

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

Minutes of the December 16, 2019 Regular Meeting

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

Attendance:

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

A=Absent

X=Present

Erin Howard seated Ken Hinsch on the Commission.

Public Comment

Ed Bailey explained that the towns have been seeking a person to fill the position of Town Planner with expanded hours from the previous planner. They are pleased to have found Robin Newton, who started a week ago. Robin will split her time between Durham and Middlefield. Mr. Bailey distributed Ms. Newton's resume to everyone. Ms. Newton has been meeting with Bill Warner, will meet with Geoff Colegrove and has started working with everyone in the Land Use department.

Robin Newton stated that she was very excited to be working with Middlefield and Durham.

Robert Johnson, 84 Peters Lane, asked to reserve the right to comment under item 6A.

Report of the ZEO

Jerry Russ reported that there has been a final inspection on the solar farm on Route 66 and he is anticipating an as-built for the property.

Erin Howard asked what was happening at the Powder Ridge Veterinary Hospital and whether they have pulled permits. Mr. Russ explained that they are working with Wetlands right now and he hasn't seen any applications. Bill Warner explained that they haven't filed a Mylar nor posted a bond and there are still two big machines on the property. Jan Wojas asked what was going on at the adjacent property and Mr. Russ explained that they are doing some renovations and putting an addition off the back of the house. They may be going for a variance for a front porch, but they do have construction permits for all of the renovations.

Ms. Howard also asked for an update on the Xenelis or Monarca properties and Mr. Russ explained that he spoke with Mr. Xenelis off the record and he said he was trying to make improvements and is moving a lot of material. He also spoke with Matt Willis last Thursday regarding the cease and desist on the Monarca property and there was a question about the application for future use on a different parcel. Mr. Warner explained that the entrance would be on South Main Street in Middletown and Mr. Monarca wants to build a large indoor soccer facility. They will need to get through Wetlands first. Mr. Warner did explain that they cannot hold an approval up on a property because of violations on another, but he would like to come up with some kind of solution.

Report of the Town Planner

Erin Howard explained that the item up for discussion under the Town Planner's report is 269 Baileyville Road which is the corner lot off at Lake Road. The property has come before the Commission earlier for a special permit for an office/educational use. The owner now has two tenants that they'd like to bring to the property, but the question was raised that it is a site plan and special permit use, so she has asked Mr. Warner to provide some background on the property. Ms. Howard stated that the Commission is not in a position to hold back on growth or business for Middlefield, but needs to be sure everyone is aware of what's happening.

Bill Warner provided a detailed analysis of what has been happening at the property. There has never been a special permit issued for the property. When the issue was brought to the Commission, it was determined that a special permit was needed but it was never pursued. The prior ZEO signed off on the office/educational use. He quoted from section 8.2.02 which allows nonconforming uses to change. Two years ago, they were proposing to have five to 10 employees plus trainers and six students per class. He asked the Commission to determine if the two proposed uses are less intense than what is currently approved there.

Attorney John Corona was present on behalf of the property owners. The Smiths have renovated the property and signed leases with two tenants. The tenants have taken some form of occupancy at this point. In both cases, the Smiths received a zoning permit from the Zoning Enforcement Officer and they believe they have done everything requested of them. Some of the tenants are anxious about taking occupancy because of the necessity to come here this evening.

Mr. Warner had concerns about parking, but Attorney Corona explained that the parking lot has been freshly paved and lines will be striped. One tenant will have herself and one client on an appointment basis only. The other tenant is a bakery, with the owner present all hours it is open with one of possibly three employees as well. A couple of parking spaces have been added for employees only. The Smiths have agreed to remove the dumpster and there will be approximately two residential trash cans on the side of the building.

Mr. Warner suggested that the Commission may want to change their regulations on parking at some point, but this doesn't particularly have to comply as it is a change of a nonconforming use. He went to the property tonight to see the lighting and had no objections. The parking lot is 54 x 54 and can accommodate six parking spaces very comfortably. Mr. Warner recommended two conditions, one being that the owner provide up to four employee/customer parking spaces on the residential portion of the property if parking becomes a problem. The other condition was that any future changes would require approval by the Planning and Zoning Commission.

