



TOWN OF MIDDLEBURY

*Planning & Zoning Commission
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APRIL 2, 2015 REGULAR MEETING MINUTES

MEMBERS PRESENT

Terry Smith, Chairman
Matthew Robison

MEMBERS ABSENT

William Stowell, Vice Chairman
Erika Carrington

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, Robison and Alternate Member Babarik as present. Regular Members Stowell, Carrington and Alternate Member Yantorno were absent. He appointed Paul Babarik to act in place of absent member Stowell.

PUBLIC HEARINGS

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

Chairman Smith stated that the applicant would not be present and that a letter was received from Attorney McVerry dated 3-27-15 indicating that the traffic study has yet to be completed. Therefore, they requested an extension.

Motion: to continue the Public Hearing on 5-7-15. Made by Paul Babarik, seconded by Matthew Robison. Unanimous Approval.

2. Final Draft of the Middlebury Plan of Conservation & Development (Continued)

Chairman Smith called the Public Hearing to order at 7:33 P.M. He appointed Alternate Member Paul Babarik to act in place of absent member William Stowell. He stated that the final draft was published on February 5, 2015 and is on the Town's website for reviewing.

Scott Peterson of 317 Tranquility Road and President of the Middlebury Land Trust voiced his approval regarding the updates of the Conservation portion of the plan. He also indicated that the Middlebury Land Trust has no comment with respect to the remainder of the final draft. Because Alice Halloran was unable to attend this meeting due to illness, on her behalf he stated that the central area of the plan (having a mixed residential/commercial core) is key to the way the community will be perceived by passersby and residents. The area is emerging as a congregating part of Middlebury, especially by school children, and they both approve. Also on her behalf, he asked that the Commission keep in mind the setbacks in said area. Finally, it was requested that the Public Hearing remain open or that the Commission be willing to accept final comments from her when she is feeling better. Dr. Peterson commented about the Town of Woodbury hiring an architectural consultant firm to give some advice for a coherent aesthetic plan and suggested that this Commission consider doing the same. He also stated that if funds were lacking for such a service, that he would petition the Board of the Middlebury Land Trust to contribute possibly a couple thousand dollars towards the fee to do so. He thanked the Commission for giving the Land Trust for opportunity to have a significant input in the plan.

Terry McAuliffe, speaking as a resident of Middlebury, commented that the aesthetics and the pedestrian/children friendliness are of the utmost importance when it comes to

the Middlebury Center concept. Currently he feels that the road looks wider than it did last year and that the telephone poles sticking up in the open space look hideous. Therefore, he agrees with a previous suggestion made in Mr. Jacobi's letter that the Commission consider the underground burying of all the wires in said area. He noticed that there was no mention of the need of protecting the Fenn's farm/pond area in the P.O.C.D. and feels that it is important, at least aesthetically.

Donald Stevens of 55 Stevens Road voiced his concerns with some of the aspects of the plan, particularly the Middlebury Center area. To him, it seems like more businesses may be proposed. As it stands now, there is no land use suitability map or any map determining the elevation of the Town and feels they should be included. Said area, being the lower part of the Town, already has drainage issues. The swamp in front of his house appears dirtier and smells and has also had water issues in his basement since Dunkin Donuts was built. As a result, he had someone inspect the swamp because it smelt like sewage was running through it. He is concerned with the potential increase of businesses, that it would create more drainage problems. He also suggested that an onsite inspection be performed by an independent agency like the Southwest Conservation District. The land use suitability map that was included in the 1973 plan showed that the area was not even a developable area.

Chairman Smith stated that they are not proposing to change any of the zoning boundaries. What currently exists is still proposed to be in the new plan. All it really says is, "let's look at the downtown and decide what we want to do with it". It may lead to changes in the Zoning Regulations but it would require Public Hearings to determine if said area would be a village district, have a specific architectural design, have the electric wires buried or possibly increase the buffers between the residential and the commercial. He also confirmed that he is not aware of any discussion regarding widening the streets and that it would be the State's decision.

