



TOWN OF MIDDLEBURY

Planning & Zoning Commission

1212 Whittemore Road

Middlebury, Connecticut 06762

(203) 577-4162 ph

(203) 598-7640 fx

March 2, 2023 REGULAR MEETING MINUTES

REGULAR MEMBERS PRESENT

Terry Smith, Chairman
William Stowell, Vice Chairman
Matthew Robison
Joseph Drauss
Erika Carrington (arrived @ 7:15 p.m.)

REGULAR MEMBERS ABSENT

ALTERNATE MEMBERS PRESENT

Frank Mirovsky
Paul Anderson
Gerald Lukowski

ALTERNATE MEMBERS ABSENT

ALSO PRESENT

John Calabrese, P.E.
Curtis Bosco, Z.E.O.

CALL TO ORDER

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

ROLL CALL AND DESIGNATION OF ALTERNATES

Chairman Smith announced Regular Members Smith, Stowell, Robison & Drauss and Alternate Members Mirovsky, Anderson & Lukowski as present. Regular Member Carrington arrived at 7:15 p.m.

PUBLIC HEARING

1. **GB Middlebury, LLC/80 Turnpike Drive – Application for a Site Plan – (Application #2022-11-2) *Graziano Brothers, LLC (prior owner)(Continued)**
2. **GB Middlebury, LLC/80 Turnpike Drive – Application for a Special Exception for Section 64 Excavation & Grading – (Application #2022-11-3) *Graziano Brothers, LLC (prior owner) (Continued)**

Chairman Smith stated that a letter, dated February 27, 2023, was received from Emily Jones, P.E. with Civil 1 Engineering in Woodbury, CT requesting a 35-day extension.

Motion: to continue the Public Hearing for GB Middlebury, LLC/80 Turnpike Drive – Application for a Site Plan – (Application #2022-11-2) on April 6, 2023. Made by Matthew Robison, seconded by William Stowell. Unanimous Approval.

Motion: to continue the Public Hearing for GB Middlebury, LLC/80 Turnpike Drive – Application for a Special Exception for Section 64 Excavation & Grading – (Application #2022-11-3) on April 6, 2023. Made by Matthew Robison, seconded by William Stowell. Unanimous Approval.

3. **1365 LLC/1321 West Street-Application for a Zoning Map Change from R-40 to CA-40 (Application #2022-12-2)**

Chairman Smith called the Public Hearing to order at 7:01 p.m. He went on to read the following for the record:

- Legal Notice published in Voices on February 15, 2023 & February 22, 2023
- February 26, 2023 Planning Review by Hiram Peck of Plan Three (see attached)

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the applicant. He stated that his client purchased the property from St. John of the Cross in December 2022. With regard to Hiram Peck's review, Attorney McVerry took the 4.1 acres off of the assessor's card. 1365 LLC is also the owner of the adjacent property (9+ acres) which are all used for commercial uses. He submitted and reviewed his letter and packet, dated March 2, 2023 (see attached), in response to Mr. Peck's review. He added that this is one of the few developments in town which has encouraged and followed through on what the POCD asks for. If approved, his client would seek to add additional gardens to the property to augment what is on the Vyne property and maximize the potential of the area.

Dean Yimoyines plans to restore the property similar to when the Keggi family owned it, by adding a walking path and gardens. Renovations and improvements have already occurred and is currently being rented as a residence and plans to do so for at least two (2) years. Ultimately, he plans to convert the buildings into luxury short-term accommodations to visitors to Middlebury. He will consult with the architects he used at Vyne and advised him on the rehab of Tranquility Farm Vineyard.

Attorney McVerry acknowledged that the current regulations do not include luxury accommodations in the area, however, they would appreciate the opportunity to provide input when the regulations revisions are in the process of being finalized.

Chairman Smith indicated that he has no objection to the proposed zone change and welcomes the future plans, however, changing the zone for the property from an R-40 to a CA-40 would create a non-confirming use due to the fact that it is currently being rented as a residence. He added that he wants to keep the public hearing open so that the members could have the opportunity to review all the documentation.

Dean Yimoyines stated that he would be willing to think about a limit, but would need to have some time to develop it.

Motion: to continue the Public Hearing on April 6, 2023. Made by William Stowell, seconded by Matthew Robison. Unanimous Approval.

MINUTE APPROVAL

4. Discussion of the Minutes of the Regular Meeting held on February 2, 2023

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

OLD BUSINESS

5. GB Middlebury, LLC/80 Turnpike Drive – Application for a Site Plan – (Application #2022-11-2) *Graziano Brothers, LLC (prior owner)

Discussion was tabled.

6. GB Middlebury, LLC/80 Turnpike Drive – Application for a Special Exception for Section 64 Excavation & Grading – (Application #2022-11-3) *Graziano Brothers, LLC (prior owner)

Discussion was tabled.

7. 1365 LLC/1321 West Street-Application for a Zoning Map Change from R-40 to CA-40 (Application #2022-12-2)

Discussion was tabled.

