

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

Minutes of the August 19, 2019 Regular Meeting

Jan Wojas called the meeting to order at 6:42 PM.

Attendance:

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

A=Absent

X=Present

Ken Hinsch was seated on the Commission.

Public Comment

None.

PUBLIC HEARING
6:30 PM

Venture Real Estate Enterprises, Ltd.: Proposed Zoning Text Amendment to add Section 05.06.09.01, Self-Storage Facility Defined; Section 5.06.09.02 Excluded Uses and Section 5.06.09.03 Additional Criteria

Jan Wojas read the legal notice into the record.

Attorney John Corona, from Lang and Corona, was present on behalf of the applicant. He reviewed that they had been in front of the Commission on previous occasions with the idea of bringing a self-storage facility to Route 66. They are now asking the Commission to modify the regulations for the DD-1 district to allow for that possible use.

Attorney Corona reviewed the proposed changes, with the first one being to change parking requirements for special permits in the DD-1 district and reviewed the proposed text that would provide an amount of limited parking in the front yard, not more than five spaces, serving a self-storage facility. The second change would be to define what a self-storage facility is, including each storage unit not being more than 300 square feet. He also provided language of what would not be allowed under a self-storage facility, including outdoor storage, human and animal habitation, repair, maintenance, improvement or sale of personal property. He did stress that this is not meant to be a complete list of exclusions.

Attorney Corona also proposed additional criteria and considerations, including 11 items as listed on the attached motion. These additions include climate control, setback from the public highway, frontage on a State highway, office space, hours of operation, interconnection, water and plumbing, number of parking spaces, minimum acreage, site plan requirements and provisions for fencing and landscaping.

The site that the applicant has in mind would be on the south side of Route 66, essentially behind the Agway Store with an area that fronts on Route 66. Attorney Corona reminded the Commission that tonight is just about the text amendment and not a specific application.

Jan Wojas asked about plumbing in the facility and Attorney Corona clarified that there would be plumbing in the office area, but none in any of the units. HVAC plumbing would be an exception to that for climate control. Mr. Wojas asked about minimum acreage requirement and Attorney Corona felt that it would be the Commission's call. He felt that this type of use required a fairly large footprint and is probably not something fit for a two-acre lot. Attorney Corona explained that he arbitrarily chose the 15-acre number, but there are not very many properties within the DD-1 zone that would qualify.

Mr. Wojas asked the applicant how many units they would propose on the 15 acres and it was explained that they would be proposing just over 650 units on this property that would be built in one phase. The entire facility would be complete when they open.

Jay Brown had an issue with the 15-acre minimum and felt that that may limit the ability to have another facility. Attorney Corona explained that they were not attempting to be anti-competitive, but felt that there should be a minimum size. Mr. Brown felt the Commission would want to talk about that minimum number.

Jan Wojas asked about the size of the applicant's other properties and he explained that he has roughly eight acres in Glastonbury and Plainville. He added that the less acreage available, they have to build vertically and that is not ideal as customers like one level. He would like the facility here to be one level. Attorney Corona added that part of the proposed site is not dry, usable land.

Mr. Wojas asked where customers come from and the applicant felt that customers come from a radius of three to five miles, depending on the density of population. Mr. Wojas liked the idea of a 15-acre minimum as it would mean other facilities would most likely be along Route 66. Attorney Corona added that many uses in the DD zone require public water and sewer and this would be a very different use than others that are listed. The traffic profile for this use is not during the week or commuting hours and Saturday mornings are generally their busiest time.

Jan Wojas noted that there were very limited parking spaces in the front, but every unit will have an area to unload. The applicant explained that the parking in front will never be filled, with just one space for the manager. There will be plenty of room for people to pull up in front of their unit to unload. The minimum aisle size is 30 feet. Attorney Corona explained that the text change is providing for an exception to park in the front yard, but they don't expect more than three customers at a time.

Mr. Wojas asked about site lighting and the applicant explained that their properties are managed by full-time staff and the office is open Monday through Saturday, 9:00 AM to 6:00 PM. Customer will have access to their belongings 365 days a year, 6:00 AM to 10:00 PM. They do not allow 24-hour access. Regarding lighting, it was explained that they typically have fixtures on the side of the building that shine down. The plans for this site offer large buffers around the perimeter which will protect any light from escaping. They also will do full photometric designs, providing foot candles to make it just bright enough so people are safe, but not creating light pollution. Once the facility is closed, the lights are typically left on. There will be motion detectors inside, but the wall packs outside do stay on. There will be no pole lights proposed.

Attorney Corona reiterated that this was about creating a regulation and that lighting, etc. would be part of any plan that gets filed.