Erin Howard explained that she had raised these questions because she learned that approvals had moved forward without consultation with the Commission. She has no intention of making any more of an issue out of this, but wanted to make sure that the Commission was aware of it and that it would not happen in the future.

Kevin Boyle asked about signage and it was explained that the existing sign had been permitted and approved with the DOT. The two tenants will use the same location and same size sign. Mr. Boyle wants to be sure that the sign meets the town's requirements and that there are no line-of-sight issues. Erin Howard asked if dumpsters will be screened, but Attorney Corona explained that there will be no dumpsters. Ms. Howard noted that if a dumpster was required, it would need to be screened. Don Smith, the property owner, explained that there used to be a dumpster on the property, but there had never been any screening.

Mr. Warner did not have any concerns about traffic, but did wonder if there will be a parking problem. If parking occurs on the street, there will be a traffic concern. Ms. Howard stated that the Commission reserves the right to ask the property owner to come back before them if there is a problem. It was also suggested that No Parking signs could be added to Lake Road.

Jan Wojas asked for more details about the bakery. Kim Terrill, the owner of Kim's Cottage Confections in Durham, wanted to bring her business to Middlefield to have a more visible location. The traffic in the Durham Village end of Durham has slowed down quite a bit. She reviewed all of the items that they will

sell and explained that they will be open from 7:00 AM until about 5:00 PM. She does anticipate people coming in for coffee and other items. She would like to have one or two small tables, but does not anticipate a café where people sit for extended periods of time.

Bill Warner pointed out that the other use requires a Connecticut tattoo license, but it is not a tattoo parlor.

Kevin Boyle made a motion, seconded by Jan Wojas, to approve the change of nonconforming use at 269 Baileyville Road from office/educational to office/personal service shop and bakery, as described in the Town Planner's report, with the conditions that (1) if parking becomes an issue, as determined by the Town Planner, the owner shall provide up to four employee/customer parking spaces on the residential portion of the property; and (2) any future changes shall require the approval of the Planning and Zoning Commission.

Bob Johnson cautioned the Commission that one or two tables may turn into five tables in the future. He does feel that this would be a great use of the property, but would want them to make the conditions clear. He felt that it is very vague about how it may grow. He would also not want the Commission to assume that parking would be available across the street when no one has asked them.

Bill Warner clarified that there is no right to park on the LaRosa property and his comment was that that was probably what would happen. He recommended a possible additional condition of not to exceed six customer seats unless approved by the Commission. Mr. Warner explained that it is determined by customer area and felt that six customer seats would work. Jan Wojas added that the Fire Marshal would also have input on this.

Erin Howard wondered if the Commission even wanted to limit the number of seats when their biggest concern is the parking. Jerry Russ added that they would be limited by square footage as well.

It was generally agreed to limit the seating to six seats. Ms. Howard amended the motion to include a condition to limit the seats for the bakery to six seats. Any request for more seating would have to go back to the Commission for approval. Kevin Boyle added that the seats are indoor seats, with no exterior seating.

Kevin Boyle made a motion, seconded by Jan Wojas, to approve the amended motion. Motion carried, unanimously.

Kevin Boyle made a motion, seconded by Jay Brown, to suspend the regular meeting of the Middlefield Planning and Zoning Commission and open the public hearing scheduled for 7:00 PM at 7:14 PM. Motion carried unanimously.

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Public Hearing
7:00 PM

Connecticut Self Storage of Middlefield, LLC; Application for Special Permit or Special Exception; Self Storage Buildings with 30 x 30 ft. Office, 129 Meriden Road, Middlefield, CT

Erin Howard read the legal notice into the record and opened the public hearing. Because the property wasn't properly noticed, the Commission is going to have to table the application. She did offer to have anyone from the public speak in favor or against the application.

John Corona, representing Connecticut Self Storage of Middlefield, LLC, apologized to the Commission for the sign not being posted for tonight's hearing. He agreed to the hearing being opened and then tabled.

