



TOWN OF MIDDLEBURY

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

JANUARY 8, 2015 REGULAR MEETING MINUTES

MEMBERS PRESENT

Terry Smith, Chairman
William Stowell, Vice Chairman
Erika Carrington
Matthew Robison

MEMBERS ABSENT

ALTERNATES PRESENT

Paul T. Babarik

ALTERNATES ABSENT

Christian Yantorno

ALSO PRESENT

John Calabrese, P.E.
Curtis Bosco, ZEO

CALL TO ORDER

Chairman Smith called the Regular Meeting of the Middlebury Planning & Zoning Commission to order at 7:30 P.M.

ROLL CALL AND DESIGNATION OF ALTERNATES

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

PUBLIC HEARINGS

1. Middlebury Planning & Zoning Commission – Proposed change to Section 22.7 of the Regulations (Continued)

Chairman Smith called the Public Hearing to order at 7:31 P.M.

Attorney Dana D'Angelo, representing the Town of Middlebury, stated that she received the Staff Referral Report from C.O.G. dated 12-3-14 (see attached). Said report stated that there are no issues with the proposed changes although it was recommended that due to the fact that "median family income" and "household income" are used interchangeably, consistency with the language of the Connecticut General Statutes be utilized. Therefore, Attorney D'Angelo recommends that the Commission adopt C.O.G.'s recommendation.

Members of the Commission reviewed the report.

Attorney D'Angelo stated that she will finalize the changes and have it available for the Commission next week.

Motion: to close the public hearing at 7:35 P.M. Made by William Stowell, seconded by Erika Carrington. Unanimous Approval.

2. Dean Yimoyines/JSD Partners, LLC – 1067 Southford Road – Application for a Special Exception for a Sign (Application #2014-11-1)

Chairman Smith called the Public Hearing to order at 7:36 P.M.

Dean Yimoyines requested to put a larger sign in front of the building so that those traveling up from I84 can view the sign. The current sign is 4'X6' and is proposing a 4'X8' sign with the same colors to be placed more towards the racquet club.

Motion: to close the public hearing at 7:40 P.M. Made by Erika Carrington seconded by William Stowell. Unanimous Approval.

MINUTE APPROVAL

3. Discussion of the Minutes of the Regular Meeting held on December 4, 2014

Motion: to approve the Minutes of the Regular Meeting held on December 4, 2014. Made by Erika Carrington, seconded by Matthew Robison. Chairman Smith recused himself as he was not present at said meeting. Unanimous Approval.

OLD BUSINESS

4. Middlebury Planning & Zoning Commission – Proposed change to Section 22.7 of the Regulations

Motion: to approve the application including the recommendations from the Council of Governments (C.O.G.) dated 12-3-14 (see attached). Made by William Stowell, seconded by Paul Babarik. Chairman Smith recused himself as he was not present for the initial Public Hearing. Unanimous Approval.

5. Dean Yimovines/JSD Partners, LLC – 1067 Southford Road – Application for Change of Use (Application #2014-10-1)

Motion: to approve the application. Made by Matthew Robison, seconded by Paul Babarik. Chairman Smith recused himself as he was not present for the initial Public Hearing. Unanimous Approval.

NEW BUSINESS

6. Tripod Realty – 687 Straits Turnpike – Application for Special Exception for a sign (Application #2014-12-1) – Public Hearing is scheduled for 2-5-2015

Chairman Smith announced that there will be a Public Hearing on 2-5-15 for the above application and that no action would be taken this evening. He requested that ZEO Curtis Bosco be certain that the members of the Commission receive the renderings prior to the Public Hearing.

**7. Middlebury Congregational Church/Verizon – 1224 Whittemore Road –
Application for Site Plan Approval (Application #2014-12-2)**

Erika Carrington recused herself from this agenda item due to the fact that she is an abutting property owner.

Attorney Kenneth C. Baldwin from Robinson & Cole LLP, 280 Trumbull Street, Hartford, CT 06103 spoke on behalf Verizon Wireless. He stated that the entire new cell site would be contained within the Congregational Church. The only feature visible will be the backup generator. The site will provide improved wireless service both coverage and capacity relief.

