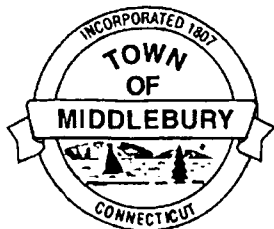


RECEIVED FOR FILING

May 12 2011 at 8:45 ^{PM} A.M.
TOWN CLERK'S OFFICE
MIDDLEBURY, CONN.

Prigitt M. Benson
TOWN CLERK



TOWN OF MIDDLEBURY

Planning & Zoning Commission

1212 Whittemore Road

Middlebury, Connecticut 06762

(203) 577-4162 ph

(203) 598-7640 fx

MINUTES PUBLIC HEARING May 5, 2011

MEMBERS PRESENT

Curtis S. Bosco, Chairman
Matthew Robison
Terry Smith
William Stowell
Erika Carrington

MEMBERS ABSENT

ALTERNATES PRESENT

Paul T. Babarik

ALTERNATES ABSENT

Ron Kulpa

ALSO PRESENT

Jean Donegan, ZEO
John Calabrese, P.E.
Brian Miller
Attorney Stephen Savarese
Rachelle Behuniak

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance

PUBLIC HEARING

1. Waxwing Development LLC and Edgewood Bath and Tennis LLC - 100 North Benson Road – Request to amend Zoning Regulations Section 42.4.4 and 66 (Application #2011-3-1)

Chairman Bosco called the Public Hearing to order @ 7:31 p.m.
Chairman Bosco read the Legal Notice published in Voices 4-20-11 & 4-27-11 and The Bee Intelligencer 4-22-11 & 4-29-11 for the record.

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck spoke on behalf of the applicant. In June of 2008 this Commission approved an amendment to the LI200 Zone to allow a commercial health club/tennis & pool club use within the district. In November of 2008 a special exception was approved for the Edgewood Bath and Tennis Club. Currently the applicant is seeking to provide the sale of alcoholic beverages within the club and the snack bar setting. In Section 42.4.4 of the Regulations the applicant is requesting to eliminate the term "Non-Alcoholic Beverages". With respect to Section 66, the term "Family Restaurant" needs to be addressed as well. The applicant has no intention of selling to the general public. He referenced a letter dated March 3, 2001 which was received from C.O.G. He did respond to Mr. Brian Miller's Memorandum dated May 3, 2011. He provided two (2) proposals to the Commission for their review, to which the Commission agreed that the second (2nd) proposal would better serve its purpose.

Chairman Bosco suggested that in order to avoid future requests to amend the Regulations, perhaps it would be best to require the applicants to come to the Commission requesting a Special Exception for the sale of Alcoholic Beverages.

Attorney Savarese suggested that the distance requirement be omitted completely.

Motion: to close the Public Hearing. Made by Terry Smith, seconded by William Stowell. Unanimous Approval.

Filed Subject to Approval,

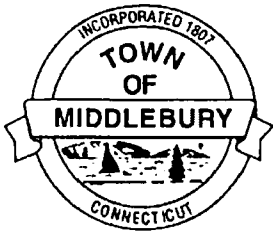
Respectfully Submitted,

Rachelle Behuniak, Clerk

cc: Thomas P. Gormley, First Selectman
Elaine M. R. Strobel, Selectman
Robert C. Desmarais, Selectman
Chairman, Conservation Commission
Olie DeLuc, Building Official
Jean Donegan, Z.E.O.
Director of Health
Edith Salisbury, Town Clerk
Robert Bean, Chairman, Z.B.A.
Daniel Kenny, Assessor
P&Z Commission Members
Francis L. Barton Jr.
Attorney Stephen Savarese
Larry S. Hutvagner, CFO

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Prigoda M. Bennett
TOWN CLERK



TOWN OF MIDDLEBURY

Planning & Zoning Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
(203) 577-4162 ph
(203) 598-7640 fx

MINUTES PUBLIC HEARING May 5, 2011

MEMBERS PRESENT

Curtis S. Bosco, Chairman
Matthew Robison
Terry Smith
William Stowell
Erika Carrington

MEMBERS ABSENT

ALTERNATES PRESENT

Paul T. Babarik

ALTERNATES ABSENT

Ron Kulpa

ALSO PRESENT

Jean Donegan, ZEO
John Calabrese, P.E.
Brian Miller
Attorney Stephen Savarese
Rachelle Behuniak

PUBLIC HEARING

2. Pilots Mall LLC – Application to renew Subdivision of Technology Park Consisting of 11 Lots on 75.2614 Acres (Application #2011-4-1)

Chairman Bosco called the Public Hearing to order at 8:03 p.m.

