



TOWN OF MIDDLEBURY

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

July 7, 2016 REGULAR MEETING MINUTES

MEMBERS PRESENT

Terry Smith, Chairman
William Stowell, Vice Chairman
Erika Carrington

ALTERNATES PRESENT

Paul T. Babarik
Jeffrey Grosberg-arrived @ 7:32 p.m.

ALSO PRESENT

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

MEMBERS ABSENT

Matthew Robison
Joseph Drauss

ALTERNATES ABSENT

Christian Yantorno

CALL TO ORDER

Chairman Smith called the meeting to order at 7:29 p.m.

ROLL CALL AND DESIGNATION OF ALTERNATES

Chairman Smith announced Regular Members Smith, Stowell, and Carrington, and Alternate Members Babarik and Grosberg as present. Regular Members Robison and Drauss and Alternate Member Yantorno were absent. He appointed Alternate Member Babarik to act in place of absent Regular Member Robison and Alternate Member Grosberg to act in place of absent Regular Member Drauss.

PUBLIC HEARING

None

MINUTE APPROVAL

1. Discussion of the Minutes of the Public Hearing & Regular Meeting held on June 2, 2016

Motion: to approve the Minutes of the Public Hearing and Regular Meeting held on June 2, 2016 as submitted. Made by William Stowell, seconded by Erika Carrington. Unanimous Approval.

OLD BUSINESS

2. Quassy/Route 64 – Discussion & possible vote regarding existing site plan

Chairman Smith requested to postpone discussion until later in the meeting.

NEW BUSINESS

3. George H. & Diane Selby Nybakken/10 Tyler's Cove – application for site plan approval (Application #2016-6-1)

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT spoke on behalf of the applicant. This condominium development within the town came from the old cottages. His client's own #10 in Tyler Cove. He reviewed the map with the members of the Commission. Per the Condominium Declaration, each unit owner owns the footprint around each individual unit and the boundary lines are listed as limited common elements in which they have the exclusive right to use it but it remains owned by the association as such and the unit owners. In August of 2015, this applicant was before this Commission seeking to amend the Zoning Regulations to allow the limited common elements to be utilized by the unit owners for boundary lines for planning & zoning purposes in this case. Said application was approved by this Commission on August 6, 2015. In May of 2016 a variance was granted from the Zoning Board of Appeals for the street setback and the side yards setback. His client is proposing to erect a 2 car 2 story garage. The second story will be for storage purposes only. There will be an exterior access (stairs) to the second floor but there is no intention to use the second floor for residents in the future. He also stated that the closest neighbor is some distance away.

He submitted the following documentation for the record:

1. Zoning Board of Appeals Legal Notice, dated May 4, 2016 indicating variance approval;
2. Email dated 7-7-16 from Fire Chief Tony Bruno stating that he has no issue with the proposed plans;
3. Letter dated March 3, 2016 from Acting Police Chief Francis Dabbo stating that there are no line of site issues or traffic concerns;
4. Tyler Cove Association November 16, 2016 Board Minutes indicating their approval of the garage plan
5. Map Improvement Location Survey, LCE 10, Tyler's Cove, 10 Sandy Beach Road, Middlebury, CT by Sterling Land Surveying, LLC, dated June 2005, Job No. 724-101.

Motion: to approve the proposed 24' X 24' garage as shown on Improvement Location Survey, LCE 10, Tyler's Cove, 10 Sandy Beach Road, Middlebury, CT by Sterling Land Surveying, LLC, dated June 2005. Made by Paul Babarik, seconded by Erika Carrington.

Discussion:

Erika Carrington questioned if a separate motion would be needed due to the variance which was granted by ZBA.

Chairman Smith stated that it was not necessary due to the fact that it is in the Land Records. He questioned all those in favor of the motion on the floor.

Unanimous Approval.

4. Maxwell Sunshine, LLC/2160 Straits Turnpike – application for a Special Exception

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT spoke on behalf of the applicant. The applicant received approval from this Commission on March 3, 2016 to amend the Zoning Regulations to allow a carwash as an accessory use in a CA-40 Zone but in a limited area. His client is now seeking to construct and install a carwash and must be done by way of Special Exception. Therefore, they are requesting the Commission accept the application and schedule a Public Hearing.

Motion: to accept the application and set a Public Hearing for August 4, 2016. Made by Erika Carrington, seconded by William Stowell. Unanimous Approval.

2. Quassy/Route 64 – Discussion & possible vote regarding existing site plan

Chairman Smith stated that the issue with Quassy was that Curt Smith found something in the definitions and was unsure if this would require a Site Plan Modification. The popcorn shed will have a cantilever roof over the front of the building and in their calculations, they only used the footprint of the building and questioned if the cantilever (149 square feet) cover should be included in the calculations. After review and discussion of the Regulations it was determined that due to the square footage of the cantilever, it would require a Site Plan Modification.

OTHER BUSINESS

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

None

6. Enforcement Report

Chairman Smith questioned how the dust control issue was going at Ridgewood.

Curtis Bosco, Z.E.O. stated that he has been getting a report every day in the morning and that he has taken photos. It's in beautiful condition and they reseeded and hooked up to each of the condo owners' water supply and are planning to pay their water bills in full.

Chairman Smith thanked Curtis Bosco, Z.E.O. for going above and beyond by taking it upon himself to cover up the graffiti that appeared at the Ford's Gas Station over the 4th of July weekend while the owners were away on vacation.

Curtis Bosco, Z.E.O. commented on the numerous blight issues. He also added that Westover School is converting their existing maintenance building for academic use. Therefore the old yellow barn will become the new maintenance building and approval was just granted by the Conservation Commission to expand the barn as it is within the upland review area. He questioned if they would need a Special Exception in accordance with the Regulations. After review and discussion, this Commission agreed that due to the fact that the barn already exists on their property, they would only need to apply for site plan approval.

7. Adjournment

Motion: to adjourn the meeting at 8:02 p.m. Made by Erika Carrington, seconded by Paul Babarik. 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.
Ken Long, Chairman, Z.B.A.
Attorney Dana D'Angelo
Larry S. Hutvagner, CFO
Rob Rubbo, Director of Health
Mary Barton