NEW BUSINESS

8. Peter Amara/1570 & 1582 Straits Turnpike – Application to amend approved site plan (Application #2023-2-1)

Peter Amara, of 140 High Meadow Drive, Southbury, CT and owner of an architectural firm located at 199 Park Road Extension, Middlebury CT also owns the two (2) subject properties. This evening, he discussed 1582 Straits Turnpike only and reviewed the plans with the Commission. He is now seeking approval for a modification to construct a 2-story 2,000 square foot footprint medical/office building in place of the previously approved application which was for a 6,500 square foot footprint medical/office building. He added that 18 parking spaces are required, however, 27 will be provided. All setbacks and height requirements are being met. The proposed landscaping will be very similar to the approved application, but with less of the property being developed. The underwater retention will be approximately 1/3 of what was previously approved. The curb cut will be moved to be directly across from the commercial property owned by Robert LaFlamme. He plans to utilize the second story for his architectural firm. Brick will be on the first floor with vinyl or wood shakes, neutral in color, on the upper floor. It will also include storefront windows and a metal roof. He provided a proposed rendering for the member's consideration.

Chairman Smith requested that Mr. Amara return with a final rendering.

Mr. Amara shared that he has yet to receive approval from the Conservation commission and will return to this commission on April 6, 2023.

OTHER BUSINESS

9. Metro Realty – Informal discussion regarding best use of 124 Kelly Road & 1535 Straits Turnpike

Kyle Richards of Metro Realty, LLC provided a presentation of proposed uses for said properties which combined total 77 acres and zoned R-40 and LI-80. It is estimated that 15-17 acres are developable, with an entrance off of Straits Turnpike where sewer, water and gas are available for connection. The site is quite picturesque and they plan to maintain the semi-rural character of the town. Due to the location and no visibility, he believes that retail and medical office uses are unlikely to succeed and that the properties be zoned industrial or residential both not both. Industrial use in most demand today are warehouses which is feasible for the site. In the event the entire site was zoned R-40, they could support a density of 50-60 homes with 2500-3000 square feet units with 4+ bedrooms and 2.5 baths. Alternatively, he proposed luxury rental housing for those choosing to rent in Middlebury, to include 1-bedroom units (50%) at approximately \$2200/mo. and 2-bedroom units (50%) at approximately 2800+/mo. The average square footage of an apartment is about 1000 and 10% would be handicap accessible and the first floor apartments are all handicap adaptable. Rentals such as these are typically occupied by career oriented professionals prior to marriage and children and empty nesters that whose adult children have left their home. His projection of the residential profile is based off of the data acquired for the luxury rental communities that they have developed and operated over the years.

Chairman Smith encourage Mr. Richards to consult with WPCA regarding sewer capacity. He doesn't believe that 200 units would work within the developable area.

Matthew Robison questioned if the town owns abutting property and where the entrance access would be.

Kyle Richards confirmed that the town does own abutting property and that the forested wetland area would remain, creating a natural buffer for the developable area. The entrance would be from Straits Turnpike only, unless access from Kelly Road would be required for emergency vehicles.

Chairman Smith questioned where the contaminate ground water is in relation to the site, if they would consider affordable housing or age 55+. He also voiced his concerns with respect to rental control and current legislation.

Kyle Richards stated that they have no reason to believe that their parcel is impacted by the contaminated water as Timex Corp. purchased that neighboring site as a buffer and to install a groundwater monitor on site. The subject parcel is not part of the corrective action as it relates to

EPA or DEEP. However, they do plan to perform additional testing as they proceed. He added that they built and own 2000 apartments throughout the state of CT, with 1500 of them being affordable and 500 designated luxury. They are affordable housing advocates and are open to the idea. With respect to 55+, he believes it would be a challenging to restrict the renter pool only to a 55+ demographic. He indicated that the current bill that legislator is considering appears to be focused on the creation of affordable housing than rent controlling market rate communities. As it relates to the rent control, it seems to him that they are currently proposing a way to protect the landlords from gauging on rent. Metro Realty has never increased someone's rent 6%-8%. They generally project 2%-3% which is why the legislation does not cause them concern.

Chairman Smith added that he agreed with the memo issued by Hiram Peck of Plan Three in June 2022.

William Stowell commented that he likes the idea but too is concerned about WPCA and sewer capacity.

Kyle Richards agreed to inquire with WPCA and thanked the commission for their time.

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

None

11. Enforcement Report

Curtis Bosco, Z.E.O. stated that he gave administrative approval for an in-law apartment for a home located on Gleneagle Road. He received a letter from the owner stating that his mother and mother-in-law will be living with him communally.

12. Adjournment

Motion: to adjourn the meeting at 8:15 p.m. Made by Erika Carrington, seconded by Matthew Robison. Unanimous Approval.

*The next Regular Meeting of the Planning & Zoning Commission is scheduled for April 6, 2023.