Carlo F. Centore, P.E. of Centek Engineering, 63-2 North Branford Road, Branford, CT 06405 reviewed the plans with the Commission. The generator is to be located to the rear of the carriage house/garage adjacent to the church building. Verizon's equipment will be located in the basement in a 9'6"X20' equipment room and cables will be run through the church but concealed in crawl spaces then up to the steeple. They are proposing to remove the upper portion of the steeple and reconstruct it with a more durable material that would allow radio signals to propagate through it. The generator will be fueled by natural gas. A noise study was performed by HMB Acoustics LLC, 3 Cherry Tree Lane, Avon, CT 06001 (Noise Evaluation Report dated 1-6-15 attached). An acoustical screening is also being proposed which will drop the dBA well below what is required.

Attorney Baldwin stated that the generator will only be utilized in the event of an emergency and exercised once a week for approximately 20 minutes which can be scheduled at the convenience of the land owner or the town. It will also have a critical silencer on the exhaust system.

Chairman Smith asked if a more architecturally pleasing enclosure/fence could be constructed as it is in a sensitive area.

Attorney Baldwin confirmed that with the Church's approval, it could be done.

Carlo Centore, P.E. stated that the project would begin in the spring/summer months and would take approximately 3-4 months to complete.

Motion: to approve the application. Made by William Stowell, seconded by Matthew Robison. Unanimous Approval.

OTHER BUSINESS

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

Chairman Smith stated that the Board of Selectmen needs a recommendation to appoint a representative to C.O.G. Ken Long has represented Middlebury in the past and wishes to continue to do so.

Motion: to add Planning & Zoning Commission – Discussion regarding the recommendation for the Town of Middlebury Representative to the Agenda. Made by Erika Carrington, seconded by Matthew Robison. Unanimous Approval.

Planning & Zoning Commission – Discussion regarding the recommendation for the Town of Middlebury Representative

Motion: to recommend Ken Long as the Middlebury Representative to the Naugatuck Valley Council of Governments. Made by Terry Smith, seconded by Erika Carrington. Unanimous Approval.

9. Discussion regarding Plan of Conservation & Development

Chairman Smith stated that he would like to schedule a Public Hearing for the March 5, 2015 meeting. He did speak with Brian Miller who indicated that he is still waiting for updated maps from C.O.G.

10. Regulation Update

Chairman Smith requested that ZEO Curtis Bosco contact Watertown and Woodbury regarding reformulating the Regulations.

11. Enforcement Report

Curtis Bosco, ZEO reviewed his report with the Commission. A proposed text amendment change was submitted by Attorney Jennifer Yoxall in the hopes that the Commission would implement it during the reformulation of the Regulations.

Chairman Smith informed ZEO Curtis Bosco that once he reviews it, it could be discussed at a later time. He requested that in the future he receive the applications and Minutes for ZBA. The gravel pits need to be cleaned up on the Wesson property as they are not in compliance with the Regulations. He also instructed him research if a Section 64 was signed off on and if a bond was posted with respect to Robert LaFlamme's property. He also requested that Robert LaFlamme come before this Commission next month to explain the activity.

12. Adjournment

Motion: to adjourn the meeting at 8:31 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.
David Alley, Chairman, Z.B.A.
Attorney Dana D'Angelo
Larry S. Hutvagner, CFO
Rob Rubbo, Deputy Director of Health
Mary Barton

STAFF REFERRAL REPORT

TO: Planning/Zoning Commission, CEO, Zoning Enforcement Officer and RPC Commissioners of Middlebury, and RPC Referral Committee
FROM: Joanna B. Rogalski, Regional Planner, Regional Planning Commission, Council of Governments of the Central Naugatuck Valley, 49 Leavenworth Street, Suite 303, Waterbury (203-757-0535)
DATE: December 3, 2014

FILE NO.: MZ-86-102214
MUNICIPALITY: Middlebury
DATE RECEIVED: October 22, 2014
TYPE OF REFERRAL: Zoning text amendments

DESCRIPTION OF PROPOSAL:

The Middlebury Planning and Zoning Commission is proposing text amendments to Section 22.7 of the Middlebury Zoning Regulations regarding "Provisions of Affordable Units." In Section 22.7.1, the definition of "Moderate Income Household" would be edited to read "as adjusted for family size, the mean of all of the New Haven County and the Litchfield County Statistical Areas." In Section 22.7.2, the definition for "affordable housing unit" would be edited to reference the Connecticut General Statutes (C.G.S.) §8-30g (6), the definition for a "set-aside development." In Section 22.7.3 B, eligibility conditions would be changed from "Residents of the Waterbury Metropolitan Statistical Area (MSA)" to "Residents of the New Haven County and the Litchfield County Statistical Areas."

