

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

Minutes of the October 11, 2017 Regular Meeting

Chairman Bob Johnson called the meeting to order at 6:30 pm.

Attendance:

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

A=Absent

X=Present

Eric Ekblade was seated on the Commission.

Public Comment

Randy Bernotas, Middlefield’s Inland Wetlands Enforcement Officer, gave an update on the Monarca property at the Industrial Park. Mr. Bernotas reported that Mr. Monarca had attended the last Inland Wetlands meeting and presented a site plan for the property. Mr. Monarca agreed to remove the materials that are encroaching the wetlands to the 50-foot mark on the northwest side of his property. He also mentioned either purchasing or leasing some land from the Town in the back. Mr. Bernotas will visit the site tomorrow morning to see how it’s going and it will be on Inland Wetlands’ agenda for their meeting next week.

Bob Johnson stated that P&Z had agreed, at their last meeting, to have Geoff Colegrove send a letter through counsel, but he held off on that letter since Mr. Monarca was going to attend the Wetlands meeting. Mr. Bernotas will let Mr. Colegrove know what progress has been made. Mr. Bernotas also reported that Mr. Monarca also agreed to the fences on the original site plan which had never been installed.

### Nick Xenelis; Revised Site Plan/Zoning Compliance Continued Discussion

Geoff Colegrove stated that the applicant would not be present at the meeting. He had received a memo from the surveyor who had attended the last meeting. They have visited Ed Bailey about leasing property. Mr. Colegrove also spoke with the attorneys and Mr. Bailey about the length and terms of a potential lease. They are considering adding a caveat that if there is a violation and the lease is terminated, the Town could lien the property. Any termination of the lease would put the property back into noncompliance. The Board of Selectmen are willing to discuss this issue and understand that this would involve two properties.

Mr. Colegrove also mentioned that Mr. Xenelis would like the Commission to give him dates for a site visit. He also mentioned that the Commission would probably need to get access to the transfer station if they wanted to view the property off Old Indian Trail.

Bob Johnson was very disappointed that no one was at tonight's meeting. Kevin Boyle asked what a Cease and Desist really does and Mr. Colegrove explained that it moves the Commission to the next step before the issue goes to the attorney. Mr. Johnson mentioned that when a lease expires in 10 years, the Commission would be right back to where they are now with this property. He is not in favor of this arrangement and would rather see the site cleaned up. Mr. Boyle stated that the letter indicates a 50-year lease and he felt that that puts Mr. Johnson's concern to rest.

Kevin Boyle summarized that lot #30 would have the leased property component to it. The Town property there has a public water supply on it and would not be able to be marketed. Mr. Boyle would have an open mind to a 50-year lease. He also summarized that lots #34 and #11 would be satisfied within their own property limits.

Bob Johnson suggested that the Commission give Mr. Xenelis two dates for a possible site visit. He also mentioned that it is a big area and will probably take one to two hours. Mr. Johnson felt a Saturday morning would be a good time, but Kevin Boyle is not available on Friday or Saturdays. Brooke Carlson can do a Monday or Friday.

It was then agreed to propose Monday, October 23<sup>rd</sup> at 4:30 PM. Geoff Colegrove will propose the date to Mr. Xenelis. The group will meet at the transfer station.

### David Lilley, 28 Algonquin Road; Application for Special Permit or Special Exception, Accessory Apartment

David Lilley explained that the only change they want to make is to transform the current office space to a kitchenette. Mr. Lilley plans to move in with his wife and children while his aunt and grandmother live downstairs.

Bob Johnson explained that further information is required for an accessory apartment. Mr. Lilley commented that the secretary in the Land Use Office told him to submit a rough sketch. Mr. Johnson recommended Mr. Lilley take a copy of the regulations and information from the Assessor's office with him and come back with further information. Mr. Colegrove reviewed the information that will be

required and explained that the house totals almost 2,400 square feet. One-third of that square footage would be allowed for an accessory apartment. If the square footage exceeds one-third of the total, Mr. Lilley would need to get a variance from the Zoning Board of Appeals. Mr. Lilley explained that he just wanted to add a kitchen upstairs and did not need that living space to be separate from the rest of the house, but the secretary in the Land Use Office told him he needed to go through this special permit process.

Mr. Johnson suggested that Mr. Lilley call Geoff Colegrove and sit down to review this application and return with the appropriate information, if necessary. Mr. Colegrove also explained what rights come along with an accessory apartment vs. a single family living in the house.

#### Discussion on Temporary Health Care Structures

Bob Johnson explained that this issue had been brought up a couple of months ago at the River COG and has noticed that two or three other towns are opting out of this Public Act.

Geoff Colegrove asked Jerry Russ to get a copy of the regulation that Killingworth recently adopted and added that he felt that Attorney Branse's comments are well-grounded. Mr. Colegrove commented that he agreed with Attorney Branse that there are a whole lot of issues. Bob Johnson explained that he had included his questions to Attorney Branse and his response for the Commissioners to review. He asked the Commissioners to email Mr. Colegrove with any questions they may have. The Commission will have a discussion next month and can hopefully come to a consensus at that time.

#### Report of the ZEO

Jerry Russ reported that they have moved forward with legal action regarding the fence in violation on Chipeway Road. Geoff Colegrove thought that the property owner called in and said she was not in violation, but Mr. Russ stated that she had left a message, but he has not yet spoken to her.

Mr. Russ has not spoken with Mr. Cihocki in the past month and really had nothing further to report. The bank is taking over the property on Peters Lane and nothing is enforceable at this time. Bob Johnson stated that he believed that P&Z has a \$4,000 lien on the property. Mr. Russ also commented that there didn't seem to be anymore excess car problems in town.

#### Report of the Town Planner

Geoff Colegrove had nothing further to report.

#### Chairman's Report

Bob Johnson reported that he gave the COG notice that he will not be attending meetings for the rest of the year and had also notified Ed Bailey. He suggested that possibly somebody be paid to attend those meetings next year and give a report. Kevin Boyle asked if the minutes from the COG meeting could be attached to the regular P&Z minutes.

#### Approval of Minutes

Scott Wheeler made a motion, seconded by Kevin Boyle, to approve the minutes from September 13, 2017, as submitted. Motion carried unanimously.

#### Miscellaneous

Brooke Carlson mentioned that she had emailed Bob Johnson and Ed Bailey earlier today confirming her resignation from the Commission, effective at the end of the year, due to her teaching schedule in New York. Mr. Johnson also reminded the Commission members that, as of January 1, there will be three openings on the Commission and encouraged everyone to talk to people about getting involved.

Public Comment

David Stinson asked what a temporary health structure is and Bob Johnson explained that the Commission has just started to discuss this tonight and didn't really have a good answer for him. The State legislature has enacted a public act on this issue and Mr. Johnson offered him the information that Geoff Colegrove had gathered. Discussion of this item will be on next month's agenda and a public hearing will be necessary if the Commission decides to opt out.

Adjournment

A motion was made by Scott Wheeler, seconded by Brooke Carlson, to adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 7:29 pm.

Respectfully submitted,

*Debi Waz*

Debi Waz  
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