

TOWN OF MIDDLEBURY

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

RECEIVED FOR FILING
June 8 2011 at 9:00 AM
TOWN CLERK'S OFFICE
MIDDLEBURY, CONN.

Regina M. Resnik
TOWN CLERK

MINUTES PUBLIC HEARING June 2, 2011

MEMBERS PRESENT

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

MEMBERS ABSENT

Matthew Robison

ALTERNATES PRESENT

Ron Kulpa
Tara Perrotti

ALTERNATES ABSENT

Paul T. Babarik

ALSO PRESENT

John Calabrese, P.E.
Attorney Stephen Savarese (arrived @ 7:55 P.M.)
Rachelle Behuniak

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance

Chairman Bosco welcomed new Alternate Member Tara Perrotti.

PUBLIC HEARING

1. Quinnipiac Game Association for Excavation & Grading Permit pursuant to Section 64 for restoration of Atwood Pond located on Aunt Olive Road. (Application # 2011-5-1)

Chairman Bosco appointed alternate member Tara Perrotti to act in place of absent member Matthew Robison.

Tara Perrotti read the Legal Notice published in Voices 5-18-11 & 5-25-11 and The Bee Intelligencer 5-20-11 & 5-27-11.

Chairman Bosco read an Interoffice Memorandum from Tom Gormley, First Selectman dated 5-17-11 for the record. He also read a letter from Dan Norton, Public Works Director indicating the department's interest in organic material if available.

Paul Lucchina of 544 Country Club Road, Cheshire spoke on behalf of the applicant. He stated that they are in the process of providing more detailed plans per the request of the Conservation Commission. He did question the quantity of material the Public Works Department would be interested in.

Terry Smith did confirm that the Public Works Department would like the first right of refusal.

William Stowell did voice his concerns with respect to the wording of the motion that was made at the Board of Selectmen meeting of 5-14-11. It is as follows: Mrs. Strobel MOTIONED to accept the request for a waiver of the fee contingent upon Public Works being able to use the materials. SECONDED by Mr. Desmarais. Unanimous Approval. He fears that in the event the Public Works Commission decides that it does not need any of the material, it may put the applicant at risk for being responsible to pay the fee. He also is concerned with the term "accept".

Chairman Bosco stated that he will ask the Board of Selectmen to clarify their motion to ensure that all parties involved are protected.

Paul Lucchina indicated that they plan to excavate less than 2 acres of the northwest side of the pond. It will be a phased dredging. He stated that they are in the process of providing more detailed plans per the request of the Conservation Commission.

Chairman Bosco read a letter from town engineer John Calabrese, P.E. dated 6-2-11 which reference his recommendations.

Letamarie Highsmith of 7 East Farm Rd. questioned what the top soil would be used for and which town's road would be utilized to remove the material off site.

Terry Smith stated that at times the material is stock piled and dried out and mixed with sand to be utilized as top soil material for back filling curbs etc.

Paul Lucchina stated that Watertown roads would be utilized.

Chris McCarthy of 45 East Farm Rd. voiced his concern with respect to young individuals utilizing the property with snowmobiles, ATVs, and the possibility of having

construction equipment being left on the property while there will be a delay in construction due to weather conditions.

Paul Lucchina stated that construction will occur during the dry seasons. He indicated that the project could take approximately 12 months.

John Kalenauskas of 307 Aunt Olive Rd. Watertown spoke in favor of the project and feels that it would be beneficial for all.

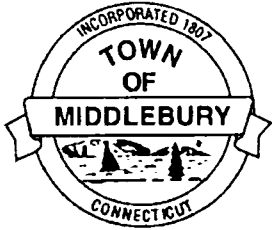
Motion: to continue the Public Hearing to 7-7-11. Made by Terry Smith, seconded by Erika Carrington. Unanimous Approval.

