

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

Minutes of the September 17, 2018 Regular Meeting

Erin Howard called the meeting to order at 6:32 pm.

Attendance:

Members		Alternates	
X	Boyle, Kevin	X	Wojas, Jan
X	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

Public Comment

None.

Ahearn Builders of Wallingford, LLC (Crestview Condo Association), Application for Special Permit or Special Exception, Modification to Site Plan; 19 Crestview Drive

Erin Howard explained that there has been some discussion about requests for changes for the site plan for this property and it will require a public hearing.

Geoff Colegrove distributed a memo from Brian Curtis regarding bonding for work that has not been completed at the project. They are looking for a CO for the last unit and have bonded for the work that is not complete. A cash bond for \$69,000 has been filed at the Town Hall. Mr. Colegrove attached a site

plan map showing the items that are not complete. The applicant will need to notify all abutters of the public hearing as well as members of the association.

Erin Howard accepted the application and scheduled the public hearing for the next regularly scheduled meeting on October 15, 2018. Geoff Colegrove explained that this is really a judgment call by the Commission as to whether or not to allow the proposed changes. Erin Howard asked Mr. Colegrove to pull the minutes from the meetings when it was originally approved. Kevin Boyle asked if the sidewalks were

shown as bituminous or concrete and Mr. Colegrove explained that they were bituminous. Mr. Boyle then asked for a bigger copy of the approved master plan.

Report of the ZEO

Jerry Russ reported they are working on the final chapters of Crestview, Lake View Estates and Ross Farms and have developed a punch list. They are slowly getting the nuisance vehicles rectified. He also has some questions about a town easement on property at Valley View that he will review with Geoff Colegrove.

Report of the Town Planner

Geoff Colegrove reported that, as far as he knows, the Board of Selectmen have not yet made a decision on whether or not to lease property to Mr. Xenelis. He has not received any additional information on any other sites at the Industrial Park. Since this has been going on for over a year and a half and two of the sites are not involved in the lease question, Mr. Colegrove feels that another letter should be sent.

Erin Howard asked for Geoff Colegrove or Jerry Russ to get a status report from the Board of Selectmen on this issue. The Commission generally agreed to move forward on enforcement for the two lots that are not involved in the leasing question. Mr. Xenelis has already received a notice of zoning violation, so a cease and desist can now be issued, followed by a letter from the attorney. Mr. Colegrove felt that the letter should come from the attorney at this point. Jerry Russ will issue the cease and desist immediately and forward it to Mark Branse. Kevin Boyle reiterated that they would like to see the properties separated and get the process moving on the two properties that are not involved in the leasing question. Ms. Howard stated that if Mr. Xenelis has not been in communication with the Board of Selectmen on the home property, then a cease and desist should be issued on that as well.

Geoff Colegrove also mentioned that he plans to phase out of consulting at the end of next June and wanted to allow the Commission to prepare for that in the budget season.

Chairman's Report

Erin Howard reported that she had received an email from Ed Bailey stating that there have been some questions about the adaptive reuse of the Lyman School building and he asked the Commission to weigh in on some possible options going forward with that site. The property is currently zoned residential. She would like to discuss this at the next meeting.

Miscellaneous

None.

Approval of Minutes - July 16, 2018 and July 26, 2018 Meeting

Scott Wheeler made a motion, seconded by Eric Ekblade, to approve the minutes from the July 16, 2018 and July 26, 2018 meetings, as presented. Motion carried unanimously.

Erin Howard called for a short recess before they open the public hearing.

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

LaRosa Middlefield LLC, Application for Special Permit or Special Exception; Construction of Paved Parking Lot and Conversion of Existing Building to a Restaurant, 340 sq.ft. Addition; 275 Baileyville Road

Erin Howard reviewed the public hearing process and explained that each public hearing will be either closed or continued at the end of each of the presentations. If notice requirements have not been met, the public hearing will automatically be continued. She did explain that no shouting or comments from the audience will be tolerated.

Scott Wheeler read the legal notice into the record for the first public hearing, LaRosa Middlefield LLC. Regular members were seated for the hearing and there were no issues with the seating. It was verified that letters were mailed to abutting property owners and the sign had been posted.

Pat Benjamin, from Bascom and Benjamin, was present on behalf of LaRosa Middlefield LLC along with John LaRosa. They would like to convert the convenience store/gas station at the corner of Baileyville Road into a restaurant. They have received approval from the Wetlands Commission and also have had three reviews by the Town Engineer. Mr. Benjamin reviewed the survey map for the Commission, showing the existing building which is completely within the setback lines. It has a sanitary sewer hook-up and there is an existing well on the site. There are four large curb cuts, two on Baileyville Road and two on Lake Road. They are proposing to move the culvert on the site over to build an additional parking lot to accommodate the number of parking spots required for a restaurant.

Mr. Benjamin continued reviewing the plan and pointed out the proposed 340 sq.ft. addition which is located where it is because of setback lines. Two curb cuts will be closed off, one on each road. The remaining entry and exits will be 24 feet wide and there will be 26 parking spaces on either side, with handicapped parking provided. There will be curb stops at all the parking spaces and the parking lot will be paved.

