



TOWN OF MIDDLEBURY

Zoning Board of Appeals

MINUTES

ZONING BOARD OF APPEALS MEETING

Wednesday, August 3, 2016 – 7:30 p.m.

Shepardson Community Center Room 26
1172 Whittemore Road

Present: Ken Long, Chairman
Ray Caruso
Brian Proulx
Candice Graziano
Linda Herrmann, Alternate
Bernie Evans, Alternate

Also Present: Rachel Primus, Recording Clerk

Excused

Absent: D.J. Mahoney, Alternate
Bill Bellotti, Vice Chairman

Call to Order with Pledge of Allegiance

The meeting was called to order by Ken Long at 7:30 p.m.

Seating with Regular Members

The regular members present were seated. Linda Hermann was seated as a regular voting member in place of Bill Bellotti

Approval of May 4, 2016 Zoning Board of Appeals Meeting Minutes

VOTED: Unanimously with a motion by Linda Herman and seconded by Brian Proulx to **APPROVE** the May 4, 2016 minutes as presented.

Public Hearing

1. **Appeal # 3173 – Patrick Bayliss 2160 Straits Turnpike** – Seeking a variance from Section 11 of the Middlebury Zoning Regulations to construct a 2100 sq ft commercial car wash in front of existing building less than 75 feet from CT Route 63. The hardship is the required set back of 75 ft from CT Route 63, the existing building on the site is 59.41 feet from the street line; in rear of building, the topography prevents any additional construction and safety concerns prevent placing car wash within existing building, leaving the area in front of the existing building as the only feasible area – 39.73 feet off the road.

Ken Long read the legal notice into the record.

Attorney Michael McVerry, 35 Porter Ave, representing Maxwell Sunshine LLC, the owner of the property Patrick Bayliss of County Line Auto. Mr. McVerry stated the property is in a CA40 zone and that they are looking to construct a car wash on the site. In the Zoning Regulations under Section 6.1.6, carwashes are a prohibited use in

Middlebury. There have been amendments made in March this year to the Zoning Regulations. He noted that Middlebury only allows car dealerships on Straits Turnpike. Mr. McVerry stated there are many conflicts within the regulations and the Commission is currently hiring someone to fix the corrections. He stated that in Section 11 the required setback is 75 ft along Route 63 and 64. Attorney McVerry reviewed the plans with the Board. He stated the plans include a proposed 95 x 21ft building in front of the current building on the site. They originally wanted to put the car wash within the current building, but the engineer figured they did not have enough turning distance. The property behind the building is not useable, so this is the only feasible place to put it. He noted they are currently dealing with the town of Watertown regarding the water and sewer connection. And they still need to go before the Zoning Commission for special permit approval, Inland Wetlands, and DOT. He said it will be a lengthy process and this is just step one. Patrick Bayliss stated the original intention was to convert the old building, but special things came up. The drip time and architectural demands, which all could be a safety problem. The safe fix and aesthetically pleasing alternative would be to separate the structure from the current building and have the equipment room be held in the current building. A discussion ensued over the car wash process. Mr. Bayliss stated there will be attendants at the site, one at the beginning and one at the end. Ray Caruso commented that maybe Middlebury needs a car wash, but he is not in favor of this application. He has concerns on the cars coming into the highway. He stated that the regulations are there for a reason, and that he does not feel comfortable with this application. Attorney McVerry stated the topography of the property prevents anything from moving back, it would cause more disturbances and there is no other place to put it. He noted the town of Middlebury is trying to encourage economic development. Candice Graziano asked if they priced out excavating the land in the back of the property. Patrick said it is just not worth looking into doing. It was noted that the car wash will only be open during dealership hours. Ken Long asked when the 75 ft line was put into place and if the line was in place when the original building was built or not. He stated he would like to keep the Public Hearing open. Mr. Long would like to walk the property with Patrick because he has some questions. Brian Proulx asked if the front corners of the proposed building could be marked out. Ken Long stated they will continue the Public Hearing to the September 7, 2016 meeting.

Discussion and Consideration

The Public Hearing was continued to the September meeting.

New Business

None

New Applications

None

Other Business

Brian Proulx asked that the board receive new updated copies of the Zoning Regulations. Ray Caruso stated he feels the board gets to personal with the applicant and applications.

Correspondence

None

Adjournment

VOTED: Unanimously on a motion by Brian Proulx and seconded by Linda Herman to

ADJOURN the meeting at 8:36 p.m.

These minutes are submitted subject to approval.

Respectfully submitted,

Rachel Primus

Recording Clerk

ZBA Members

CC: Town Clerk, Barbara Whitaker, Z.E.O.