



TOWN OF MIDDLEBURY

Planning & Zoning Commission

1212 Whittemore Road

Middlebury, Connecticut 06762

(203) 577-4162 ph

(203) 598-7640 fx

December 7, 2023

REGULAR MEETING

MINUTES

Regular Members

William Stowell, Vice Chairman

Erika Carrington

Matthew Robison

Regular Members Absent

Terry Smith, Chairman

Joseph Drauss

Alternate Members

Paul Anderson

Gerald Lukowski

Alternate Members Absent

Frank Mirovsky

Also Present

John Calabrese, P.E.

Curtis Bosco, Zoning Enforcement Officer

Attorney Gail McTaggart

CALL TO ORDER

The Vice Chairman called the Regular Meeting to order at 7:09 p.m. The late start was due to technical difficulties with the Zoom application.

ROLL CALL AND DESIGNATION OF ALTERNATES

Vice Chairman Stowell named regular members Stowell, Carrington and Robison and alternate members Anderson and Lukowski as present. Regular members Smith and Drauss and alternate member Mirovsky was absent. The Vice Chairman appointed alternate member Paul Anderson to sit in place of regular member Terry Smith; and appointed alternate member Gerry Lukowski to sit in the place of Joseph Drauss for this meeting.

Vice Chairman Stowell stated that the Metro Realty Management applicant would not be presenting at the meeting tonight and has requested an extension to do so on January 4, 2024.

PUBLIC HEARINGS

Attorney Edward G. Fitzpatrick for Southford Park, LLC/764 Southford Road, Middlebury, CT 06762 – Application for a Text Change regarding Height in LI-200 Zone pursuant to Sec. 42.2 of the Regulations (Application #23-58Z)

Vice Chairman Stowell called this public hearing to order at 7:10 p.m. Regular members Stowell, Robison and Carrington were named as well as alternate members Anderson and Lukowski as present. The Vice Chairman appointed alternate member Paul Anderson to sit in place of regular member Terry Smith; and appointed alternate member Gerry Lukowski to sit in the place of Joseph Drauss for this meeting.

The Vice Chairman read aloud the legal notice, dates of publication and name of newspaper in which the notice was placed.

The Vice Chairman read the names of people who sent written correspondence regarding Southford Park Applications to the P&Z prior to close of business on December 7th and he announced they would be placed on file.

- Robyn Wright
- Thomas Rice
- Neil Cybart
- Andrew Mirchin
- Joseph P. Puzzo
- Barbara Merklen
- Rebecca Spencer

The Vice Chairman stated that a report from Hiram Peck and John Calabrese and other correspondence regarding this matter would be available in the Land Use Office for review.

Attorney Edward Fitzpatrick of 203 Church Street, Suite 4, Naugatuck, CT 06770 spoke on behalf of the applicant, Southford Park, LLC and presented an application for a text change regarding height in LI-200 zone pursuant to Section 42.2 of the Middlebury Zoning Regulations (MZA) (Application #23-58Z).

At this time, Attorney Fitzpatrick submitted a copy of an email into the record sent from him to Attorney Gail McTaggart with the names of the members and managers of Southford Park, LLC.

Attorney Fitzpatrick was seeking a text amendment application from the current height of 35 feet to a maximum height of 44 feet. They are seeking a height change of 42 feet. Attorney Fitzpatrick said that this text amendment is consistent and supported by the Town's Plan of Conservation and Development, Attorney Fitzpatrick presented those specific goals and objectives in the current POCD they feel support and are consistent with the application for the text amendment to increase height in the LI200 zone. The statute does set forth the standards to adopt amendments to regulations.

Attorney Fitzpatrick submitted a copy of the goals and objectives the Middlebury POCD that pertain to this project that support the application for the text change.

Attorney Fitzpatrick also discussed letters of approval from WPCA, Patrick Deely, Police Chief of Middlebury, Brett Kales, Fire Chief, Brian Proulx, Fire Marshal, the Conservation Commission and Justin Rompre, Registered Sanitarian with the Torrington Health District of this in reference to this change in height request.

Anthony Iacovino, Architect presented a lengthy group of architectural perspectives and drawings including several animations including the required interior heights for modern warehousing; which are also on file at the Land Use Office.