Mr. Benjamin reviewed where the lights will be located in the parking lot which will be 15 feet high and are fully-recessed, 55 watt LED lights which will be directed straight down. There are full cut-off lights located on the building which are LED and are approximately 9 feet in the air. The architect would like to keep the option open to come back to the Commission if they wanted to change the lights.

Middlefield zoning regulations require 26 parking spaces for 1300 sq.ft. of floor space. They are proposing to be open from 10:00 AM to 12:00 PM.

The entire parking lot sheds water to the infiltration drain which runs around the edge and that discharges into the swale that is being relocated. The swale is slightly bigger than what is presently there and is 11 feet wide, 39 inches deep and 36 inches wide at the bottom. It will be covered in intermediate rip-rap.

Mr. Benjamin reviewed the plantings that are being proposed, some of which were requested by Inland Wetlands.

Erin Howard explained that she will put a set of the plans up at the front of the room for the public to view, but reminded everyone that they have the opportunity to go to Town Hall before the public hearing to review the plans.

Mr. Benjamin continued to explain that there will also be landscaping and ornamental grasses. There is also an area that is currently pavement, but will be reclaimed as grass. The proposal does conform to coverage requirements for the building and the parking lot. The drainage swale can only be relocated during periods of low flow which is June 1st through October 1st and will take about a week to be completed.

Pat Benjamin had just received the architect's drawings and reviewed it for the Commission. The elevation is currently 30 feet and they will not go any higher. They are proposing vertical board and batten as well as a stone veneer with a metal roof. Mr. Benjamin offered to have the architect present at the next meeting, if necessary.

Kevin Boyle asked where the well is being drilled and Mr. Benjamin reviewed the location of the existing well as well as the proposed location. Mr. Benjamin has no sight line concerns.

Kevin Boyle asked if there were photometrics on the proposed lighting and Pat Benjamin believed he had turned those in with the original package. Mr. Benjamin explained that the proposed lights would give off one-half of a foot candle and nearer the restaurant would be two to three foot candles. All lights would be full cut-off, recessed lights. Mr. Benjamin explained that he had submitted individual photometrics, but did not submit one for the entire site and Mr. Boyle asked what the reasoning was for that. Mr. Benjamin explained that Middlefield typically doesn't require full photometrics. Mr. Boyle wanted to know how they would know they are getting a half to one-foot candle at all the parking spaces for public safety without photometrics. He wondered how Mr. Benjamin could expect a Commissioner to understand what the photometrics of the parking lot look like. Mr. Benjamin offered to provide the full photometrics of the site done by an electrical engineer if that is the Commission's wish, but did explain that generally he submits individual photometrics.

Erin Howard asked about signage and Pat Benjamin explained that they are looking at one location for a sign as well as a sign on the building, but the applicant would come back about that because details are not available.

Kevin Boyle then asked about the location of exhaust fans and Pat Benjamin did not know the exact location, but assumed they would be in the roof where the kitchen is located. Mr. Boyle also asked for the sound levels on the exhaust fans and Mr. Benjamin will get that information.

Pat Benjamin explained that the main entrance faces east and patrons would walk on a concrete sidewalk to the front of the building. There will also be an access door on the south side, for emergency entrance and exit.

Erin Howard asked about any potential traffic issues and Mr. Benjamin explained that there will be better sight lines by eliminating the two curb cuts. The traffic flow will trickle in and out throughout the day.

Hearing no further questions from the Commission, Ms. Howard turned the hearing over to the public who are in favor of the application.

Alexandra Taylor, 28 Lake Shore Drive, stated that she was concerned about interference with the line of sight when turning out of Lake Road. She also asked if any marketing study has been done about the possible success or need for a restaurant in the area.

Jim Irish, 112 Lake Shore Drive, is the chairman of the Board of Finance and wanted to speak in favor of the project from the economic development point of view. He felt that an additional restaurant in town would be a positive thing for the town. Given the tax circumstances of the town and the state, anything that can be done to encourage economic development in town is a very, very good thing. Speaking as an individual, he stated that he has been to the applicant's other restaurants, the Fox restaurant and Fiore's, and finds them both to be very high-quality restaurants and he would feel fortunate to have a restaurant of that quality in Middlefield.

Don Smith, a trustee of 269 Baileyville LLC, spoke on behalf of the project. He had grown up in the house at 269 Baileyville and frequented the gas station for many years. He feels it is nice to see positive growth in a meaningful way occur on a piece of property that has nothing happening on it now. He would love to see something nice go in to breathe life into the area.

Erin Howard then opened the hearing for those in the public who were in opposition to the application.

Troy Donahue, 20 Lake Road, has no problems with a restaurant going in on the property or the addition, but he would like to request a fence along the property line to keep the garbage and some noise from his property. Mr. Donahue also thought that most of Middlefield's establishments close at 9:00 and wondered why they were proposing 12:00. Geoff Colegrove explained that there was no regulation on that. Erin Howard thought that state law was that alcohol can be served until 2:00 on weekends and 11:00 or 12:00 during the week. Mr. Donahue reiterated that if he could get a nice fence installed, he would be happy with the project. He also felt that traffic would be a concern and they will probably have issues there at some point.