Frank Perrella of Edgar Road stated that he is not against Middlebury's idea of a center but is opposed to having one road support all of it. He is concerned, along with his neighbors, that the area of Routes 169, 170, and 171 seem to be in the plan of development. For the record, he submitted the King's Mark study from the 1970s which proves that the land is not really conducive to building too many things on it. He also stated that in 2004, it was determined that the intersection of Routes 63 and 64 is considered to be the 5th most congested intersection in the State of Connecticut. He feels that additional businesses will only increase the issue and that a new study should be done. It was previously discussed that on page 54 of the 2013 P.O.C.D. draft, "must be protected from incompatible intrusions" be added to the sentence "The existing residential neighborhoods within this area should". Now on page 72 of the 2015 draft, "adverse impact" was included instead of "incompatible".

Chairman Smith stated that the intent was to look at the impact of a commercial district abutting a residential district and find out the impact and that may mean to increase the buffers. He also confirmed that there are issues but they are not trying to increase the density or change the types of industry/commercial/retail. The goal is to make it better.

Nancy Robison of Regan Road voiced her concerns with respect to the “Central District” and not being able to deny an applicant and the safety for the children gathering at Dunkin Donuts.

Chairman Smith stated that it needs to be made pedestrian friendly.

Nancy Robison of Regan Road questioned if the red dotted boundary lines are going to be eliminated.

Chairman Smith indicated that in order to consider the impact of the commercial district, you must consider the residential district. It does not mean that the commercial district will be expanded to the red line; the impact that far out will be considered.

Matthew Robison questioned that if there is no delineation, then where does it end? He stated that delineation opens it up to be developed more as a commercially zoned area because you’re designating it as a “business center district”.

Chairman Smith stated that it is being delineated as a “study area”.

Matthew Robison stated that it is not referenced as such but rather a “business center boundary”.

Chairman Smith indicated that he has no issue changing it.

Mary Santos of Nutmeg Road condos stated that they have drainage issues, sink holes and that the catch basins that do not take all the water. She showed photos to the Commission but was unable to submit them for the record as she does not have copies.

Nancy Robison of Regan Road questioned if the video of the Forest Walk Development that was submitted by Cathy Culkin several years ago was still on file in the Land Use Office.

Chairman Smith agreed that it would be a good thing to pull out.

Richard Mollica stated that he submitted several pictures and tapes of the lower Porter and Steinman area being flooded. He asked if a study would be done.

Chairman Smith stated that the intent is to apply for grants when the time comes.

Richard Mollica voiced his concerns with respect to page 72 of the 2015 draft including "The 55 and older recommendation should be retained, as it remains a viable location for this type of development".

Chairman Smith indicated that it would be taken out.

Richard Mollica voiced his concerns with respect to the greenway and the setbacks and the need for them to be increased. He wants the town to remain rural. For the record, he submitted copies of several maps.

Chairman Smith stated that the time to bring up those issues will be when we it is the focus of what the Commission is looking at.

Jean Peterson of Tranquility Road questioned how the Wesson application fits into the plan.

Chairman Smith stated that it must be considered under the old plan. He also confirmed that the State has taken over a lot of Middlebury land adjacent to the Oxford Airport and feels that something should be in the new plan to consider what should be done with it.

Matthew Robison stated that he is opposed to the inclusion of a Business Center in the P.O.C.D. for several reasons. The designated area is not stated as a study area. It is a boundary line and the boundary line says that it is the Business Center area. It's too expansive and encroaches on residential areas. Middlebury already has 5 commercial areas in the town of 7,000 people. There are 2 major watercourses that run through the subject area (Hop Brook and Long Swamp) with years of flooding concerns but have been highlighted recently because a number of homes on Regan Road and Porter Avenue have now been included in a floodplain area causing new or an increase in insurance costs. This is all being downstream from the subject area. If you put more impervious asphalt surfaces, the water drains into those watercourses. This causes his great concern about the environmental impact let alone flooding. The wetlands area behind the station and Sullivan's Jewelers has been encroached upon over the last several years. Middlebury Road already has a very heavy traffic volume particularly during peak times, which you would expect, but there is often congestion. If the P.O.C.D. says that this is a designated business center, it encourages people to come in here and say "I want to do this. I want to rezone a residential because it's in keeping with your P.O.C.D." The area can't handle that kind of overdevelopment.

