

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

Minutes of the May 27, 2020 Regular Meeting

Kevin Boyle, Vice Chairman, called the meeting to order at 6:33 PM.

Attendance:

Members		Alternates	
X	Boyle, Kevin	A	Hinsch, Ken
A	Brown, Jay	A	Pizzo, Paul
X	Ekblade, Eric		
X	Wojas, Jan	Others	
		X	Newton, Robin
		A	Curtis, Brian
		X	Russ, Jerry
		A	Bailey, Ed, <i>ex officio member</i>

A=Absent

X=Present

Public Comment

None.

Public Hearing

None.

Old Business

A. Discussion of Regulation Appearance and Organizational Update

Robin Newton stated that she had emailed a draft to the commission members and asked for any feedback before she begins working on cross-referencing. All commission members felt that it looks good. Ms. Newton will begin doing the cross-referencing and has a few changes to present at the next meeting.

New Business

A. Application of Sebastiano and Jenna Spada to conduct a Home Occupation in accordance with Section 9.0 of the Middlefield Zoning Regulations for property located at 48 Industrial Park Access Road, Middlefield, CT, Assessor's Map 18, Lot 34D, Zone: AG2.

Attorney John Corona, from Lang & Corona, was present on behalf of the applicants who were also on the call. Last Fall, the Spadas bought property on Industrial Park Access Road which is about five acres. The property has their home as well as a couple of outbuildings. They would like to request a home occupation for Mr. Spada to conduct a metal fabrication business. This will be done on his own, with a potential part-time employee and possibly a full-time employee. Mr. Spada is proposing to use only a part of the existing garage and is under the 500 sq.ft. minimum that is allowed by the regulations.

Attorney Corona explained that the property is directly across the street from the roofing company and several other businesses. One of the maps shows the property in relation to the other properties and the property in question is on the west side of Industrial Park Access Road.

Robin Newton then reviewed her summary of the application. The business will occupy approximately 425 sq.ft. of space. There will be no outdoor storage and employees would be limited to the owner and possibly one full-time or part-time employee which meets the regulations' requirements. Deliveries of material would be limited to no more than twice a month and there will be no retail sales or displays. Final projects will be delivered to customer sites. A letter was sent to abutters and Ms. Newton did receive the certificates of mailing. No site work is being proposed. Again, the property is surrounded by industrial uses with a large wooded area surrounding it. The closest house is over 750 feet away on Old Indian Trail. Staff feels that the applicant has complied with section 9.06 of the regulations and has prepared a draft motion.

Kevin Boyle asked if the Fire Marshal or Jerry Russ have made any comments. Jerry Russ is familiar with the application and feels that it is a good fit for the neighborhood. Robin Newton stated that, to her knowledge, the Fire Marshal has not made any comments, but it would have to be approved by him beforehand.

Attorney Corona stated that he did receive a response from a neighbor saying that he no longer had any objection. His home is the closest residential building which is well over 700 feet away through the trees. Robin Newton confirmed that as well.

Jan Wojas asked how the business would be divided from the rest of the garage. Attorney Corona explained that it is currently not physically divided, but could be, if necessary. Kevin Boyle noted that that would be a concern of his as well. Attorney Corona felt that the applicant would be open to what the authorities might think is appropriate, while hopefully not be something permanent. Mr. Boyle stated he would defer to the Fire Marshal. Robin Newton stated that the Zoning Officer will go to the site to verify and take pictures once the business is up and running.

Eric Ekblade felt that this is a great area for this type of project and, as long as there were no neighbor issues, he would be in favor.

Kevin Boyle asked if anyone from the public would like to speak to the application. There were no comments.

Eric Ekblade noted that Jan Wojas had stated that he is okay with this application as well.

Eric Ekblade made a motion, seconded by Jan Wojas, to approve the application of Sebastiano and Jenna Spada to conduct a home occupation in accordance with Section 9.0 of the Middlefield Zoning Regulations for property located at 48 Industrial Park Access Road, Middlefield, CT, Assessor's Map 18, Lot 34D, Zone: AG2, with the following conditions: (1) an administrative Zoning Permit application is required; (2) a floor plan is submitted for review by the Zoning Enforcement Office and Fire Marshal; (3) any necessary Health Department permits be acquired; (4) the Applicant shall apply for renewal on a bi-annual basis with the Zoning Enforcement Official. This renewal shall require an inspection for compliance with this permit; (5) no site work is proposed or allowed under this permit; and (6) all requirements of Section 9.06 regarding outdoor storage, non-resident employees and retail sales are incorporated into this approval. Motion carried unanimously.

