

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

Minutes of the July 16, 2018 Regular Meeting

Erin Howard called the meeting to order at 6:35 pm.

Attendance:

Members

Alternates

A	Boyle, Kevin	X	Wojas, Jan
A	Brown, Jay		
X	Ekblade, Eric	Others	
X	Howard, Erin	X	Colegrove, Geoff
X	Wheeler, Scott	A	Curtis, Brian
		X	Russ, Jerry
		A	Bailey, Ed, <i>ex officio member</i>

A=Absent

X=Present

Jan Wojas was seated on the Commission.

Public Comment

Jeff Carver, from East Hampton, stated that he is attempting to purchase the house at 471 Main Street in Middlefield and there are some questions about the zoning in the past. Mr. Carver spoke with Jerry Russ, but didn't seem to get answers. Geoff Colegrove explained that he had spoken to Jerry Russ about it and he stated that there was a home occupation, but that Mr. Carver wanted to do retailing which the other home occupation did not provide for. Mr. Carver then explained that he was not looking to retail.

Mr. Colegrove explained that the home occupation permit stays with the property, but has to be the same activity. Erin Wilson asked what Mr. Carver wanted to do and he explained that he wanted to keep it as the existing use which was a four-plex (a four-family home). He had no intention of any retail or any business. Mr. Carver explained that Jerry Russ had not given him a clear answer as to whether or not he

could occupy the house and rent out the other three units. Mr. Carver stated that it is listed with the town as a four-family home and is in the Assessor's record as a four-family house.

Geoff Colegrove stated that he'd be happy to check into it for Mr. Carver as he wasn't sure how the property became a four-family house. Erin Wilson stated that just because the Tax Assessor has it listed as a four-family home doesn't make it a legal four-family home. Mr. Colegrove will take a look into it and get something in writing to Mr. Carver.

Larosa Middlefield, LLC, Application for Special Permit or Special Exception; 275 Baileyville Road

Erin Wilson explained that the Commission has received the application and Geoff Colegrove explained that the project has been through Wetlands and has been reviewed by Brian Curtis for the wetland issues. Mr. Colegrove spoke to Pat Benjamin and he is not available for the Commission's meeting in August, so he asked to be scheduled for a public hearing on September 17, 2018. Ms. Wilson asked if this will require a traffic review and Mr. Colegrove did not feel it was at that level as they were adding only 300 sq.ft. to the building and the parking area will not hit 200 spaces. Mr. Colegrove will ask Brian Curtis to review the application.

RFQ for Consultant; Zoning Regulations Review and Update

Erin Wilson stated that she still had to add two sentences to the RFQ and will send it out tonight.

Report of the ZEO

Jerry Russ was not present at this point in the meeting.

Report of the Town Planner

Geoff Colegrove reported that his bill for June was about \$1,000. He also reported that he received an email and a phone call from Ed Bailey on June 29th about the fact that the POCD was never registered with OPM. Mr. Colegrove called OPM on Monday and it was processed by the end of the day. There will no longer be an issue with any grants because the POCD wasn't registered. He did send the comments from the River COG which stated that the POCD was in compliance with the State Plan of Conservation and Development as well as five or six points of conflict between the State POCD and the Town's, with the primary ones being the area where the town owns the 50 acres off Hubbard Street, with Zygo owning another 45, that was rezoned for industrial but the State did not show that. There was also an area along Beseck Mountain, going down to Powder Ridge, which they showed for potential development and the Town has it under conservation and protection.

Erin Wilson summarized that she is learning how difficult it is to identify what people have what responsibilities and this was the second thing that had a significant impact on the Town that got missed. Another example was when the Mylars from Powder Ridge never got filed. She felt that there is nobody really watching. There was then discussion about how the prior chairman, Bob Johnson, was more hands-on than Ms. Wilson and things have now shifted to Geoff Colegrove and Jerry Russ. She also explained

that part of the reason she is going to update the zoning regulations is to move responsibility to Mr. Russ and Mr. Colegrove and it easier for applicants.

Chairman's Report

Erin Wilson had nothing to report.