Curt Smith of Smith & Co. spoke on behalf of the applicant. He supplied and reviewed the plans with the Commission. He also submitted the notice which was sent to the neighboring property owners via certified mail with the return receipts. He also referenced a letter from John Calabrese, P.E. dated 5-4-11 indicating his observations.

Holly Plomski of 270 Kissawaug Road questioned when construction would begin and the construction time sequence. She also stressed the importance of putting up "Children at Play" signs in order to ensure their safety.

Chairman Bosco indicated that site plan approval would need to be received in order for the applicant to commence any construction.

Curt Smith stated that the purpose of this application was only for renewal and to maintain the property lines.

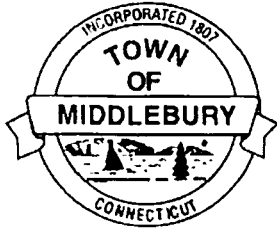
Motion: to close the Public Hearing. Made by Erika Carrington, seconded by Matthew Robison. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Clerk

cc: Thomas P. Gormley, First Selectman
Elaine M. R. Strobel, Selectman
Robert C. Desmarais, Selectman
Chairman, Conservation Commission
Olie DeLuc, Building Official
Jean Donegan, Z.E.O.
Director of Health
Edith Salisbury, Town Clerk
Robert Bean, Chairman, Z.B.A.
Daniel Kenny, Assessor
P&Z Commission Members
Francis L. Barton Jr.
Attorney Stephen Savarese
Larry S. Hutvagner, CFO



TOWN OF MIDDLEBURY

Planning & Zoning Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
(203) 577-4162 ph
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RECEIVED FOR FILING

May 12 2011 at 8:45 AM
TOWN CLERK'S OFFICE
MIDDLEBURY, CONN.

Rights M. Bosco
TOWN CLERK

MINUTES REGULAR MEETING May 5, 2011

MEMBERS PRESENT

Curtis S. Bosco, Chairman
Matthew Robison
Terry Smith
William Stowell
Erika Carrington

MEMBERS ABSENT

ALTERNATES PRESENT

Paul T. Babarik

ALTERNATES ABSENT

Ron Kulpa

ALSO PRESENT

Jean Donegan, ZEO
John Calabrese, P.E.
Brian Miller
Attorney Stephen Savarese
Rachelle Behuniak

REGULAR MEETING

3. Call to Order

Chairman Curtis Bosco called the Regular Meeting of the Middlebury Planning & Zoning Commission to order at 8:18 p.m.

4. Roll Call and Designation of Alternates

All regular members and alternate Paul Babarik were present. Alternate Ron Kulpa was not present.

5. Discussion of the Minutes of the Public Hearing & Regular Meeting held on April 7, 2011

Motion: to approve the minutes of the Public Hearing and Regular Meeting held on April 7, 2011. Made by Terry Smith, seconded by Erika Carrington. Unanimous Approval.

OLD BUSINESS

**6. Ridgewood @ Middlebury LLC & Fairview @ Middlebury LLC – aka
Ridgewood Application for Zone Text Amendment to Section 27 of the Zoning
Regulations of The Town of Middlebury (Application #2011-2-1)**

Matthew Robison stated that he did listen to the tapes of the March meeting.

Terry Smith stated that he was not in favor of approving the application.

Matthew Robison voiced his concerns with respect to the property owners and the outcome of the property itself regardless of the final decision.

Erika Carrington stated that she was concerned with an increase in density.