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



February 27, 2023

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

Re: 80 Turnpike Drive
Middlebury, CT
Extension Request

Dear Mr. Smith:

We are submitting this letter to request a 35-day extension of the public hearing to be continued to the April 6, 2023, meeting. This request is due to ongoing discussion with WPCA and the Town Planning Consultant and anticipation of possible additional review comments from their reports.

Thank you very much,

A handwritten signature in blue ink, appearing to read "EMJ", with a long, sweeping horizontal line extending to the right.

Emily M. Jones, P.E.



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

February 26, 2023

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

Re: Review of application 2022-12-2 for rezoning of property at 1321 West Street from R-40 to CA-40.

Dear Mr. Smith and Commission members:

I have visited the subject site, reviewed the 2015 Plan of Conservation and Development and applicable zoning regulations pertaining to this application. The subject property is historic in design and construction. The building is noted as constructed in 1911 and has a gross building area of 11,583 square feet with 5,809 square feet of living area at this time. The property size is shown as either 4.1 acres on the rezoning application or 4.3 acres on the property survey.

The current POCD is not discerning as to this rezoning request regarding economic development. However the POCD section on Community Facilities section contains what may be a helpful direction. This section, at objective 8 states:

“ Preserve the historic character of the area around the Middlebury Green, including Town Hall, Westover School and other historic buildings.”

In order to objectively evaluate the proposed zone change, the Commission should be as aware as possible of the applicant's intentions for the use of the property at 1321 West Street. The Commission should clearly note the uses of the surrounding R-40 properties. The surrounding uses are all residential, while the proposed change of zone from R-40 to CA-40 is a substantial change to what may be proposed at this site. Without having specific knowledge of the applicant's proposed use of the property, several recommendations will be made on this matter due to this specific difference in zoning (Commercial/Residential) interface. At the time of my site visit a “For rent” sign was located at the West Street front of the property.

The Commission should carefully note what the existing zoning regulations permit by right and by special exception in the CA-40 zone. Some of these uses are clearly not compatible with the existing R-40 zone uses.

In addition, it is recommended that a significant buffer from any R-40 zoned property be established at the time the property is rezoned. It is recommended that a 75 to 100 foot landscaped buffer be established on the CA-40 property wherever it abuts R-40 zoned property. Note: See the submitted survey for an indication of the acceptability of this recommendation as a measure of protection for the existing R-40 zoned properties.

If the Commission decides to consider approval of the application a clear written narrative of the proposed use should be submitted by the applicant as part of any use application. The extent of the use and the hours of operation would be important in a case such as this where abutting zones are so different in what they allow. Such a use description should be made part of the application before a decision is rendered by the Commission so that it is part of the formal record.

While it may be slightly outside the normal recommendation protocol, in this case, I would use the POCD recommendation regarding the historic character of this area to suggest that modifications to the existing structures on the property should be minimized where they impact that established character of the site and the area.

Finally, if the Commission decides to approve the application, it should be stated that any change from the proposed (special exception) use would require review and possible application to the Commission.

Sincerely,

Hiram W. Peck 999

Hiram Peck, AICP, CFM

March 2, 2023

Planning & Zoning Commission
Town of Middlebury
1212 Whittemore Road
Middlebury, CT 06762

**RE: AMENDMENT TO ZONING MAP
1321 West Street
R-40 to CA-40**

Commissioners:

As you are aware, this office represents 1365, LLC, the new owner of 1321 West Street, property formerly owned by the Roman Catholic Parish of Middlebury Southbury Church Corporation. This property is currently zoned R-40 Residential, and my client is seeking to amend this to CA-40 Commercial.

1365, LLC is also the owner of the property located immediately adjacent to the north to the subject parcel located at 1365 West Street(Whittemore Road) containing 9.0518 acres. This adjacent parcel containing Vyne Restaurant, The Whittemore Banquet venue as well as Brewbury brewery is also zoned CA-40. This parcel constitutes the entire northerly boundary of the 1321 West Street Parcel which is the subject of the current application. The intentions of my client, should the Commission see fit to approve this application would be to integrate this property into the that of the Vyne Restaurant and the Whittemore Banquet venue. (attached hereto is a summary from Dr. Yimoyines containing his thoughts on the potential future uses – Exhibit A.)

The subject parcel sits as an island connected to the adjacent 1365 parcel, being bounded northerly on West Street, on the westerly side by Bronson Road, southerly by 51 Bronson Drive, a single-family residence, and westerly by the adjacent 1365 properties. In viewing the adjacent uses, the parcel directly across West Street is owned by the Middlebury Land Trust. This property when conveyed to the Land Trust in 1977 contained a deed restriction to the effect:

“Buildings used for commercial or residential purposes shall not be placed or constructed in the premises. The foregoing shall not prohibit placement of any historical building on the premises which is not used for commercial or residential purposes.” (Exhibit B)

Across Bronson Drive to the east is located 1289 West Street, owned by Westover School, which the Assessor's Records indicate is a multi-family structure (Exhibit C.)

