



TOWN OF MIDDLEBURY

Zoning Board of Appeals

MINUTES

ZONING BOARD OF APPEALS MEETING

Wednesday, September 3, 2014 – 7:30 p.m.

Shepardson Community Center Room

Present: David G. Alley, Chairman
Ken Long
Bill Bellotti
Ray Caruso
Bernie Evans, Alternate
Linda Herrmann, Alternate
D.J. Mahoney, Alt, arrived
at 7:35

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

Excused

Absent: Brian Proulx

Call to Order with Pledge of Allegiance

The meeting was called to order by David G. Alley at 7:33 p.m.

Seating with Regular Members

The regular members present were seated. Mr. Alley seated Bernie Evans as a regular voting member.

Approval of May 7, 2014 Zoning Board of Appeals Meeting Minutes

VOTED: Unanimously with a motion by Ken Long and seconded by Bill Bellotti to **APPROVE** the May 7, 2014 minutes as submitted.

New Applications

- 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 this application is for property located at 504 and 520 Middlebury Road. He stated that currently there is a gas station on 520 Middlebury Road and 504 is vacant land that was formally Johnny's Dairy and Vinnie's Pizza. The applicant is looking to combine the three pieces which they currently own. They are proposing to remove the existing gas station and construct a new building with 10 gas dispensers and 5 pumps. The required setback is 75ft from the street line. They are seeking a variance for the canopy which will be about 42ft off the road. The current canopy is non-conforming, but the proposed one would be less of a non-conformity. Attorney McVerry is asking the board to accept this application and set a public hearing.

VOTED: Unanimously on a motion by Ken Long and seconded by Ray Caruso to **ACCEPT** Appeal # 3166.

VOTED: Unanimously on a motion by Bill Bellotti and seconded by Ken Long to **SET** a Public Hearing for Appeal #3166 on October 1, 2014 at 7:30 P.M.

New Business

None

Discussion and Consideration

None

Other Business

None

Correspondence

None

Adjournment

VOTED: Unanimously on a motion by Ken Long and seconded by Ray Caruso to **ADJOURN** the meeting at 7:39 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.