William Stowell indicated that he understood the financial situation and that he doesn't believe that a golf course would be built. He fears a dead project if not approved.

Chairman Bosco wanted verification from Attorney Savarese that if the Commission approved the proposed Amendment, the applicant would not be permitted to do as they please and that they would still have to come back before this Commission with a new site plan.

Attorney Savarese stated that was correct. The applicant would have to apply for an equal premium to the golf course.

Chairman Bosco made reference to the 52 families that have already invested in said property and that their interests are taken very seriously. Although he offered the possibility of voting on this application next month, the Commission agreed that it was not necessary and that they were prepared to vote.

Motion: to approve the application per the Draft Resolution presented by counsel (see attached) effective June 7, 2011. Made by William Stowell, seconded by Erika Carrington. Chairman Bosco approved. Matthew Robison and Terry Smith were opposed. Vote: 3:2. Motion Passed.

7. Waxwing Development LLC and Edgewood Bath and Tennis LLC - 100 North Benson Road – Request to amend Zoning Regulations Section 42.4.4 and 66 (Application #2011-3-1)

Attorney McVerry read the Proposed Amendment for the record. A clean copy of said Proposed Amendment (see attached) for recording/filing purposes will be available on Friday May 6, 2011.

Motion: to accept the Proposed Amendment as read effective 6-7-11. Made by Erika Carrington, seconded by William Stowell. Unanimous Approval.

8. Pilots Mall LLC – Application to renew Subdivision of Technology Park Consisting of 11 Lots on 75.2614 Acres (Application #2011-4-1)

Motion: to approve the application to renew the Subdivision of Technology Park effective 8-1-11. Made by Erika Carrington, seconded by Matthew Robison. Unanimous Approval.

NEW BUSINESS

9. Quinnipiac Game Association for Excavation & Grading Permit pursuant to to Section 64 for restoration of Atwood Pond located on Mirey Dam Rd. (Application # 2011-5-1)

Paul Lucchina of 544 Country Club Road, Cheshire spoke on behalf of the applicant. The property is located on Aunt Olive Road in Watertown, CT. The applicant is seeking to restore Atwood Pond which is located in Middlebury. He provided aerial photos of the pond. The landscaping will not be changed. He also stated that Middlebury town roads will not be utilized to transfer any material. The Conservation Commission is requiring a more detailed site plan which will be brought before said Commission for approval at their next meeting. A letter has been sent to the Board of Selectmen requesting a waiver of the yardage fee.

Chairman Bosco stated that The Board of Selectmen issued a letter of response indicating that the B.O.S. did not have any objections to the request but that a letter from the Commission requesting the waiver of said fee.

Terry Smith requested that a letter from Public Works be received indicating if they could utilize any or all of the excavated material in lieu of said fees.

Mr. Lucchina indicated that in lieu of excavation charges, the excavation company will be taking the excavated material. There will be no monetary exchange of any kind. In the event the material is unusable, the excavation company will not proceed with the project without a promise of payment to continue. He also stated that the estimated time frame for the project would be two years.

Chairman Bosco noted that per the request of Terry Smith, a letter will be drafted to the Public Works Department to inquire if they should have any use for the material.

Mr. Lucchina stated that he would be able to submit a fee of \$250.00 and also the fee of \$30.00 which is reserved for DEP.

Motion: to accept the application and schedule a Public Hearing for 6-2-11 per the conditions that the above mentioned fees will be paid by Monday, May 9, 2011 along with the recommendation to the Board of Selectmen that the per cubic yard fee for the removal of earth and material be waived, and subject to the Director of Public Works response as to the desire of the excavated material to the Town. Made by Erika Carrington, seconded by William Stowell. Unanimous Approval.

10. Robert LaFlamme – Application for Special Exception for sign pursuant to Sections 63 & 52.10.10 at 199 Park West. (Application #2011-5-2)

Mr. Robert LaFlamme of 25 Hopkins Road, Watertown, CT reviewed the plans of 199 Park Road Extension with the Commission. He is seeking to place a directory sign at said location. The building is the 50,000 square foot front executive office section of the larger 270,000 square foot facility. It has been vacant for approximately 10 years. Water, sewer and gas lines have been brought in along with new electrical service. Said proposed sign is identical to the one which was previously approved.

