



TOWN OF MIDDLEBURY

*Planning & Zoning Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
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OCTOBER 1, 2015 REGULAR MEETING MINUTES

MEMBERS PRESENT

Terry Smith, Chairman
William Stowell, Vice Chairman
Matthew Robison
Erika Carrington
Joseph Drauss

MEMBERS ABSENT

ALTERNATES PRESENT

Paul T. Babarik

ALTERNATES ABSENT

Christian Yantorno

ALSO PRESENT

Brian Miller
John Calabrese, P.E.
Curtis Bosco, Z.E.O.

CALL TO ORDER

Chairman Smith called the Regular Meeting of the Middlebury Planning & Zoning Commission to order at 7:28 p.m.

ROLL CALL AND DESIGNATION OF ALTERNATES

Chairman Smith announced Regular Members Smith, Stowell, Robison, Carrington, Drauss and Alternate Member Babarik as present. Alternate Member Yantorno was absent.

PUBLIC HEARING

1. Raymond & Panagiota Albini-Application to amend Zoning Regulations specifically adding Section 42.4.5 (Application #2015-8-2)

Chairman Smith read the Legal Notice published in Voices on 9-16-15 & 9-23-15 as well as a Staff Referral Report from Joanna B. Rogalski, Regional Planner, NVCOG dated 9-2-15 for the record.

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck spoke on behalf of the applicant. The Albinis are the contract purchasers of approximately 33 acres of land from the Town of Middlebury which is located in the LI-200 Zone on Benson Road. Said proposal came before this Commission in May of 2015 where a positive referral was made to the Board of Selectmen. A contract has since been signed. The current application is to amend the LI-200 Regulations to allow the following as a special exception use: Crematory; Undertaker Establishment; Non-Denominational Chapel; Columbarium; Cemetery; and a Cremation Garden. He addressed Brain Miller's Memorandum dated 8-2-15, where it was suggested that "Non-Denominational Chapels" be changed to "Houses of Worship and Non-Denominational Chapels". Also, the assumption that Columbarium and Cremation Garden are both related as an accessory to the Crematorium and that they would be rooms or a room within the Crematorium or a Chapel facility. Attorney McVerry clarified that they are not, but rather they would either be outside structures or the garden itself would be out in the grounds. He submitted the following documentation for the record:

- Proposed Amendment To: Article IV (Section 42 – Light Industrial – 200 Zone) – adding "Houses of Worship" to "Non-Denominational Chapels" in both the first paragraph and under the definitions;
- Connecticut Statutes – Title 19A. PUBLIC HEALTH AND WELL-BEING Chapter 368K. CREMATORIES § 19a-320
- Website printout of the 2015 NFDA Cremation and Burial Report Released dated 7-20-15 – Indicating that Cremation is projected to surpass burial in 2015.

He stated that should this amendment be passed, his client would still need to come back before this Commission with a Special Exception Application where the details of the project could be addressed.

Chairman Smith requested that the amendment be reworded to read "Crematory Undertaker Establishment. Non-Denominational Chapel, Columbarium, Cemetery Cremation Garden as an accessory to the Crematory."

Attorney McVerry confirmed that they take no issue with Chairman Smith's request.

Ray Albini of 140 Upper Whittemore Road stated that when he originally decided to pursue this application, he did not intend on building a funeral home. It was only after much input from the community that he decided to include it as part of his plan. He is also considering designing one room in the building for indoor columbarium space.

Erika Carrington expressed the importance of adequate parking being proposed in accordance with the Regulations.

Motion: to continue the Public Hearing on November 5, 2015. Made by Matthew Robison, seconded by William Stowell. Unanimous Approval.

MINUTE APPROVAL

2. Discussion of the Minutes of the Regular Meeting held on September 3, 2015

Motion: to accept the Minutes of the Regular Meeting held on September 3, 2015. Made by William Stowell, seconded by Joseph Drauss. Unanimous Approval.

OLD BUSINESS

3. Raymond & Panagiota Albini-Application to amend Zoning Regulations specifically adding Section 42.4.5 (Application #2015-8-2)

Discussion was tabled.

NEW BUSINESS

4. Middlebury Land Development LLC./North Benson Rd. & Judd Hill Rd. – Application for Excavation & Grading Permit pursuant to Section 64 (Application #2015-9-3)

Attorney Jennifer Yoxall of Carmody, Torrance, Sandak, & Hennessey, LLP spoke on behalf of the applicant and requested that a Public Hearing be scheduled for next month. She submitted the original signed application for the record as well as her proposed Public Hearing Legal Notice.