Hearing no other public comments, Ms. Howard asked Pat Benjamin to respond to the questions brought up by the public. He stated that the Town Engineer had asked for some type of buffer and that the applicant would be glad to install a fence. They will also be creating a berm in the area and explained where the fence could be installed and stated that they could also plant some arborvitae. Mr. Benjamin also reported that he had spoken to the DOT and explained that they will be cutting off two of the existing entrances and exits and he will talk to them again about the curb cuts. He felt that it will definitely be a better traffic than exists now.

Erin Howard asked Pat Benjamin to review the Lake Road access and Mr. Benjamin felt that people do turn that corner fairly fast, but the property has only so many ways to get in and out of. He has been in and out of the property many times and has not had a problem. Mr. Benjamin reviewed that he will provide photometrics and the location of the exhaust fans as well.

Alexandra Taylor asked about putting maple trees on the corner of Lake Road and Baileyville Road and she is concerned about anything in the line of sight. Mr. Benjamin explained that they are 25 feet off the edge of the road and the line of sight is 10 to 15 feet. Mr. Benjamin explained how the DOT determines line of sight.

As for the marketing question, Pat Benjamin also stated that the applicant has been contacted by several people who would like to lease or buy the space.

Erin Howard commented that this is the first time the entire Commission is seeing these plans and there are several outstanding items. As for DOT, Mr. Benjamin explained that they usually will not respond until they get a letter of approval from the Commission. Ms. Howard felt that the Commission could ask the Police and Fire Departments to review the traffic pattern. Chief Peter Tyc stated that he has not been able to review any of the plans, so had no comments at this time.

Ms. Howard suggested continuing the public hearing to give staff the chance to formally respond and to give the Commission more time to review the application. Alexandra Taylor asked if it would be possible to have sidewalks put in so people can walk to the restaurant. Pat Benjamin explained that the right-of-way line is so close to the pavement that there is no room for sidewalks. He also explained that any sidewalks they would put in would not connect to anything.

Scott Wheeler made a motion, seconded by Kevin Boyle, to continue the public hearing regarding LaRosa Middlefield LLC, Application for Special Permit or Special Exception; Construction of Paved Parking Lot and Conversion of Existing Building to a Restaurant, 340 sq.ft. Addition; 275 Baileyville Road on October 15, 2018 at 7:00 pm in the Middlefield Community Center. Motion carried unanimously.

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The Lyman Farm, Inc., Application for Special Permit or Special Exception; Modify Existing Special Permit to Include Night Golf Activities; 700 Main Street

Scott Wheeler read the legal notice into the record for the second public hearing, Lyman Farm, Inc. Regular members were seated for the hearing and there were no issues with the seating.

Attorney John Corona, Lang and Corona, was present on behalf of The Lyman Farm. He presented the evidence of mailing and stated that there are two signs on the property. He was accompanied by Jason Bieffer, from Billy Casper Golf which manages the golf facilities for The Lyman Farm. They would like to extend their special permit to allow the entertainment activity, night golf. This activity begins at sunset and ends roughly two hours later. This activity does take place at Indian Springs and has become popular around the country.

Jason Bieffer explained that night golf starts at sunset and nine holes of golf are played. No carts are allowed on the course. He showed samples of glow sticks that are used on the flag stick, around the golfer's neck and on the golf bag. The fairways are lined with glow sticks and walkways and bridges are also lined. The only thing you would see if you were driving by is the light-up golf ball. The golf balls lit up when they are hit and stay lit for eight minutes. He explained that 10 five-somes would be the maximum number of participants (50 to 55 golfers). He wasn't sure of the frequency, but did feel that it would not happen every night. He also explained that there are always two staff members on the golf course during the event plus one person in the pro shop. No music is provided.

Kevin Boyle asked what courses would be utilized and Mr. Bieffer explained that it would be exclusively at the Apple Nine at this point. Mr. Boyle also asked about the number of golfers and it was explained that it was a shotgun start and they can typically start two groups on the first hole as the ninth hole is a par 4.

Erin Howard asked about hours of operation and stated that in the summer months, the activity would not start until 9:00 and in the fall, it would be safe to say it would be done by 9:00. Attorney Corona felt that the latest activity would end around 11:00 during midsummer. He also explained that the two rangers will use carts with headlights to supervise the event. Attorney Corona also explained that the restaurant would remain open during the hours of the event and no alcohol is allowed outside of the building. There is no particular time limit on the food and beverage at the moment, but it tends to close when most people leave.

Attorney Corona also clarified that he was here to modify only the Apple Nine special permit, not the other courses.

Erin Howard then opened the hearing up to the public and there was no comment.

Scott Wheeler made a motion, seconded by Kevin Boyle, to close the public hearing regarding The Lyman Farm, Inc., Application for Special Permit or Special Exception; Modify Existing Special Permit to Include Night Golfing Activities; 700 Main Street, AKA Apple Nine. Motion carried unanimously.

