POCD being drafted. Mr. Pizzo asked how the Commission got information from other commissions in town and thought that the Lake Beseck environment committee certainly should have been included.

Marianne Corona commented that the Commission should realize that they are hearing from very concerned people who are willing to help in any way.

Ed Waldner, 23 Baileyville Road, commented that he has lived in town for over 61 years and had served on the Conservation Commission and actively worked on the POCD. He does believe it is lengthy and also mentioned that his house is not listed in the POCD though it is the first schoolhouse in town. Mr. Waldner requested that the hearing be extended and that the Commission engage as many people in town as possible to create a document that is over-arching.

Linda Li, vice-chair of the Inland Wetlands Commission, explained that Rebecca Adams could not make tonight's meeting, but that they had hoped the two commissions could get together. Mr. Johnson explained that they were going to try to get a joint meeting and asked Ms. Li to focus her comments to the POCD. Ms. Li felt that it would be helpful if Inland Wetlands could work with the Commission on some of the sections. She felt that it would be helpful to have color copies at the schools in Middlefield as well as the library. She also suggested an explanatory article in the Town Times to describe the intent of the document, highlighting some issues of interest and also proposed forming subcommittees. She also specifically mentioned the stream behind the Levi Coe Library.

There were no other members of the public who wished to address the Commission. Bob Johnson thanked everyone for their input and summarized the comments that people were looking for more input. Erin Wilson commented that she felt they wanted more engagement with the community and for them to be a part of the process. Mr. Johnson commented that this has been an 18-month process for the Commission and has been on the agenda no less than 10 or 12 times. Mr. Johnson also stated that he has contacted the Town Times no less than four times for coverage on this issue, but felt that Durham's issues with their POCD overshadowed Middlefield's. Mr. Johnson understood that they should be looking for more input from other avenues.

Bob Johnson volunteered to contact the various newspapers, emails be sent to all the chairmen of the boards and commissions in town and will get a copy of the POCD to the library. Mr. Johnson wasn't sure that the school district would want it in the schools, but he would check with the Superintendent or Chairman of the Board of Ed. He would also look to extend the public hearing, if the Commission agrees. He also reminded everyone that the public hearing was opened last month and there was only one person present. Mr. Johnson did appreciate everyone coming out to tonight's hearing.

Erin Wilson felt there was a huge difference between legal notices and agendas vs. actually reaching out and asking for collaboration on the document. Ms. Wilson stated that she had suggested that collaboration three or four months ago. Mr. Johnson stated that he had reached out to the chairman of the EDC twice, Kevin Boyle has mentioned it and Geoff Colegrove has also emailed him but they have never come to the Commission regarding the POCD. Ms. Wilson stated that they had provided information, but felt that the Commission never took any of their recommendations other than the Town Center Plan. Geoff Colegrove took exception to that and explained that information had been included that was sent from Bill Warner.

Marianne Corona also commented that another problem is that there is no Conservation Commission which would be entitled to do a plan of conservation which could be different than what the Planning and Zoning Commission would do. Mr. Colegrove explained that a Conservation Commission does an inventory of open space and makes recommendation.

Ed Waldner agreed that the apathy in town is nauseating and felt the Commission's pain. Mr. Waldner commented that the Town Hall only had one copy and the Town Clerk told him that there had actually been only two people who came to look at the plan. Mr. Waldner suggested that an informational meeting be held and a notice be put in the Town Times. He also offered to try to invite people to attend. Mr. Johnson did respond that he had not thought to reach out to the Lake Beseck community or the Harvest Woods community. Irene Angiletta again stated that there should be an article in the Town Times and suggested that somebody write an article and send it to them. Mr. Johnson suggested that the Commission pay for a quarter-page ad before the next hearing, but Ms. Angiletta felt that it shouldn't have to be paid for.

Bob Johnson also stated that the Commission does refer to the POCD when applications come in. Erin Wilson stated that the State of Connecticut does favor applications from towns when the proposed project is included in the POCD.

At this point, Mr. Johnson suggested that the Commission continue the public hearing and move on to the comments from the COG and updates on the maps. Geoff Colegrove reported that he met with the selectmen yesterday and identified nine maps that were not readable. He then sent that list to the River COG, but the GIS person is out of the office until tomorrow. After Ed Bailey and Brian Curtis found copies of five of the maps, there are four left to be updated. Ed Bailey also had a concern about Smart Growth information in Appendix 2 and felt it was unreadable in portrait format. That also occurred in the Town Center portion of the POCD. Jon Brayshaw had preferred a consistent format for all of the maps, but Mr. Colegrove didn't feel it was worth the effort as most of them are readable.

Kevin Boyle echoed Erin Wilson's comments and would like to send something to the chair of Wetlands and Economic Development. He would encourage them to either attend the next hearing or send a letter with their thoughts. Ms. Wilson asked to be sure to include the Lake Beseck committee.

Marianne Corona asked if a copy could be sent to the Town's largest landowners, i.e. Powder Ridge and Lyman, but Mr. Johnson felt it wouldn't be necessary to mail a copy to them but will contact them for their comments.

Scott Wheeler made a motion, seconded by Kevin Boyle, to continue the public hearing and schedule for February 15, 2017 at 7:00 pm in the Middlefield Community Center and move to continue the P&Z meeting at 8:01 pm. Mr. Johnson thanked everyone for coming to the hearing and for taking the time to read the POCD.

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Plan of Conservation and Development

As above, the public hearing has been continued to February 15, 2017.

The Commission took a five-minute break at this point and reconvened at 8:14 pm.