Motion: to accept the application and schedule a Public Hearing for 6-2-11. Made by Terry Smith, seconded by William Stowell. Unanimous Approval.

11. Douglas Rogers, Trustee discussion of “first cut” at 253 Three Mile Hill Rd.

Scott Meyers of Meyers Associates, P.C. spoke on behalf of Douglas Rogers, Trustee. He was present merely as a courtesy to inform the Commission of the planned “First Cut” and filing of the Mylar. He supplied documentation and briefly reviewed the plans with the Commission.

OTHER BUSINESS

12. Any Other Business Added to the Agenda by 2/3 Vote of Commission

Motion: to add to the agenda – Discussion of the Minutes of the Special Meeting held on 4-27-11. Made by William Stowell, seconded by Erika Carrington. Unanimous Approval.

Motion: to approve the Minutes of the Special Meeting held on 4-27-11 as submitted. Made by Erika Carrington, seconded by William Stowell. Matthew Robison abstained from voting. Unanimous Approval.

13. Bill and Communications

14. Enforcement Report

Jean Donegan, ZEO reviewed her report with the Commission. During her review, she brought to the Commission's attention, an anonymous letter which was received 4-18-2011.

Members of the Commission agreed that anonymous complaints should not be addressed.

John Calabrese, P.E. informed the Commission that AT&T will be installing U-Verse Cabinets throughout the town. Letters will be sent to neighbors advising them of the proposed locations.

Chairman Bosco suggested that in the future, boat houses are permitted subject to approval of the Conservation Commission. Members of the P&Z Commission agreed.

Mr. Michael Kenausis of 164 Bronson Drive, Middlebury wanted clarification of the Ridgewood/Fairview approval.

Attorney Savarese and members of the Commission briefly reiterated to Mr. Kenausis what the approval actual entails.

ADJOURNMENT

Motion: to adjourn the meeting at 9:56 p.m. Made by Erika Carrington, seconded by William Stowell. Unanimous Approval.

Planning & Zoning
Regular Meeting
5-5-11

6

**** Clerk's Note: Tape 1 of 3 malfunctioned ****

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Clerk

cc: Thomas P. Gormley, First Selectman
Elaine M. R. Strobel, Selectman
Robert C. Desmarais, Selectman
Chairman, Conservation Commission
Olie DeLuc, Building Official
Jean Donegan, Z.E.O.
Director of Health
Edith Salisbury, Town Clerk
Robert Bean, Chairman, Z.B.A.
Daniel Kenny, Assessor
P&Z Commission Members
Francis L. Barton Jr.
Attorney Stephen Savarese
Larry S. Hutvagner, CFO

MIDDLEBURY PLANNING & ZONING COMMISSION
TOWN OF MIDDLEBURY, CONNECTICUT

RESOLUTION – AMENDMENT TO ZONING REGULATIONS – SECTION 27

Ridgewood @ Middlebury LLC & Fairview @ Middlebury LLC – aka Ridewood Application for Zone Text Amendment to Section 27 of the Zoning Regulations of the Town of Middlebury (Application #2011-2-1)

WHEREAS, at the regularly scheduled meeting of February 3, 2011, the Planning & Zoning Commission (the "PZC") received an application from Ridgewood @ Middlebury LLC & Fairview @ Middlebury LLC as co-petitioners (the "Applicants") seeking to amend the Zoning Regulation text of Section 27, entitled Planned Residential Recreational Development Overlay District, all as more fully described in the petition submitted therewith, to allow for a permitted residential and municipal mixed use development with a substantial amount of usable recreational open space in addition to the current permitted recreational uses allowed;

WHEREAS, the application was heard at a public hearing conducted by the PZC on March 3, 2011 and concluded by the Zoning Commission on April 7, 2011;

WHEREAS, the PZC has reviewed and considered all of the oral testimony and documents presented at the above public hearing which included, without limitation, the application, letters from residents of Ridgewood and neighboring properties, photographs and other written materials;