The property to the rear of the subject premises is the only one containing a single-family residence. In accordance with the applicable zoning regulations, should the zone change be approved, in addition to the already in place 20 foot setback, an additional 50 foot buffer (per §31.1.6 F) would be in place for a total of a 70 foot setback, more than a sufficient buffer.

The applicant has been provided with a review of the application from the Town's Planning Consultant which speaks of preserving the historical nature of the surrounding area. In our review of the Plan of Conservation and Development for the Town from 2015, we find several areas which would indicate compliance with the recommendations contained therein. Under "Goals and Objectives" as set forth on Page 7, one of the overall goals is

(3) 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 in order to avoid the creation of commercial sprawl throughout the Town.

Under Economic Development, objectives, the POCD on page 11 seeks to "Increase the commercial component of the Grand List in order to stabilize the tax base."

Under Community Facilities in the POCD, one of the objectives (Page 12) is to "Preserve the historic character of the area around the Middlebury Green, including the Town Hall, Westover School and the other historic buildings." However, in reviewing further in the POCD, Page 53 contains a map entitled "Middlebury Special Land Use Planning Areas" (Exhibit D). A review of this map demonstrates that the "Middlebury Green Area" terminates at Bronson Drive to the east of the subject parcel and at least a portion of the subject premises is contained in the Route 188/64 Commercial Area.

In Section 10 of the POCD, under paragraph 2, it is noted that "Development activity has declined significantly over the past decade. There has been little commercial or industrial development."

In reviewing the growth of the adjacent 1365, LLC commercial properties, we can demonstrate a significant diversion from the above statement from the POCD. What began as an abandoned woodworking shop was transformed first to a thriving consignment/furniture shop, now transitioning to a gourmet restaurant with a banquet venue. The landscaped grounds of the existing facility can only be augmented by adding the additional gardens which would be located on the 1321 property. We have attached a copy of the plans for the restoration of the former Keggi Gardens, which have fallen into disrepair. (See Exhibit E).

The approval of the current application would essentially complete the development of the corner of the West Street-Route 64 corner.

EXHIBIT A

1365 LLC THOUGHTS ON THE FUTURE OF 1321 WEST STREET MIDDLEBURY CT

WE FEEL FORTUNATE TO HAVE PURCHASED THIS PROPERTY WHICH ADJOINS OUR OTHER REAL ESTATE HOLDINGS ON WHITTEMORE ROAD AND RT 64/188. MANY YEARS AGO, SHORTLY AFTER ST JOHN OF THE CROSS PURCHASED THIS PROPERTY, WE HAD A PLAN WITH THE FORMER PASTOR FATHER BARRY , TO MAKE OUR GARDENS AND THOSE AT 1321 CONTIGUOUS TO ENHANCE THE BEAUTY OF THE PROPERTY. UNFORTUNATELY, FATHER BARRY WAS TRANSFERRED AND THOSE PLANS DID NOT MATERIALIZE AND MAINTENANCE OF THE GROUNDS AND BUILDINGS WAS MOSTLY IGNORED.

WE HAVE ALREADY STARTED TO RESTORE THE BEAUTIFUL GARDENS ON THAT PROPERTY THAT WERE ESTABLISHED BY DR AND MRS KEGGI, THE FORMER OWNERS. MRS KEGGI HAD A VISION OF PASTORAL BEAUTY AND AS YOU'LL SEE IN THE MAP/DRAWING WE'VE ATTACHED, THE GROUNDS HAVE A SUBSTANTIAL NUMBER OF SPECIMEN PLANTINGS, FLORAL GARDENS, AND A JAPANESE MEDITATION GARDEN. WE HAVE WALKED THE GARDENS WITH MARA KEGGI FORD WHO HAS FURTHER EDUCATED US AND GIVEN US SOUND ADVICE ON HOW TO PRESERVE AND RESTORE THE GARDENS TO THEIR FORMER SPLENDOR. WE WILL EXPLORE GROWING VEGETABLES ON THE PROPERTY FOR USE AT VYNE AND BREWBURY BY RESTORING THE RASPBERRY, PUMPKIN, BLUEBERRY, AND ASPARAGUS GARDENS. WE WILL CONTINUE TO RESTORE AND REPLENISH ALL THE GARDENS SO THE SITE IS EVEN MORE ATTRACTIVE FROM THE STREET.

IN ADDITION, WE HAVE UNDERTAKEN SUBSTANTIAL BUILDING REHABILITATION WORK AND ADDRESSED YEARS OF DEFERRED BUILDING MAINTENANCE IN THE COTTAGE AND THE MAIN HOUSE. AT PRESENT WE HAVE LEASED THE PROPERTY FOR RESIDENTIAL USE. WE ENVISION DOING THIS FOR THE NEXT FEW YEARS AT THE LEAST.