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Powder Ridge Mountain Park & Resort LLC, Petition for Zone Change and/or Amendment to Zoning Regulations; Addition of “Short-Term Event-Based Camping” to Section 08.08.01 and 08.08.02

Scott Wheeler read the legal notice into the record for the third public hearing, Powder Ridge Mountain Park & Resort, LLC. Regular members were seated for the hearing and there were no issues with the seating. Geoff Colegrove reported that several referrals for the application of the special permit were done as the property abuts Meriden and Wallingford, but none were needed for the zone change. He also referred the text change to the South Central Regional Council of Governments and to River COG because it abuts Durham. He has not received any comments back.

Sean Hayes, Powder Ridge Mountain Park & Resort, LLC, explained that they are proposing a text change to section 08.08.01, short-term event-based camping in conjunction with prior-approved events for the site with a maximum of three-night camping stays. Mr. Hayes explained that they are not trying to establish a family campground and will only be for short terms during events, with a maximum stay of three nights per event. Mr. Hayes described the events as music concerts and sporting activities and explained that they are trying to entice more participation in the offseason. The campers would be the participants in the event and would typically be 400 or 500 people at most, with just a percentage of them wanting to stay on property.

Mr. Hayes distributed copies of the regulations set by the State of Connecticut to the Commission members and reviewed that this would fall under family campground regulations. There are two categories with two types of sites. Powder Ridge intends to set up short-term, transient camping. He highlighted the pertinent sections of the statutes. Mr. Hayes reviewed that a primitive site basically means having no water, no electricity and no bathroom in the vicinity. Regular campsites require bathrooms and shower facilities within a 500-foot radius. The main lodge is shown on the map within 500 feet of the camping. They have defined up to 100 regular sites in the 500-foot circle and another 90 sites outside of the circle and that is what they would be asking for under the Special Permit.

Erin Howard explained that this public hearing is about allowing the use in general in town and is not site-specific. Geoff Colegrove explained that this would be under outdoor recreation and would require a special permit. Anybody who has a special permit for outdoor recreation could apply for a special permit to include camping. He explained that it would apply to a fairly limited group of properties in town, but would open it up to anybody who has a special permit for outdoor recreation. The way the amendment is written, the property would have to have previously-approved events to allow camping.

Erin Howard was getting tripped up over the event piece of the amendment and Sean Hayes explained that they put that in there to restrict the openness of the amendment. Ms. Howard asked about the term “short-term, event-based camping” and Mr. Hayes explained that the state refers to that as “transient.” Ms. Howard asked Geoff Colegrove if he felt it was clearly written and he thought it would be very difficult to apply this to many other applications and would not allow a camping facility any place in town without being tied to an activity and a special permit.

Ms. Howard opened the public hearing to the public at this time.

Lars Selberg, 170 Powder Hill Road, explained that he has spoken before about Powder Ridge, but he is concerned that the text amendment seems vague. Short term was a concern of his, but he was happy to hear that someone won't be able to do this in other parts of town. The events also concern him as some of them lend themselves well to camping and some lend themselves to loud nights in the neighborhood. He also asked about camping trailers, RVs and Winnebagos and how they would potentially fit into the regulation change. He would hope that the Commission would review that carefully. Mr. Selberg also does not understand the approval process for the special permit, specifically for the events and whether camping needs to be approved by either P&Z or the Board of Selectmen. He would want to know who is camping and whether vendors would be allowed to camp on-site. He would also be concerned about a future board having to deal with an approval and how it could be extended in some unanticipated way. He remembers this section of the regulations being changed back in 1991 and that caused the town a lot of angst, a significant amount of funding and the loss of a lot of goodwill amongst the people in town. He would hope the Commission would go into this with their eyes wide open and take appropriate precautions.

Marianne Corona, Cherry Hill Road, explained that she was a member of the Planning & Zoning Commission back in the 60s and dealt with some of what Mr. Selberg just mentioned. Given the history of Powder Ridge, camping on 200 sites makes her very nervous. There will be no way to keep track of who goes where and the town has gone out of their way to protect that facility from public exposure. In the past, the Fire Chief told her that Powder Hill Road was one of the most dangerous places in Middlefield. She asked the Commission to have a conversation about safety when considering this text change.

Mike Kollar asked if the camping would include or exclude open campfires.

Lori Vogel-Brown, 111 Powder Hill Road, stated that she has lived in Middlefield for 34 years and has lived through the various owners of Powder Ridge. She is impacted every day by everything that happens there and she finds it very nice to have responsible owners and well-run events. They are very attentive to how their events impact her property, being the closest resident. While she would not want to camp, she feels that it is the young people that we need to attract to come to town and spend their money. Ms. Vogel-Brown feels that this would not be a bad idea and would bring more business to the Ridge which then would bring more business to Middlefield. She trusts that there will be the appropriate amount of restrictions and precautions applied to make it run properly. Her only concern would be for the Commission to apply the appropriate restrictions so that future owners cannot abuse the regulation.

Sue Melzmuf, Powder Hill Road, commented that Sean Hayes is doing a good job and the place looks terrific. She is particularly concerned about the events that they are planning on having and how many campers per site will be allowed. She also asked about fires and mentioned how close Dyno Nobel is to the property.

Erin Howard explained that outdoor recreational uses are done through the special permit process in general and Powder Ridge has a special permit for all of the uses on the site. They are now looking to

make the text amendment to the regulations and then they will apply for the use under a special permit (in the next hearing). Other properties would have to have a special permit for certain events and then ask to tie camping to those specific events.