WHEREAS, the PZC had last amended Section 27 to permit a residential recreational community development with a golf course and the proposed site development at Ridgewood to permit a nine hole executive golf course which continues to have wide support in the community;

WHEREAS, the Applicants advised the PZC that it was no longer able to afford to build the proposed golf course that was required by its approvals but wishes to substitute an alternative use for the proposed golf course area to meet the future needs of the Ridgewood residents and citizens of the Town of Middlebury;

WHEREAS, the PZC does not wish to eliminate the potential future development of the golf course that was recently approved but acknowledges that the cost of common charges for the existing private roads and amenities of the Ridgewood community would be disproportionately high and thus negatively impact the resale value of the existing units and potential ongoing viability of the project;

NOW THEREFORE BE IT RESOLVED that the Planning & Zoning Commission of the Town of Middlebury votes to approve a revised amendment on the following findings:

(1) The zone text amendment, as revised, is consistent with the stated goals of the Town's Plan of Conservation and Development, March 2001, to: (a) preserve *permanent* open space resources whenever possible (See Sections 5.2, 5.33, 5.34, and page 54.); and (b) promote cluster type or open space subdivisions that include buffers along neighboring areas with natural or public space (Section 7.21).

(2) The zone text amendment, as revised, is consistent with the Town's comprehensive plan, which comprises the Zoning Regulations and Zone Map of the Town of Middlebury, Connecticut.

(3) The zone text amendment, as revised, will not result in an adverse impact to the public health, safety and welfare.

(4) The following modifications are not substantial and material changes to the zone text amendment, and are hereby adopted in place of the Applicant's proposed zone text amendment as more fully set forth below, so as to have the modifications supersede but otherwise accepting the text amendments to Section 27.3.2 [adding new subsection 27.3.2(C)], adding to Section 27.5.1(D), adding new subsection 27.5.1(E), and adding Section 27.5.2(C) and 27.8(D), which is attached and made a part of this Resolution:

a) The new Section 27.3.2(C) is modified whereby the "maximum density" bonus is reduced for a proposed PRRD that contains a "large useable recreational open space community with a mixed residential and municipal use component," whereby the applicable language provides:

"... the applicant for approval of a PRRD may apply for a density increase whereby the maximum density may be up to, but shall not exceed, 1.25 dwellings per adjusted acre, with a maximum of 270 dwelling units, within the discretion of the Planning and Zoning Commission..."

b) Section 27.5.2(C) is modified to provide: "A large useable recreational open space community shall contain: (a) a minimum of 150 acres..." The subsection heading "(a)" was missing from the Applicant's proposed Zone Text Amendment.

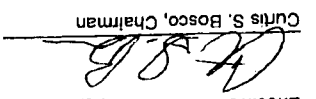
c) Section 27.8(D) is modified to provide: "A large useable recreational open space community shall contain: (a) a minimum of 150 acres..." The subsection heading "(a)" was missing from the Applicant's proposed Zone Text Amendment.

d) New Section 27.4.8 [under "Procedure"]: "Any proposed modification to an approved Preliminary Development Plan, and Final Development Plan, shall comply with the procedural requirements for the approval of such Plans as provided by Section 27.4. However, the Commission may, within its discretion, not require an applicant to submit the support information provided by Section 27.4, if the Commission determines that such is not necessary to act upon the requested modification to the previously approved Preliminary Development Plan, and Final Development Plan."

Adopted at a regular meeting of the Planning & Zoning Commission of the Town of Middlebury on May 5, 2011

June 7 2011

Effective date to be May 2011

 Curtis S. Bosco, Chairman

PROPOSED ZONE TEXT AMENDMENT TO SECTION 27, ENTITLED "PLANNED RESIDENTIAL RECREATION DEVELOPMENT OVERLAY DISTRICT", OF THE ZONING REGULATIONS OF THE TOWN OF MIDDLEBURY, CONNECTICUT.

