



TOWN OF MIDDLEBURY

Planning & Zoning Commission

1212 Whittemore Road

Middlebury, Connecticut 06762

(203) 577-4162 ph

(203) 598-7640 fx

August 4, 2022

REGULAR MEETING

MINUTES

REGULAR MEMBERS PRESENT

Terry Smith, Chairman

William Stowell

REGULAR MEMBERS ABSENT

Joseph Drauss

Matthew Robison

Erika Carrington

ALTERNATE MEMBERS PRESENT

Paul Anderson

Gerald Lukowski

Frank Mirovsky

ALTERNATE MEMBERS ABSENT

ALSO PRESENT

John Calabrese, P.E.

CALL TO ORDER

Chairman Smith called the Regular Meeting to order at 7:00 p.m.

ROLL CALL AND DESIGNATION OF ALTERNATES

Chairman Smith welcomed Gerald Lukowski and Frank Mirovsky as a new Alternate Members of the Commission and thanked them both for their volunteerism. He announced Regular Members Smith & Stowell and Alternate Members Anderson, Lukowski & Mirovsky as present. Regular Members Robison, Carrington and Drauss were absent. He appointed Alternate Member Anderson to act in place of absent Regular Member Robison and Alternate Member Lukowski to act in place of absent Regular Member Carrington.

PUBLIC HEARINGS

1. **Hussnain Gondal, Gondal Corporation/Solli Engineering-Application for a Text Amendment to Section 67.1 of the Regulations (Application #2022-5-2)**
2. **Hussnain Gondal, Gondal Corporation/Solli Engineering-Application for a Text Amendment to Sections 9.1, 34.1.7 & 34.4.4 of the Regulations (Application #2022-5-3)**

Chairman Smith called the two (2) Public Hearings to order at 7:01 p.m. He went on to read the Legal Notice published in Voices on 7-20-2022 & 7-27-2022 for the record.

Kevin Solli, P.E. of Solli Engineering, 501 Main Street, Suite 2A, Monroe, CT 06468 spoke on behalf of the applicant/contract purchaser of the property, Hussnain Gondal, Gondal Corporation. He requested to address each application separately and submitted updated applications which now reference the subject property's address of 1082 Southford Road as well as a letter from Attorney Francis A. Teodosio, dated 8-4-2022, who represents the property owner, GRNB, LLC for the record.

Application for a Text Amendment to Section 67.1 of the Regulations (Application #2022-5-2)

As part of the application, the following documents were previously submitted (see attached):

- Narrative of Proposed Regulation Amendments
- Conformity with Plan of Conservation & Development
- Draft of Zoning Regulations Text Amendments

Kevin Solli, P.E. stated that this section of the Regulations focuses on the 500 foot buffer requirement between gas stations and schools, parks, places of worship, charitable institutions or hospitals. He reviewed the zoning map and pointed out where gas stations are currently permitted. The two (2) modifications they are proposing with respect to Section 67.1 are as follows:

1. He believes that the Regulations have only considered parcels **within** the town in the past but are proposing some clarification language so that it is no longer subject to interpretation. He mentioned the gas station next to Post University as an example. They are looking to maintain that protection for all above mentioned structures.

2. To apply the buffer differently to properties only within the Gateway Industrial Design District (GIDD), which is located in the southwest corner of town, by reducing the buffer radius to 350 feet as opposed to 500 feet.

Kevin Solli, P.E. went on to assert that he believes a gas station is an appropriate use for the area, would eliminate some congestion and that the proposed Regulations are still in keeping with the Plan of Conservation & Development.

Alice Hallaran of South Street questioned if a study was done about the need for another gas station in town.

Kevin Solli, P.E. replied that his client did a market study of the area which verified that there is a market need.

Attorney John Wabiszczewicz of Northridge Drive stated that his children attended Pomperaug High School and does not believe the change to the Regulations would have an adverse impact on the area or the high school. He also shared that the applicant is his client and is well respected in their industry.

Alice Hallaran of South Street questioned why the 500 foot buffer requirement was implemented in the first place.

Dean Yimoyines stated he believes that economic development is important and is needed to broaden the tax base.

Kevin Solli, P.E. pointed out which neighboring parcel was approved for a gas station in the past although is not sure how.

Chairman Smith confirmed that he plans to research said approval.

Kevin Solli, P.E. added that the existing mobile gas station is closer to the front door of Pomperaug High School.

Application for a Text Amendment to Sections 9.1, 34.1.7 & 34.4.4 of the Regulations (Application #2022-5-3)

Kevin Solli, P.E. stated that they proposing to create a mechanism in order to pursue an application for a gas station. He expressed his understanding that this Commission does not allow drive-thrus in town but feels the series of the proposed modification are being offered in a controlled fashion. He went on to review their proposal. As part of the application, the following documents were previously submitted (see attached):

- Narrative of Proposed Regulation Amendments
- Conformity with Plan of Conservation & Development
- Draft of Zoning Regulations Text Amendments

He stressed that the only use that could be provided within the drive-thru facility is a coffee use. Therefore, this would preclude putting in something like a McDonald's. Only coffee would be allowed. The proposed bypass lane and ample cueing capacity would eliminate the possibility of congestion. The gas station/convenience store would incorporate a portion of said building to sell coffee and to allow the operator to sell coffee as a convenience through a drive-thru facility without having an adverse effect on the community.

Christine Nelson of Watertown Road expressed her concerns with respect to idling vehicles and the negative impact on the air quality, although she is not opposed to a gas station.

William Stowell questioned if there would be any kind of food sold.

Kevin Solli, P.E. responded that most coffee shops may offer donuts or similar items.

Chairman Smith clarified that it is not coffee only.

William Stowell concurred.

Chairman Smith requested to keep both Public Hearings open to allow Planning Consultant, Hiram Peck of Plan Three time to review both applications.

Kevin Solli, P.E. suggested for consideration that the Regulations be modified to incorporate a requirement that gas stations have to provide vehicle charging capabilities in order to pursue this type of use.

Motion: to continue the Public Hearing for Hussnain Gondal, Gondal Corporation/Solli Engineering-Application for a Text Amendment to Section 67.1 of the Regulations on 9-1-2022. Made by Paul Anderson, seconded by Gerald Lukowski. Unanimous Approval.

Motion: to continue the Public Hearing for Hussnain Gondal, Gondal Corporation/Solli Engineering-Application for a Text Amendment to Sections 9.1, 34.1.7 & 34.4.4 of the Regulations on 9-1-2022. Made by Paul Anderson, seconded by Gerald Lukowski. Unanimous Approval.

3. Peter Vileisis/288 Watertown Rd.-Application for a 5-Lot Subdivision
(Application #2022-7-1)

Chairman Smith called the Public Hearing to order at 7:36 p.m. He went on to read the Legal Notice published in Voices on 7-20-2022 & 7-27-2022 for the record.

Emily Jones, P.E. with Civil 1 Engineering in Woodbury, CT spoke on behalf of the applicant and for the record submitted certified mail receipts with return receipts for the Legal Notices sent to neighboring property owners as well as the record map. She reminded the Commission that this application is a second submission as the previous submission was withdrawn. See the following respective portions of Minutes attached:

- 11-4-2021 - pages 4-5
- 12-2-2021 - pages 2-4
- 1-6-2022 - page 2
- 2-3-2022 - page 2
- 3-3-2022 - pages 6-7
- 4-7-2022 - pages 3-4

Emily Jones, P.E. went on to state that property is approximately 35 ½ acres on two (2) existing lots, located in the R-40 zoning district. There is a one-acre parcel (aka pond lot) in the northwest corner while the remainder is the larger parcel. Both lots contain a single-family residence with a driveway. There is a large wetland that goes through the property and an associated floodplain, although there is no activity being proposed within the floodplain. Approval was obtained from the Conservation Commission as well as Pomperaug Health District. The site is not served by water or sanitary sewer so each of the residential lots will have wells and septic systems. The proposed development is for a 5-lot residential subdivision and they are proposing 442 linear feet of private driveway to serve four (4) of the lots. Lot 1 contains the existing house and the driveway will continue to be served from Watertown Road. The site will be accessed from a curb cut on Watertown Road and the location was selected to maximize sightline distances in both directions. All lot meets the required side and frontage setbacks and coverage requirements. The pond lot (applicant's residence) will absorb the remainder of the property not inside the subdivision. As part of the subdivision, the provided the required open space. The only change since the previous submission is to the open space area where a narrow strip of land along the back portion of the lot was added in order to allow the Middlebury Land Trust (likely recipient of the open space) to connect their trail network. All engineering portions of the project remain the same. The preparation of the deed restrictions and the easement documents was performed by Attorney Pilicy and include driveway maintenance, raingarden maintenance and sightline easement along the

front portion of the property. As part of the previous submission, review memos from John Calabrese, P.E. and Hiram Peck along with her responses are attached.

Chairman Smith confirmed that he did receive an email from Hiram Peck of Plan Three, declaring that his concerns have been addressed.

Emily Jones, P.E. added that each house would need to return to this Commission for their own individual approval.

Alice Hallaran of South Street, on behalf of Middlebury Land Trust, expressed her delight in being able to receive the open space and submitted a map for the record which depicts the walking trail with the proposed open space.

Christine Nelson of Watertown Road stated she has no objection to the houses, however, she questioned how long the project would take and the days/hours of construction. She also expressed her concerns with respect to traffic, noise, safety and the reduction in house values. She mentioned a large oak tree on Mr. Vileisis' property that she feels is a huge safety issue. She also plans to request temporary speedbumps and the next Police Commission's meeting.

Peter Vileisis replied that he has no intention of taking down the tree.

