



## **TOWN OF MIDDLEBURY**

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

### **FEBRUARY 5, 2015 REGULAR MEETING MINUTES**

#### **MEMBERS PRESENT**

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

#### **MEMBERS ABSENT**

#### **ALTERNATES PRESENT**

#### **ALSO PRESENT**

John Calabrese, P.E.  
Curtis Bosco, ZEO

#### **ALTERNATES ABSENT**

Paul T. Babarik  
Christian Yantorno

#### **CALL TO ORDER**

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

#### **ROLL CALL AND DESIGNATION OF ALTERNATES**

Chairman Smith announced Regular Members Smith, Stowell, Carrington, and Robison as present. Alternate Members Babarik and Yantorno were absent.

## **PUBLIC HEARING**

### **1. Tripod Realty – 687 Straits Turnpike – Application for Special Exception for a sign (Application #2014-12-1)**

Chairman Smith called the Public Hearing to order at 7:31 P.M. He read the Legal Notice published in Voices 1-21-15 & 1-28-15 for the record.

Dr. Tripodi reviewed the proposed sign with the Commission. It will be 5'X 8' without the stand.

There were no comments or questions from the public.

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

## **MINUTE APPROVAL**

### **2. Discussion of the Minutes of the Regular Meeting held on January 8, 2015**

**Motion:** to approve the Minutes of the Regular Meeting held on January 8, 2015. Made by Erika Carrington, seconded by William Stowell. Unanimous Approval.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### **3. Tripod Realty – 687 Straits Turnpike – Application for Special Exception for a sign (Application #2014-12-1)**

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

**4. Wesson Energy, Inc. – 504-520 Middlebury Road – Application for Site Plan Approval (Application 2015-1-1)**

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT spoke on behalf of the applicant. The proposal is to take down the existing Shell station and construct a new 3,275 square foot building for the use of gasoline sales/convenience store. It will consist of 5 islands and 10 pumps. The applicant has filed with the Conservation Commission and plans to contact the Police Department, Fire Department, and Economic Development for architectural review.

Chairman Smith stated that a Public Hearing is required. He requested that a Lighting Plan and architectural details for the retaining wall be provided to this Commission.

Attorney McVerry submitted the Landscape Plan dated 1-28-15 for the record.

**Motion:** to set a Public Hearing for March 5, 2015. Made by Erika Carrington, seconded by Matthew Robison. Unanimous Approval.

**OTHER BUSINESS**

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

Chairman Smith stated that an Alternate Town Representative needs to be appointed for C.O.G. He asked if any members of this Commission know of anyone who would be interested in being an alternate, to let him know. This Commission would then need to make a recommendation to the Board of Selectmen.

**6. Discussion regarding Plan of Conservation & Development**

Chairman Smith stated that Brian received all the necessary maps. The final draft will be forwarded to all. He also wants it to be put up on the Town's website and asked that The Bee Intelligencer and & Voices publicize it when it is placed on the website. Also, he stated that a Public Hearing will be scheduled for the March 5, 2015 meeting.

**7. Regulation Update**

The revised Regulations will also be placed on the Town's website this month. He did get the name of an individual who did Watertown's Regulations and he plans on contacting him. He also learned that there is no need to go to bid for professional services.

## **8. Enforcement Report**

Robert LaFlamme addressed the Commission, per request. He stated that he was informed by the Courts that he must have the property dug out by February otherwise he would end up back in court. He also stated that the excavation fee was paid and that his offer of the material to the Town was declined. Mike Ferrara took a few hundred yards of material and Waterbury Wrecking took the remainder of material.

Chairman Smith stated that the property needs to be restored by snow melt.

Robert LaFlamme did have proposed tenants, but the plans fell through due to the years in court.

Curtis Bosco, ZEO reviewed his report with the Commission. Bally's Total Fitness will be changing names and he questions the size of the sign.

Chairman Smith stated that he will discuss said issue with Attorney D'Angelo.

Curtis Bosco, ZEO stated that the original plans for Ridgewood show a resident's building with 2 visitor parking spaces adjacent to the property. What was actually constructed was 1 visitor parking space directed into the woman's living room and she wants the parking space removed.

Chairman Smith stated that if any changes are made, he wants everything on the record and that the mylar needs to be updated.

There was some discussion about the interpretation of various Regulations.

## **9. Adjournment**

**Motion:** to adjourn the meeting at 8:14 P.M. Made by William Stowell, seconded by Matthew Robison. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Clerk

Planning & Zoning  
Regular Meeting  
2-5-15

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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