

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

Minutes of the May 20, 2019 Regular Meeting

Kevin Boyle called the meeting to order.

Attendance:

Members		Alternates	
X	Boyle, Kevin	A	Hinsch, Ken
X	Brown, Jay		
X	Ekblade, Eric		
A	Howard, Erin	Others	
X	Wojas, Jan	A	Colegrove, Geoff
		X	Warner, Bill (Interim Town Planner)
		X	Curtis, Brian
		X	Russ, Jerry
		X	Bailey, Ed, <i>ex officio member</i>

A=Absent
 X=Present

Public Comment

None.

Informal Discussion, Self-Storage, Meriden Road - Attorney John Corona

Attorney John Corona explained that he is working with J.R. Clisham on a project to develop a self-storage facility on the south side of Route 66, on a parcel of about 21 acres behind Agway. Self-storage is a use not currently permitted in the DD1 zone, so a text amendment would be the first step. They were present tonight an informal basis to see if the Commission feels that this is a viable use and whether it is appropriate to move forward to draft a text amendment.

They have developed a working site plan to give the Commission an idea of what they hoped to do if a text amendment is approved and believe that this use is appropriate for this site. They felt that it might be an ideal use due to its low traffic generation and the absence of access to public sewer and water at the site

Jim Sakonchick, the project engineer, went on to review the working site plan. For fire protection, retention ponds would be installed to store water and there will be a dry hydrant. The site has a lot of limitations with areas that cannot be used because of wetlands. He finds this to be one of the few uses viable for this site knowing that sewer and water is not available.

Attorney Corona added that he has heard concerns about what storage is and he explained that businesses cannot be run from this place and no one can stay in there for any substantial period of time. J.R. Clisham, the president of CT Self Stor, has heard about the property in Durham, but explained that businesses will not operate out of this location. The biggest unit will be 10x30 with no internal lighting or drains. There is not a lot of parking available, and maybe most importantly, it will be a manned facility. They have seven other properties and no activities are allowed other than storage.

Attorney Corona asked if the Commission had any questions that they would like addressed. Jan Wojas asked what kind of material will be used in the construction. It was explained that, due to the size of the buildings, it will have to be noncombustible construction. They may use a little bit of masonry in front with some shingles on the roof that have a class A fire rating. In order to keep it economical, they will have to use some kind of metal siding in the back where it's not visible. He does not anticipate having a pitched roof other than in the area that is visible from the street. Mr. Wojas asked if the paving would be asphalt and it was explained that it would be bituminous concrete.

Mr. Clisham explained that most of their properties are a sandstone color and they would like to maintain that. He added that there is really a very small amount of frontage. They may put a couple of cupolas in the front part to provide more of an agriculture type of look. The color scheme would continue to the back and the roofs would be essentially flat. Their sign is red and he showed the Commission his business card. They always try to have a nice front with landscaping and their offices are extremely nice, with glass on three sides.

Kevin Boyle asked about their plan for gates and security. The building will all be climate-controlled with no roll-up doors. There is one entrance that is about 370 feet long and about 100 feet in would be the first door that people could use to load stuff inside the building. The swing gate with a keypad will be about 50 feet away from the office. They use steel gates and the fencing is hollow-core aluminum to connect to the building with vinyl-wrapped black chainlink fencing.

A Commission member asked about hours of operation and it was explained that the customers can access their storage units from 6:00 AM until 10:00 PM, 365 days a year. The office is manned Monday through Saturday, 9:00 AM to 6:00 PM. They can provide 24-hour access on a very specific basis, but they usually do not do that. They also do not do any outside storage.

Kevin Boyle asked if the property would go dark at 10:00 PM and it was explained that there are typically exterior wall packs that don't, but they are all shielded down. They will provide foot candles if they were to go forward with their site plan.

Attorney Corona asked if they should come back with a proposed regulation and Kevin Boyle suggested that he do that.