Emily Jones, P.E. confirmed that the detention basin will take everything from the new private driveway and that there is a maintenance access road off the end of the cul-de-sac. She added that the hours of operation are well within the preview of this Commission, but they are on the plans. No Sunday hours, restricted hours on Saturday and normal working business hours Monday-Friday. Police Department signoff was obtained and while she does understand that some people do drive somewhat fast on Watertown Road, the sightlines for this private driveway do meet DOT requirements. She acknowledged an oversight on the plans with respect to leaving landscaping along the driveway on the plans as well as the half lines being property lines that did not extend to the street. The temporary turnaround easement should also be removed from the plans. The easements are permanent on each lot for the cul-de-sac. Fire Department approval was granted with the previous submission with the condition that they put in a dry hydrant in Hop Brook and while she does not like the idea of it, the idea of an underground tank is being explored.

William Stowell requested a copy of the documents prepared by Attorney Pilicy.

Motion: to continue the Public Hearing on 9-1-2022. Made by William Stowell, seconded by Paul Anderson. Unanimous Approval.

MINUTE APPROVAL

4. Discussion of the Minutes of the Regular Meeting held on July 7, 2022

Motion: to approve the Minutes as submitted. Made by Paul Anderson, seconded by Gerald Lukowski. William Stowell abstained from voting. Unanimous Approval.

OLD BUSINESS

5. Hussnain Gondal, Gondal Corporation/Solli Engineering-Application for a Text Amendment to Section 67.1 of the Regulations (Application #2022-5-2)

Discussion was tabled.

6. Hussnain Gondal, Gondal Corporation/Solli Engineering-Application for a Text Amendment to Sections 9.1, 34.1.7 & 34.4.4 of the Regulations (Application #2022-5-3)

Discussion was tabled.

7. Peter Vileisis/288 Watertown Rd.-Application for a 5-Lot Subdivision (Application #2022-7-1)

Discussion was tabled.

8. James Mele, Tom Mele & John Frink/39 Sandy Beach Rd.-Application for Site Plan Approval (Application #2022-5-1)

James Mele stated that his family has owned said cottage for over 150 years. Their neighbor sold his land and was tearing down his property and is providing a lifetime opportunity to Mr. Mele by providing access to get heavy equipment onto his property. After numerous meetings with various officials, ultimately they agreed to a fishing shack/cottage, provided it is stated that it is uninhabitable. Currently they are working with an attorney to attempt to obtain approvals for a holding tank and well in the future. Once the neighboring house is complete, they will no longer have access for heavy equipment.

Chairman Smith stated that he now feels more comfortable with the term uninhabitable structure. The town attorney did agree that zoning permission could be given but only for the foundation with a cap to ensure safety.

Motion: to approve the foundation with a cap only. Applicant must return to this commission for structure approval after approval is granted by the health department. Made by Paul Anderson, seconded by Gerald Lukowski. Unanimous Approval.

NEW BUSINESS

9. JSD Partners Southford, LLC/1067 Southford Road aka 1101 Southford Road-Application for Special Exception pursuant to Sections 63.8.2 (A) & (B)(Application #2022-8-1)

Chairman Smith stated that this application cannot be approved until the text amendment is approved and added that the application for a text amendment was only filed on this day. Therefore, the application for the text amendment will be placed on the September agenda and a Public Hearing will be scheduled for October for both applications.

Dean Yimoyines agreed.

Motion: to set a Public Hearing for 10-6-2022. Made by William Stowell, seconded by Gerald Lukowski. Unanimous Approval.

OTHER BUSINESS

10. Any other business added to the agenda by a 2/3 vote of the Commission

Motion: to add Arthur H. Howland Associates P.C./1000 Southford Road-Application for Site Plan Approval for a convenience store, filling station & car wash and Special Exception pursuant to Section 52 and 34.4.4 of the Regulations to the agenda. Made by Paul Anderson, seconded by William Stowell. Unanimous Approval.

Arthur H. Howland Associates P.C./1000 Southford Road-Application for Site Plan Approval for a convenience store, filling station & car wash and Special Exception pursuant to Section 52 and 34.4.4 of the Regulations

No one was present.

11. Enforcement Report

Curtis Bosco, Z.E.O. was not present.

12. Adjournment

Motion: to adjourn the meeting at 8:15 p.m. Made by Paul Anderson, seconded by Gerald Lukowski. Unanimous Approval.

*The next Regular Meeting of the Planning & Zoning Commission is scheduled for September 1, 2022.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Clerk

Original to Brigitte Bessette, Town Clerk

cc: P&Z Commission Members
Paul Bowler, Chairman, Conservation Commission
Mark Lubus, Building Official
Curtis Bosco, Z.E.O.
Ken Long, Chairman, Z.B.A.
Attorney Dana D'Angelo
Rob Rubbo, Director of Health

NARRATIVE OF PROPOSED REGULATION AMENDMENTS

The proposed revision to Section §67.1 is submitted to amend the regulation regarding gas stations and service stations in the Gateway Industrial Design District (GIDD). The amendment to the regulation is proposed to provide flexibility in locating service and gas stations in proximity to existing community civic uses. The reduction in distance from a 500-foot radius to 350-foot radius of the property line would only apply in the GIDD zone to a limited number of parcels. These parcels are located in an established commercial corridor of Route 188 with close proximity to Interstate 84.

A substantial wooded buffer exists between the school to the northeast of the GIDD and the parcels located on Strongtown Road (Route 188). There is not a direct pedestrian path which connects parcels that could potentially develop a gas station building entrance within 350 feet of the school's property line. Due to the size and shape of the school's parcel the approximate distance from the school building to a potential gas station parcel in the GIDD is approximately 0.25 miles.

A review of the 2015 Plan of Conservation and Development (POCD) for the Town of Middlebury indicates that there is a strong desire to promote efficient economic growth. Modifying the restriction on gas stations in the Gateway Industrial Design District would allow the opportunity for development in an established commercial corridor with close proximity to Interstate 84. The proposal conforms to the economic development goals of the POCD as described below.

CONFORMITY WITH PLAN OF CONSERVATION & DEVELOPMENT

Chapter 2 of the Middlebury Plan of Conservation and Development (POCD) covers the goals and objectives of the town. This amendment is consistent with this POCD for the following reasons, including:

- In the plan, under chapter 2, "Overall Goal":
 - Goal #3 reads "*Promote the economic growth of Middlebury in a way to preserve the character of the Town, as well as provide an environment for modern emerging industries. This will require the most efficient use of properties designated for commercial and industrial development to avoid the creation of commercial sprawl throughout the Town.*" (p.7) This amendment allows for economic growth through the development of a gas station in an already established commercial corridor of the GIDD zone. This zone is in proximity the town line and the entrance/exit ramp to Route 84 in Southbury where it could efficiently draw business into Middlebury while preserving the Town character.
- In the plan, under chapter 2, "Economic Development Objectives":
 - One of the plan's objectives is to "*Increase the commercial and industrial components of the Grand List in order to stabilize the tax base.*" (p.10) This amendment allows for the development of additional parcels with taxable business which would result in significant tax generation for the Town.

Chapter 8 of the Middlebury Plan of Conservation and Development (POCD) covers the municipal fiscal environment that exists in the Town of Middlebury.

- In the plan, under chapter 8, "Tax Considerations":
 - It is noted that "*As the development patterns of Middlebury contain a relatively low amount of commercial and industrial uses, the Town has been at a disadvantage in its ability to raise revenue. The Town faces a significant challenge in enhancing its Grand List, as there is a limited amount of land available for commercial and industrial development.*" (p.43) By reducing restrictions and opening opportunities for additional land to be developed with this commercial use in the GIDD, the commercial and industrial components of the Town's Grand List would receive a greater boost in revenue.

The proposed amendment to §67.1 has been modified to reflect the criteria of the Middlebury POCD by allowing additional parcels for economic development of gas and service stations in established commercial areas. The approval of this amendment would create the opportunity for additional parcels in the Gateway Industrial Design District to operate as tax generating businesses in Middlebury, helping to fulfill the Town's need to expand its commercial portfolio.

**DRAFT ZONING REGULATIONS TEXT AMENDMENTS
TO MODIFY THE GARAGES AND SERVICE STATION REGULATIONS**

The following Town of Middlebury Plan and Zoning Commission Zoning Text Amendments are proposed to modify the regulations related to Garages & Service Stations.

KEY TO PROPOSED AMENDMENT TEXT:

Proposed text to be inserted is shown as **bold double underlined text**

Proposed text to be eliminated (deleted) is shown as ~~strikethrough-text~~

AMEND existing §67.1 as follows:

§67.1

No structure shall be used, erected or expanded as a garage for more than (5) motor vehicles, a gasoline filling station, or a motor vehicle service station if the center of any entrance of the portion of said structure which is used for any of the purposes set forth in this Section is situated within a 500 foot radius of any other parcel of land within the Town of Middlebury which is used for a public or private school, a public park, place of worship, charitable institution, a hospital or library. Within the Gateway Industrial Design District (GIDD), this radius is reduced to 350 feet.

NARRATIVE OF PROPOSED REGULATION AMENDMENTS

The proposed revisions to Section 34 are submitted to amend the regulations regarding uses permitted by Special Exception in the Gateway Industrial Design District (GIDD). The amendment to the regulation is proposed to address the modern nature of gasoline fueling uses which are often complimented by the addition of a drive-through facility. The Gateway Industrial Design District encompasses an area of land in close proximity to Interstate 84 and as such has the opportunity to encourage economic development in a way that takes advantage of the regional access.