Marianne Corona asked about the special events that are allowed under their permit and Geoff Colegrove explained that there is a limited number of events per year that are defined. Sean Hayes further explained that the number of events per type of event are limited as is the participation at each of the events. As of now, camping is not an approved use.

Sean Hayes explained that the request in the special permit will include both RV and tent camping and they would mandate quiet hours after 11:00 pm. No fires would be allowed on the individual campsites. Powder Ridge would have the two or three fire pits that they regularly use. Camping would be for vendors and customers of the specific event and would be limited by the number of sites.

Geoff Colegrove felt that it would be a policy question for the Commission and the special permit gets into a lot more detail. He felt it was a basic change of use in the zone that would be covered by the special permit for outdoor recreational activities. Kevin Boyle suggested that it was not really a change in use, but an additional use. Mr. Colegrove also reminded the Commission that camping that had been proposed in the past was for a general use, not tied to specific activities. Erin Howard asked why this wouldn't be considered an accessory use to eliminate the concern of it being a principal use. Sean Hayes stated that he views it as an accessory use.

Jerry Russ, the Zoning Enforcement Officer, stated that the activities that are being promoted at Powder Ridge include overnight stays of vendors and participants and he feels it would be an accessory use to an already-approved activity.

Chief Peter Tyc did not have a lot input as far as the text change, but did have some concerns as far as the site. They have a lot of concerns that he will discuss during the Special Permit application. Generally, he would want to see how it would transpire and he would be concerned about having 200 overnight campers. No campfires would a huge thing safety-wise.

Marianne Corona strongly encouraged the Commission to have the first responders be a part of the process and pay attention to their comments.

Lars Selberg questioned the number of 200 campers when there are 190 sites. Sean Hayes explained that state statute does not have a limit of campers per site, but they do have a limit of eight persons on campsites across the state. He would restrict it to six per site. Mr. Selberg encouraged the Commission to require that the number of persons be explicitly stated.

Mike Cherry, from Rockfall, stated that the town will end up having to deal with the emergency response with the number of people up there and questioned if medical personnel would be on-site.

John Manning, 15 Chicopee Road, stated that he has been to a few events at Powder Ridge and they have a very professional security team. He stated that Sean Hayes has done a great job with providing income for the town and a lot of the kids have jobs now. He felt that everything Mr. Hayes has done has had a positive impact on the town. It makes him sick that certain people oppose every single thing he does.

Rob Poturnicki, 8 Pequot Road, didn't understand what the big concern is. He feels that the property is designed for people to do dangerous things and he's just asking to have people sleep there. He feels that it is a no-brainer.

Sean Hayes explained that the security personnel would be present at all events. He also commented that Lyman Farm has already been approved to put a 12-foot fence around their property which will lock it off from Powder Ridge.

Erin Howard summarized that she didn't see how this would be a principle use if it is being proposed as an accessory use tied to an event. She also stated that there are a lot of questions and concerns about camping itself. She felt they should pay attention to the property's specific times of use and when you add camping, you will have transient people possibly throughout the entire evening and there would be questions about control. She thought maybe the Commission should set parameters, such as safety and security plans. She asked if there was a way to have an approval process for every specific event to include a review by public safety or the Zoning Enforcement Officer.

Sean Hayes felt that if they were having an event, they submit an application, but it doesn't get reviewed. He was going to address the regulatory issues during the hearing on the special permit, but stated that part of the state regulations is to get local health approval up-front. They would meet with the health department and the fire marshal and would need to address any additional information required by the local fire department. All of this is included in the state statutes and would need to be addressed during the special permit process. Erin Howard mentioned the difference in the people camping at a bike event vs. the brewfest.

Kevin Boyle felt that it would be different on a three-day bike week than a brewfest. Once alcohol is introduced, the possibility comes of the bus going sideways and stressing the town's resources. He felt there needs to be an elevated plan when alcohol is involved and first responders need to be involved. Sean Hayes did not disagree, but also questioned whether it was more dangerous to put those attendees back on the road than making them stay overnight. Mr. Boyle did not disagree, but then felt they would not be safe where they are and would stress the town's capabilities.

Erin Howard mentioned that if this were to be based on each individual event, Mr. Hayes would have to come before the Commission for each event and she did not want to do that. She thought maybe it could be just a basic review by the Fire Department instead.

Erin Howard felt that the Commission needs to determine if they need more information and she felt that more wording is necessary. Geoff Colegrove felt that if the Commission added some additional language,

such as review by the fire department, that might be permissible but if they made substantial changes, a separate public hearing would be warranted.

Kevin Boyle felt that this was important to the town and it should be continued. He felt that the Commission should consult with Attorney Branse. He also suggested that they move on to the next public hearing because that's where a lot of the conversation will happen. Erin Howard asked how they would move forward on a public hearing on a special permit amendment for a use that is not currently allowed. Geoff Colegrove stated that they could hear testimony, but cannot approve the special permit.

Erin Howard reiterated that she felt this should be looked at from the accessory use perspective with some parameters.