STAFF RECOMMENDATION:

COGCNV staff finds Middlebury's provision of affordable housing to be in conformity with the Regional and State Plans of Conservation and Development, however it must be fully in accordance with C.G.S. §8-30g. Middlebury's proposed zoning regulation text amendments introduce inconsistency to the definition of "moderate income household." The Section 22.7.1 definition references the mean of the New Haven County and Litchfield County Statistical Areas' median family income, adjusted for family size, and concurrently cites median family income as defined by the U.S. Department of Housing and Urban Development (HUD). These conditions are conflicting and introduce confusion to the calculations for moderate income household. The terms "family" and "household" are erroneously used interchangeably; this is inconsistent with C.G.S. §8-30g. And lastly, HUD recognizes a New Haven-Milford, CT Metropolitan Statistical Area (MSA), and a Waterbury, CT HUD Metropolitan Fair Market Rent Area (HMFA) Statistical Area (SA), not a New Haven County SA or Litchfield County SA. Staff has discussed these inconsistencies with Middlebury Zoning Enforcement Officer Curtis Bosco and Town Attorney Dana D'Angelo.

T:\General\Referrals\FY2015\MZ-86-102214.docx

* * * * *

This staff recommendation is transmitted as written above unless we receive comments or objections within five days of the time you receive this proposal. If objections cannot be resolved within the scope of the original recommendations, you may request a meeting of the Regional Planning Commission's Referral Committee for further discussion of the findings. After the Regional Planning Commission's Referral Committee has issued its findings, any party initiating a referral request may appeal any findings of the Committee to the Regional Council for further consideration. To be considered by the Regional Council, all appeals must be filed in writing within 10 days of the issuance of the Committee's findings.

RECEIVED 1-8-15

HMB Acoustics LLC

3 Cherry Tree Lane, Avon, CT 06001

HMB
860-677-5955

Noise Evaluation Report

Verizon Wireless
Wireless Communications Facility
Middlebury 2
1224 Whittemore Road
Middlebury, CT 06762

January 6, 2015

Prepared For:
Doug Drost
Project Engineer Wireless
Centek Engineering, Inc.
63-2 North Branford Road
Branford, CT 06405

Prepared By:
Allan Smardin
HMB Acoustics LLC
3 Cherry Tree Lane
Avon, CT 06001

Introduction

Cellco Partnership (d/b/a Verizon Wireless) has proposed a wireless communications facility utilizing a 35 kw natural gas fueled emergency backup generator housed in a level 2 acoustic enclosure. The generator will be atop a concrete pad within a 9 foot x 15 foot fenced area with privacy slats. The area around the generator will have a minimum of 8 foot tall screening plantings on the North and West sides.

It is important to note that the generator operates approximately 15-20 minutes each week for testing. All testing is carried out during the daytime hours. Other than these testing periods, the generator runs only in times of emergency, when commercial power to the facility is interrupted.

Cellco Partnership is also proposing 2 condensing units to be located at grade directly adjacent to the existing building on the East side. These condensing units are associated with the air conditioning system for the proposed Cellco Partnership Radio Equipment Room located inside the existing building. Typically, only one condensing unit operates at any given time.

This report and the noise regulations utilize a dBA scale. This scale is used because it closely approximates the response characteristic of the human ear to loudness, and is the scale most commonly used in the measurement of community noise.

Noise Regulations

The State of CT has enacted regulations which limit the amount of noise which may be transferred from one property to another. In pertinent part, the Regulations provide as follows:

Daytime hours are between 7 a.m. and 10 p.m. local time.

Nighttime hours are between 10 p.m. and 7 a.m. local time.

(Sec. 22a-69-1.1 (h) & (n)).