Jerry Russ arrived at the meeting at this point and Geoff Colegrove asked him about the property at 471 Main Street. Mr. Russ stated that he had never spoken to Mr. Carver about the property being a four-family house. Mr. Russ stated that the property is listed as a four-family, but would not be legal in the regulations. He would believe that it would be legally nonconforming, but wasn't sure if that could be carried through. Ms. Wilson explained that it could, as long as it is being used in the same way and the Commission cannot stop him from using the property. Jerry Russ explained that the property did get an approval for a home occupation for antiques and collectibles, with no retail sales. Mr. Russ also mentioned that the records show that the house was a five-family at one point.

Erin Wilson also reported that a letter was received from the City of Middletown on July 9th regarding a proposed text change regarding tattoos and body piercing, with the hearing held on July 11th.

Scott Wheeler made a motion, seconded by Jan Wojas, to suspend the P&Z meeting and move to public hearing at 7:04 pm. Motion carried unanimously.

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Public Hearing

Luis Fernandes/Suzett Louro, Petition for Zone Change, Change of Zone from Medium Density Residential (MD) to High Density Residential (HD1 Lake Beseck); 223 Baileyville Road

Erin Howard pointed out that the members that were seated for the regular meeting have remained the same. There were no questions or concerns about the seated members.

Scott Wheeler read the legal notice into the record.

Luis Fernandes explained that he and Suzett Louro own 223 Baileyville Road and are looking to change the zoning from medium density to high density Lake Beseck zone to make it more conforming to the lake. They are the only property on the lake that is medium density. They are planning to build a small addition for a master bedroom which would bring them slightly over the maximum coverage in medium density.

There was no one present from the public who spoke on this issue.

Geoff Colegrove explained that he looked back at previous maps and they all showed the property as MD, but all of the other properties around the lake are HD1. He felt that it doesn't make any sense for this one property to be zoned MD.

James Fasano/Lawrence Brooks, Petition for Amendment to Zoning Regulations; Section 10.02.B.9 as follows: (4) Delete the requirement that requires the veterinary clinic to be attached to a dwelling that is owner-occupied and allow veterinary clinics with or without a residential component; (5) Delete the requirement that the clinic shall not exceed 75 percent of the habitable floor area of the dwelling; (6) Delete; Add new (6) Amend section to assure adequate off-street parking for staff and patrons and such parking shall be shielded from the road; Add new (7) Total impervious area shall not exceed 20 percent; non-pervious surfaces are not included in the impervious calculation.

James Fasano reviewed that they are interested in purchasing the property and wanted to change the regulations to make the property more conforming. The current owner has not lived at the property for 10 years and there are eight employees vs. three that the regulations state. They have no plans to expand or revise the property.

There was no one present from the public who spoke on this issue.

Erin Wilson explained that the Commission has reviewed this proposal earlier and it has not changed. Mr. Colegrove stated that the Commission's comments and suggestions have been incorporated into the proposed wording. Mr. Fasano will be looking to get a certification from the Zoning Enforcement Officer stating that the property is in compliance with the zoning regulations.

Mr. Colegrove also explained that no notification was required as this proposed change is not site-specific. Erin Wilson explained that the applicant would still have to come before the Commission for an amendment to the special permit. Mr. Colegrove felt that the applicant would not be applying for a special permit as he is proposing no changes in use. The site plan shows the site with the proposed parking. Jerry Russ commented that the site plan also shows a horseshoe driveway in front of the house that has never been built.

Ms. Wilson summarized that this is the text amendment piece and that any improvements to the property would require the applicant to amend the special permit. Mr. Fasano explained that he didn't intend to make any immediate changes. Scott Wheeler asked about ADA, but that is not part of this application and would fall under building code.

Erin Wilson then asked if a sign had been posted for the zone change at 223 Baileyville Road and Jerry Russ did not think that it was necessary and apologized for the error. Mr. Colegrove explained that it would be required as it was a specific piece of property. Ms. Wilson stated that a sign needs to be posted and the public hearing will be kept open until next month's meeting. Ms. Louro asked if the process could be sped up as they are waiting to get the building permit to start their addition.