Xenelis, Inc., Revised Site Plan

Chuck Sheehan has prepared a site plan for 11 Old Indian Trail which consists of 5.54 acres situated on the south side of Old Indian Trail and on the west side of Old Indian Trail by the cul-de-sac at the end of the street. The Commission did a site walk and the applicant has been working on a strategy to respond to some compliance issues with regard to coverage. Mr. Sheehan met with the Town Engineer and the Town Planner and he appreciates all the help they have provided.

Mr. Sheehan explained that this is a revision to the original site plan that had been approved in 1992. This is three lots, totaling 5.54 acres. It was about 9 percent over in terms of coverage which was a result of not restoring the southwest corner to open space that had been proposed on the original site plan. What they have done now is eliminate the second driveway around the south side of the building along the town line that connected to the cul-de-sac. That increases the size of the area that needs to be restored to open space because of small encroachments and increases in pavement that have taken place. An exacting inventory of pavement was done on the property. This should make it easier in the future for anyone to verify the site plan.

Mr. Sheehan explained the different areas of the site plan, showing the area that will stay for material processing and the 26,618.6 square feet that will be restored to open space. In the end, the site will be at 49.9 percent coverage. He thanked the Commission for their patience over the past year in allowing them to work out this solution. Mr. Xenelis is prepared to abide by the proposed site plan and it is a workable situation for him.

Kevin Boyle stated that the Commission also appreciates the applicant's patience in getting this resolved. He then asked if any Commission members had any questions. Mr. Boyle asked what sort of timing would be necessary for this to be completed and asked Brian Curtis to speak about the application.

Brian Curtis, from Nathan Jacobson Associates, stated that he reviewed the plan and asked for a tabular breakdown of the lot coverage. Based on the topographic map that was provided, part of the earth material has encroached on DMIAAB property and he recommended that the owner meet with DMIAAB about that. Mr. Sheehan stated that they are prepared to reach out to DMIAAB and realize there may be encroachment. They also offered to have that as a condition of approval. Kevin Boyle felt that that would be a condition of approval and the Commission would want to get a letter from DMIAAB that they are satisfied.

Kevin Boyle would also want to see some assurances that the property does in fact meet the 49.9 percent lot coverage and Brian Curtis felt that was reasonable to have as a condition of approval.

Mr. Sheehan proposed five years to execute the new site plan, with annual reports on the progress. Kevin Boyle asked how many yards of material are present and Mr. Sheehan felt there were approximately 15,000 yards of material that has to be moved. Mr. Xenelis felt that the amount moved per year would vary. Mr. Boyle wondered if Mr. Xenelis would need a permit to move that much material and Jerry Russ felt that it was already a permitted activity and the regulation is that any material over 500 yards being deposited in or removed from your yard would require a special permit. Mr. Xenelis stated that in this 1992 permit, he has the ability to move material in and out. He reviewed some of the history of his property and that it was a processing plant. He felt that this was more of a modification to the original 1992 permit. Mr. Sheehan explained that the area will remain a processing area. Mr. Boyle explained the ebb and flow of the material, but asked how the Commission could see an incremental improvement from year to year and see steady progress. The Commission will not hold the applicant to a particular number.

Ed Bailey didn't understand why DMIAAB should be involved since the property is owned by the Towns of Middlefield and Durham. He felt that the towns could ask Mr. Xenelis to remove everything from town-owned land tomorrow and that the five years being allowed is for lot coverage, not encroachment on town property. He felt that the town-owned property is not under the purview of the Planning and Zoning Commission. Mr. Sheehan felt that the five-year time plan would not apply to that and they will reach out to the towns soon.

Discussion continued about a possible motion, including conditions, to which the applicant agreed.

Eric Ekblade made a motion, seconded by Jay Brown, to accept the revised site plan dated May, 2019 with the following conditions: (1) subject to yearly topography report showing yearly progress; (2) an as-built survey confirming 49.9 percent of lot coverage or less; (3) joint letter from Towns of Durham and Middlefield satisfying any potential breach of property line with materials; and (4) allow applicant five years to execute new site plan. Motion carried unanimously.

