



TOWN OF MIDDLEBURY

*Planning & Zoning Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
(203) 577-4162 ph
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MINUTES REGULAR MEETING March 6, 2014

MEMBERS PRESENT

Terry Smith, Acting Chairman
Matthew Robison
William Stowell

MEMBERS ABSENT

Erika Carrington

ALTERNATES PRESENT

Ron Kulpa
Paul T. Babarik

ALTERNATES ABSENT

ALSO PRESENT

Curtis Bosco, ZEO
Rachelle Behuniak

REGULAR MEETING

1. Call to Order

Chairman Smith called the Regular Meeting of the Middlebury Planning & Zoning Commission to order at 7:31 P.M.

2. Roll Call and Designation of Alternates

Chairman Smith announced Regular Members Smith, Stowell, Robison and Alternate Members Babarik and Kulpa as present. He appointed Alternate Member Paul Babarik to act in place of the Open Seat and Ron Kulpa to act in place of absent member Erika Carrington.

3. Discussion of the Minutes of the Regular Meeting held on February 6, 2014

Motion: to approve the minutes of the Regular Meeting held on February 6, 2014. Made by William Stowell, seconded by Paul Babarik. Unanimous Approval.

OLD BUSINESS

4. Sunbeam Partners, LLC – Parking Plan

Chairman Smith stated that last month the Commission requested that ZEO Curtis Bosco contact Sunbeam Partners and find out exactly what the arrangement is with them and Midex. A parking plan was submitted along with a parking summary based on the Zoning Regulations. He also stated that he did visit the site and counted the cars. In Mr. LaFlamme's area, there are 231 cars being parked out of the 292 parking spaces that he leases. He submitted for the record, a printout from Shaker's website and recited the following wording: "If we don't have what you're looking for, we can get it for you. We have over 200 vehicles at our off-site location 199 Park Road Extension, Middlebury". He suggested ZEO Curtis Bosco issue a Cease and Desist due to the fact that they are in violation of Section 41 of the Zoning Regulations. He also suggested that no further Certificate of Zoning Compliances be issued until they come within compliance. He also stated that he conferred with Town Attorney Dana D'Angelo with respect to said matter and that she agreed with his suggestions as they were informed of said violation in the past, the cars were then removed for a period of time, but were ultimately returned.

Ron Kulpa stated that he does not see how it could be allowed to continue.

The members of the Commission all confirmed that they agree with Chairman Smith's request.

NEW BUSINESS

5. Toll Brothers II Limited Partnership – Ridgewood at Middlebury, Southford Road. – Application for a Site Plan Modification (Application #2014-3-1)

Thomas Daly, P.E. of Milone & MacBroom spoke on behalf of the applicant and Project Manager Steve Rogers was also present. They are seeking to make minor revisions to the plan. Said revisions are a result of comments made by both existing home owners and potential buyers. They are encountering challenges with some of the architecture that was offered by the previous builder. He reviewed the proposed plans with the Commission. They are planning to break ground in Phase II shortly. Ultimately they would like to incorporate the architecture planned for Phases II & III within Phase I. While the proposal entails losing 6 units in Phase I, 6 units will be added to Phase II along with additional parking. The footprint of the development will remain the same.

Chairman Smith questioned if this would have any effect on the percentage of open space or lot coverage.

Thomas Daly stated that the open space has already been deeded away. Therefore, it will not change any density calculations or zoning data.

Motion: to approve the Site Plan Modification as shown on the Master Plan Revised 2-6-14 for Ridgewood at Middlebury by Milone & MacBroom. Made by Paul Babarik, seconded by William Stowell. Unanimous Approval.

6. Midex, LLC – 199 Park Road Ext. – Application for a change of use (Application #2014-3-2)

Don Mencio stated that based on the previous discussion concerning said property, he was uncertain if he should approach the Commission with his proposal to construct a 22 foot wall for storage space.

Chairman Smith stated that since the issue of the property being in violation was just discussed at this meeting, it would be up to the Commission and recommended that if they do approve this application for a change of use, that from this point on no further Certificate of Zoning Compliances be issued until the cars are gone.

Chairman Smith stated the following number of cars at said location:

231 – Fords;
113 – GMC Buicks;
95 – Subarus & Volvos.

Motion: to approve the application and authorize the Zoning Enforcement Officer to issue a Certificate of Zoning Compliance. Made by Matthew Robison, seconded by William Stowell. Unanimous Approval.

OTHER BUSINESS

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

None

8. Enforcement Report

Chairman Smith informed Curtis Bosco, ZEO that he is to inform the Commission via email or mail regarding future Tenant Fit-Ups or Change of Uses and that they will not be added to the Agenda at meetings. He also advised him that any future training will require approval from and a transfer of funds by the Finance Department.

Chairman Smith advised the Commission of upcoming Land Use seminars. He also confirmed that all members received a copy of the Memorandum of Decision regarding John Somero v. Town of Middlebury Planning & Zoning Commission. He expressed the need for a revised Zoning Permit Application.

Curtis Bosco, ZEO supplied each Commission member with a new proposed Zoning Permit Application that was drafted by Rachelle Behuniak and welcomed any changes or revisions they have to suggest. He reviewed his Zoning Enforcement Report with the Commission and focused on Le Bobadel Market located at 819 Straits Turnpike Road and their inquiry about constructing an outdoor patio. He confirmed that due to setback requirements, they would be unable to do so.

Chairman Smith requested that Curtis Bosco, ZEO provide the Commission with copies of all future Zoning Enforcement letters to which he agreed to do.

9. Adjournment

Motion: to adjourn the meeting at 8:19 P.M. Made by Paul Babarik, seconded by Ron Kulpa. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Clerk

Original to Edith Salisbury, Town Clerk

cc: P&Z Commission Members
Thomas Proulx, 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, Deputy Director of Health
Mary Barton