The proposed regulations will enhance the opportunity to take advantage of regional access as it will allow for a motorist-oriented business opportunity. The proposed regulation amendment will limit the proposed use as an accessory use to fueling station which is already a permitted use within the GIDD.

The proposed regulation amendment will also establish performance standards for facilities with drive-through windows. The supplemental standards to the design and construction of these facilities, will include specifications for drive-through lanes and the need for bypass lanes.

Additionally, the proposed revision to §9.1 will create a definition for a new use, Drive-Through Facility, to be proposed as an accessory use to a fueling station within the Gateway Industrial Design District. The definition has been crafted as to require indoor seating areas consistent with permitted restaurant uses within the town.

CONFORMITY WITH PLAN OF CONSERVATION & DEVELOPMENT

Chapter 2 of the Middlebury Plan of Conservation and Development (POCD) covers the goals and objectives of the town. This amendment is consistent with this POCD for the following reasons, including:

- In the plan, under chapter 2, “Overall Goal”:
 - Goal #3 reads “*Promote the economic growth of Middlebury in a way to preserve the character of the Town, as well as provide an environment for modern emerging industries. This will require the most efficient use of properties designated for commercial and industrial development to avoid the creation of commercial sprawl throughout the Town.*” (p.7) This amendment allows for drive-throughs to be permitted within the Gateway Industrial Design District, which is an area that is well-suited for a commercial development, given its proximity to Interstate 84. The Gateway Industrial Design District encompasses a section of land along Southford Road, north of the Southbury town line and south of Benson Road. As such an amendment to this section of the regulations will not have a large scale impact throughout the town thus preserving the character of the Town.

Chapter 8 of the Middlebury Plan of Conservation and Development (POCD) covers the municipal fiscal environment that exists in the Town of Middlebury.

- In the plan, under chapter 8, “Tax Considerations”:
 - It is noted that “*As the development patterns of Middlebury contain a relatively low amount of commercial and industrial uses, the Town has been at a disadvantage in its ability to raise revenue. The Town faces a significant challenge in enhancing its Grand List, as there is a limited amount of land available for commercial and industrial development.*” (p.43) By opening up opportunities for drive-throughs to be permitted within an area that lends itself to commercial use, the opportunity to raise commercial revenue becomes greatly enhanced. Permitting the drive-through use within a motor vehicle gasoline/fuel sales and/or a commercial car wash facility within the Gateway Industrial Design District provides for specific area along the town line of Southbury which will draw in business from the surrounding area.

Chapter 9 of the Middlebury Plan of Conservation and Development (POCD) covers the current overall land use of the Town of Middlebury.

- In the plan, under chapter 9, relating to the Gateway Design District:
 - It is noted that “*The Gateway Design District was recently enacted as a separate zoning district to permit a broader range of uses to the area along Route 188 near the Route 188 interchange of Interstate 84. The revised regulations offer the opportunity for the economic growth of this area in a way that takes advantage of the regional access, services the commercial needs of the surrounding area, and enhances the economic base of the Town of Middlebury.*” (p.43) The Town has placed a focus on encouraging development within the Gateway Design District and permitting the use of drive-

throughs in this area will provide for greater flexibility in developing undeveloped land or idle sites. Permitting a drive through use accessory to a fueling station within the Gateway Industrial Design District will allow for a broader range in uses in area in proximity to Interstate 84 capitalizing in areas of regional access.

The proposed amendment to §9.1, §34.1.7 and §34.4.4 have been crafted to reflect the criteria of the Middlebury POCD by promoting economic development in areas which are primed to generate significant use by residents of the Town. The approval of this amendment would allow for a drive through use to operate in a district of the Town which is well-suited to accommodate such a use.

**DRAFT ZONING REGULATIONS TEXT AMENDMENTS
TO MODIFY THE GARAGES AND SERVICE STATION REGULATIONS**

The following Town of Middlebury Plan and Zoning Commission Zoning Text Amendments are proposed to modify the regulations related to Garages & Service Stations.

KEY TO PROPOSED AMENDMENT TEXT:

Proposed text to be inserted is shown as **bold double underlined text**
Proposed text to be eliminated (deleted) is shown as ~~strikethrough text~~

AMEND existing §9 & §34 as follows:

§9.1 Definitions

...

~~Drive-Through Facility: An accessory use to a coffee shop located within a fueling station which allows patrons to be served via a drive-up service window.~~

§34.1 Permitted Uses

...

34.1.7 Restaurants where customers are served food and beverage only once seated at tables ~~were~~ or counters ~~with-in~~ within an enclosed building. Such use may include a food takeout service incidental to the primary permitted use but shall not include establishments where customers are served in motor vehicles or served primarily ~~add~~ at food takeout counters, unless as outlined in Section 34.4.4.

§34.4 Special Exception Uses

...

34.4.4 Motor vehicle gasoline/fuel sales and/or a commercial carwash facility, subject to the following criteria:

...

G. A coffee shop with a drive-through service window shall be permitted as an accessory use provided that such use is designed with the following minimum standards:

- The coffee shop portion of the drive-through facility shall have a gross floor area of no more than 2,300 square feet and shall provide indoor seating;

however the gross floor area of the entire building may exceed 2,300 square feet.

- A drive-through facility shall incorporate a by-pass lane as to prevent circulation congestion both on site and on adjacent streets.
- A drive-through facility shall provide a minimum of 8 queuing or stacking spaces with a minimum of 4 spaces before an ordering speaker. Each queuing space shall be defined as a minimum of twenty (20) feet in length and ten (10) feet in width.

NEW BUSINESS

13. Bright & Early Child Care/April Lukasik/489 Middlebury Rd. Lower Level- Application for a Special Exception for a daycare nursery pursuant to Section 52.10.2 (Application #2021-10-2)

Motion: to approve the Special Exception with the condition of providing 16 additional parking spaces. Made by Erika Carrington, seconded by Paul Anderson. Unanimous Approval.

14. Temporary Moratorium on Cannabis Establishments

Motion: to approve the attached Zoning Text Amendment for the Temporary Moratorium on Cannabis Establishments, in effect for six (6) months through May 4, 2022. Made by Matthew Robison, seconded by William Stowell. Unanimous Approval.

15. Peter Vileisis/288 Watertown Rd. – Application for a 5 Lot Subdivision (Application #2021-10-3)

Emily Jones, P.E. with Civil 1 Engineering in Woodbury spoke on behalf of the applicant and reviewed the revised plans with the Commission. The proposal is for a 5-lot residential subdivision on Watertown Road, to be known as Fox Hollow Subdivision. The two (2) parcels total approximately 36 acres in an R-40 Zone. The small lot is referred to as the Pond Lot while the other contains a house and driveway to the south. The house will not be under the HOA. There is an existing dirt access road from Watertown Road, providing access to the back. Most of the front of the property has been cleared while the rear contains a mixture of brush and woods. There is no sanitary sewer or public water, therefore, the approved building lots will need to be served by septic systems and wells. They recently revamped the design, which resulted in a loss, and are now proposing 5 lots. Lot 1 will continue to be served by its own driveway, while the others will be served by a common driveway (442 linear feet). The Pond Lot will absorb the remainder of the land that does not go to open space within the subdivision. Approximately 66 acres of open space is provided. Approval was granted from Torrington Health District as well as the Conservation Commission. The driveway will be 22 feet wide with a turnaround at the end. The HOA will share the cost and maintenance of the common driveway and the raingarden in the rear of lot 3. They are cognizant that sight distance is a concern and profiles for sight distances in both directions were done. Uphill they are providing 375 feet of sight distance and 575 feet downhill. While the speed limit is 25mph, it is a collector road. For a design speed of 30mph, the DOT would require 335 feet of sight distance for a public roadway. Visual obstructions (large tree near powerlines and tall

brush) will be removed and they are proposing some easements to keep the sight distance clear. They plan to seek approval from the FD & PD. She added that they plan to do a lot line revision and then a subdivision. Ultimately, there will be 2 frontage lots and 3 interior lots.

Motion: to set a Public Hearing for December 2, 2021. Made by Erika Carrington, seconded by Matthew Robison. Unanimous Approval.

16. Michaud Development Group, LLC/Granite Woods/Nutmeg & Stevens Rds. – Application for a multi-family development in Senior Residential District (Application #2021-10-4)

Emily Jones, P.E. with Civil 1 Engineering in Woodbury spoke on behalf of Michaud Development Group, LLC and reviewed the plans with the Commission. There three (3) adjoining lots were the subject of a zone change to the Senior Residential District (SRD) in 2004, and total 11.5 acres. One portion is accessed from Nutmeg Road (Parcel A), while the other is accessed from Stevens Road (Parcel B). The site is currently wooded with areas of existing rock outcroppings and a large wetland which is centrally located on the property. Previous plans were approved in 2004, when it was known as Woodland Spur. Since then, an updated A2 Survey was performed and they hired a soil scientist to update the wetlands' flaggings. They are proposing 24 single family dwellings with two (2) private cul-de-sacs, 11 on Lot A and 13 on Lot B with a recreational/picnic area and gravel walking path which connects the two. Each parcel has its own storm drainage system, water, sanitary sewer and stormwater management plan. She submitted her letter with renderings dated 11-4-21 and a letter from property owner David Theroux dated 10-27-21 for the record. They also plan to go before the Economic Development commission for architectural review.

Motion: to set a Public Hearing for December 2, 2021. Made by Erika Carrington, seconded by Paul Anderson. Unanimous Approval.

