

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

Revised Minutes of the June 14, 2017 Regular Meeting

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

Attendance:

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

A=Absent
X=Present

Attorney Rich Roberts, from Halloran and Sage, was also present at the meeting.

Public Comment

Judy Didato asked if the Commission was aware that 36 low-income units were planned to be built on the extension of Aresco Drive. Bob Johnson explained that the Commission is fully aware of the project and it is on agenda for tonight's meeting. He also explained that a public hearing will be held in the near future for anyone from the public to address the Commission. Mrs. Didato commented that she had tried to have two building lots on one acre and Planning and Zoning didn't allow it and told her that they were moving to two-acre zoning. She was also told that she had to put sidewalks in. She also stated that the Health Department has been to her property several times about a complaint of sewer that comes from Sugarloaf. Mr. Johnson explained that all the Commission can do is look at the new application and that he understands her frustration over what happened many years ago. Mrs. Didato asked if the Commission can deny the application and Mr. Johnson explained that he can't speculate on what the Commission's answer will be. She again asked if the Commission can deny the 36 units and Mr. Johnson explained that he cannot speculate on the end result. Mrs. Didato asked if the Commission had the power to deny an application for her to put 10 houses on her property and Mr. Johnson explained that the Commission

would review the application and if it was within the regulations, she could then put 10 houses in. Mrs. Didato asked if notice of the public hearing could be mailed to her at 39 Aresco Drive Extension in Rockfall.

Richard Nelson, from 15 Aresco Drive, asked if the Commission could explain what CGS 8-30g allows or doesn't allow, but Mr. Johnson explained that that information will be given at a later time.

Faisal Shamshad, Jafaria Association of Connecticut, One Meriden Road; Petition for Zone Change and/or Amendment to Zoning Regulations

Geoff Colegrove reviewed that he had met with the applicant and they wanted to create a caretaker's apartment in their facility. The regulations only allow that in an Industrial zone and Mr. Colegrove had suggested to Mr. Shamshad that he take the language from the Industrial zone and put it into Design District II. This change would affect the area from the Middletown town line to where the motel and the barbecue restaurant are. He also explained that a public hearing would be necessary to make this change.

Faisal Shamshad agreed with Mr. Colegrove's description of what they wanted to do and explained that everything necessary already exists in the facility.

Bob Johnson suggested the public hearing be held at the next regular meeting on July 12, 2017 and Mr. Shamshad agreed. Geoff Colegrove explained that no sign is needed as this is not specific to the property, but that the Special Permit will require information about the building, etc. Mr. Colegrove explained to Mr. Shamshad that he should be prepared to explain why the zone change is necessary at the public hearing.

Kevin Boyle asked why they would vote on a zone change without knowing any details about the Special Permit application. Mr. Johnson explained that the change is not site-specific and would be for the whole district. Geoff Colegrove will have a list of the properties that would be effected by the zone change.

Nick Xenelis; Revised Site Plan/Zoning Compliance

Geoff Colegrove stated that Mr. Xenelis had told him a month ago that he would have the three site plans at tonight's meeting showing how he would comply with the zoning regulations, but he has not heard from him since that time. Mr. Colegrove felt that the Commission should move to the Cease and Desist Order stage at this point. He suggested that the Commission give Mr. Xenelis 60 days to come into compliance at the three properties. The Commission members agreed to move ahead in that direction.

Mr. Colegrove also explained that Mr. Monarca has engaged a professional engineering service and they have prepared a survey showing what's on the property. Mr. Monarca will also be on the Inland Wetlands agenda next week. Mr. Colegrove also felt that leasing town property would not be sufficient and that Mr. Monarca will have to acquire the property. His understanding is that unless the property is owned, it cannot be counted in the calculation. Mr. Colegrove also felt that there should be a Special Permit for the property.

Scott Wheeler made a motion, seconded by Kevin Boyle, to suspend the scheduled Planning and Zoning meeting and move to public hearing at 6:59 pm. Motion passed unanimously.