Scott Wheeler made a motion, seconded by Kevin Boyle, to continue the public hearing regarding Powder Ridge Mountain Park & Resort, LLC, Petition for Zone Change and/or Amendment to Zoning Regulations; Addition of "Short-term Event-based Camping" to Section 08.08.01 and 08.08.02, scheduled for October 15, 2018 at 7:00 pm at the Middlefield Community Center. Motion carried unanimously.

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Powder Ridge Mountain Park & Resort LLC, Application for Special Permit or Special Exception; Add Short-Term Event-Based Camping; 99 Powder Hill Road

Scott Wheeler read the legal notice into the record for the fourth public hearing, Powder Ridge Mountain Park & Resort LLC. Regular members were seated for the hearing and there were no issues with the seating. Proof of notification has already been provided. The Zoning Enforcement Officer did verify that a sign had been posted.

Sean Hayes reviewed the map that shows the restricted area that will be used for camping. The 500-foot circle encompasses tent camping on the base mountain only and it will be in reach of all of the current events. Separate from that, in the existing parking area, they would take 20 campers in the old rental lot (which is within the 500-foot area) and another 20 outside the 500-foot area. The first three tiers of parking would be for regular camping and the upper tiers for primitive camping. Again, no camping will be allowed on the mountain.

Mr. Hayes directed the Commissioners to the state statutes and reviewed that once local approval is gained, they need to go to the Health Director for any additional permits. The Health Department would also have an annual inspection right. He reiterated that there will no fires allowed other than what already exists in the fire pits. No activities would be in the woods or outside the sight of security. They would also provide any additional information required by the fire marshal or fire department.

Mr. Hayes reviewed that the state statutes allow for 15 or 25 sites per acre. The 500-foot radius equals 18 acres and they are not proposing even a quarter of what normal campgrounds would have. The sanitation

services have to be within the 500 feet of the non-primitive sites. The state statutes would require four flushing toilets for men (they have eight) and five for women (they have 14), two urinals (they have four) and showers (they have four and four). They would open four of the hotel rooms to provide showers which would only be open during the day for shower use and not overnight.

Sean Hayes explained that the property is vastly under-utilized as it used to do 100,000 skiers per year and they have not come close to that (with 25,000 skiers maximum two years ago). The existing system was designed for over 5,000 gallons per day and they are using 2,000 gallons during the peak season and 1,000 per offseason use. The new system that is being installed is designed for over 12,000 gallons a day. Right now, they have 10 hotel rooms with two of them being used as an office. They currently have 4 to 5 percent utilization of the hotel rooms. In summary, this would have a zero impact on sanitary and water requirements.

As for public safety, Powder Ridge would be happy to implement a curfew with quiet hours beginning when the restaurant closes at 11:00 pm. There will be a security officer on duty overnight during those events and they would coordinate with the health and fire departments. He pointed out that camping is a part of the activities everywhere else and it is difficult for Powder Ridge to attract them to the area without offering camping.

Eric Ekblade asked if there were any similar facilities that Powder Ridge is modeling after and Sean Hayes explained that this would be one of the most restrictive campsites out there. Other campgrounds offer fire on-site. Mr. Ekblade specifically asked about camping with events and Mr. Hayes explained that most every ski area in the country allows camping or has hotels. Mt. Southington does not because they do not have the property. He then explained that none of the ski areas in Connecticut offer camping.

Scott Wheeler asked about barbecues and stated that even charcoal is an open flame. Sean Hayes stated that he would be willing to discuss it with staff. He explained that they would have to provide a 55-gallon steel drum for the charcoal to be dumped in. Mr. Wheeler also asked what the sanitation would be for the approximately 560 people who would be in the primitive camping area. Mr. Hayes explained that most of them would be fully-equipped RV campers.

Kevin Boyle asked if the town can be more restrictive than state statute and Erin Howard explained that the zoning regulations could restrict use, but if not then it would go to state statute.

Jan Wojas asked what the closest distance would be of any camping to the property line and Sean Hayes explained that one area along the north side would be within 75 feet of the property line. The radius of that area would be no more than 750 feet from the lodge. Kevin Boyle asked about how to figure the area of a circle and felt that Mr. Hayes' calculations were wrong. Mr. Boyle that the 500-foot circle would not be 18 acres, but Mr. Hayes explained that it is a 500-foot diameter, not a 500-foot circumference. Mr. Wojas did the calculation and felt that there could be 1,200 people on 25 acres and Mr. Hayes agreed, but felt that 100 percent occupancy would be near impossible.

Scott Wheeler asked about what parking lots have been cut and Mr. Hayes reviewed which areas have been done. Erin Howard asked where people would park who do not plan to camp and Sean Hayes felt that they would leave the bottom two rows for customers with the outer rows for camping.

Chief Peter Tyc, speaking as the fire marshal, explained that they are formulating a plan for the storage facility at 263 Powder Hill Road which requires a one-mile evacuation zone. Ideally, the area should be evacuated within 15 minutes. The people creating the plan feel that this is a high impact area. He wondered how they would get the people out of there and how they would identify how many people are there. Spacing between campers, tents and trailers would have to be defined. He also asked how medical personnel will know where to respond when they receive a 911 call and if the sites will be numbered. Chief Tyc felt that they didn't have the staff to get the area evacuated in 15 minutes.