17. 1365, LLC/1365 West Street-Application for a Site Plan Modification (Application #2021-11-1)

Dean Yimoyines reviewed his plans with the Commission. He is process of performing demo on the interior of the existing Juniper's Restaurant building and is looking to modify the previous approval by including a patio on the side and to extend the slab that is on the backside of the restaurant. They are proposing the fermenting of beer in the building with a full service restaurant and bar as well as construct a stone wall around the patio with the possibility of shrubbery within the wall. There will be 4 tanks to start with but they may add two (2) more and will serve as a divider.

PUBLIC HEARINGS

1. Peter Vileisis/288 Watertown Rd. – Application for a 5 Lot Subdivision (Application #2021-10-3)

Chairman Smith called the Public Hearing to order at 7:01 p.m. He read the Legal Notice published in Voices on 11-17-21 & 11-24-21 and the attached Review from Hiram Peck of Plan Three, LLC dated 11-29-21 for the record.

Emily Jones, P.E. with Civil 1 Engineering in Woodbury spoke on behalf of the applicant, reviewed the plans and submitted the following documents:

- Certified mail receipts and return receipts for the neighboring property owners
- Recorded subdivision map from the surveyor

She went on to state that the property consists of 35.65 acres on 2 existing lots. 1 acre parcel of land, (aka Pond Lot) is situated in the northwest corner of the site and currently contains a single-family house and some out buildings. The remainder of the property contains a single-family home, garage in a small area in the southeast corner. The site is zoned R-40 and is located adjacent to Hop Brook which bisects the property and there is a 100-year floodplain associated with the brook that runs through the property. The existing dirt access road from Watertown Road to the rear of the property and some of the front area has been cleared. The remainder of the property on the eastern side of the brook is a mixture of wooded areas and brush. The site is not served by sanitary sewer or public water so the residential lots will need have their own septic systems and private wells. The 5 lots will be served by a common driveway approximately 442 linear feet long and 22' wide with access and drainage easements and a turnaround at the end. 4 of the lots will come off of said driveway while the 5th lot (lot 1) will continue to use its existing driveway off of Watertown Road. The site will be accessed by a proposed curb cut on Watertown Road: a different location than the one that currently exists. The Pond Lot will remain and absorb the remainder of the land not proposed as part of the subdivision. Per the subdivision regulations, they are providing 6.61 acres of open space which equals 34.3% of the total property area. Approval has been granted by Torrington Health District and the Conservation Commission. The lots will share in the maintenance of the driveway and the associated common features including the drainage and raingarden. Sight line profiles have been estimated to be 370' to the north and 570' to the south despite the 335' required for a 30mph design speed per DOT Design Manual. The few visual obstructions looking to the north will be removed and maintained. There is an easement proposal on lots 1 & 5 to allow for removal of said items to maintain sight distance which will be the responsibility of all of the homeowners. Storm drainage and storm water management system has been designed for the common driveway per town standards to convey the 25-year design storm. The storm water from the roadway and

quite a bit of the lots will be caught and conveyed to the rain garden which will treat the water prior to entering Hop Brook. She confirmed receipt of the attached Engineering Review submitted by John Calabrese Engineering dated 11-28-21. Although they did not have adequate time to address each item, she went on to comment as follows to his recommendations:

- A. More time is needed to consult with counsel to hash out.
- B. A field inspection for verification of the sight distance in both directions will be done and will include photos.
- C. The table for the calculation of the open space will be added but because there a lot of wetlands in the back of the property, they had to give more than the 20% in order to meet the amount of upland.
- D. If the Commission prefers, she offered to approach the Middlebury Land Trust with respect to the open space. If the town has an interest, they will grant an easement.

Emily Jones added that she received the attached Review from Hiram Peck of Plan Three, LLC dated 11-29-21 on 12-1-21 and requested more time to thoroughly review it. In her quick assessment, she feels that some items are addressed that weren't seen and some were addressed by the conditions of approval from the Conservation Commission. She acknowledged that there are some items that need to be added to the plans as well as legal items that need to be addressed.

Lauren, the daughter of Bruce Vinokur of 210 Watertown Road, voiced her concerns with respect to traffic/safety and the impact to the wetlands. The proposed driveway is on a blind turn midway up a curb and is deemed dangerous by the town to warrant signs in both directions. She submitted photos with "Hidden Drive" for the record. She feels the construction to date has already had a significant impact on the ecology and topography while impacting neighbors' properties. For 26 years there was no flooding on their property. Currently, small or medium rain events cause significant flooding on their property and she believes additional runoff will only increase the impact. She also added her concern with respect to an increase in noise pollution from the development.

Peter Vileisis commented that he attempted to help the Vinokur family on several occasions, but their property is overwhelmed with brush and beavers. He added that due to their opposition of this application, he will no longer do so.

Joseph Drauss questioned how many more houses could be proposed in the future.

Emily Jones stated that currently there is no plan to do so. However, should that possibility ever arise, it would take a significant amount of wetland crossing, work within the floodplain, army corps permitting, CT DEEP permitting to possibly construct four (4) additional homes.

Chairman Smith stated that the Selectmen's office needs to be contacted first with respect to the offer of open space as they get right of first refusal.

Motion: to continue the Public Hearing on January 6, 2022. Made by Erika Carrington, seconded by Joseph Drauss. Unanimous Approval.

2. Michaud Development Group, LLC/Granite Woods/Nutmeg & Stevens Rds. – Application for a multi-family development in Senior Residential District (Application #2021-10-4)

Chairman Smith called the Public Hearing to order at 7:37 p.m. He read the Legal Notice published in Voices on 11-17-21 & 11-24-21 for the record.

Emily Jones, P.E. with Civil 1 Engineering in Woodbury spoke on behalf of Michaud Development Group, LLC, submitted the certified mail receipts and return receipts for the neighboring property owners for the record and reviewed the plans with the Commission. The three (3) adjoining lots was the subject of a zone change to a Senior Residential District (SRD) in 2003-2004 and totals 11.5 acres. 1 portion is accessed from Nutmeg Road (parcel A) and the other from Stevens Road (parcel B). The site is currently wooded with areas of existing rock outcroppings and a large wetland which is centrally located on the property. Approval has been granted by the Conservation Commission. The site is adjacent to residential communities, multifamily communities as well as commercial properties. There is access to public water and sanitary sewer. Previous plans were approved in 2004, when it was known as Woodland Spur. Although it involved a different applicant and architect, it was for 24 single-family units (10 units on parcel A & 14 units on parcel B). Since then, an updated A2 Survey was performed and they hired a soil scientist to reflag wetlands. This current application consists of 24 single-family units accessed by two (2) private cul-de-sacs and it is a permitted use. Parcel A, served by Oakwood Dr., will house 11 units, while parcel B will house 13 units and be accessed by Pine Ridge which comes off of Stevens Rd. There is a mix of 2 and 3 bedroom units (14 2-bedroom, 10 3-bedroom). Each unit will have a driveway and a garage. There will be 21 visitor parking spaces and they are proposing a recreational/picnic area and gravel walking path which connects the two. She stated that they are in conformance with all regulations. With the newer 50 foot setback, the road has been shortened and some buildings have been shifted away from the property line. The previously proposed 20' wide common private roadways have been widened to 22' per the recommendation of John Calabrese, P.E. The estimated amount of earth excavation remain consistent with the 2004 approval. Rock excavation and processing is anticipated. Each parcel will include its own stormwater management system and stormwater renovation area for detention and water quality treatment. All proposed will be designed to convey up to the 25-year storm event and the detention basins are designed to detain



Hiram W. Peck III, AICP
Planning Consultant
P.O. Box 741
Woodbury, CT 06798
203.266.0551
planthree@earthlink.net

November 29, 2021

Terry Smith, Chairman
Middlebury Planning and Zoning Commission
Middlebury Town hall
1212 Whittemore Road
Middlebury, CT 06762

Re: Review of proposed 5 lot subdivision of property at 288 Watertown Road.

Dear Mr. Chairman and Commission:

I have visited the subject site and have reviewed the submitted plans last revised dated 10.7.21. The subject site is zoned as R40 and is shown as 35.649 acres in size. A significant portion of the property contains wetlands abutting Hop Brook which also flows through the property. In addition the property also contains a 100 year FEMA mapped floodplain area and a FEMA mapped floodway area. The development if approved, will need to be constructed in a manner which is very carefully constructed so as not to have an adverse impact on either the wetlands or the floodplain or the floodway. This will be important for both the subject property and downstream properties.

The submitted plan I reviewed shows an existing dwelling unit and outbuildings owned by the applicant located at 370 Watertown Road which is part of the property being subdivided. The 4 new lots are proposed to be accessed by a new private driveway with several cross easements for access.

The plans make note of a sightline easement which is to be maintained regarding access and egress to Watertown Road from the newly constructed private driveway. The plans make note of a "future homeowners association" HOA which will have control over certain maintenance issues in the subdivision. More comments on this HOA are found below. Another item of note is the drainage system which is proposed to serve the new common driveway has a series of catch basins and ultimately drains to a proposed "rain garden."

A review of the submitted maps and plans in accordance with the subdivision regulations indicates the following items need to be addressed by the applicant prior to Commission action or by the Commission as part of an action on this application.

1. At least 1 copy of the submitted plans should be signed by the soil scientist that placed the wetland flags on the property. The same copy of the plans should also be signed and sealed by the surveyor that located the wetland flags on the map. The same signature sequence should also be accomplished on the record mylars, if the subdivision application is approved by the Commission.

In addition, if wetland flags are missing at this time, wetland flags should be installed/reinstalled and remain installed until construction is complete. This will excess fill or any debris from being misplaced in a wetland area during construction.

One other item that should be supplied for the record is the following: The applicant's surveyor should state on the record the specific Section(s) of the existing regulations which clearly permit the proposed arrangement of access and rear lots in the subdivision as they are shown at this time.