Stowe Street Gravel Pit Renewal

Brian Curtis, town engineer, reviewed that the Town of Middlefield owns the gravel pit on Stowe Street with a right-of-way over Bruce Villwock's property. The permit was last renewed in 2017. He presented the approved grading plan of the property and explained that the town uses material from this gravel pit for town projects. The current permit allows renewal of up to 2,000 cubic yards per year, Monday through Friday, 8:30 AM to 3:30 PM. Any excess excavated earth materials from town drainage projects can be brought into the site for stockpiling. All travel in and out of the site is on the paved driveway and there is a security gate at the entrance. All drainage is contained on the site and there is also a sedimentation basin at the south end of the site. There has been essentially no activity at the site over the last two years. There have been minor grade changes since 2008.

Kevin Boyle asked if any Commission members felt that they needed a topo of the property and no one felt it was necessary. Jerry Russ asked what would happen if a project required more than 2,000 cubic yards and Brian Curtis felt that the Town would have to come before the Commission to request permission to do that.

Eric Ekblade made a motion, seconded by Jan Wojas, to renew the Stowe Street gravel pit permit for standard two-year period, subject to same conditions as past approvals. Motion carried unanimously.

Report of the ZEO

Jerry Russ reported that he has had no response from Mr. Monarca regarding the last cease and desist notice that was sent, so he has contacted Attorney Willis regarding the next step.

Some activity has begun at the approved project for Lakeside Deli. This is just site work being done at this point.

Mr. Russ also noted that the noticed violators are going in the right direction and people are starting to move vehicles. A house has been started on Main Street in Rockfall. The latest conversation with Attorney Willis regarding Jimmy D's was that he has been cited, his attorney responded and the property is for sale. He is currently in 100 percent violation and the Town could begin fining the property owner. Kevin Boyle asked Ed Bailey to look into that.

Jerry Russ also thanked Bill Warner for stepping in in Geoff Colegrove's absence.

Kevin Boyle asked Mr. Russ what his biggest challenges are besides Monarca and Mr. Russ felt it was the regulations. Bill Warner felt that the town really needed a fines ordinance. Ed Bailey reported that Inland Wetlands is moving forward with the same issue.

Report of the Town Planner

Bill Warner thanked Geoff Colegrove for all of his support over the years. Mr. Warner showed a map of the proposed solar project that has approximately 10 percent in Middlefield. Ed Bailey had written a letter of support for this project. Brian Curtis and Randy Bernotas have both written reports on the project. Mr. Warner reviewed the information and doesn't really have any comments. The access point to the property would be by Dunkin Donuts and the farm stand. Ed Bailey stated that the project will not really be visible from Route 66, but Mr. Warner stated that it would be visible from Higby Road. The project is going in front of the Siting Council.

Chairman's Report

None.

Miscellaneous

Marianne Corona believed that DMIAAB itself was responsible for their land. Mrs. Corona provided information about a company that does town planning that comes highly recommended by the town's attorneys. She felt it would be easier on the commissioners as they do all of the meetings and copying of materials. Mrs. Corona explained that this is no reflection on any town planners, but is more for people who just don't have the time. This company works with many neighboring towns and she felt the price would be right around what the town pays now. She also noted that it is the Planning and Zoning

Commission who hires the Town Planner, not the Selectmen. It is not in the charter as a duty of the First Selectman. Kevin Boyle assured Mrs. Corona that the Chairman of P&Z will be involved in the process.

Mrs. Corona also mentioned that the traffic situation at Agway is horrific and hoped that maybe the light can be changed at Peters Lane to create a better flow.

Approval of Minutes - April 15, 2019 Meeting

Eric Ekblade made a motion, seconded by Kevin Boyle, to approve the April 15, 2019 meeting minutes, as presented. Motion carried.

In closing, Kevin Boyle thanked Geoff Colegrove for his many, many, many years of service and stated that the Town appreciates his hard work and dedication. He also welcomed the interim town planner, Bill Warner.

Adjournment

Eric Ekblade made a motion, seconded by Jay Brown, to adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 7:51 pm.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First