Noise Level Standards

The noise Emitters and the noise Receptors are in a residential noise zone. It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his / her premises in excess of the following noise levels.

Zone in Which Noise Emitter is located	Allowable Levels	Allowable Levels
	Daytime Hours (dBA)	Nighttime Hours (dBA)
Residential (Sec. 22a-69-3.5 (c)).	55	45

Exemptions:

“Noise created as a result of, or relating to an emergency.”

(Sec. 22a-69-1.8 (f)).

Noise Evaluation Results

Property Line	Projected Noise Levels (dBA)	
	Generator	1 Condensing Unit
North	44	42
South	41	41
East	29	52
West	42	24

The noise levels take into account the effect of acoustical shielding provided by other structures on the property.

Note: With 2 condensing units running simultaneously, the condenser noise levels will increase by 3 dBA.

Recommendations

In order to bring the noise levels of the 2 condensing units, operating simultaneously, into compliance for the nighttime operation, I recommend the following:
Install a partial height acoustical absorptive barrier for each condensing unit. This barrier should be positioned on the East side of the condensers; between the condenser and East property line. Each barrier should be 4 feet long x 6 feet high; and approximately 3 feet away from the condenser to allow for air circulation.

The acoustical material for each barrier should be mounted to a solid surface, or chain link fencing. The acoustical material should face the condenser. For the acoustical material, I recommend:

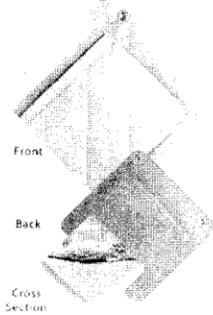
Sound Seal BBC-EXT-R-2" Exterior Noise Barrier / Sound Absorber Composite. The estimated noise reduction is 10-12 dBA, bringing the 2 condensing units into compliance with the noise standards. I have forwarded manufacturer's information regarding the acoustical material separately.



BBC-EXT-R-2"

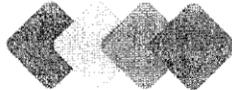
Exterior Noise Barrier/
Sound Absorber Composite

Long - Term, Permanent



BBC-EXT-R-2" offers the benefits of both a noise barrier and a sound absorber composite in one product for outdoor applications. This barrier backed product consists of an exterior grade, UV resistant heavy-duty faced quilted fiberglass absorber bonded to a one-pound per sq. ft. reinforced loaded vinyl barrier. The heavy-duty facing is a 10 oz. per sq. yd. vinyl-coated-polyester (VCP) quilted to the sound absorber rather than the standard 4.5 oz. facing. Curtain panels are constructed with grommets across the top and bottom and exterior grade Velcro seals along the vertical edges, and are sewn with Gore-Tenara exterior grade thread.

- STC 32 Rating, NRC .85
- Available facing colors on quilt: gray, tan, black
- Available barrier colors: gray, tan, olive drab or blue



Applications:

Typically used as modular curtain panels on long-term construction projects or permanent outdoor applications such as enclosing HVAC equipment, dust collectors or similar machinery behind a manufacturing plant where UV and abuse resistance as well as maximum durability, longevity and noise reduction is required. Also available with a one-inch thick quilted fiberglass absorber, or with a two-pound per sq. ft. reinforced barrier.

Product Data:

Description	Vinyl coated polyester facing on 2" quilted fiberglass/1 Lb-psf reinforced loaded vinyl barrier
Nominal thickness	2.0 inches
Temperature range	-20° to +180° F
Standard panel width	54" wide, lengths as required up to 20 high
Weight	1.45 Lb psf

Acoustical Performance:

Sound Transmission Loss

Octave Band Frequencies (Hz)