Public Hearing

John H. Silvestri, 60 Industrial Park Access Road; Application for Special Permit or Special Exception

Bob Johnson reviewed the members seated and no one had objections to the seating. Geoff Colegrove read the legal notice into the record.

Mr. Johnson asked for the certificates of mailing and verified that a sign had been posted at the front of the property.

John Gabel, Connecticut Consulting Engineers, was present on behalf of the applicant and provided information for the Commission members. He reviewed the proposed contracting yard at 60 Industrial Park Access Road that will be served by a private septic system and private well. They are proposing to have up to five employees at the site and an outdoor storage area for equipment and materials.

Mr. Gabel reviewed the turning radius coming into the site and explained that that was widened to provide access. They had also noted inverts in the septic system and it was resubmitted to the Health Department. Landscaping was also revised and information about the fencing for the outdoor storage was provided. The fence will be black.

Brian Curtis, Nathan Jacobson & Associates, agreed that all of the items in his letters have been addressed.

Kevin Boyle commented that the property can be seen from Cherry Hill Road and the Commission needs to pay attention to the back of the property. Mr. Gabel explained that the fence runs along the back of the property about 20 feet away from the property line and that there is some vegetation back there. Mr. Boyle commented that he is concerned with aesthetics and that he is afraid of "site plan creep" and that boats and jet skis will be stored in the back. He would like to see the fence slatted to help protect people's home values.

Mr. Gabel asked for other Commission members' opinions and Mr. Johnson stated that he didn't see a need for the fence to be slatted, but did agree with Mr. Boyle's perception of what happens to properties. Scott Wheeler and Erin Howard do not see a need for slats in the fence in back. Brooke Carlson asked if the applicant would be amenable to installing slats in the fence and the applicant stated that they would be amenable to installing slats in a portion of the fence. Ms. Carlson would be in favor of that.

John Silvestri felt that vegetation looks better than slats in a fence. Mr. Colegrove felt that it was more critical that fencing be in place before a CO is issued and if the storage exceeds the fenced area, the applicant would need to revise the site plan. Kevin Boyle stated that he preferred to have landscaping rather than slats in the fence. Mr. Silvestri suggested planting white pines.

Kevin Boyle also asked about the proposed bins for material storage and Mr. Gabel explained that they are on the map. Mr. Boyle also asked about the bathroom and Mr. Gabel stated that that would be updated when they get a building permit. Mr. Gabel also explained that there will be no signs on the property.

Bob Johnson asked for any public comment and there was none. Mr. Johnson summarized that Brian Curtis has confirmed that outstanding issues have been addressed. Mr. Curtis suggested that the site be

viewed from Cherry Hill Road to be sure what part of the property needs trees and what part doesn't. The applicant will contact Brian Curtis to do that.

Erin Howard asked about the timing of planting the trees and whether the Commission would hold up the CO if the trees were not planted. The applicant is ready to begin construction as soon as the Building Department reviews the plans and would hope to be in before winter. He would hope to have the trees planted in the Fall. Commission members generally agreed that the CO would not be held up by planting of trees.

Scott Wheeler made a motion, seconded by Kevin Boyle, to close the public hearing and reopen the scheduled meeting at 7:22 pm. Motion carried unanimously.

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John H. Silvestri, 60 Industrial Park Access Road; Application for Special Permit or Special Exception

Scott Wheeler made a motion, seconded by Brooke Carlson, to approve the application of John H. Silvestri, 60 Industrial Park Access Road; Application for Special Permit or Special Exception with the condition of planting of pine trees on the north/west sides of property or as determined by a site walkthrough by the Town Engineer. Motion carried unanimously.

Middlefield Housing Authority; Application for CGS 8-30g Housing Development

Bob Johnson invited Attorney Rich Roberts, the Commission's attorney, to the table at this time. Mr. Johnson explained that the application was received last Thursday with some changes made from the original presentation.