Hearing no public comment, Jay Brown made a motion, seconded by Jan Wojas, to table the Connecticut Self Storage of Middlefield, LLC application for special permit or special exception: self storage buildings with 30 x 30 ft. office, 129 Meriden Road, Middlefield, CT to the next regularly scheduled meeting which will be a special meeting on January 13, 2020. Motion carried unanimously.

Erin Howard made a motion, seconded by Kevin Boyle, to re-open the regular session of the Middlefield Planning and Zoning meeting at 7:20 PM. Motion carried unanimously.

Chairman's Report

Erin Howard announced that today is her last meeting on the Commission as she has to step down for her current position. She will give her formal notice at some point, but would like to have a discussion with Ed Bailey about the Commission. Ms. Howard felt that literally everything that is done in Middlefield has to be done by special permit and has truly impacted their ability to get things done. Money has been put aside to do a zoning rewrite where these issues could be clarified. The Commission is focused on having some good design guidelines in place. That work has been put off until a Town Planner was hired.

Ms. Howard stated that she has known Robin Newton for quite some time and she is exactly what the Commission was looking for. It should not be the role of the Commission to do site plans. She thanked Bill Warner for providing planner reports to the Commission and hopes that that will continue. Ms. Howard has offered to help the Commission going forward with any of the zoning rewrites or any other regulation issues. Mr. Warner suggested that the Commission adopt administrative bylaws before redoing the zoning regulations. Erin Howard agreed that the role of the Commission has always been a question and agreed with developing bylaws. She also felt that the lake area will need to be looked at as well. The Town Center plan should also be reviewed.

Mr. Bailey explained that these are the reasons he worked hard to get someone on staff as a Town Planner. He also added that the GIS system is on the website now and thanked Mr. Warner for his help on that.

Robin Newton explained that her office hours will be rotating from week to week and the best way to get in touch with her would be through email at rnewton@middlefieldct.org. She will also have a cell phone with one number for both towns.

Erin Howard encouraged the Commission to continue to support the need for the Town Planner.

There was some discussion about getting full-sized drawings in the Commission members' packets and Mr. Russ explained that a memo will be sent out to pick up the drawings in the Land Use office when they arrive. Mr. Howard felt that this should be addressed with the zoning regulations. She personally felt that the Commission could use 11 x 17 drawings and not have large scale drawings, but that is not in the regulations.

Kevin Boyle asked how they will safeguard the new Town Planner being dominated by Durham and Ed Bailey felt that was a non-issue. Mr. Bailey noted that there may be weeks when Ms. Newton would only be in one town, but the towns will only pay for the hours worked. Twenty hours per town is the goal, not the requirement. Erin Howard didn't feel it would be an issue. Mr. Boyle noted that there have been other shared services and they have seen what happens. Ms. Howard felt that there were safeguards in place for that. She also noted that there are differences in needs between the two towns.

Mr. Bailey added that they will be having a staff meeting soon regarding the hierarchy in the department. Ms. Howard felt that there should be one point of contact from the Land Use office.

Approval of Minutes - October 21, 2019 Meeting

Jay Brown made a motion, seconded by Jan Wojas, to approve the October 21, 2019 meeting minutes, as presented. Motion carried unanimously.

Robin Newton stated that she will send a calendar of meeting dates for next year to have it on the agenda for January 13, 2020. Kevin Boyle stated that the meeting nights were moved to Monday for a particular person and they might want to go back to another day. Ms. Newton will look at the second or fourth Wednesdays to see if it would conflict with any other meetings. It was also discussed that it would be beneficial to have Planning and Zoning meetings after the Wetlands meetings. Mr. Warner also explained that the Commission does not have to approve the meeting schedule.

Kevin Boyle thanked Erin Howard for chairing and her years on the Commission. Discussion continued about other Commission members leaving as well. Ms. Howard thanked everyone as well.

Adjournment

Kevin Boyle made a motion, seconded by Jay Brown, to adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 7:56 PM.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First