There was then discussion about holding a special meeting and whether or not the public hearing for Larosa Middlefield, LLC could be included at that time. Ms. Wilson suggested the applicants get the sign

up as soon as possible and the Commission will coordinate with staff about a meeting date and let the applicants know within 24 hours.

Scott Wheeler made a motion, seconded by Eric Ekblade, to continue the public hearing for 223 Baileyville Road and close the public hearing for the text change amendment submitted by James Fasano/Lawrence Brooks, and reopen the P&Z meeting at 7:35 pm. Motion carried unanimously.

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Luis Fernandes/Suzett Louro, Petition for Zone Change, Change of Zone from Medium Density Residential (MD) to High Density Residential (HD1 Lake Beseck); 223 Baileyville Road

The public hearing has been continued until Thursday, July 26 at 7:00 pm. Erin Wilson felt that the posting of a sign and notification of neighbors should be addressed when they look at the zoning regulations.

James Fasano/Lawrence Brooks, Petition for Amendment to Zoning Regulations; Section 10.02.B.9 as follows: (4) Delete the requirement that requires the veterinary clinic to be attached to a dwelling that is owner-occupied and allow veterinary clinics with or without a residential component; (5) Delete the requirement that the clinic shall not exceed 75 percent of the habitable floor area of the dwelling; (6) Delete; Add new (6) Amend section to assure adequate off-street parking for staff and patrons and such parking shall be shielded from the road; Add new (7) Total impervious area shall not exceed 20 percent; non-pervious surfaces are not included in the impervious calculation.

Scott Wheeler made a motion, seconded by Jan Wojas, to approve the application from James Fasano/Lawrence Brooks, Petition for Amendment to Zoning Regulations; Section 10.02.B.9 as follows: (4) Delete the requirement that requires the veterinary clinic to be attached to a dwelling that is owner-occupied and allow veterinary clinics with or without a residential component; (5) Delete the requirement that the clinic shall not exceed 75 percent of the habitable floor area of the dwelling; (6) Delete; Add new (6) Amend section to assure adequate off-street parking for staff and patrons and such parking shall be shielded from the road; Add new (7) Total impervious area shall not exceed 20 percent; non-pervious surfaces are not included in the impervious calculation, effective August 8, 2018. Motion carried unanimously.

Report of the ZEO

Jerry Russ reported there are some violations for fencing on Main Street in Rockfall.

Mr. Colegrove also reported that Nancy Davidson's father recently passed away and Erin Howard extended the Commission's condolences.

Mr. Russ also reported that the blighted property at 22 Lake Road has been purchased and is under construction now. He also reported that 17 Kickapoo Road has been demolished.

Jerry Russ also explained that there are issues at the house across from Peckham Park. The basement was dug out and the chimney is sitting on rubble. Footings have been installed and the house is shored up with steel beams.

Erin Howard asked if Jerry Russ had contacted Attorney Corona about the night golf at Lyman Orchard's Apple Nine, as per her email that she sent to him on June 18th. She also had sent Mr. Russ the conversation she had with Attorney Branse about night golf. He did not recall receiving any emails about that. Night golf was held last Friday and Ms. Howard again reiterated that Attorney Corona had specifically stated that night golf was not part of the special permit and that the hours were sunrise to sunset. She would like to have Attorney Corona come talk to the Commission.

Scott Wheeler went to the arts and crafts event at Powder Ridge and noticed a platform. He asked if that was ever permitted and Erin Howard confirmed that they had permits for that.

Jerry Russ also noted that the backlit sign at Victory Church was permitted, but there is now a sandwich board sign.

Miscellaneous

Ms. Howard asked if the Commission wanted to do anything about the notification from the City of Middletown on the proposed text amendment and Jan Wojas felt that the text change made sense. Ms. Howard was annoyed that the notification arrived just two days before the meeting and is not in compliance with State statutes. If the Commission has an issue with the amendment, they could appeal it.

Approval of Minutes - June 18, 2018 Meeting

Scott Wheeler made a motion, seconded by Eric Ekblade, to approve the minutes from the June 18, 2018 meeting, as presented. Motion carried, with Scott Wheeler abstaining.

Adjournment

A motion was made by Scott Wheeler, seconded by Jan Wojas, to adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 8:04 pm.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First