He's uncertain as to what is driving this. He agrees that currently it is not attractive to look at feels that this is a kneejerk reaction to do something to make it look better. He also thinks that there is a belief that it will help the tax base. It's his opinion that if you want to help the tax base, we should have always been pushing more of the Light Industrial area that has been designated for decades to be developed. He does feel that there are some alternatives. He is in favor of a village district designation for properties that front Middlebury Road from Bristol Park to Ledgewood Park. He suggested beautification standards, sidewalks, maybe reduce setbacks, new construction that might help the look, change in parking requirements, lampposts along the sidewalks, roadside gardens, and architectural standards. He commended the Chairman and this Commission for keeping this hearing open as long as it has been but it is important. He was thankful for the input from the Land Trust. He read in the paper that the Economic Development Commission wanted some input and was surprised that they were not present at this meeting. He is fearful that it would change the quality of life that currently exists.

Chairman Smith stated that he agrees with what Matthew Robson said but believes that that is what the P.O.C.D. says. He would also like a unanimous vote. He also stated that he is very disappointed at some of the things that were said at the Economic Development meeting per the paper. He explained to them that different architectural standards are needed for different districts. He also asked for them to attend the Public Hearings to give comments. When he was told that they didn't know if they would be available, he asked them to put it in writing and this Commission received nothing from them. He also stated that this Public Hearing would be closed and plans to hold a workshop to make changes.

Terry McAuliffe, speaking as a member of the Economic Development Commission, clarified that their meeting included a discussion on putting teeth into architectural standards from an E.C.D. point of view. He also agreed that it is a shame that the members of the E.C.D. had zero to do with the P.O.C.D.

Scott Peterson stated that if people think that Middlebury is not an attractive town, property values will go down. Just 1% would be greater than any taxes that could ever come from one or two businesses.

Richard Mollica questioned what happened to the clock that was mentioned in the past.

Chairman Smith stated that he would check into it.

Motion: to close the Public Hearing at 8:34 P.M. Made by Paul Babarik, seconded by Matthew Robison. Unanimous Approval.

MINUTE APPROVAL

3. Discussion of the Minutes of the Regular Meeting held on March 5, 2015

Motion: to approve the Minutes of the Regular Meeting held on March 5, 2015. Made by Matthew Robison, seconded by Paul Babarik. Unanimous Approval.

OLD BUSINESS

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

Discussion was tabled.

5. Final Draft of the Middlebury Plan of Conservation & Development

No action was taken.

NEW BUSINESS

6. Larkin, Marian, Charles III & Sarah – 675 South Street – First Cut Division of Land

Chairman Smith stated that the Commission was being notified as a courtesy. All members of the Commission reviewed the plans. He confirmed that the first cut is allowable and a second cut would require them to come in as a subdivision.

OTHER BUSINESS

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

None

8. Enforcement Report

Curtis Bosco, ZEO reviewed his enforcement report with the Commission.

Chairman Smith instructed Curtis Bosco, ZEO to inform Toll Brothers to come to this Commission with a site plan modification regarding the parking spot issue at 33 Ridgewood Drive seeing as though what was built was not on the approved plans. He

also confirmed that a three season screened in porch is acceptable as long as there is no foundation under it and it stays as a three season screened in porch but they also need to discuss the plan with the Building Inspector. He also wants a date set for him to meet Robert LaFlamme regarding the condition of the property at 472 Middlebury Road.

9. Adjournment

Motion: to adjourn the meeting at 9:08 P.M. Made by Matthew Robison, 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