

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

Minutes of the February 25, 2019 Regular Meeting

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

Attendance:

Members		Alternates	
X	Boyle, Kevin	A	Crocco, Mike
X	Brown, Jay	X	Hinsch, Ken
A	Ekblade, Eric		
X	Howard, Erin	Others	
X	Wojas, Jan	X	Colegrove, Geoff
		A	Curtis, Brian
		A	Russ, Jerry
		A	Bailey, Ed, <i>ex officio member</i>

A=Absent
X=Present

Ken Hinsch was seated on the Commission.

Public Comment

None.

Richard Mach, Application for Home Occupation Plan Review, 139 Peters Lane

Erin Howard reviewed that the applicant had come before the Commission last month and Geoff Colegrove reminded everyone that the notifications had gone out late and the neighbors did not have a chance to respond. Richard Mach provided the certificates of mailing for the letters mailed on February 11th which provided plenty of time. He also explained that he did not have a certificate of mailing for

Nick Xenelis, but had dropped the letter off at his place of business. Mr. Xenelis confirmed that he had received the letter.

No one on the Commission had any questions or comments.

Jay Brown made a motion, seconded by Jan Wojas, to approve the application of Richard Mach, Application for Home Occupation Plan Review at 139 Peters Lane.

Kevin Boyle asked where Mr. Mach planned on storing all of his equipment and Mr. Mach explained that everything will be stored in his shed/garage. The only thing outside will be his truck and his 12-foot trailer which will be on the other side of the shed along with the snow plow.

Motion carried unanimously.

Discussion with Xenelis, Inc. regarding zoning compliance

Geoff Colegrove reviewed that he just picked up a letter from Ed Bailey regarding the lease issue on 30 and 34 Old Indian Trail and gave a copy to Mr. Xenelis. Tonight, discussion will center around 11 Old Indian Trail which is the old Butler Concrete site.

Chuck Sheehan explained that they have not yet had a chance to review Ed Bailey's letter and they will review it and speak to the First Selectman to negotiate a contract.

Mr. Sheehan did have a formal proposal for 11 Old Indian Trail which consists of three acres. He reviewed the location of the three lots, which includes approximately 241,000 sq.ft. Mr. Sheehan explained that he is an engineer and his firm prepared the drawings. He reviewed the existing site plan and explained that they are 26,500 sq.ft. over on coverage. They plan to restore 26,618 sq.ft. which would bring them to 49.9 percent coverage. This plan doesn't significantly deviate from the site plan that is on file with the exception of deleting the roadway which they feel is unnecessary. Mr. Sheehan explained that the applicant would like the Commission to allow him five years to restore that area as approximately 12,500 cu.yds. of material will have to be removed.

Geoff Colegrove asked what the area would look like after the material is removed and Mr. Sheehan explained that they will fertilize it and seed it for a lawn to be established and maintained. The proposed grade would be an elevation of 300 and it would be graded to drag, with just a slight slope. Erin Howard explained that the applicant would have to come in with a site plan and this is just trying to reach some agreement to bring them into compliance.

Geoff Colegrove also reviewed that the Commission would like to see an annual report about the removal of material and the applicant agreed. That annual report would have to be a certified statement from a land surveyor or a revised topo plan. Once the Commission has given their input, the plan would be for the applicant to file a site plan with the specific refinements hopefully for the next meeting. It should also include the schedule and the requirements for the annual updates.

Mr. Colegrove explained that the applicant already has a special permit for the uses and Ms. Howard felt that this should be a site plan review. The lease of the land may be a different issue. The Commission generally agreed and the applicant will file an application for site plan review on this property. Ms. Howard thanked them for their cooperation.

Report of the ZEO

Jerry Russ was not present at the meeting, but had sent an email to Erin Howard. She reported that Mr. Russ has been working with Mr. Xenelis and on the Monarca property. He is also noticing vacant and distressed properties in the Lake Beseck community with intention to carry these violations to the town's attorney.

Geoff Colegrove spoke to Attorney Matt Willis about taking action against the Town of Middlefield for violation of the zoning regulations for the storage of equipment on town property. Attorney Willis felt that there would be no failure in moving forward against Monarca if the Commission does not bring a violation against the town. Due to some confusion about the actual address for Monarca, Attorney Willis recommended that all notices be resent to 80 Industrial Road plus the home address of Sal Monarca in Durham and Mr. Colegrove stated that he did that on February 4, 2019. They now have 45 days to appeal to ZBA.

Erin Howard asked if copies of the zoning violation could be forwarded to the Board of Selectmen and it was agreed that that should be done. It was also noted that the original letters were copied to Ed Bailey and Ms. Howard stated that she would speak to Mr. Bailey on Friday. Geoff Colegrove will get copies of the notices that were sent on 2/4/19 to Ed Bailey.