2. Section 4.2.16 of the subdivision regulations requires several other signature blocks and signatures in order to be in compliance with the regulations. In this case the signature blocks which need to be included per regulations are as follows:

- Middlebury Health Office (PDDH) Needed before Commission action.
- Conservation Commission. Needed before Commission action.
- Planning and Zoning Commission. Signed, after Commission action.

Without these signatures in proper title blocks, the application is incomplete and may prevent the Commission from acting at this time.

It is also important, in my opinion, that any conditions placed by either Conservation, or PDDH be noted on the approved plan to insure compliance. See the item herein regarding well development.

3. The referenced Homeowners Association document should be presented prior to Commission action for several reasons. This document is essential as the developer is proposing several "common elements which will need to be maintained to a high level. The common driveway is essential for the eventual lot owners to access the lots.

The drainage system consisting of several sets of catch basins, drain pipes and a "rain garden" also need to be maintained by the owners as a common element as well. Without these items being maintained to a high level the entire infrastructure is at risk. If the rain garden fails to perform its proper function, significant damage could occur to the down gradient wetlands and Hop Brook itself.

- The HOA will have several important long term maintenance tasks. These tasks need to be clearly spelled out and made known to any potential owner in the HOA. The Commission and the Town Attorney should see the HOA document at this time, prior to any approval. A conditional approval is another possibility, but is not recommended.
- The HOA needs to be correctly formulated and properly constructed so that all homeowners know and agree to their obligations before they purchase property in the subdivision. Experience has shown that this task is very important and must not be neglected or put off until after Commission action. The HOA document should be reviewed by the Town Attorney prior to Commission action.

- The HOA document per section 5.7.1.C of the subdivision regulations, must give the Town an easement to the proposed open space. This too should be clearly laid out in the HOA document and reviewed by the Town Attorney.
 - The Town Engineer should be consulted as to the security needed to properly plan and construct all the infrastructure and place a solid bond/ security amount in place for this work.
4. The plans as submitted assign the duty of site compliance to the property owner. I recommend this duty be required to be assigned to the applicant's site engineer for a number of reasons. Typically applicants do not possess the necessary skills or incentive to perform the site compliance to the degree or to the extent necessary. This is especially true when the subject development is so close to active and viable wetlands corridor and active floodplain and flood way conditions. It is recommended this duty be assigned to the site engineer in order to prevent any significant errors in site development tasks. Experience in this case too has shown this to be an advisable requirement.
 5. Monuments and property corner pins (existing and proposed) should be shown on the application plans as part of the in accordance with section 6.6 of the subdivision regulations. In this case a recommendation the Commission may wish to consider would be to monument the flood plain edge that borders the residences. This could prevent additional unauthorized material from being placed in the floodplain in the future by a property owner who maybe unaware of the impact of fill in a floodplain or floodway or stream channel.
 6. In accordance with section 2.2.5 Water Supply Report, the following note is required to be placed on the plan: "Approval of this subdivision by the Middlebury P&Z cannot and does not guarantee the quantity and quality of water supply."

This is especially valid and important in the case where all dwellings will rely on well water. In some cases where the question of well sustainability is unknown or is a concern, commissions have required that well development precede the issuance of a building permit for a lot. The Commission may wish to consult with PDDH on this specific issue for guidance here.
 7. The plans should also contain a note regarding the Conservation Commission approval. In addition the Commission should insure that an appropriate drainage report, in accordance with section 2.2.11 has been submitted and reviewed. This may have been done but was not among the materials submitted for my review.
 8. The applicant should have also submitted an affidavit regarding previous divisions and transfers in accordance with section 2.2.14 of the subdivision regulations.
 9. The application map should also contain a note authorizing the Commission or its agents to enter the property in accordance with section 2.2.15. If this has been done it should be pointed out to the Commission where it is located.
 10. Section 5.4 of the regulations require that the applicant shall demonstrate to the Commission that passive solar energy techniques have been considered in the design and development of the proposed subdivision. The applicant should show where this consideration was made and

the result of it. See also section 5.4.1 regarding the impact of the solar energy analysis on the site design.

11. The specific uses of the open space proposed need to be stated on the plan in accordance with section 5.7.3. This may also be inserted in the HOA document as described above. The proposed use of the open space should consider the surrounding Land Trust properties abutting the subject property.
12. The Commission should consider requiring detailed erosion and sedimentation control plans be submitted prior to issuance of any building permits. The e&s plans submitted as part of the application are schematic and may well vary depending upon the location of the proposed dwellings.
13. The Commission should consider whether to require that electric and cable utilities should be installed underground.
14. The Commission may wish to consider requiring that the proposed common driveway be completed prior to issuing any permits for construction on any of the proposed lots. This would ensure that emergency services access would be possible if needed during any construction mishap or emergency.
15. The application calls for the creation of a "rain garden" at the down slope terminus of the stormwater drainage system. While the use of a typical low impact development (LID) technique may be desirable, there is no evidence or complete information provided that the "rain garden" is any different than a typical detention basin in this case.

While the proposed layered bottom construction of the rain garden is shown, there is no information regarding the plantings that would be used to actually create the effect that is needed for a true rain garden to properly function. Perhaps no plants are intended? If not the rain garden will not function appropriately. The construction and proper functioning of the rain garden in this situation is especially important given its proximity to the wetlands and the floodplain. Hence the recommendation that the site engineer be assigned the responsibility of oversight during the construction and stabilization process.

A complete description of the rain garden, including plantings should be made part of the record, prior to any Commission action to insure the rain garden will actually function as designed. The rain garden long term maintenance is yet another obligation along with the other responsibilities and obligations of the HOA that should be included in the HOA document. This too should be reviewed by the Town Attorney for completeness to insure the HOA is properly formed and constituted. Failure to do so could well lead to long term maintenance issues which the Town may be asked to participate in. Voting membership in the HOA should also be clearly spelled out and dictated in the HOA documents.

While the above items are provided for the Commission and applicant's use at this time, it is assumed that the issue regarding the site line at Watertown Road has been addressed satisfactorily by the Town Engineer.

In addition the subdivision regulations, section 4.3.15, require significant detail with regard to the finished construction of the common driveway easement. This information should be provided in accordance with Any applicable Town Ordinance to the satisfaction of the Town Engineer. The same comment is made with regard to section 4.4 on Construction Plans as these have not been submitted for review at this time.

The above comments are provided for the proposed 5 lot subdivision. If you have any questions on these comments or any other aspect of the proposed development, please let me know.

Respectfully submitted,

Hiram W. Peck III

Hiram W. Peck III, AICP, CFM
Planning Consultant

CALABRESE ENGINEERING

601 Quassapaug Rd.
Watertown, CT 06795
(203)598-4390

November 28 2021
Mr. Terry Smith, Chairman
Middlebury Planning and Zoning Commission
1212 Whittemore Rd.
Middlebury, CT 06762
Re: Fox Hollow – 288 Watertown Rd.
Preliminary Engineering Review

Dear Mr. Smith;

I have reviewed the following:

- Plans titled Fox hollow, 288 Watertown Road, Permitting Set, Not For Construction, 5 Lot Residential Subdivision, Middlebury, CT, map Block Lot 5-10/078, by Civil 1, dated June 1, 2021, revision dated September 7, 2021, 10 pages.

The following are observations made upon my review:

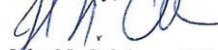
- 1) A 5 lot subdivision is proposed, which includes an existing house on proposed Lot #1, and an open space parcel.
- 2) It appears that there is no Record Subdivision Map and the Overall Site Plan Map only shows exact dimensions for the boundary that encompasses the 5 Lots and the open space.
- 3) The proposed common driveway includes stormwater drainage system with catch basins and discharge into a proposed rain garden.
- 4) The lots are proposed to have septic systems and wells.

The following are my recommendations:

- A) It is unclear on how the ownership of the lots is proposed. It has been stated that an association will be formed. Additional information on this is required including what the interior boundaries mean and who will own them.
- B) The sight distance for the proposed common driveway is shown on the plan and is stated as 370 ft looking right and 377 ft looking left. Looking right at station 3+00 it appears that the site line is very close to the existing grade and this should be field verified, also requires a large zone that must be kept clear. Looking left the spot taken for the distance of 377 ft doesn't appear to be in the oncoming lane.
- C) The proposed open space is shown as 287,774 sq ft (6.61 acres), of which 113,381 sq ft would be required to be dry and 113,798sq ft provided. A table should be provided showing how these numbers were calculated.
- D) The open space borders land owned by Middlebury Land Trust, if the open space is proposed to go to Town of Middlebury then access to the parcel must be provided.
- E) Bond in amount to be determined by Board of Selectmen and Planning and Zoning Commission.

If you have any questions or comments please contact me.

Yours truly,


John N. Calabrese P.E.

cc: Emily Jones P.E.
Curt Bosco, Zoning Enforcement Officer
Members Planning and Zoning Commission

PUBLIC HEARINGS

3. Peter Vileisis/288 Watertown Rd. – Application for a 5 Lot Subdivision (Application #2021-10-3)(Continued)

Acting Chairman Stowell called the Public Hearing to order at 7:02 p.m. and confirmed receipt of the attached letters, dated December 15, 2021, submitted by Emily Jones, P.E. with Civil 1 in response to reviews submitted by John Calabrese Engineering dated November 28, 2021 and Hiram Peck of Plan Three, LLC dated November 29, 2021.