Product	125	250	500	1000	2000	4000	STC
BBC-EXT-R-2"	13	20	29	40	50	55	32

ASTM E-90 & E 413

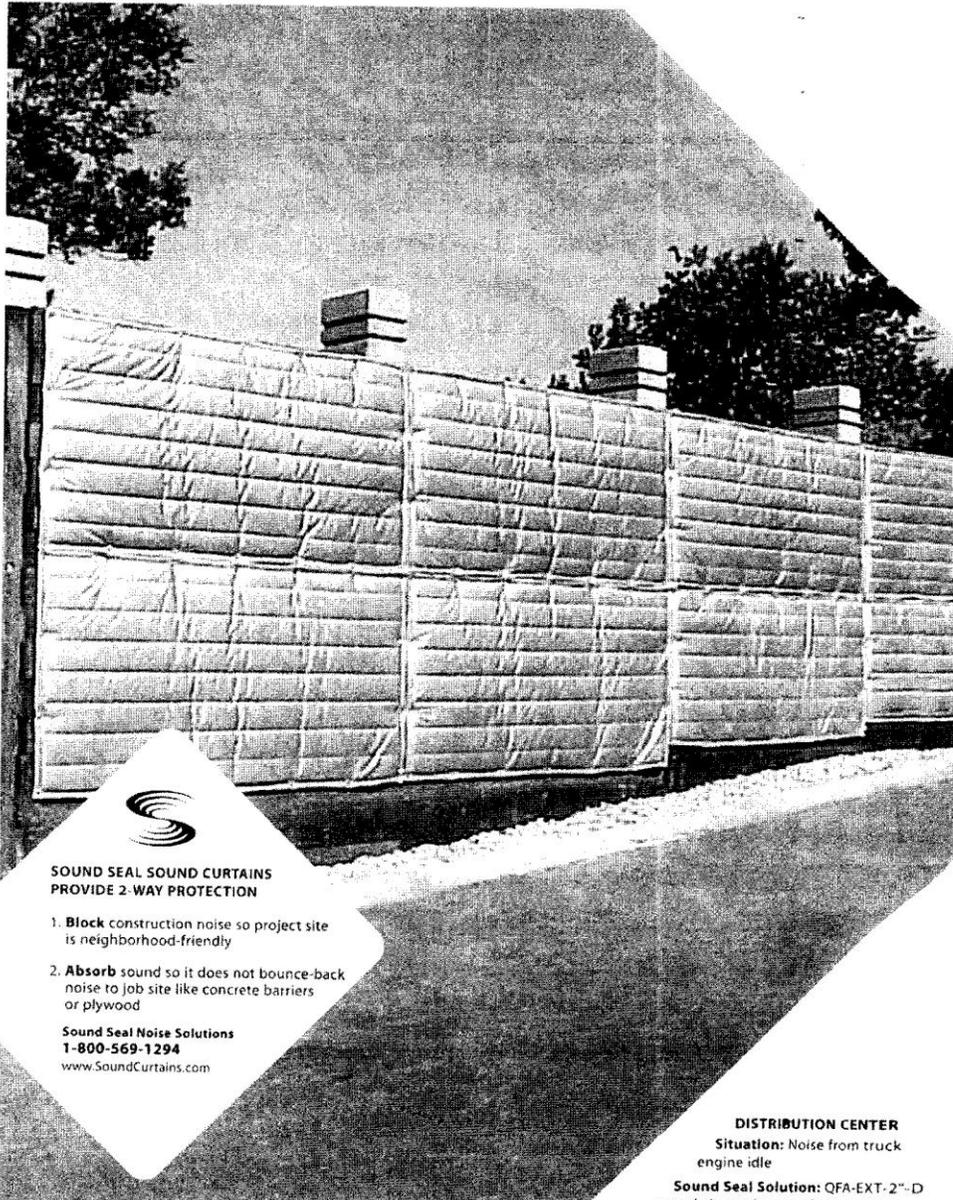
Sound Absorption Performance

Octave Band Frequencies (Hz)

Product	125	250	500	1000	2000	4000	NRC
BBC-EXT-R-2"	.07	.27	.96	1.13	1.08	.99	.85

ASTM C 423

Both "R" and "N" style sound curtains are available with 1.0 inch or 2.0 in



**SOUND SEAL SOUND CURTAINS
PROVIDE 2-WAY PROTECTION**

1. **Block** construction noise so project site is neighborhood-friendly
2. **Absorb** sound so it does not bounce-back noise to job site like concrete barriers or plywood

Sound Seal Noise Solutions
1-800-569-1294
www.SoundCurtains.com

DISTRIBUTION CENTER

Situation: Noise from truck engine idle

Sound Seal Solution: QFA-EXT-2"-D sound absorption panels in straight...