Attorney Sylvia Rutkowska, counsel for the Housing Authority, began by reviewing the changes made to the application packet since the last meeting. The application form was included as well as a Statement of Use and List of Permits, as required under Middlefield's site plan regulations. Attorney Rutkowska explained that the narrative for numbers 6 through 8 were provided, but two sets of the full reports are available. Number 11 is the Traffic Impact Study supplement, dated June 5, 2017, created by Fuss & O'Neill. This provides what, if any, effect this would have on Cedar Street and also compares Cedar Street access vs. Aresco Drive access. This report came to the conclusion that the Aresco Drive access would be the safest and most appropriate access.

Number 12 is the Affordability Plan that should answer a lot of questions regarding income, rental costs, application process, management, etc. Numbers 13 through 15 are the stamped copies of the site plan and are essentially what the Commission had seen before. Attorney Rutkowska pointed out that the Site Plan and Stormwater plans are different in a number of ways. The amount of bedrooms has been reduced from 69 to 65 which also reduces the amount of public school-aged children. There is also a Planting plan to add increased plantings, mostly to add a buffer between the neighborhood on Aresco Drive and this development. The Architectural set has also been modified, based on the bedroom reduction, and has some more detail.

Attorney Rutkowska also mentioned that a second dumpster location has been added. Based on conversations with Fire Marshal Peter Tyc, they have also added some new fire lanes and addressed some of his other issues. A large storage tank has been added as well as some dry hydrants.

Scott Wheeler asked where the Fire Marshal stands with the project right now and Attorney Rutkowska explained that they have met several times and revisions have been made. The applicant is confident that they will be able to address any safety issues. She reviewed the reinforced turf between the buildings to allow for fire truck access. Attorney Rutkowska understands that Chief Tyc does not have a concern about the space between the buildings as they have addressed the concerns in other ways. Kevin Boyle asked if the Commission has received any correspondence from the Fire Marshal and Mr. Johnson reported that he has not received anything as of yet. Mr. Johnson stated that the Commission would want to see a letter from the Fire Marshal as well as the Fire Department.

Bob Johnson asked what the closest space is between buildings and it was explained that there are two locations where it is 10 feet. Attorney Rutkowska reviewed the part of the project that will be sprinklered and Peter Byram explained that the individuals units are not required by code to be sprinkled.

Mr. Johnson reviewed that the Commission will need to get information from the Fire Marshal and the Fire Department. Brian Curtis picked up the plans today and will review them. Attorney Rutkowska asked for the Commission to schedule a public hearing at the soonest available time. Mr. Johnson stated that once the Commission receives information from the Fire Marshal, Fire Department and Town Engineer, he will schedule a public hearing. Geoff Colegrove explained that it takes two weeks for a legal notice to be published and suggested that a public hearing may be possible for the fourth Wednesday in July. Mr. Johnson suggested that if the letters could be submitted within two weeks, a public hearing could still be noticed for July 12, 2017. Attorney Rutkowska asked if the letters had to be officially received at a meeting or just sent to the Chairman and Mr. Johnson deferred to Attorney Roberts. Attorney Roberts felt that the Chairman could circulate the letters to the Commission members. Erin Howard felt that it would be up to the Commission to decide if the application was complete to go to public hearing. Attorney Rutkowska noted, for the record, that the application at this time is complete per the regulations and it is just a matter of a referral to other departments.

Attorney Roberts explained that the window for a site plan application is 65 days and goes to the August meeting. He suggested that the reviews be done as soon as possible. Absent an extension, a decision would need to be made by the first meeting in August.

Mr. Johnson summarized that he would try to schedule the public hearing for July 12, 2017 if letters are received within the next two weeks. Attorney Rutkowska's understanding is that information would be required from Peter Tyc, as both Fire Marshal and Fire Chief, and Brian Curtis, the Town Engineer. Geoff Colegrove mentioned possibly Public Works (which would be covered by Brian Curtis) and explained that the Sanitarian is aware of the project and will send in a letter as well. Scott Wheeler thought that a verbal commitment for the review letters would be sufficient.