Ken Hinsch asked if anyone would live on the premises and the applicant explained that the idea of an on-site manager has not really taken off in this area and this project would definitely not have that.

Hearing no other questions from the Commission, Mr. Wojas opened the hearing to the public.

Marianne Corona felt that it would be right for the applicant to get together with the State Highway Commission to do something about the traffic light at Peters Lane. Attorney Corona acknowledged that they would need a permit and that the applicant would have no influence over what the State of Connecticut does on Route 66. Bill Warner explained that the Commission has no say over traffic control anyway. Jan Wojas added that he preferred a turn lane over traffic lights. Mrs. Corona added that she is not suggesting traffic lights and Attorney Corona felt that speed enforcement would be a significant improvement there.

Erin Howard arrived at the meeting at this point.

Bob Johnson reviewed that he had been chairman of the Planning and Zoning Commission for several years and a member of the Commission when the DD-1 and DD-2 zones were created. The Town spent \$35,000 on a study that took two years and all property owners were fully aware of the process. The uses were determined at that time, but he felt that nobody had ever thought of self-storage. Mr. Johnson reiterated that this is just a text change application and the Commission should not be getting into other issues. He reminded everyone that the Commission can then dictate colors and styles of buildings. Mr. Johnson believes that this will generate a decent amount of taxes for the Town and the applicant agreed that it would be in the ballpark of \$100,000 per year. Mr. Johnson believes that it will be tastefully done and didn't think that there would be much more of a use for that particular piece of property with a zero impact on the school district. Mr. Johnson believes that the traffic light at Peters Lane is an issue, but could be addressed in the second part of the application. He confirmed that the entrance to the property would be to the left of the house next to Agway and no other curb cut would be necessary. Again, Mr. Johnson cautioned the Commission not to get too optimistic with visuals as this is a text change. He added that he has used this type of facility and they are basically self-sufficient. He summarized that he felt it was a good idea to look at this text change for that particular site.

Joyce Gowen, 15 Higby Road, asked exactly what the text change says and she was given a copy of the proposed text.

Jan Wojas commented that he felt this would be a very good fit for the area. Bill Warner summarized the language of the text change and explained that if the text change gets approved, there will be another hearing where the design would be presented. It would also have to go to the Wetlands Commission.

Erin Howard asked about the 200 feet setback off the highway and whether they were trying to promote these facilities further back from the road. Bill Warner stated that the main issue was the minimum acreage and he, in fact, suggested to Attorney Corona that the 200-foot setback be included for self-storage. Jan Wojas explained that the business would have a presence on the highway, with most of the facilities in the back.

Attorney Corona asked that, if the application is approved, the Commission to make the shortest possible effective date so that they can get the next phase of the project started. Jan Wojas asked if the applicant would be ready for the Commission's next meeting. Attorney Corona felt it wouldn't be prudent to file an application until the legal notice is published and any appeals could be made. Bill Warner felt that it

would take longer than a month due to the work that needs to be done. Erin Howard explained that the effective date would be 15 days from the date of approval.

Jay Brown made a motion, seconded by Jan Wojas, to close the public hearing. Motion carried unanimously.

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Venture Real Estate Enterprises, Ltd.; Proposed Zoning Text Amendment to add Section 05.06.09.01, Self-Storage Facility Defined; Section 05.06.09.02 Excluded Uses and Section 05.06.09.03 Additional Criteria.

Jan Wojas made a motion, seconded by Jay Brown, to approve the text amendment as proposed.

Bill Warner recommended an effective date of September 10, 2019.

Jay Brown then made a motion, seconded by Jan Wojas, to approve the amendment of the effective date of September 10, 2019. Motion carried unanimously.

Public Comment

Marianne Corona thought that many opportunities were being missed because the Town has no Town Planner. She felt that it was the Planning and Zoning Commission that should appoint the Town Planner and she gave the Commission a list of services that a firm offers. This firm comes highly recommended and has been interviewed by the First Selectman. Bill Warner stated that it was not an interview, but they did have a meeting.

Erin Howard agreed that the Town needs a Town Planner and they are looking for someone in collaboration with the Town of Durham. A job posting did go out and will now go out again. Mrs. Corona stated that the Town of Middlefield needs their own Town Planner and it doesn't seem to be working out with Durham.

Mrs. Corona also stated that she also had some comments about the property surrounding the Post Office from Mary Beth Johnson, who could not attend this evening. Bill Warner explained that that will not be discussed as they have not responded. Mrs. Corona gave a copy of the comments to Mr. Warner.