Emily Jones, P.E. with Civil 1 Engineering in Woodbury, CT reviewed her letters and stated that they are expecting the common driveway, storm drainage, rain garden and sightline easements will require legal documentation. Attorney Franklin Pilicy has been retained to prepare said documentation and will be forthcoming. She went on submit a letter dated January 6, 2022 granting an extension to continue this Public Hearing. Despite her belief that the previously approved sight distance was adequate, they changed the plans to shift the common driveway 50 feet to the south, now on Lot 2 as opposed to Lot 3 which increases the sightline to the north to 400+ feet. The sightline to the south was previously mislabeled and is actually greater than 500 feet. The visual obstructions that will be removed from the sightline easement and maintained. She submitted a copy of a December 20, 2021 letter from Police Chief Patrick Deely, stating he has no issues. They added a table regarding the open space calculations to the plans. Clarification on the final ownership of the open space is still pending. They met with Alice Hallaran of Middlebury Land Trust who expressed interest in obtaining the land. They will be required to go through an easement on a foot trail and Emily submitted a copy of a map depicting the possible scenario. She highlighted that fact that they concur with Hiram Peck's recommendation that the Commission should consider requiring that the common driveway be completed prior to issuing any permits for construction. She went on to state that the majority of his comments were more wetlands focused but they did make some changes as requested. Fire Marshal Jack Proulx sent an email to Curtis Bosco, Z.E.O., dated December 23, 2021, recommending that a dry hydrant be installed to which Emily is in the process of determining an appropriate location.

Acting Chairman Stowell acknowledged the letter from Civil 1 dated January 6, 2022, granting a 35-day extension to continue this Public Hearing on February 3, 2022 in order for outstanding questions can be answered. He will also be referring all to Attorney Dana D'Angelo for her review.

Motion: to continue the Public Hearing on February 3, 2022. Made by Joseph Drauss, seconded by Erika Carrington. Unanimous Approval.

Emily Jones, P.E. also submitted a returned certified mailing of the legal notice for the record.



December 15, 2021

Mr. Terry Smith, Chairman
Middlebury Planning & Zoning Commission
1212 Whittemore Road
Middlebury, CT 06762

RECEIVED

DEC 30 2021

PLANNING DEPARTMENT
MIDDLEBURY, CT

Re: Fox Hollow Subdivision – 288 Watertown Road
Preliminary Engineering Review
Middlebury, CT

Dear Mr. Smith:

We have received a review letter from Calabrese Engineering, dated November 28, 2021, for the above referenced Subdivision application. Enclosed please find three revised sets of plans with a revision date of December 15, 2021. Additionally, we offer the following responses to each of Mr. Calabrese's recommendations.

Recommendation A: It is unclear on how the ownership of the lots is proposed. It has been stated that an association will be formed. Additional information on this is required including what the interior boundaries mean and who will own them.

Response A: Each of the lots is proposed to be owned independently by the homeowner. There are easements proposed over Lots 2 and 3 for access to the common driveway and for the maintenance of the rain garden on Lot 3. These are also shown more clearly on the updated Record Subdivision Map, which was not previously submitted. The legal documents for the maintenance of the roadway, rain garden, and the necessary easement are being drafted by a land use attorney and will be submitted under separate cover.

Recommendation B: The sight distance for the proposed common driveway is shown on the plan and is stated as 370' looking right and 377' looking left. Looking right at Station 3+00 it appears at the sight line is very close to the existing grade and this should be field verified, also requires a large zone that must be kept clear. Looking left the spot taken for the distance of 377' doesn't appear to be in the oncoming lane.

Response B: The driveway location has been revised and moved 50' to the south and is now located on Lot 2 instead of Lot 3. This increases the sight line to the north to over 400'. The sight distance to the south was mislabeled and is actually greater than 500'. Site visits were conducted to verify, though the sight distance had to be measured near the edge of the road and not 15' into the sight due to the visual obstructions that we are aware of within the proposed sight line easement. The updated sight line profiles are shown on Sheet C 5.1. At 400' the sight line does not come as close to existing grade as previously shown. Looking to the left, the profile was checked at several distances to oncoming traffic and the > 500' sight distance is accurate. We concur that an easement is required to be maintained in order to eliminate any visual obstructions from the sight line and this information will be included in the legal documents from the attorney.

Recommendation C: The proposed open space is shown as 287,774 sq ft (6.61 acres), of which 113,381 sq ft would be required to be dry and 113,798 sq ft is provided. A table should be provided showing how these numbers were calculated.

Response C: A table showing the open space calculations has been added to Sheet C 2.1.

Recommendation D: The open space borders land owned by the Middlebury Land Trust, if

the open space is proposed to go to the Town of Middlebury then access to the parcel must be provided.

Response D: It is the intention of the applicant to transfer the ownership of the open space area to the Middlebury Land Trust because they already have land that abuts the property. We are in contact with the First Selectman's office to confirm that the Town of Middlebury is not interested in absorbing the open space and with the Middlebury Land Trust to confirm that they are interested in obtaining the land and will have that final answer prior to the January 6, 2022, meeting.

Recommendation E: Bond in the amount to be determined by Board of Selectmen and Planning & Zoning Commission.

Response E: We concur.

Please contact me with any questions or if you need any additional information.

Sincerely yours,
CIVIL 1

Emily M. Jones, P.E.

T 203 266 0778
F 203 266 4759

Cornerstone
Professional Park
Suite D-101
43 Sherman Hill Road
Woodbury, CT 06798
info@CIVIL1.com
www.CIVIL1.com



December 15, 2021

Mr. Terry Smith, Chairman
Middlebury Planning & Zoning Commission
1212 Whittemore Road
Middlebury, CT 06762

Re: Fox Hollow Subdivision
Planning Consultant Review
Middlebury, CT

RECEIVED

DEC 30 2021

BUILDING DEPARTMENT
MIDDLEBURY, CT

Dear Mr. Smith:

We have received a review letter from Hiram Peck at Plan Three, LLC, dated November 29, 2021, for the above referenced subdivision application. Enclosed please find three revised sets of plans with a revision date of December 16, 2021. Additionally, we offer the following responses to each of Mr. Peck's recommendations.

- 1) At least 1 copy of the submitted plans should be signed by the soil scientist that placed the wetland flags on the property. The same copy of the plans should also be signed and sealed by the surveyor that located the wetland flags on the map. The same signature sequence should also be accomplished on the record mylars, if the subdivision application is approved by the Commission.

In addition, if wetland flags are missing at this time, wetland flags should be installed/reinstalled and remain installed until construction is complete. This will excess fill or any debris from being misplaced in a wetland area during construction.

One other item that should be supplied for the record is the following: The applicant's surveyor should state on the record the specific Section(s) of the existing regulations which clearly permit the proposed arrangement of access and rear lots in the subdivision as they are shown at this time.

- R1) *We have added a signature block for the soil scientist who flagged the wetlands onto Sheet C 1.1 – Existing Conditions. A set of plans with his signature is included in this updated response, along with a copy of the survey prepared and signed by the surveyor. We will include the same information on any filed mylars for the project.*

We request that the commission make the demarcation of the wetland boundary a condition of approval prior to construction. And that this only be required in areas near the proposed construction area. Additionally, a limit of clearing will be clearly defined and silt fence will be installed, which will also prevent expansion of the disturbed area.

Regarding the section of the regulations that permits interior lots, the minimum size for an Interior Lot in the R40 Zone is 60,000 SF as defined by Section 11 – Height, Area, and Yard Requirements, of the Middlebury Zoning Regulations. Additionally, the configuration presented is nearly identical to the configuration of lots in a previously approved residential subdivision on Judd Hill Road.

- 2) Section 4.2.16 of the subdivision regulations requires several other signature blocks and signatures in order to be in compliance with the regulations. In this case the signature blocks which need to be included per regulations are as follows:

- Middlebury Health Office (PDDH) Needed before Commission action.
- Conservation Commission. Needed before Commission action.
- Planning and Zoning Commission. Signed, after Commission action.

Without these signatures in proper title blocks, the application is incomplete and may prevent the Commission from acting at this time.

It is also important, in my opinion, that any conditions placed by either Conservation, or PDDH

be noted on the approved plan to ensure compliance. See the item herein regarding well development.

- R2) *The above-referenced signature blocks can be found on Sheets C 2.1 and C 3.1 of the plan set.*

- 3) The referenced Homeowners Association document should be presented prior to Commission action for several reasons. This document is essential as the developer is proposing several "common elements which will need to be maintained to a high level. The common driveway is essential for the eventual lot owners to access the lots.

The drainage system consisting of several sets of catch basins, drainpipes and a "rain garden" also need to be maintained by the owners as a common element as well. Without these items being maintained to a high level the entire infrastructure is at risk. If the rain garden fails to perform its proper function, significant damage could occur to the down gradient wetlands and Hop Brook itself.

- The HOA will have several important long term maintenance tasks. These tasks need to be clearly spelled out and made known to any potential owner in the HOA. The Commission and the Town Attorney should see the HOA document at this time, prior to any approval. A conditional approval is another possibility but is not recommended.
- The HOA needs to be correctly formulated and properly constructed so that all homeowners know and agree to their obligations before they purchase property in the subdivision. Experience has shown that this task is very important and must not be neglected or put off until after Commission action. The HOA document should be reviewed by the Town Attorney prior to Commission action.
- The HOA document per section 5.7.1.C of the subdivision regulations, must give the Town an easement to the proposed open space. This too should be clearly laid out in the HOA document and reviewed by the Town Attorney.
- The Town Engineer should be consulted as to the security needed to properly plan and construct all the infrastructure and place a solid bond/ security amount in place for this work.