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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Reignold Perrotti
TOWN CLERK

MINUTES PUBLIC HEARING June 2, 2011

MEMBERS PRESENT

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

MEMBERS ABSENT

Matthew Robison

ALTERNATES PRESENT

Ron Kulpa
Tara Perrotti

ALTERNATES ABSENT

Paul T. Babarik

ALSO PRESENT

John Calabrese, P.E.
Attorney Stephen Savarese
Rachelle Behuniak

PUBLIC HEARING

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

Chairman Bosco called the Public Hearing to order at 8:20 p.m. He read the Legal Notice published in Voices 5-18-11 & 5-25-11 and The Bee Intelligencer 5-20-11 & 5-27-11.

Tara Perrotti read Brain Miller's Memorandum dated 6-2-11 for the record.

Robert LaFlamme reviewed the plans with the Commission. He stated that the proposed sign is far enough off the road so as to not obstruct the sight lines. The illumination will be the same way that the Middlebury Edge sign is illuminated. The letters can be limited to the 4" as opposed to the proposed 6" if the Commission does request it. His office represents 50,000 square feet of the 250,000 square foot building.

Attorney Stephen Savarese questioned if there would be a possibility of future requests for similar signs in the event that other office space were to be utilized.

Robert LaFlamme stated that there already is an existing sign for the building.

Gary Matthews of 161 Camp Rd. spoke in favor of the proposed sign.

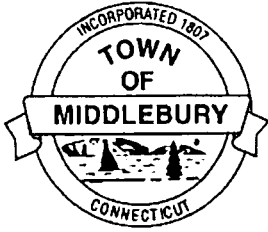
Motion: to close the Public Hearing at 8:36 P.M. Made by Terry Smith, seconded by William Stowell. Unanimous Approval.

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.
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Larry S. Hutvagner, CFO



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Richard 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 REGULAR MEETING June 2, 2011

MEMBERS PRESENT

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

MEMBERS ABSENT

Matthew Robison

ALTERNATES PRESENT

Ron Kulpa
Tara Perrotti

ALTERNATES ABSENT

Paul T. Babarik

ALSO PRESENT

John Calabrese, P.E.
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 8:37 p.m.

4. Roll Call and Designation of Alternates

Chairman Bosco appointed alternate member Tara Perrotti to act in place of absent member Matthew Robison excluding agenda items #5 & #6.

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

Motion: to approve the minutes of the Public Hearings and Regular Meeting held on May 5, 2011. Made by Terry Smith, seconded by William Stowell. Unanimous Approval.

6. Discussion of the Minutes of the Special Meeting held on May 17, 2011

Motion: to approve the Minutes of the Special Meeting held on May 17, 2011. Made by Terry Smith, seconded by Erika Carrington. Unanimous Approval.

OLD BUSINESS

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

Discussion was tabled.

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

Motion: to approve the application for a Special Exception for a sign presented by Mr. LaFlamme for 199 Park Road due to the location of the building on the lot and topography of the lot, its placement subject to the approval of the Town Engineer. Made by Terry Smith, seconded by Tara Perrotti. Unanimous Approval.

NEW BUSINESS

9. Benson Woods – Application for renewal of Special Exception Grant for a Community Building @ Middlebury Land Development LLC's Benson Woods PRD Development (Application #2011-6-1)

Attorney Jennifer Yoxall of Carmody & Torrance spoke on behalf of the applicant. She confirmed that the original application was approved on 10-25-2001. In August of 2006 they came before this Commission for their first renewal not knowing if a Public Hearing would be required. A Public Hearing was not required. This is their second request for a renewal. She provided a Special Exception Grant with a Legal Description which was signed by Chairman Bosco (see attached).

The Commission agreed that neither a Public Hearing nor a traffic report would be necessary.

Motion: to approve a renewal of Special Exception Grant for a Community Building @ Middlebury Land Development LLC's Benson Woods PRD Development effective 10-25-2011 which is the expiration date of the existing Special Exception and a waiver of

the traffic report. Made by Terry Smith, seconded by Tara Perrotti. Unanimous Approval.