FOR FUTURE USES, WE INTEND TO CREATE A MAYFLOWER INN AND WINVIAN RESORT-LIKE SETTING ON THIS PROPERTY. WE WILL ENGAGE THE ARCHITECTURAL FIRM WE HAVE USED AT VYNE AND TRANQUILLITY VINEYARD TO ADVISE US. THEY SPECIALIZE IN HISTORIC REHABILITATION AND HAVE BEEN HEAVILY INVOLVED IN THE RENOVATIONS OF HISTORIC BUILDINGS AT WEST POINT. WE WANT TO EXPLORE MAKING THE RESIDENCES INTO LUXURY ACCOMMODATIONS FOR VISITORS TO THE TOWN OF MIDDLEBURY, TO VYNE, THE WHITTEMORE, AND TRANQUILLITY VINEYARD.

WE ALSO INTEND TO UTILIZE THE GARDENS ADJOINING VYNE TO FURTHER ENHANCE THE EXPERIENCE OF OUR GUESTS AT VYNE AND THE WHITTEMORE.

Exhibit B

VOL 79 PAGE 198

EXECUTOR'S DEED

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING.

KNOW YE THAT THE COLONIAL BANK AND TRUST COMPANY, a Connecticut banking corporation located in Waterbury, Connecticut and DONALD W. HENRY of Middlebury, Connecticut, as CO-EXECUTORS under the will of ETHEL BRONSON McCANCE a/k/a ETHEL CLARK McCANCE, late of Middlebury, Connecticut, deceased, in pursuance of the power and authority to sell given to us in and by said will, and in consideration of the sum of Fifty-five Thousand Dollars (\$55,000.00) received to our full satisfaction of MIDDLEBURY LAND TRUST, INC., a Connecticut non-stock Corporation, located in the Town of Middlebury, County of New Haven and State of Connecticut, (P.O. Box 193, Middlebury, Connecticut 06762) do give, grant, bargain, sell and confirm unto the said MIDDLEBURY LAND TRUST, INC. all the right, title, interest, claim and demand which the said ETHEL BRONSON McCANCE a/k/a ETHEL CLARK McCANCE had at the time of her death, or which we as such Co-Executors have or ought to have in and to all that certain piece or parcel of land located in Middlebury, Connecticut, described in Schedule A attached hereto and made a part hereof and subject to exceptions set forth therein.

TO HAVE AND TO HOLD the above granted and bargained premises with the appurtenances thereof unto the said Grantee, its successors and assigns to it and their proper use and behoof; and the said Grantors do for themselves and their respective heirs, executors, successors and assigns forever covenant with the said Grantee, its successors and assigns that we have full power and authority as Co-Executors aforesaid to bargain and sell the same in manner and form as above stated.

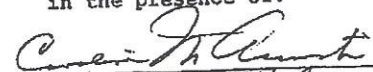
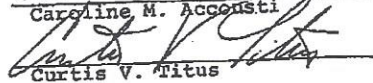
AND FURTHERMORE, the said Grantors do by these presents bind themselves and their respective heirs, executors, successors and

assigns forever, to warrant and defend the above granted and bargained premises to it the said Grantee, its successors and assigns against all claims and demands of any person or persons claiming by, from or under them as aforesaid.


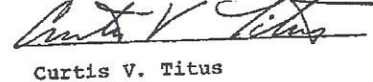
IN WITNESS WHEREOF, said Co-Executors have hereunto set their respective hands and seals as of this 23rd day of February, 1977.

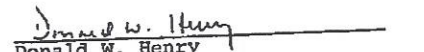
Signed, sealed and delivered
in the presence of:

THE COLONIAL BANK AND TRUST COMPANY


Caroline M. Accousti

Curtis V. Titus

By 
Anthony F. Moss
Its Trust Officer

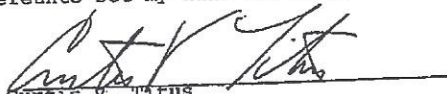

Caroline M. Accousti

Curtis V. Titus


Donald W. Henry
Co-Executors u/w/o Ethel Bronson
McCance a/k/a Ethel Clark McCance

STATE OF CONNECTICUT)
COUNTY OF NEW HAVEN) SS. Waterbury

On this 23rd day of February, 1977, before me, the undersigned officer, personally appeared Anthony F. Moss, known to me to be the person whose name is subscribed to the within instrument and acknowledged himself to be the Trust Officer of The Colonial Bank and Trust Company, and that he as such officer, being authorized so to do, executed the foregoing instrument in the capacity therein stated and for the purposes therein contained by signing the name of said corporation, by himself as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and seal.