- R3) *A land use attorney has been retained and drafted the appropriate maintenance agreements. It has been determined that this would be more efficiently accomplished using deed restrictions rather than a Homeowner's Association. This documentation includes information on the maintenance of the common driveway, rain garden, and sight line easement areas.*

The open space is proposed to be deeded to the Middlebury Land Trust, in which case the Town of Middlebury will not need an access easement to that area. Middlebury Land Trust has several lots that abut the subject properties.

The conditions of approval from both the Inland Wetlands Commission and the Planning and Zoning Commission general include bond information, which is reviewed by the Town

Engineer and the Board of Selectmen. We anticipate that this project approval will follow suit.

- 4) The plans as submitted assign the duty of site compliance to the property owner. I recommend this duty be required to be assigned to the applicant's site engineer for a number of reasons. Typically, applicants do not possess the necessary skills or incentive to perform the site compliance to the degree or to the extent necessary. This is especially true when the subject development is so close to active and viable wetlands corridor and active floodplain and flood way conditions. It is recommended this duty be assigned to the site engineer in order to prevent any significant errors in site development tasks. Experience in this case too has shown this to be an advisable requirement.
- R4) *It is not appropriate for the site engineer to be the responsible party to execute the appropriate construction techniques. The ultimate liability for the construction lies with the property owner and the contractor. At this point, a contractor has not been selected for the project and so the responsibility lies with the owner/developer. Any site inspections during construction that are required by the conditions of approval from both Inland Wetlands and Planning and Zoning shall be conducted by Civil 1, the professional engineer that completed the site design. Additionally, it is generally required that the site engineer prepare and submit a letter upon completion of the road and drainage construction that it was installed according to plan. But the note regarding responsibility on the plan set has more to do with financial responsibility and execution of work, repairs, and mitigation measures, than oversight and so it should remain in the court of the owner/developer.*
- 5) Monuments and property corner pins (existing and proposed) should be shown on the application plans as part of the in accordance with section 6.6 of the subdivision regulations. In this case a recommendation the Commission may wish to consider would be to monument the flood plain edge that borders the residences. This could prevent additional unauthorized material from being placed in the floodplain in the future by a property owner who maybe unaware of the impact of fill in a floodplain or floodway or stream channel.
- R5) *We respectfully point out that this is an inland wetlands issue and not necessarily pertaining to the Planning & Zoning subdivision approval and that we have obtained approval from the Inland Wetlands Commission for this project. However, as a condition of the Inland Wetlands approval, the wetland limits will be permanently marked on Lots 2, 3, and 4 so this item is addressed within that conditions since the entirety of the floodplain is within the wetland boundary. Any purposeful or inadvertent filling within a wetland boundary would result in action by the Middlebury Wetland Enforcement Officer and would require remediation and rectification.*
- 6) In accordance with section 2.2.5 Water Supply Report, the following note is required to be placed on the plan: "Approval of this subdivision by the Middlebury P&Z cannot and does not guarantee the quantity and quality of water supply." This is especially valid and important in the case where all dwellings will rely on well water.

In some cases where the question of well sustainability is unknown or is a concern, commissions have required that well development precede the issuance of a building permit for a lot. The Commission may wish to consult with PDDH on this specific issue for guidance here.
- R6) *The above-referenced note has been added to the plans on Sheet C 2.1. Regarding the well development, Pomperaug District Department of Health has jurisdiction over issuing well permits and the applicant will follow all necessary and required procedures for obtaining building permits from the Middlebury Building Department as well.*
- 7) The plans should also contain a note regarding the Conservation Commission approval. In addition, the Commission should ensure that an appropriate drainage report, in accordance with section 2.2.11 has been submitted and reviewed. This may have been done but was not among the materials submitted for my review.

- R7) *The Inland Wetlands Commission approval and conditions have been added to Sheet C 8.1 of the plan set. Additionally, a drainage and engineering report was prepared by Civil 1 and submitted and is entitled "Engineering Report – Fox Hollow Subdivision 288 Watertown Road Middlebury, CT" and was dated June 14, 2021, with a revision date of October 7, 2021. It was among the materials reviewed by the Town Engineer during both the Inland Wetlands and Planning & Zoning approval processes.*
- 8) The applicant should have also submitted an affidavit regarding previous divisions and transfers in accordance with section 2.2.14 of the subdivision regulations.
- R8) *The applicant purchased the "Pond Lot" in the 1960s and the remaining property in the 1980s. There were no previous divisions of land or transfers that he is aware of or that we have found in the records, nor is it subject to any restrictions or easements not shown on the mapping. Since the commission is holding a public hearing on the subdivision, anyway, practically speaking it does not matter whether the proposal is a first cut or re-subdivision. However, if the commission wishes, they may require this signed affidavit as a condition of approval.*
- 9) The application map should also contain a note authorizing the Commission or its agents to enter the property in accordance with section 2.2.15. If this has been done it should be pointed out to the Commission where it is located.
- R9) *The above-referenced note has been added to Sheet C 8.1 of the plan set as requested.*
- 10) Section 5.4 of the regulations require that the applicant shall demonstrate to the Commission that passive solar energy techniques have been considered in the design and development of the proposed subdivision. The applicant should show where this consideration was made and the result of it. See also section 5.4.1 regarding the impact of the solar energy analysis on the site design.
- R10) *Section 5.4 of the Regulations encourages applicants to consider passive solar energy techniques when designing the subdivision and to orient houses, driveways, and landscaping to maximize solar access where possible. In this instance, a majority of the houses within the subdivision, at least conceptually, have the long side of the house facing in the south, southeast, or southwest direction. Additionally, there is limited existing vegetation that would prevent solar access to the proposed lots and there is also ample development area within the lots to potentially orient the houses in such a way as to encourage the use of solar energy. It should be noted that these plans do not show the final lot design and are intended to demonstrate the ability of the lots to meet zoning regulations. Final lot design shall be reviewed and approved by town staff and the health department prior to issuance of a construction permit for the lot improvements. At that time, the orientation, size, and shape of the houses shown on the subdivision plans may change.*
- 11) The specific uses of the open space proposed need to be stated on the plan in accordance with section 5.7.3. This may also be inserted in the HOA document as described above. The proposed use of the open space should consider the surrounding Land Trust properties abutting the subject property.
- R11) *It is the intention of the applicant to transfer the ownership of the open space area to the Middlebury Land Trust because they already have land that abuts the property. We are in contact with the First Selectman's office to confirm that the Town of Middlebury is not interested in absorbing the open space and with the Middlebury Land Trust to confirm that they are interested in obtaining the land and will have that final answer prior to the January 6, 2022, meeting.*

- 12) The Commission should consider requiring detailed erosion and sedimentation control plans be submitted prior to issuance of any building permits. The e&s plans submitted as part of the application are schematic and may well vary depending upon the location of the proposed dwellings.

R12) Prior to the issuance of zoning individual site plan permit, building permit, and health department permits for the lots, the detailed design of said lots shall be submitted to the town and health department officials for review and approval. The detailed lot design includes grading, dwelling information, drainage, septic system design, and erosion & sedimentation control. This is standard procedure for lots within an approved subdivision and is already required by the Town of Middlebury Regulations.

- 13) The Commission should consider whether to require that electric and cable utilities should be installed underground.

R13) The electric, telephone, and cable utilities shall be installed underground as they are normally required to be by the utility companies on any new installation.

- 14) The Commission may wish to consider requiring that the proposed common driveway be completed prior to issuing any permits for construction on any of the proposed lots. This would ensure that emergency services access would be possible if needed during any construction mishap or emergency.

R14) We concur. We have no issue making that a condition of approval since the construction of the common driveway and storm drainage improvements are proposed to occur prior to lot construction anyway.

- 15) The application calls for the creation of a "rain garden" at the down slope terminus of the stormwater drainage system. While the use of a typical low impact development (LID) technique may be desirable, there is no evidence or complete information provided that the "rain garden" is any different than a typical detention basin in this case.

While the proposed layered bottom construction of the rain garden is shown, there is no information regarding the plantings that would be used to actually create the effect that is needed for a true rain garden to properly function. Perhaps no plants are intended? If not, the rain garden will not function appropriately. The construction and proper functioning of the rain garden in this situation is especially important given its proximity to the wetlands and the floodplain. Hence the recommendation that the site engineer be assigned the responsibility of oversight during the construction and stabilization process.

A complete description of the rain garden, including plantings should be made part of the record, prior to any Commission action to ensure the rain garden will actually function as designed.

The rain garden long term maintenance is yet another obligation along with the other responsibilities and obligations of the HOA that should be included in the HOA document.

This too should be reviewed by the Town Attorney for completeness to ensure the HOA is properly formed and constituted. Failure to do so could well lead to long term maintenance issues which the Town may be asked to participate in. Voting membership in the HOA should also be clearly spelled out and dictated in the HOA documents.

- R15) The rain garden is designed to hold and infiltrate the Water Quality Volume of stormwater runoff as defined by the CT DEEP Stormwater Quality Manual. The soil layering in the basin is per the recommendations from the manual and we have added additional plantings and notes to Sheet C 3.1 of the plan set to depict the proposed landscaping in the rain garden area. It is our professional opinion that the rain garden will function as intended*

and that it is designed according to CT DEEP standards. This was also a wetland condition of approval.

We have, as mentioned previously in this response, also included the rain garden maintenance in the legal deed restrictions and agreements that have been drafted by a land use attorney and will be submitted under separate cover.

Please contact me with any questions or if you need any additional information.

Sincerely yours,
CIVIL 1

Emily M. Jones, P.E.