10. Edgewood Bath & Tennis/Waxwing Development LLC 100 North Benson Rd. - Application for Special Exception for sale of alcoholic beverages (beer & wine) within commercial health facility pursuant to Section 66.3 (1) (Application #2011-6-2)

Chairman Bosco read a letter from Attorney Michael McVerry of 35 Porter Avenue, Naugatuck dated 6-1-11. He was not able to be present but requested that the application be accepted and a Public Hearing be scheduled for next month.

Motion: to accept the application and schedule a Public Hearing for 7-7-11. Made by Erika Carrington, seconded by Terry Smith. Unanimous Approval.

11. The Ridge @ Long Meadow Farms off of Christian Rd. – Modification of PRD to provide for phased construction of phased units. Originally approved as Phase 1. (Application #2011-6-3)

Paul Lavallee of Dymar spoke on behalf of the applicant. The original Phase 1 consisted of 31 homes and the applicant now is requesting to break up phase 1 into 3 separate construction phases. He briefly reviewed the plans with the Commission and indicated that on page 5 there was an error. There was a notation that it was phase C when actually it is phase B.

Motion: to accept the application and schedule a Public Hearing for 7-7-11. Made by William Stowell, seconded by Erika Carrington. Unanimous Approval.

OTHER BUSINESS

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

None

13. Bill and Communications

Chairman Bosco read a letter from Eric Anderson of Quassy Amusement Park dated 5-11-11 indicating their intention to come before this Commission with a new site plan for the Bullet Bowl and Fun Slide.

The Commission agreed to hold the next Special Meeting for the POCD on 6-9-11 from 7:00 P.M. to 9:00 P.M.

14. Enforcement Report

The Commission Members did receive Jean Donegan's Enforcement Report.

ADJOURNMENT

Motion: to adjourn the meeting at 9:21 p.m. Made by Erika Carrington, seconded by Terry Smith. 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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June 8 2011 at 9:10 AM

TOWN CLERK'S OFFICE
MIDDLEBURY, CONN.

Richard M. Bosco
TOWN CLERK

PLANNING & ZONING COMMISSION

SPECIAL EXCEPTION GRANT

The undersigned hereby certifies that at a regular meeting of the Planning & Zoning Commission, held on Thursday, June 2, 2011, an application was submitted by Middlebury Land Development LLC, for a renewal of a Special Exception to permit a Community Building at the location described in "Schedule A", pages 2 and 3 attached hereto which is within a Planned Residential Development known as "Benson Woods". The renewal of the Special Exception was granted pursuant to Section 21.2.9 and 22.5.2. of the Zoning Regulations of the Town of Middlebury, as amended. This approval shall be effective as of October 25, 2011, which is the date of expiration of the existing special permit for the Community Building.

The property to which this Special Exception applies is on the Land Records in the Office of the Town Clerk, in the name of the grantee, Middlebury Land Development, recorded in Volume 192, Page 202, and is fully described therein.

This Special Exception applies to the property as described in "Schedule A," pages 2 and 3 attached hereto.

Dated at Middlebury, Connecticut this 2nd Day of June, 2011.

BY: 

Curtis S. Bosco, Chairman
Middlebury Planning & Zoning Commission

SCHEDULE A
(Legal description of parcel
where community building will be located)

EAST SIDE OF NORTH BENSON ROAD

All that certain piece or parcel of land situated on the easterly side of North Benson Road in the Town of Middlebury, County of New Haven, State of Connecticut and shown as "Lot 2, 34.9632 Ac." on a map entitled, "Property Survey Benson Woods North Benson Road, Middlebury, Connecticut" dated April 23, 2002 and prepared by Bradford E. Smith & Son, Surveyors-Engineers-Planners, Woodbury, CT. This is a portion of the property that was conveyed to Timex Corporation by IBM Corporation by deed recorded in Volume 151, Page 447 of the Middlebury Land Records combined with the property conveyed by JSD Partners. to Timex Corporation. Said parcel is more particularly described as follows:

Beginning at a concrete monument in the easterly street line of North Benson Road. Said concrete monument marks the northwesterly corner of land now or formerly of JSD Partners and the southwestery corner of the parcel herein described. Thence along the easterly street line of said North Benson Road the following courses and distances: N04°17'35"W 523.00' to a concrete monument; thence N05°50'08"W 80.51' to a point; thence N03°32'38"W 175.39' to a point; thence N06°52'48"W 35.41' to a point; thence N03°08'14"W 75.63' to a point; thence N03°40'40"W 181.97' to a point; thence N01°18'27"W 57.57' to a point; thence N04°57'38"E 108.28' to a point; thence N03°42'58"E 134.86' to a point; thence N05°54'13"E 133.21' to a point; thence N04°49'23"E 89.35' to a point; thence N01°36'16"W 148.43' to a point; thence N00°51'57"W 83.10' to a point; thence N01°23'44"W 67.52' to a point; thence N05°06'45"W 85.94' to a concrete monument to be set. Said concrete monument marks the northerly point of the parcel herein described and lies in the southwestery line of the 25.3594 Ac. parcel of land shown as other land of Timex Corporation. Thence S43°17'56"E 107.95' along the southwestery line of said other land of Timex Corporation to an iron pin; thence S39°48'00"E 103.00' continuing along the southwestery line of said other land of Timex Corporation to a point; thence S38°10'41"E 92.49' continuing along the southwestery line of said other land of Timex Corporation to a concrete monument to be set. Said concrete monument marks the southerly point of said other land of Timex Corporation. Thence N57°09'06"E 12.94' along the southeasterly line of said other land of Timex Corporation to an iron pin; thence N44°08'41"E 34.70' continuing along the southeasterly line of said other land of Timex Corporation to wire at the east face of a 30" oak; thence N31°59'57"E 78.82' continuing along the southeasterly line of said other land of Timex Corporation to wire at the east face of a 15" black birch; thence N39°25'53"E 155.73' along the southeasterly line of said other land of Timex Corporation to a drill hole in shallow rock; thence N30°27'47"E 61.40' continuing along the southeasterly line of said other land of Timex Corporation to a concrete monument to be set. Said concrete monument marks the northwesterly corner of the parcel herein described. Thence S78°07'11"E 252.43' along the southerly line of said other land of Timex Corporation to an iron pin; thence S77°58'19"E 175.16' continuing along the southerly line of said other land of Timex Corporation to a concrete monument to be set. Said concrete monument marks the southeasterly corner of said other land of Timex Corporation, the northeasterly corner of the parcel herein described and lies in the westerly line of Lot 1 as shown on the above

referenced map. Thence S07°03'47"E 1255.08' along the westerly line of said Lot 1 to a concrete monument to be set. Said concrete monument marks a northwesterly corner of land now or formerly of JSD Partners and a southeasterly corner of the parcel herein described. Thence S59°54'45"W 536.81' along the northwesterly line of land of said JSD Partners to a concrete monument to be set; thence N84°32'18"W 117.00' along the northerly line of land of said JSD Partners to a concrete monument to be set. Said concrete monument marks the northwesterly corner of land of said JSD Partners. Thence S30°53'14"E 209.82' along the southwesterly line of land of said JSD Partners to a drill hole; thence S22°45'50"E 114.73' continuing along the southwesterly line of land of said JSD Partners to a mag nail at base of an iron pipe; thence S37°46'52"E 117.31' continuing along the southwesterly line of land of said JSD Partners to a drill hole in ledge; thence S27°14'14"E 5.28' continuing along the southwesterly line of land of said JSD Partners to a concrete monument. Said concrete monument marks a northeasterly corner of other land of said JSD Partners and a southeasterly corner of the parcel herein described. Thence S78°41'57"W 576.57' along the northerly line of other land of said JSD Partners to the concrete monument which marks the point or place of beginning.

Said parcel is bounded:

Northeasterly, Northwesterly and Northerly by the 25.3594 Ac. parcel shown as other land of Timex Corporation;
Easterly by Lot 1 as shown on said map;
Southeasterly, Southerly, Northeasterly and Southerly by land now or formerly of JSD Partners; and
Westerly by North Benson Road.

Said parcel contains 34.9632 Ac. References to owners are to present or former owners.

(W1445885)