Curtis V. Titus
~~Notary Public~~
Commissioner of the Superior Court

STATE OF CONNECTICUT)
) SS. Waterbury
 COUNTY OF NEW HAVEN)

On this 23rd day of February, 1977, before me, the undersigned officer, personally appeared Donald W. Henry, known to me to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

Caroline M. Accousti

Caroline M. Accousti
 Notary Public
~~Commissioner of the Superior Court~~
 My commission expires March 31, 1981

\$60.50 Conveyance Tax received

Doris M. Valentine
 Asst. Town Clerk of Middlebury

SCHEDULE A

All that certain piece or parcel of land situated on the northerly side of that portion of Whittemore Road known as West Street, in the Town of Middlebury, County of New Haven, State of Connecticut, formerly owned by Ethel Bronson McCance, a/k/a Ethel Clark McCance, deceased, and shown on a map entitled "Map of the Estate of Eli and Bessie W. Bronson, located in the Town of Middlebury, Connecticut, December 1928" and revised April 19, 1944 by The A.J. Patton Co., Surveyor, which Map is on file in the Middlebury Town Clerk's Office at Page 75 of Map Book 4-A, said parcel consisting of all of Parcel B and a portion of Parcel F as shown on said Map, and being bounded and described as follows:

Northerly	-	in part by land now or formerly by Annise C. Hill and in part by land of the State of Connecticut;
Easterly	-	in part by land now or formerly of Norma F. Watts and in part by land of Molly Adams Parker;
Southerly	-	in part by Whittemore Road (Connecticut State Highway Route No. 188) and in part by land of the Town of Middlebury; and
Westerly	-	in part by land now or formerly of Anne D. McCarthy and in part by land now or formerly of Walter Blick.

Said property is conveyed subject to building lines, if established, and any and all provisions of any building, zoning or planning ordinances or regulations enacted by the Town of Middlebury, and any and all provisions of any ordinance, municipal regulation or public or private law, and encumbrances and restrictions as of record may appear.

Said property is conveyed subject to the following restriction: Buildings used for commercial or residential purposes shall not be placed or constructed on the premises. The foregoing shall not prohibit placement of any historical building on the premises which is not used for commercial or residential purposes.

Rec'd for Record Feb 24, 1977 at 1:35 PM. Recorded by *Doris M. Valentine*
 Asst. Town Clerk

Exhibit C

1289 WEST ST

Location 1289 WEST ST

Mblu 6-08//091//

Acct# W0341600

Owner WESTOVER SCHOOL INC

Assessment \$418,700

Appraisal \$598,200

PID 3540

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$479,500	\$118,700	\$598,200
Assessment			
Valuation Year	Improvements	Land	Total
2021	\$335,600	\$83,100	\$418,700

Owner of Record

Owner WESTOVER SCHOOL INC
 Co-Owner
 Address 1237 WHITEMORE RD
 MIDDLEBURY, CT 06762-2426

Sale Price \$0
 Certificate 1959
 Book & Page 0055/0187
 Sale Date 06/30/1959
 Instrument XX

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
WESTOVER SCHOOL INC	\$0	1959	0055/0187	XX	06/30/1959

Building Information

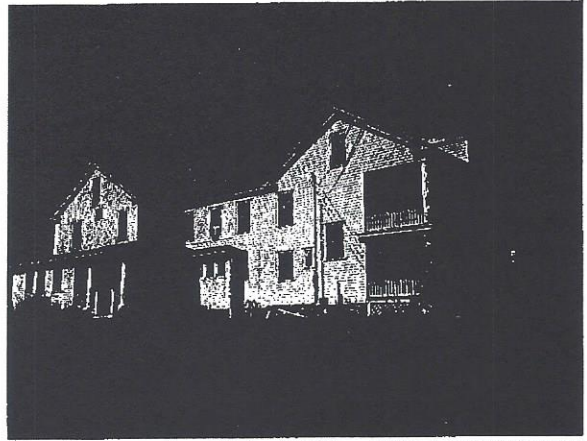
Building 1 : Section 1

Year Built: 1900
 Living Area: 4,882
 Replacement Cost: \$765,126
 Building Percent Good: 61
 Replacement Cost
 Less Depreciation: \$466,700

Building Attributes

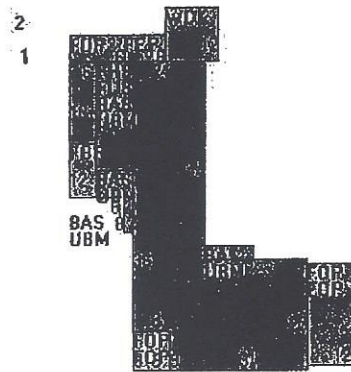
Field	Description
Style	Multi-Family
Model	Residential
Grade	A
Stories	2 1/2 Stories
Occupancy	
Exterior Wall A	Vinyl Siding
Exterior Wall B	
Roof Structure	Gable
Roof Cover	Asphalt
Interior Wall A	Plastered
Interior Wall B	
Interior Flr A	Hardwood
Interior Flr B	
Heat Fuel	Gas
Heat Type	Hot Water
AC Type	Central
Total Bedrooms	7 Bedrooms
Full Bathrooms	4 Full Baths
Half Bathrooms	
Total Xtra Fixtrs	1
Total Rooms	15
Bath Style	
Kitchen Style	
Fireplaces	4
Cndtn	
Whirlpool	
Fin Basement	0
Fin Bsmt Quality	
Bsmt Garages	0
Num Park	
Fireplace	
Finln Cndtn	
Basement	