Motion: to schedule a Public Hearing for November 5, 2015. Made by Erika Carrington, seconded by Joseph Drauss. Unanimous Approval.

OTHER BUSINESS

5. Any other business added to the agenda by 2/3 vote of the Commission

None

6. 2128 Middlebury Road/Bob & Lori Bickley – Informal discussion regarding Improvement (Application #2015-9-1)

Attorney Bill Ward of 336 Torrington Road, Litchfield, CT spoke on behalf of Mr. & Mrs. Bickley. The property consists of approximately 5.3 acres with a house and 2 seasonal cottages. His client is looking to expand the cottages and make 1 a year round cottage, more in line with the character of the surrounding homes. He also added that Mr. Nichols, the other owner of the remaining cottage, plans to retain Attorney McVerry. He suspects that something along the lines of Tyler Cove and West Shore would be the best approach but was looking to the Commission for some guidance.

Chairman Smith stated that it is his opinion that the Bickleys approach this like Tyler Cove and West Shore and form a condominium association.

Attorney Ward confirmed that the owners do not want to put more cottages on the parcel but his client would most likely want to go outside the existing footprint when rebuilding. He reviewed the map with the Commission.

Bob Bickley stated that there is an existing engineered septic system but is not certain about space requirements for additional septics.

Several members of the Commission suggested that the Health Department be consulted prior to plans being submitted.

7. 642 Watertown Road/Lou Persico-Informal discussion regarding an addition (Application #2015-9-2)

Eric Strachan of 122 Curtis Lane, Watertown, CT spoke on behalf of Lou Persico and reviewed the proposed plans with the Commission. Mr. Persico bought the house with an existing in-law setup in the downstairs portion of the house. He is looking to relocate

the in-law setup to the upper floor and plans to change the existing in-law area into a recreation room. He also plans to change the existing full bath into a ½ bath. The proposed new structure will have 1 bedroom, kitchen and family room. All utilities will be shared and there will be no separate entrance.

Curtis Bosco, Z.E.O. confirmed that he did not find a Special Exception in the file.

Eric Strachan stated that the addition was permitted through the building department but he was not sure about a Special Exception.

Chairman Smith stated that an application and fee must be submitted for a Special Exception and that if it is submitted quickly, a Legal Notice could be placed in the paper for a Public Hearing in November.

8. Final Draft of the Middlebury Plan of Conservation & Development

Brian Miller, gave all members a dedication page to put in their books. He also clarified that page 73, 1b. refers to a sidewalk on the north side of the road.

Chairman Smith confirmed that the Commission is not proposing to extend the commercial district.

Brian Miller stated that he will provide a PDF version for the website.

Motion: to approve the Final Draft of the Middlebury Plan of Conservation and Development dated September 24, 2015. Made by William Stowell, seconded by Joseph Drauss. Unanimous Approval.

9. Enforcement Report

Curtis Bosco, Z.E.O. reviewed his enforcement report with the Commission. He briefly discussed the letter he received from Bruce Dessereaux dated 9-15-15 referencing various sign violations throughout the town.

Chairman Smith stated that he is receiving a lot of complaints about sandwich boards and that those along with the banners need to be addressed.

William Stowell stated that a commitment was made to the businesses in town to make it business friendly.

Chairman Smith instructed Curtis Bosco, Z.E.O. to address the most significant violations and that it must be done in a town wide manner. He also instructed Mr. Bosco to issue letters informing the owners that no permits will be issued until they are in compliance.

Curtis Bosco, Z.E.O. stated that Dr. Yimoyines contacted him regarding Eyeglasses Galore going out of business and how he continues to utilize the loading dock and wants to make it a 3rd location to continue exactly what he was permitted to do.

Chairman Smith confirmed that a Certificate of Zoning Compliance could be granted.

Curtis Bosco, Z.E.O. stated that the current owner of the old Middlebury Pharmacy plans to open up a high quality furniture store.

10. Adjournment

Motion: to adjourn the meeting at 8:40 p.m. Made by Matthew Robison, seconded by Erika Carrington. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Clerk

Original to Edith Salisbury, Town Clerk

cc: P&Z Commission Members
Vincent LoRusso, Chairman, Conservation Commission
Ollie LeDuc, Building Official
Curtis Bosco, Z.E.O.
David Alley, Chairman, Z.B.A.
Attorney Dana D'Angelo
Larry S. Hutvagner, CFO
Rob Rubbo, Director of Health
Mary Barton