A question was asked if the reverse 911 system works on cell phones and Chief Tyc explained that that needs to be set up in advance. He also felt that a PA system might be of help. Sean Hayes commented that they don't have the cell phone numbers of everyone on the mountain and Chief Tyc stated that was true, but they weren't sleeping. Jay Brown had a concern, as a property owner, about the 15-minute evacuation time and felt that that would be harder than waking the people up that are in the parking lot. Chief Tyc felt that there were a lot of things that need to be worked out, but it may not be insurmountable.

Jerry Russ asked if it was Powder Ridge's policy to provide EMS and security and Sean Hayes stated that it was. Mr. Hayes also stated that they would follow all state requirements for incident reporting as well.

Geoff Colegrove stated that if this were approved in the future, all of the mapping would have to be put onto a mylar and filed in the land records. He asked about the 75 feet on the north side from the property line and Sean Hayes explained that that was Lori Vogel-Brown's property.

At this point, Ms. Howard turned the hearing over for public.

Marianne Corona asked if Sean Hayes has fulfilled the order to finish the septic system and stated that this was a big concern of hers and the watershed committee.

Rob Poturnicki had no concerns that any campers will wander into his neighborhood. He also stated that he had no interest in boarding up Powder Ridge again and hoped that the Commission will consider what it used to look like and what could potentially happen if the town doesn't start to try to help the businesses.

Julie Selberg, Powder Hill Road, thought it was great that Mr. Hayes was trying to come up with creative ways to keep it going, but she hoped something could be worked out to help allay people's fears about a change in policy.

Hearing no other comments, Ms. Howard asked if Mr. Hayes or the Commission had any further comments.

Sean Hayes stated that they would certainly be willing to get a PA system that will accommodate a 750-foot radius. He explained that every guest would register (which is a requirement of the state), so they will know which sites are occupied and how many people are on each site. A phone number will be provided for each site. There will be minimum space between sites and lot numbers would be assigned. He reviewed that the sanitation is double what the state requires and they are working on going to a state-mandated 12,000 gallon per day system. They have been granted a delay on that system and are still working to implement it. The state is aware and they are monitoring the water usage on a daily basis. They currently use less than one-quarter of the existing system and it will be one-tenth of the full system, once implemented. Mr. Hayes explained that 25,000 skiers every year does not make the operation work and they need help.

Erin Howard stated that this hearing will have to be continued because of the text amendment. She asked the Commission to keep in mind requiring some form of a safety plan for camping facilities, hours of operation, quiet times, fires and fire pits, location of charcoal dumps and sanitary dump facilities.

Sean Hayes explained that no sanitary dump facilities need to be provided for primitive sites. All RV campers would be notified that there is a dump station in the Meriden rest area on route 91.

Ms. Howard would also want to include staff review or notification to public safety when a camping-related event is planned. Geoff Colegrove mentioned that there may need to be different levels of review. Kevin Boyle felt that the Commission should look at the verbiage used in the approval for the events and he would also like to hear from the public safety departments as to what they need. Jerry Russ suggested a working session with staff and Commission members, but Geoff Colegrove explained that that cannot be done with Commission members.

Erin Howard explained that they will continue the public hearing and suggested that Mr. Hayes work with fire, public safety, zoning enforcement and the planning department before the next hearing. Ms. Howard explained that the Commission cannot say how they feel about this application as the public hearing is still open, but she believes that the Commission is dedicated to trying to help businesses in town and they will try to make a decision that is in everyone's best interest.

The Commission members will get their concerns to Geoff Colegrove and he will review those concerns when he meets with Sean Hayes and others. Chief Tyc explained that the public safety tries to meet once a month. Jerry Russ also noted that whenever an event is coming up, they get notice of the event by way of a tent permit or through the office. Sean Hayes stated that police and emergency services are also notified of the events.

Ms. Howard explained that she is trying to make the process as streamlined as possible and the next step would be to continue the public hearing and have Mr. Hayes meet with staff. She requested that staff provide a recommendation back to the Commission on how they propose this be handled through the regulation and/or the special permit process with the intent to provide flexibility so the applicant doesn't have to keep coming back to the Commission for every event. Kevin Boyle again suggested this be forwarded to Mark Branse for his review.

Kevin Boyle asked who pays for public safety services and Sean Hayes explained that they pay for any services that are mandated.

Scott Wheeler made a motion, seconded by Kevin Boyle, to continue the public hearing for Powder Ridge Mountain Park & Resort, LLC, Application for Special Permit or Special Exception; Add Short-term Event-based Camping; 99 Powder Hill Road scheduled for October 15, 2018 at 7:00 pm at the Middlefield Community Center. Motion carried unanimously.

Scott Wheeler made a motion, seconded by Eric Ekblade, to reconvene the Planning and Zoning meeting at 9:26 pm. Motion carried unanimously.

LaRosa Middlefield LLC, Application for Special Permit or Special Exception; Construction of Paved Parking Lot and Conversion of Existing Building to a Restaurant, 340 sq.ft. Addition; 275 Baileyville Road

The public hearing on this application has been continued until October 15, 2018 at 7:00 pm.