Geoff Colegrove also explained that Independent Day School has submitted an application to build a yurt and he reviewed the application. It does seem to be close enough to a wetland issue that it needs to be referred to that commission. Mr. Colegrove will contact Randy Bernotas tomorrow.

Report of the Town Planner

Geoff Colegrove had nothing further to report.

Chairman's Report

Erin Howard reported that she and Geoff Colegrove participated in a phone call with Laura Francis and Frank DeFelice, chairman of Durham's P&Z Commission, and it looks like the Town Planner's position will be shared between the two towns. It will be 20 hours in each town. This person will be hired as a town employee, but it has not been decided which town will actually host the employee. The other town will pay for the services directly to the other town. They discussed the needs of both towns and are working to be sure that the person hired is qualified to be a town planner, zoning enforcement officer and wetlands enforcement officer. Kevin Boyle mentioned that they need to be sure to define meetings and everything else involved. Ms. Howard explained that the schedule will be flexible. Ed Bailey and Laura

Francis will work out the finer details. Ms. Howard will let everyone know when this is being presented at a Board of Selectmen meeting.

Ms. Howard also reported that the budget is in flux because the current budget covers Geoff Colegrove's time as a consultant and should technically be reduced with this new hire. She also reported that the town just received a bill from Jerry Russ for counsel to help him regarding the ZBA issue for the overhang that was approved. Ms. Howard felt that it should be the responsibility of the Town Planner to manage the budget, with the Commission to have ultimate authority. Another part of the budget discussion will be to carry over some funds for rewriting the zoning regulations in the Fall of 2019.

The job description for the Town Planner is currently being developed and Kevin Boyle felt that that was very important as the Town Planner will have to mentor the staff. Erin Howard stated that they are working through some of that and Ed Bailey is fully aware. She also explained that one of the goals of the zoning regulations rewrite is to set the regulations up so that more can be done administratively.

Geoff Colegrove explained that the Middlefield part of the job description is probably much more solidified than the Durham side. He felt that the important thing will be to allow for adjustment of hours to be sure that each town is compensated appropriately. His biggest concern is that the job description is attractive to get qualified applicants. He did feel that the salary proposal is attractive. Erin Howard felt that small towns do have Town Planners that also act as Zoning Enforcement and Wetlands Enforcement officers. Kevin Boyle reiterated that the processes and the training will become more important with this new position.

Mr. Colegrove stated that the Zoning Enforcement Officer would work at the direction of the Planner and Durham is still considering having another person do the enforcement. He did feel that the conversations were very productive.

Jan Wojas asked if Mr. Colegrove knew the outcome of the discussions between ZBA and Jerry Russ with regard to the overhang. Mr. Colegrove explained that the ZBA reversed Jerry Russ' interpretation. Kevin Boyle agreed that ZBA goes by bird's-eye view and Mr. Colegrove explained that the regulations don't define that. Mr. Boyle felt that ZBA may have paid for an opinion on that in the past. Mr. Wojas felt that the problem is that most site plans show the footprint of the building, not the roof plan. Mr. Colegrove suggested that the regulations state that an additional two feet be added to the setback for any overhang. Mr. Wojas felt that they could require a roof plan as well.

Jay Brown asked how long the Xenelis property has been in violation and Erin Howard explained that it has been years. He felt that five years to move the dirt is an incredibly long amount of time. Ms. Howard suggested the Commission have that discussion when the application is submitted. Jan Wojas felt that five years would not hurt the town and if they reduced that time period, it would hurt Mr. Xenelis. Ms. Howard cautioned the Commission not to have too much discussion on this issue as an application will be forthcoming.

Miscellaneous

There will be a training in March about the legal side of Planning and Zoning. Geoff Colegrove will reach out to Mark Branse for information.

Approval of Minutes - January 28, 2019 Meeting

Jay Brown made a motion, seconded by Jan Wojas, to approve the January 28, 2019 meeting minutes, as presented.

Kevin Boyle took issue with the fact that it was made to sound like he had killed the deal with the restaurant on Baileyville Road. He agreed that he did ask about the decibel rating even though there is no ordinance, but it does not negate the fact that he is looking out for the town and neighbors. Mr. Boyle also explained that noise information is published with fans and does not need to be paid for. He felt that there should have been no considerable cost to anybody to provide that information and that certainly wasn't his intent. Mr. Boyle emphasized that it certainly wasn't his intent to provide a perception that people of this Commission. He takes exception to the Town Planner's implications in the paragraph and wanted that noted for the record.

Motion carried, with Kevin Boyle abstaining.

Adjournment

A motion was made by Kevin Boyle, seconded by Jan Wojas, to adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 7:25 pm.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First