Report of the ZEO

Jerry Russ reported that there has been progress on the previously-noted violations at Jimmy D's, the Cihocki property and the corner of Janet Drive and Cherry Hill Road. Mr. Russ is not sure about the status of the application for storage on Route 66. A new house was started on Jackson Hill Road, but otherwise it's been quiet.

Report of the Town Planner

A. Interpretation of Section 9.05 Interior Lots

Robin Newton reported that she had send an email asking for feedback on this section. She asked if access to an interior lot was through an HD2 zone, but the lot was in an MD zone, would that meet the requirement. She also asked about the maximum number of interior lots which states that a subdivision of over 10 lots may have no more than one-third of the lots as interior lots. She asked if that means that

subdivision under 10 lots can have any number of interior lots. Kevin Boyle did not feel that was the intent.

Ms. Newton explained that she is asking these questions because there is interest in a parcel, but she wants to keep the questions very generic. She hypothetically asked if someone were proposing three lots, with two of them being interior lots, would that be something that meets the requirement. Ms. Newton felt that otherwise the lots would meet the requirements of the zone, but the access for both interior lots would be from the HD2 zone.

Kevin Boyle explained that the commission has not looked favorably on interior lots in the past although they are allowed. He would think that one interior lot with three in the front may be something that would be more amenable.

Jan Wojas commented through chat that he did not think that would comply with the regulation.

Mr. Boyle felt that the regulations clearly state that interior lots are only in AG-1, AG-2 and MD zones and that to go through an HD2 zone would not be approved. Eric Ekblade agreed.

Jerry Russ asked if Kevin Boyle remembered the application on Louis Road where the applicant wanted to take a 25-foot right-of-way and create an interior lot using that. Mr. Boyle noted that that wasn't well-received but he did get approval for it because he was in the correct zone. Mr. Russ added that there had been another applicant on the corner of Long Hill Road and High Street and created four lots, with two interior lots, which ended up being a disaster and was eventually returned to two larger lots. Mr. Russ felt it would be very complex going through two zones and Mr. Boyle stated that he would hate to set a precedent by allowing that. Jerry Russ added that both lots are nonconforming lots currently.

Jan Wojas agreed that this could create a bunch of issues, going from one zone into another, and that the regulations should stay with the development within one zone. Mr. Wojas explained that he lives on Race Track Hollow which is a development with seven lots with frontage and four interior lots. He feels that that proportion is acceptable, but less than that would not be and creating interior lots in a subdivision of less than 10 lots would not make sense.

Kevin Boyle felt that might be hard to do and the commission would have to look at that on a case-by-case basis.

Election of Officers

Kevin Boyle felt that nothing has changed in the last two months and he is actually over his term on the commission. Mr. Boyle will speak with Ed Bailey to try to get better participation from the other regular members.

Robin Newton will send an email asking for all regular members to be at the June 24th meeting because elections need to be done.

Chairman's Report

None.

Approval of Minutes - February 26, 2020

Eric Ekblade made a motion, seconded by Jan Wojas, to approve the minutes of the February 26, 2020 special meeting, as presented. Motion carried unanimously.

Scheduling of Hearings

Robin Newton reported that an application for an accessory apartment at 61 Lake Shore Drive came in yesterday, but could not be added to tonight's agenda as it requires a public hearing. It will be automatically accepted and a hearing will be scheduled for the meeting on June 24, 2020. Ms. Newton will email the applicant to let her know what is required and she will send it out for review.

Robin Newton added that there may also be an informal discussion for a development on the corner of Higby Road and Route 66 at the next meeting. It may be possible to have an in-person meeting at that time.

Adjournment

Jan Wojas made a motion, seconded by Eric Ekblade, to adjourn the meeting at 7:12 PM. Motion carried unanimously.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First