The Lyman Farm, Inc., Application for Special Permit or Special Exception; Modify Existing Special Permit to Include Night Golf Activities; 700 Main Street

Erin Howard felt that the Commission should move forward with a decision on this tonight and asked if staff had any comments on this application. She thanked the applicant for bringing this use to the Commission.

Scott Wheeler suggested that a closing time be included as a condition of the permit and Jan Wojas asked why that was important. Mr. Wheeler was just being precautious and felt that they would be setting a precedent. Mr. Wojas asked if they had seen a negative impact from the night golf that was held at Indian Springs and Erin Howard recused herself from that situation. Geoff Colegrove reminded the Commission that each special permit is particular to the individual site.

Erin Howard reviewed that Lyman's has testified that they will hold night golf that will take two hours to complete, with just one round of golf, and that if they were to do something other than that, they would have to come back before the Commission. Jerry Russ stated that golf sometimes takes longer than expected and may take a little more than two hours and he felt it may be a little too restrictive to limit it to two hours from sunset. Mr. Wheeler withdrew his concern.

Scott Wheeler made a motion, seconded by Kevin Boyle, to approve the application of The Lyman Farm, Inc., Application for Special Permit or Special Exception; Modify Existing Special Permit to Include Night Golfing Activities; 700 Main Street at the Apple Nine.

Kevin Boyle wanted to verify that the approval specified Apple Nine and Erin Howard wondered if they wanted to include how often night golf activities would take place. Kevin Boyle felt that it could be any

day from March to November. Ms. Howard felt the issue would be the time of day during the summer months.

Mr. Boyle asked whether night golf could be played on a warm day in January and didn't feel a restriction of days or months needed to be put on the approval. Erin Howard stated that the Commission restricts Powder Ridge activity during the week to 10:00 pm, so why would they not restrict night golfing activities. Jan Wojas felt that this is a far different scale, size and crowd. People could drive by and not even know it's going on. Jerry Russ stated that there is very little impact and didn't see what restriction would be necessary. Jan Wojas felt that the Commission should try to help the business without negatively impacting the town.

Erin Howard explained that state regulations allow sale of alcohol until 12:00 am during the week and 2:00 am on weekends. Kevin Boyle felt that it wouldn't be an unnecessary restriction to limit night golf and the snack bar to be closed by 12:00 am and suggested that be a condition of the approval. Jan Wojas asked if this will really be that popular and Erin Howard stated that it is pretty popular and she can hear them after midnight in her backyard. She agreed that this is a completely different location and wouldn't have that same impact.

Attorney Corona would be glad to voluntarily accept the condition that limits the operation of night golf to midnight.

Scott Wheeler made a motion, seconded by Kevin Boyle, to approve the application of The Lyman Farm, Inc., Application for Special Permit or Special Exception; Modify Existing Special Permit to Include Night Golfing Activities; 700 Main Street at the Apple Nine with the condition that golf will cease at midnight. Motion carried unanimously.

Powder Ridge Mountain Park & Resort LLC, Petition for Zone Change and/or Amendment to Zoning Regulations; Addition of "Short-Term Event-Based Camping" to Section 08.08.01 and 08.08.02

The public hearing on this application has been continued until October 15, 2018 at 7:00 pm.

Powder Ridge Mountain Park & Resort LLC, Application for Special Permit or Special Exception; Add Short-Term Event-Based Camping; 99 Powder Hill Road

The public hearing on this application has been continued until October 15, 2018 at 7:00 pm.

Miscellaneous

Jan Wojas noticed that the zoning map has not been updated for a while and Geoff Colegrove stated that that is River COG's responsibility. He did state that there are just two zone changes (Peters Lane and Baileyville Road) that are missing from the map. Mr. Wojas asked if the zoning map could be listed on the website. Jerry Russ reported that his office has just requested an updated map from River COG and Geoff Colegrove will call to be sure the latest changes are included.

Erin Howard added that she'd like the Commission to be better prepared for public hearings and they should not be getting maps the day of the hearing. She felt that the Commission should ask for 11x17s

instead of full maps. The agenda packets should include full applications, with copies of everything including photometric plans and staff comments. Ms. Howard would also like to make decisions right after each public hearing is closed if the Commission is ready to decide.

Geoff Colegrove explained that the photometrics had been provided with the original application back in June. Ms. Howard stated that she receives information piecemeal and she has to go back through emails and packets and that isn't fair to the Commission. Kevin Boyle stated that he had only received his packet when he got home today at 5:00 and had only an hour to read it. He felt that the whole thing is a joke. Jerry Russ requested Ms. Howard specify the format and he will follow through. Mr. Boyle stated that he was frustrated because they are getting less information in less time.

Scott Wheeler asked about the home occupation application that was received in August and Jerry Russ stated that it was not a complete application. He has spoken with the applicant and believes she has met with some resistance from her neighbors. Geoff Colegrove stated that Nancy Davidson confirmed that the applicant received Jerry Russ' letter and referred her to the section of the regulations on the website.

Erin Howard also reiterated that they will not take testimony when an application is received if they know it will require a public hearing. She is working on the process to get people in and out of the meetings on a timely basis.

Adjournment

A motion was made by Scott Wheeler, seconded by Kevin Boyle, to adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 9:53 pm.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First