



TOWN OF MIDDLEBURY

Zoning Board of Appeals

MINUTES

ZONING BOARD OF APPEALS MEETING

Wednesday, October 1, 2014 – 7:30 p.m.

Shepardson Community Center Room

Present: David G. Alley, Chairman
Ken Long
Bill Bellotti
Ray Caruso
Bernie Evans, Alternate
Brian Proulx

Also Present: Curtis Bosco, Zoning Enforcement Officer
Rachel Primus, Recording Clerk

Excused

Absent: Linda Herrmann, Alternate
D.J. Mahoney, Alternate

Call to Order with Pledge of Allegiance

The meeting was called to order by David G. Alley at 7:30 p.m.

Seating with Regular Members

The regular members present were seated.

Approval of September 3, 2014 Zoning Board of Appeals Meeting Minutes

VOTED: Unanimously with a motion by Bill Bellotti and seconded by Ken Long to **APPROVE** the September 3, 2014 minutes as submitted.

Public Hearing

- A. Appeal # 3166** – Wesson Energy, Inc. seeking a Variance to erect a canopy as that does not meet the 75' minimum setback from the street. The hardship is the depth of property coupled with required additional buffer requirement from adjacent residential property to the North inhibits development; setback requirement for Rts. 63 and 64 is larger than other CA-40 properties; proposed setback matched existing and is same as other properties in area. To set a Public Hearing date for Wednesday, October 1, 2014 at 7:30 pm.

Attorney Michael McVerry, representing Wesson Energy, noted the certified mailings were sent. He stated the initial application was for the 2 properties at 504 and 520 Middlebury Rd. He said the land in between the properties is

owned by St. John of the Cross Church. He noted that about a year and a half ago Wesson and the Church did a land swap at the rear of the property, to give them more room in the back. Mr. McVerry said the proposal is to build a 4,000 sq ft building and a canopy in the front containing 10 pumps. He reviewed the plans with the board. He stated with the purchase of the land, his client can now move the building towards the rear of the property. He said the zoning requirement is a 75 ft setback from the road. The proposed canopy would be about 40 ft off the road. He noted this would make the property less non-conforming than it currently is. Mr. McVerry provided renderings of the proposed building. Brian Proulx asked if the setback they are seeking is just for the front of the property. Attorney McVerry answered yes. Ken Long noted that under the proposed conservation and development (page 50 and page 53) the applicant is doing exactly what the draft is recommending.

VOTED: Unanimously on a motion by Ken Long and seconded by Brian Proulx to **CLOSE** the Public Hearing.

Discussion and Consideration

The Board agreed this application would be good for the town and an improvement.

VOTED: Unanimously on a motion by Ken Long to **APPROVE** Appeal #3166

New Business

David Alley mentioned that he was on the town website and there was no information under ZBA. He asked that if there is no information up by the next meeting that the IT department be contacted.

Other Business

None

Correspondence

None

Adjournment

VOTED: Unanimously on a motion by Brian Proulx and seconded by Bill Bellotti to **ADJOURN** the meeting at 7:45 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.