Section 27.3.2 "Density Increase"

Section 27.3.2C (PROPOSED NEW SUBSECTION IN ITS ENTIRETY IN BOLD)

To encourage the provision of large usable recreational open space communities, with a mixed residential and municipal use component, the applicant for approval of a PRRD may apply for a density increase whereby the maximum density may be up to, but shall not exceed, 1.5 dwellings per adjusted acre within the discretion of the Planning and Zoning Commission. Such density increase will only be approved if said applicant agrees to provide, as part of the proposed PRRD, the following components to be incorporated into the PRRD community: (a) a minimum of 150 acres of deeded or restricted usable recreational open space that is: (i) suitable for potential on-site walking and hiking trails to accommodate pedestrian circulation for or to residents of the development, or for members of the public; and (ii) will serve as a green corridor that will provide potential for wildlife passage, conservation of plant and wildlife communities, continuity of habitat throughout the development to adjacent natural resources, and a vegetative buffer for adjacent residential properties; and (b) a minimum of two acres of real property contiguous to the PRRD community to be deeded to the Town of Middlebury and restricted to municipal uses that are not inconsistent with the residential component of the PRRD community.

Section 27.5 "Permitted Uses"

Section 27.5.1 (D) (PROPOSED NEW LANGUAGE IN BOLD):

There shall be a variety of residential uses as specified above. Under no circumstances shall there be only one type of housing constructed in the PRRD unless a golf use is proposed pursuant to Sections 27.3.2(B), 27.5.1(C)(ii) and 27.5.2(A), or a large usable recreational open space community, with a mixed residential and municipal use component, is proposed pursuant to Sections 27.3.2(C), 27.5.1(E), 27.5.2(C), and 27.5.2(D).

Section 27.5.1 (E) (PROPOSED NEW SUBSECTION IN ITS ENTIRETY IN BOLD)

A municipal use limited to a minimum of two acres of real property contiguous to the PRRD community to be deeded to the Town of Middlebury, shall be permitted subject to the requirements of Section 27.3.2(C) and all other applicable requirements of Section 27. The subject real property shall be restricted to a municipal use not inconsistent with the residential component of the PRRD community.

C. Large Usable Recreational Open Space:

Section 27.5.2C [PROPOSED NEW LANGUAGE IN ITS ENTIRETY IN BOLD]

A large usable recreational open space community shall contain a minimum of 150 acres of deeded or restricted usable recreational open space that is: (i) suitable for potential on-site walking and hiking trails to accommodate pedestrian circulation for or to residents of the development, or for members of the public; and (ii) will serve as a green corridor that will provide potential for wildlife passage, conservation of plant and wildlife communities, continuity of habitat throughout the development to adjacent natural resources, and a vegetative buffer for adjacent residential properties; and (b) a minimum of two acres of real property contiguous to the PRRD community to be deeded to the Town of Middlebury and restricted to municipal uses that are not inconsistent with the residential component of the PRRD community as provided by Sections 27.3.2(C), 27.5.1(D), 27.5.1(E), and 27.8(D).

27.8(D) [PROPOSED NEW LANGUAGE IN ITS ENTIRETY IN BOLD]

Large Usable Recreational Open Space/Mixed-Use Community

A large usable recreational open space community shall contain a minimum of 150 acres of deeded or restricted usable recreational open space that is: (i) suitable for potential on-site walking and hiking trails to accommodate pedestrian circulation for or to residents of the development, or for members of the public; and (ii) will serve as a green corridor that will provide potential for wildlife passage, conservation of plant and wildlife communities, continuity of habitat throughout the development to adjacent natural resources, and a vegetative buffer for adjacent residential properties; and (b) a minimum of two acres of real property contiguous to the PRRD community to be deeded to the Town of Middlebury and restricted to municipal uses that are not inconsistent with the residential component of the PRRD community as provided by Sections 27.3.2(C), 27.5.1(D), 27.5.1(E), and 27.5.2(C).