T 203 266 0778
F 203 266 4759

Cornerstone
Professional Park
Suite D-101
43 Sherman Hill Road
Woodbury, CT 06798
info@CIVIL1.com
www.CIVIL1.com

PUBLIC HEARINGS

4. Peter Vileisis/288 Watertown Rd. – Application for a 5 Lot Subdivision (Application #2021-10-3)(Continued)

Chairman Smith called the Public Hearing to order at 7:03 p.m.

Emily Jones, P.E. with Civil 1 Engineering in Woodbury, CT spoke on behalf of the applicant. She mentioned that they granted an extension last month. She went on to state that she believes all of the engineering comments have been responded to and did not receive any further comments from either review party. They are waiting for a legal documents from Attorney Pilicy. She questioned if the Commission wanted to close the Public Hearing this evening and have town counsel review said documents or have her grant another extension to the March meeting.

Joseph Drauss questioned if there was an issue with having another hearing.

Chairman Smith confirmed that 1 more hearing could take place as long as the applicant asks for an extension. He added that he was comfortable closing the Public Hearing and letting town counsel review the documents.

Motion: to close the Public Hearing at 7:06 p.m. Made by Erika Carrington, seconded by Joseph Drauss. Unanimous Approval.

MINUTE APPROVAL

5. Discussion of the Minutes of the Regular Meeting held on January 6, 2022

Chairman Smith stated for the record that he did listen to the recording and read the Minutes of said meeting. Therefore, he felt comfortable in voting.

Motion: to approve the Minutes as submitted. Made by Erika Carrington, seconded by Matthew Robison. Unanimous Approval.

Chairman Smith requested that Curtis Bosco, Z.E.O. provide him with a paper copy of the revised plans.

OLD BUSINESS

6. Peter Vileisis/288 Watertown Rd. – Application for a 5 Lot Subdivision (Application #2021-10-3)

Discussion was tabled.

The proposed project consists of 27,550 square feet of commercial and retail space on 2 floors with a footprint of 23,500 square feet with retail and office building with parking and drainage. The site would be accessed from Route 63 and the drainage will be handled by two (2) subsurface stormwater infiltration systems designed to accommodate up to the 100-year storm. Extensive earthwork will be required however, this application does not include the special permit for earthwork. Since the proposed building exceeds 14,000 square feet they are also seeking a special exception. She plans to submit the architectural renderings to Economic Development.

Attorney Robert Lubus, Jr. with Grady & Riley LLP 86 Buckingham Street, Waterbury, CT 06710 spoke on behalf of the Santillos, now Mannas, who are the property owners immediately to the rear of the subject property. They take issue with the size of the building and believe that it is going to take up almost double what is allowed for the site. They anticipate it becoming a massive parking lot and massive building, creating an overdevelopment for the site. His clients own 10 acres, zoned residential, that they eventually plan to develop. The proposal would cover almost the entire developable property. In addition, it is his understanding that 31 of the parking spaces will have to be compact spaces because of the size of the development and zoning. They respectfully suggest that the proposal be scaled down.

Motion: to continue the Public Hearing on April 7, 2022. Made by William Stowell, seconded by Erika Carrington. Unanimous Approval.

MINUTE APPROVAL

7. Discussion of the Minutes of the Regular Meeting held on February 3, 2022

Motion: to approve the Minutes as submitted. Made by Joseph Drauss, seconded by William Stowell. Unanimous Approval.

OLD BUSINESS

8. Peter Vileisis/288 Watertown Rd. – Application for a 5 Lot Subdivision (Application #2021-10-3)

Emily Jones, P.E. with Civil 1 Engineering in Woodbury, CT spoke on behalf of the applicant and confirmed that nothing has changed since the Public Hearing was closed last month. She added that she just recently received the draft documents for the legal easements and deed restrictions. She would grant an extension if the Commission wanted town counsel to review them.

Chairman reminded her that a set of revised plans are needed as soon as possible. He also shared with her that he received a notice from the tax collector last Monday informing him that Mr. Vileisis is delinquent on his taxes and nothing will get approved if taxes are outstanding.

She agreed to submit the revised plans and discuss the tax issue with her client. She then added that the Middlebury Land Trust is interested in the open space and would like an additional 10-15 foot strip along the back in order to connect the trail. She questioned if it could be a condition of approval of if she would need to modify it.

Attorney Dana D'Angelo stated she would look into it and reach out to Attorney Pilicy.

9. **New Haven Mortgage Co., LLC/3, 7, 11, 15, 18, 19, 20, 22, 23, 24, 26 & 28 Hunting Ridge Road; 2, 4, 6, 8, 10, 12, 14, 15, 17, 18, & 19 Deer Run Road; Lots 7-02/055, 7-02/055X, 7-02/097 & 7-02/098 Deer Run Road; Lot 6-02/002 Washington Drive & Lot 7-02/128 Triangle Boulevard – Application for a Text Amendment to Section 22.2.1 A of the Regulations (Application #2022-1-1)**

Discussion was tabled.

10. **New Haven Mortgage Co., LLC/3, 7, 11, 15, 18, 19, 20, 22, 23, 24, 26 & 28 Hunting Ridge Road; 2, 4, 6, 8, 10, 12, 14, 15, 17, 18, & 19 Deer Run Road; Lots 7-02/055, 7-02/055X, 7-02/097 & 7-02/098 Deer Run Road; Lot 6-02/002 Washington Drive & Lot 7-02/128 Triangle Boulevard – Application for a Zone Change from existing R-40 to R-40/PRD (Application #2022-1-2)**

Discussion was tabled.

11. **Evelyn M. Dederick & Dorothy Daniels/625 Straits Turnpike – Site Plan Application & for a Special Exception for a commercial building in excess of 14,000 square ft. pursuant to Sections 31.1.1 & 52.2 of the Regulations (Application #2022-1-4)**

Discussion was tabled.

NEW BUSINESS

Chairman Smith requested to address the following agenda item prior to having Hiram Peck address the Commission.

He then went on to read the following proposal.

ADD: Article 1, Section 12, Specific Town wide Prohibition:

A. Any sale whether retail or wholesale, of any amount of recreational cannabis in any zone, location or district to anyone within the Town of Middlebury is hereby prohibited as is authorized by Public Act 21-1 and in accordance with the Zoning Regulations of the Town of Middlebury.

There were no comments or questions from the public or from the members of the Commission.

Motion: to close the two (2) Public Hearings at 7:06 p.m. Made by William Stowell, seconded by Matthew Robison. Unanimous Approval.

MINUTE APPROVAL

12. Discussion of the Minutes of the Regular Meeting held on March 3, 2022

Motion: to accept the Minutes as submitted. Made by William Stowell, seconded by Joseph Drauss. Matthew Robison abstained from voting as he was not present for said meeting. Chairman Smith appointed Alternate Member Paul Anderson to act in place of Regular Member Matthew Robison. Unanimous Approval.

OLD BUSINESS

13. Peter Vileisis/288 Watertown Rd. – Application for a 5 Lot Subdivision (Application #2021-10-3)

Emily Jones, P.E. with Civil 1 Engineering in Woodbury, CT spoke on behalf of the applicant and confirmed that nothing has changed since the Public Hearing was closed. She declared that her client did pay all of his outstanding taxes that were due. In speaking with Attorney Dana D'Angelo regarding the additional open space and understand that it would be cumbersome, difficult and potentially impossible to add it at this point in time since the Public Hearing is closed. Therefore, she requested that the Commission consider approving the subdivision as presented.

Chairman Smith confirmed that the donation/easement of the strip of land to Middlebury Land Trust can be addressed separately.

Attorney Dana D'Angelo stated that she did receive and review the land easements prepared by Attorney Franklin Pilicy. She then questioned if a driveway maintenance agreement was requested.

William Stowell confirmed that along with a driveway maintenance agreement, documentation also needs to be submitted regarding who would be responsible for the maintenance of the sight lines and rain garden.

Emily Jones, P.E. stated that the responsibility should be shared among the home owners.

Chairman Smith announced that there was no additional time or extensions available for this Commission to make their decision and suggested that since the remainder of the required documentation was not presented, the applicant withdraw their application without prejudice and resubmit at a later time to start the clock again. He also confirmed that Hiram Peck needs to submit his review.

Emily Jones, P.E. then submitted a handwritten request to respectfully withdraw the application without prejudice

14. New Haven Mortgage Co., LLC/3, 7, 11, 15, 18, 19, 20, 22, 23, 24, 26 & 28 Hunting Ridge Road; 2, 4, 6, 8, 10, 12, 14, 15, 17, 18, & 19 Deer Run Road; Lots 7-02/055, 7-02/055X, 7-02/097 & 7-02/098 Deer Run Road; Lot 6-02/002 Washington Drive & Lot 7-02/128 Triangle Boulevard – Application for a Text Amendment to Section 22.2.1 A of the Regulations (Application #2022-1-1)

Discussion was tabled.

15. New Haven Mortgage Co., LLC/3, 7, 11, 15, 18, 19, 20, 22, 23, 24, 26 & 28 Hunting Ridge Road; 2, 4, 6, 8, 10, 12, 14, 15, 17, 18, & 19 Deer Run Road; Lots 7-02/055, 7-02/055X, 7-02/097 & 7-02/098 Deer Run Road; Lot 6-02/002 Washington Drive & Lot 7-02/128 Triangle Boulevard – Application for a Zone Change from existing R-40 to R-40/PRD (Application #2022-1-2)

Discussion was tabled.

16. Evelyn M. Dederick & Dorothy Daniels/625 Straits Turnpike – Site Plan Application & for a Special Exception for a commercial building in excess of 14,000 square ft. pursuant to Sections 31.1.1 & 52.2 of the Regulations (Application #2022-1-4)

Application was withdrawn. See item #3 above.