Attorney Rutkowska verified that if the letters were to be sent next week, the public hearing would be on July 12, 2017 and Mr. Johnson confirmed that. Brian Curtis felt that he could have his review done by

then and Bob Johnson verified that he knows that the Fire Department has begun reviewing the plans as well.

The Commission decided to table the scheduling of the public hearing until such time the review letters are received. The consensus is that the Commission will have a quorum in July.

Richard Nelson, 15 Aresco Drive, commented that he has resided there since 1998 and there are several sinkholes from the drainage system. Several people have brought this to the attention of the First Selectman and he wonders how this new development will affect the drainage system.

Bob Johnson explained that the public hearing is an opportunity for the public to address the Commission with any questions, thoughts or concerns.

Donna DelVecchio, Elvira Drive in Rockfall, asked if any of the submitted documentation is available for the townspeople to read. Mr. Johnson stated that the information will be at the Town Hall once a decision is made to hold a public hearing. Geoff Colegrove also commented that a copy of everything will also be in the Land Use office tomorrow.

Steven DelVecchio, Elvira Drive, asked what weight the public has with the Commission at the public hearing. Mr. Johnson stated that the Commission listens to what is said, but cautioned everyone that there are a lot of limitations that the Town has with this application. Erin Howard recommended people look at CGS 8-30g. Geoff Colegrove explained that the applicant has been trying to accommodate the concerns of the Town and, as much as possible, the concerns of the abutting property owners and neighbors. Because of the statute, the Commission has limits on what they can impose on the applicant. The public hearing is important so the applicant can hear the concerns of the neighbors and try to address them as much as possible.

Judy Didato asked why perk tests had been done with no permits and Erin Howard explained that it is a property owner's right to perk test their property. Mrs. Didato stated that it wasn't fair to stick this in their backyard and that they should go find a piece of property where nobody cares.

Richard Nelson asked if any of the Commission members went to the Housing Authority meeting because he felt that the income numbers had changed at that meeting.

Jay Meadows commented that last year, the State had Wadsworth Falls on their website for people to visit and lots of people showed up and his daughter tried to use her front lot for parking. He asked the Commission if they would be allowed to rent their front lot for parking at Wadsworth Falls when this development is put in.

Report of the Town Planner

Geoff Colegrove reported that the POCD has been filed at the Town Hall and he will forward electronic copies to OPM within 60 days.

Mr. Colegrove met with an architect and a gentleman who wants to put a restaurant in the Lakeside Deli building. The property is commercially zoned and he has seen a set of plans. The property is a half-acre lot with a watercourse going through the property (approximately 45 feet from the building) and looks as though it will be approximately 70 percent lot coverage. This project will be on the agenda for the next meeting of Inland Wetlands.

Mr. Colegrove also reported that he had a revised site plan for 174 Cherry Hill Road which he showed to Kevin Boyle that now includes the nine trees as well as three large trees that were already existing. There are also some issues with Fire Department access in the area. All of the trailer issues have been taken care of. Bob Johnson felt that Mr. Colegrove needs to initiate a conversation with the property owners about removing one or both pillars to allow for Fire Department access. Erin Howard wondered if the Commission can ask them to do that and also asked where the Fire Department had been during the whole review process of the property. It was agreed that the Commission cannot force the property owner to remove a pillar, but can certainly ask as it would be in the property owner's best interest.

Report of the ZEO

Jerry Russ was not present at the meeting.

Chairman's Report

Bob Johnson had nothing further to report.

Approval of Minutes

Scott Wheeler made a motion, seconded by Brooke Carlson, to approve the meeting minutes from May 10, 2017 and May 31, 2017, as presented. Motion carried unanimously.

Miscellaneous

Erin Howard asked for more information on the agenda with regard to the applications, specifically including the zoning regulations that apply. Ms. Howard also asked if Ed Bailey could be invited to a meeting and the Commission could discuss what things they like and don't like about the processes.

Adjournment

A motion was made by Scott Wheeler, seconded by Kevin Boyle, to adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 8:19 pm.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First