Bob Johnson mentioned that there are two properties behind the Post Office, one in Middlefield and one in Rockfall, and suggested that the Commission should be more definitive on the address. Mr. Johnson added that he didn't believe it was necessary to have the Town Planner at every P&Z meeting.

Marianne Corona added that the Commission cannot put Miscellaneous on an agenda unless it lists the specific items, per FOI.

Informal Discussion, Property Surrounding the Post Office on Main Street

Bill Warner stated that the interested parties have stopped responding.

Report of the ZEO

Jerry Russ reported that permits for the solar project behind Dunkin Donuts have started. He also has contacted owners of distressed properties. Mr. Russ has not had any response from Monarca Holdings nor has Matt Willis. There has been discussions with Monarca's attorneys regarding the cease and desist notice, but Mr. Russ hasn't seen any movement.

A new house is in progress on Main Street in Rockfall and there is some interest in other properties.

Jan Wojas asked about the letter from the property owner at 204 Ross Road and Jerry Russ explained that he has made numerous visits to the property. They have been cited and then clean it up, but then it returns to the same condition. A monetary daily fine has been assessed and has since turned into a lien on the property. The Town does not have a blight ordinance and the unregistered vehicles are the only thing they can cite. The Health Department has also been called in. Mr. Russ is continuing to work on this issue. There are some family issues with the property owner and both police and medics have been called in. Jerry Russ did note that there has been a cease and desist for almost 60 days now.

Report of the Town Planner

Erin Howard reported that she drove by Powder Ridge Veterinary Hospital and was not very pleased to see trees taken down. She reviewed that there had been a text change and a special permit. Ms. Howard was then told that the property owners spoke to the Inland Wetlands Officer who told them it was okay to take the trees down. She stated that he does not have the authority to do that. Ms. Howard would like to know how they followed up on this and how it will be rectified.

Bill Warner stated that he spoke with Randy Bernotas about this and didn't realize that taking down trees would be an issue. He had spoken to the applicant about the fact that additional parking would require a special permit. Erin Howard stated that the special permit provides for a certain amount of buffer on the property and taking trees down for a parking lot does warrant a special permit. Mr. Warner noted that he did not see a violation with trees being cut down.

Mr. Fasano apologized for putting the cart before the horse. He has a site plan from Milone and MacBroom and is trying to do everything the right way. He did have some trees trimmed and cut down because the property was overgrown. The chippings remain on the property. While he doesn't feel there was anything wrong with cutting trees down on the property, he does not want to get the Commission upset. He asked the Commission if he needs a special permit and if it needs to go to a public hearing and/or wetlands. He assured the Commission that he had no intent of putting parking in the area without consulting them first.

Erin Howard felt that they didn't necessarily have to come before the Commission and appreciated the property owner being present tonight. Mr. Fasano stated that his hope is to install asphalt paving by the end of October. Bill Warner advised Mr. Fasano that he is on the agenda for the next Wetlands' meeting.

Ms. Howard explained that this will require a special permit and that Mr. Fasano should submit an application. He did note that he checked the 1987 minutes about any restrictions on the size of the parking lot and there aren't any. Ms. Howard stated that her questions were due to the fact that this had been a residential property. Jerry Russ added that the neighbor's house is, in fact, encroaching into the setback. Mr. Fasano explained that trees will still remain between the two properties.

Mr. Fasano would like to be on the Commission's agenda for the next meeting and will submit his application tomorrow. Erin Howard stated that it will require a public hearing with a special permit and a

site plan. She also noted that some of her frustration is due to the fact that a Town Planner could have handled some of this right in the office. The Commission agreed that they would be willing to have the public hearing at the next meeting.

Mr. Fasano also noted that water runs off the state highway, down his driveway and off the property during a rainstorm. He hopes to be able to pave the whole driveway and direct the water run-off into a water garden.

Erin Howard then asked Mr. Fasano if they ever refer anyone to the kennel across the street and he stated that they have not. Jerry Russ stated that they are advertising for clients, but only have the 2x3 sign out front. There are two dogs there for two weeks for training. Ms. Howard encouraged Mr. Fasano to review the regulations and to talk to Bill Warner and Jerry Russ. She also encouraged him to make sure his lighting is okay.

Chairman's Report

Erin Howard apologized for being late to the meeting and thanked Jan Wojas for handling the meeting.

Miscellaneous

None.

Approval of Minutes - May 20, 2019 Meeting

Jay Brown made a motion, seconded by Jan Wojas, to approve the May 20, 2019 meeting minutes, as presented. Since two members would be abstaining, Erin Howard tabled the minutes until the next meeting.

Adjournment

Jay Brown made a motion, seconded by Ken Hinsch, to adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 8:12 pm.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First