Building Photo



(<https://images.vgsi.com/photos/MiddleburyCTPhotos/A00\00\65\87.jpg>)

Building Layout



Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	2,004	2,004
FUS	Finished Upper Story	1,799	1,799
FHS	Finished Half Story	1,799	1,079
FEP	Enclosed Porch	54	0
FOP	Open Porch	840	0
UBM	Basement	2,004	0
WDK	Wood Deck	144	0
		8,644	4,882

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land**Land Use**

Use Code 933R
 Description Pub School
 Zone R40
 Neighborhood R100
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 3.49
 Frontage 0
 Depth 0
 Assessed Value \$83,100
 Appraised Value \$118,700

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	Garage			840.00 S.F.	\$12,200	1
SHD1	Shed			100.00 S.F.	\$600	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$450,400	\$160,700	\$611,100
2019	\$450,400	\$160,700	\$611,100
2018	\$450,400	\$160,700	\$611,100

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$315,200	\$112,500	\$427,700
2019	\$315,200	\$112,500	\$427,700
2018	\$315,200	\$112,500	\$427,700

Middlebury Special Land Use Planning Areas

Exhibit D

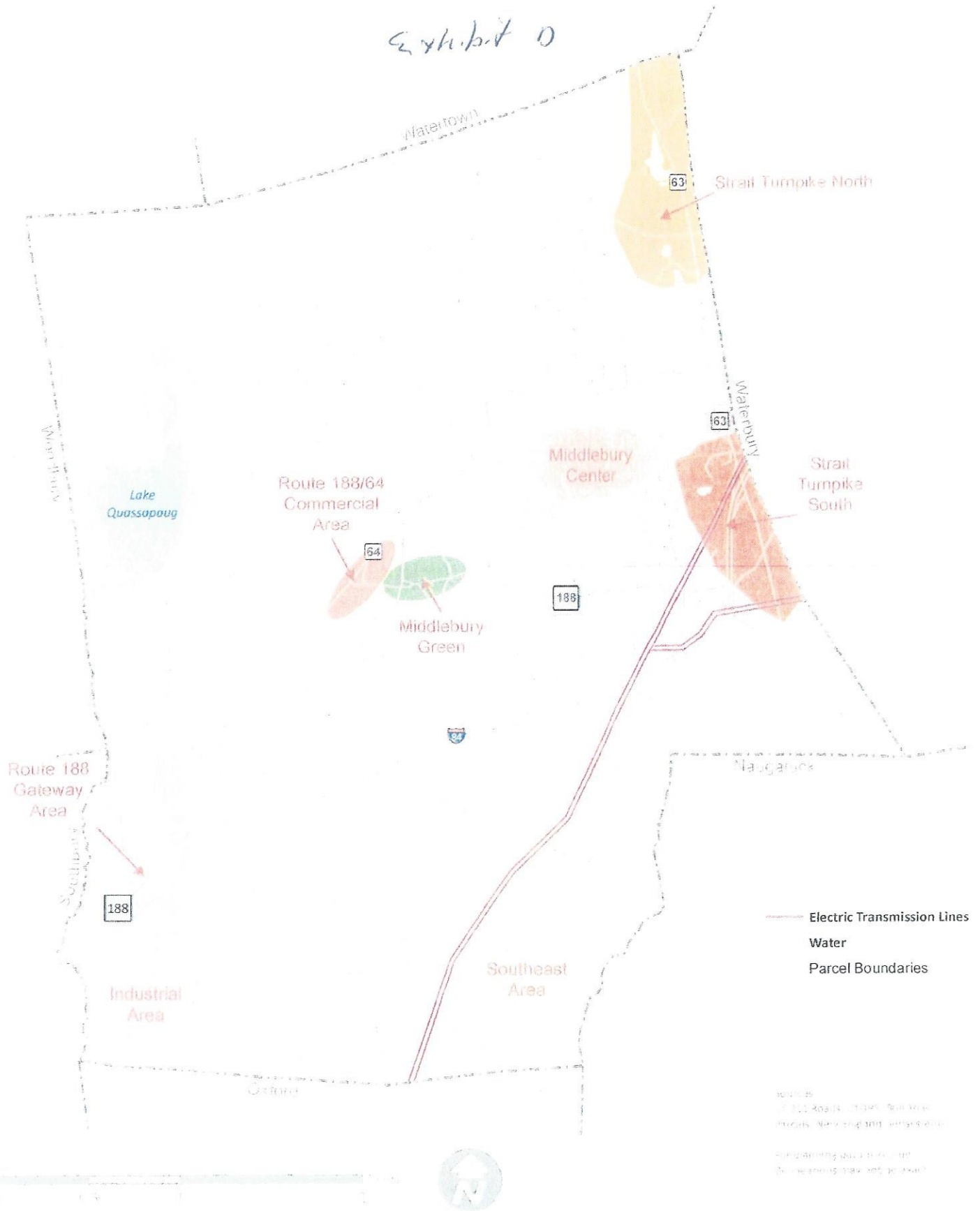


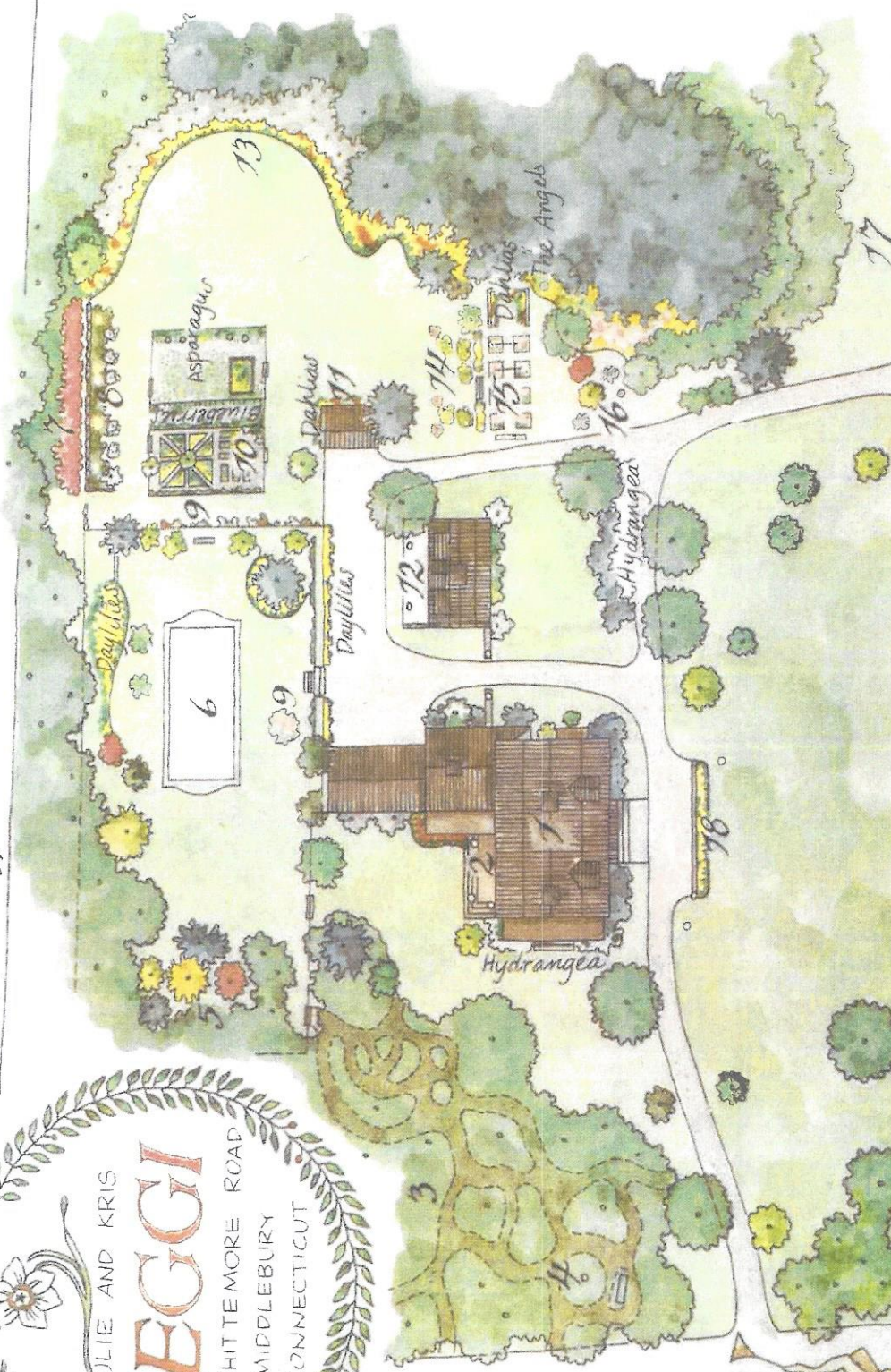
EXHIBIT E

"Mary Quarles"

JULIE AND KRIS

KEGGI

1321 WHITTEMORE ROAD
MIDDLEBURY
CONNECTICUT



1. THE HOUSE
2. THE DINING TERRACE
3. WOODLAND GARDEN
4. FAIRY CIRCLE
5. CONIFERS
6. THE SWIMMING POOL
7. RASPBERRIES
PUMPKINS AND BLUEBERRIES
8. ROSES

10. VEGETABLE AND COOKING GARDEN
11. THE NUPTIAL BARN
12. THE CARROT HOUSE
13. DAYLILIES AND LILACS
14. THE ORCHARD
15. THE RESTORATION GARDEN
16. GABRIELLA
17. DAFFODIL HILL
18. DAFFODILS AND DAYLILIES

Gardens
Like Friends
Give Us Joy

BETH • GENIE • JOIE • KRIS
PATTY • PRISCILLA
JULY 27, 2007