1792259v1

MIDDLEBURY ZONING REGULATIONS

PROPOSED AMENDMENT TO:

Article IV (Section 42 – Light Industrial – 200 Zone)

Special Exception Uses:

3. 42.4.4 Commercial Health Club Facility, including exercise room(s) containing exercise apparatus, tennis courts and swimming pool facilities which may be located indoors and/or outdoors, together with accessory uses thereto. Permitted accessory uses shall include bath houses with lockers, dressing rooms, showers and restrooms, retail sale of apparel, accessories and supplies applicable to the permitted uses; snack bars which are intended for the preparation and sale of food and beverages on site; picnic shelters and tables, on-site parking and incidental buildings for the storage of supplies and housing of mechanical equipment. No off-street parking shall be permitted within thirty (30) feet of any street. Notwithstanding the other regulations for street and side-yard setbacks as required in the LI-200 Zone, the minimum setback for tennis courts and ancillary fencing shall be thirty-five (35) feet from the street and thirty-five (35) feet from the sideline. A landscaped buffer shall be required along such fencing and/or tennis courts to substantially screen the fencing and tennis courts from the street and adjacent property.

To be eligible for this use in this zone, parcels shall contain a minimum of ten (10) acres; have immediate access to existing sanitary sewer lines and to any existing public water system provided that both the Water Pollution Control Authority and the Water Commission have determined that sufficient sewer capacity and an adequate water supply exist to service the facility.

Approved by Middlebury Planning & Zoning Commission – May 5, 2011. Effective Date June 7, 2011.

MIDDLEBURY ZONING REGULATIONS

PROPOSED AMENDMENT TO:

Section 66 – Alcoholic Beverages

DELETE PRESENT SECTION AND INSERT THE FOLLOWING:

Section 66.1 - Purpose and Intent

The purpose of this section is to provide guidance for the location of package stores, restaurants, or cafes whose business involves the sale of alcoholic beverages for consumption by adults.

66.2

This section shall not apply to structures utilized exclusively for the sale of alcoholic liquors, beer, ale, or wine at wholesale, or grocery stores selling canned or bottled beer or ale or drugstores.

66.3

SPECIAL EXCEPTION USE: Within the Commercial CA-40, Gateway Industrial Design, and the Light Industrial 200 Zoning Districts, the following shall be allowed under a Special Exception Use in accordance with the requirements of § 52, et seq of these regulations, provided that the applicant for such permit shall be able to show that the sale of liquors under such permit will not result in noise or activity on the premises so as to injure the health or comfort of others, or to disturb the tranquility of the surrounding neighborhood:

1. The sale of alcoholic beverages from a service bar only in a Family Restaurant (As defined as a restaurant serving indoor, sit-down meals, maintaining hours opening no later than 11:00 A.M. and closing by 11:00 P.M., containing no stand-up bar, no live entertainment, and serving alcoholic beverages only to patrons being served meals on the premises.)
2. The sale of beer and wine within a Commercial Health Club Facility as the same is defined within Article IV, § 42.4.4 of these Regulations, provided that the applicant for such permit shall be able to show that the sale of liquors under such permit will not result in noise or activity on the premises so as to injure the health or comfort of others, or to disturb the tranquility of the surrounding neighborhood, and further providing that said sale of said alcoholic beverages may only occur while the snack bar on the premises is open and serving prepared food solely to the members and their guests;

3. The sale of alcoholic beverages in a restaurant as defined as a space in a permanent and suitable building kept, used, maintained, advertised and held out to the public to be a place where hot meals are regularly served for consumption by patrons within the building. Alcoholic beverages may be served as an accompaniment to those meals provided that a Restaurant Permit for such service is obtained from the State of Connecticut.
4. The sale of alcoholic beverages in a café as defined as a space in a permanent and suitable building kept, used, maintained, advertised and held out to the public to be a place where alcoholic beverages and food is served for sale at retail for consumption on the premises, but which does not necessarily serve hot meals, provided that at Café Permit for such service is obtained from the State of Connecticut.
5. The retail sales of alcoholic beverages to be consumed off premises such as package stores, requiring alcoholic beverages to be consumed off premises.

**Approved by Middlebury Planning & Zoning Commission – May 5, 2011.
Effective Date June 7, 2011.**