Discussion on Correspondence Sent to Property Owners, 80 Industrial Park Access Road and 11, 30 and 34 Old Indian Trail

Geoff Colegrove reported that he had sent a letter to the property owners at the four addresses asking them to come to tonight's meeting to discuss a timetable to bring their site into compliance. The property owner from 80 Industrial Park Road was in attendance.

Mr. Colegrove had the approved site plan available for review that provided for 50 percent of the site as undeveloped areas. He also had photographs of the site in its current situation and had marked the plan to show what is out of compliance. The property owners have also received a letter from the Wetlands Commission because there was supposed to be a 100-foot setback from the wetland areas which is now totally occupied.

Sal Monarca, 80 Industrial Park Road, stated that they would like to have the ability to use 75 percent of the land, keeping 25 percent as open space. Mr. Monarca stated that he has tried to purchase or lease the piece of land in back of his property for open space. He did remind the Commission that he is running a multimillion dollar business and pays taxes to the Town of Middlefield. He knows that he is out of compliance, but would like to know who and what that is affecting and doesn't see the point to this exercise.

Mr. Johnson thanked Mr. Monarca for coming in and wanted to stick to the issue at hand which is that the site is out of compliance. Mr. Johnson has seen the site from every angle and is not sure that it can be in compliance without drastically reducing what is on the site. Mr. Johnson also commented that the Planning and Zoning Commission has recommended that the Town lease the parcel to Mr. Monarca several times. Mr. Johnson agreed with Mr. Monarca that he has been there a long time and pays taxes, but explained that the Commission asks other people to be in compliance so everyone should be.

Mr. Monarca thought that if he had the property rezoned under the new regulations, he would be in compliance. Geoff Colegrove explained that the regulations have been changed to include up to 75 percent for total coverage. Once the coverage is over 50 percent, there must be on-site storage and retention but Mr. Colegrove did not feel that would be a problem on this property. There was also supposed to be a fence constructed to fence off the wetland but that can be addressed by a site plan revision.

Mr. Monarca asked why the use can't be 100 percent since it's an industrial park and not open space. Mr. Johnson explained that legal notice was published when the regulations were changed and there are no towns in the State that allow 100 percent. Kevin Boyle explained that the Commission did expand the use to make it a more economic improvement activity and that 75 percent is high. Mr. Johnson explained that the Commission would want to see a revised site plan. Mr. Monarca asked what the height limit is and was told it would be 45 feet.

Mr. Johnson suggested that Mr. Monarca be on the agenda for February and if he does not have a plan ready, it can go to the next month. Mr. Johnson also asked Mr. Monarca to keep Geoff Colegrove updated on his progress and thanked Mr. Monarca for coming in tonight. Mr. Johnson and Mr. Boyle both mentioned tractor trailers parking in the cul-de-sac and at the property on the weekends and Mr. Monarca agreed it was a problem. Mr. Monarca asked how he can pursue the land in the back and it was recommended that he speak to Ed Bailey and possibly attend a Board of Selectmen meeting. Kevin Boyle felt it would be much easier to lease the land rather than purchase it. Mr. Johnson also suggested Mr. Monarca talk with the Board of Finance. Again, Mr. Johnson thanked Mr. Monarca for coming in tonight.

Geoff Colegrove summarized that Mr. Xenelis has three properties, 11, 30 and 34 Old Indian Trail. Mr. Colegrove drove by and saw that a block wall has been constructed at 34 Old Indian Trail to expand the storage area. There is no permit on record. There is no longer any buffer area between the two sites and all previously-identified open space is now occupied by parking, equipment and outside storage. A driveway was supposed to be installed on the other site, but never has been and other open space areas have storage in them. Mr. Colegrove also commented that the buildings were all existing prior to approval of the site plans.

Erin Wilson asked what the time line looks like for bringing these properties into compliance. Mr. Johnson explained that in June, 2015, Mr. Xenelis had asked the ZEO to sign a letter of compliance to enable him to get financing and the ZEO signed the letter, with the understanding that things would move forward that summer. Since that hasn't happened as of now, Mr. Johnson felt that the Commission should move to the next step. Mr. Colegrove read the letter he had sent to the property owners and had included the new regulations. Mr. Colegrove explained that the normal sequence would be to send a notice of zoning violation, followed by a cease and desist order, a letter from the attorney, ending with an injunction being filed. Both property owners had received the letter as well as a copy of the agenda. If the Commission has record of trying to deal with the situation on multiple occasions, the court would usually award attorneys' fees. Mr. Colegrove will talk with Mark Branse to get the appropriate wording for the next letter. The Commission agreed that Mr. Colegrove should move forward with the next step with the notice of zoning violation.

Election of Officers for 2017

Bob Johnson asked for any nominations for Chairman, Vice Chairman and Secretary. Mr. Johnson alerted the Commission that he has one more year left on the Commission and then, by charter, he will be off the Commission but would agree to remain as chairman. Only regular members can hold an office.

Scott Wheeler made a motion, seconded by Jay Brown, to elect Bob Johnson as chairman, Kevin Boyle as vice chairman and Scott Wheeler as secretary for the 2017 P&Z Commission. Motion carried unanimously.

Miscellaneous

Bob Johnson reported that he has received the request for this year's budget and asked for any thoughts or comments from the Commission members. The Board of Selectmen have asked for a zero increase and Mr. Johnson did not see a problem with that but will caution the Board of Finance that there are always unknowns.

Adjournment

A motion was made by Scott Wheeler, seconded by Jay Brown, to adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 8:50 pm.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First