The Chairman allowed members of the public to voice their concerns:

- Susan Striker, 189 Ridgewood Drive, questioned ratio between trees and the building.
- Walt Johnson, Hemlock Lane questioned the distance between the closest proposed residence and the smaller proposed industrial building. Ryan McEvoy, Professional Engineer answered that proposed building A1 to the closest proposed residential building is 400+ feet away and to proposed building A2 240+ feet away. Distance to existing residential buildings if 1300 to 1600 feet (plus or minus).
- John Pollard, 197 Chesham Drive, read from a prepared statement regarding his opinion on the purchasing of commercial property.
- Joe Hudach, 46 Atwood Street, voiced his concerned about the removal of trees on the property.
- Susan Striker spoke again to present pictures of fast-food restaurants.

Erika Carrington MOTIONED to close the public hearing at 9:05 p.m., SECONDED by Matt Robison. The motion passed unanimously.

Attorney Edward G. Fitzpatrick for Southford Park, LLC/764 Southford Road, Middlebury, CT 06762 – Application for Site Plan Approval (Application #23-59Z) (Continued)

And public hearing:

Attorney Edward G. Fitzpatrick for Southford Park, LLC/764 Southford Road, Middlebury, CT 06762 – Application for a Special Exception for an Excavation and Grading Permit pursuant to Sec. 64 of the Regulations (Application #23-60Z) (Continued)

Vice Chairman Stowell called this public hearing to order at 8:06 p.m. Regular members Stowell, Robison and Carrington were named as well as alternate members Anderson and Lukowski as present. The Vice Chairman appointed alternate member Paul Anderson to sit in place of regular member Terry Smith; and appointed alternate member Gerry Lukowski to sit in the place of Joseph Drauss for this meeting.

The Vice Chairman read aloud the legal notice, dates of publication and name of newspaper in which the notice was placed.

Attorney Fitzpatrick presented: Site Plan Approval of Southford Park, LLC./764 Southford Road, Middlebury, CT. In addition, Attorney Fitzpatrick introduced his statement of use (on file in Land Use Office) with several other letters of approval, on file in the Land Use office.

David Sullivan from SLR International Corporation demonstrated a.m. and p.m. traffic flows.

Scott Hesketh gave a peer review report at the request of the Town of Middlebury. Based on his report, the proposed warehouse development has a lower average daily, morning and afternoon peak hour generation than the existing office development. Per his independent report, Hesketh said that approval of the proposed site plan would therefore likely result in a reduction in peak hour volumes on local roadways, with the possible exception of a portion of Southford Road between Christian Road and the proposed site driveway, which may experience slightly higher volumes due to the relocation of the site driveway from Christian Road to Southford Road and that the information provided is in general conformance with accepted engineering practices.

John Pruchnicki, Coastal Carriers of Connecticut and board member of the Motor Transport of New England presented his opinion on large tractor trailers and the type of GPS navigation and the precedence followed with regards to the driving protocols used by drivers of tractor trailer vehicles.

Ryan McEvoy, P.E. (SLR, 99 Realty Drive, Cheshire, CT 06410) gave a presentation on site plan updates. The latest updates are located in the land use office and can be reviewed by the public.

John Calabrese presented his engineering review of the Site Plan and another for Section 64 Excavation and Grading. These reports are on file at the land use office. Mr. Calabrese confirmed that his recommendations had been implemented in the latest report.

Attorney Fitzpatrick placed into the record an air quality report dated December 4, 2023 by Tom Damiana, Principal Air Quality Engineer at SLR Consulting. The report indicates that Southford Park development is not expected to have enough emissions to be a concern to the maintenance of existing air quality.

Damien Bell, Sound Engineer for SLR International Corporation present a sound study at the request of Southford Park, LL for the Southford Park warehouse project in Middlebury, CT. The sound levels in the report at attributable to daily onsite vehicular traffic and rooftop mechanical equipment were calculated at locations representative of neighboring residence using an industry standard sound modeling program.

Per SLR, typical sound level attributable to the proposed warehouse are expected to be well below the applicable State of Connecticut Nighttime noise standard. SLR also conducted an ambient sound measurement survey from Thursday, November 2 to Monday, November 6, 2023. Two unattended monitors were deployed on the project site. Given the lack of nighttime insect noise, measured ambient sound levels are likely lower than conditions which exist during warmer months. The attached Sound Study for Southford Park, LLC provides great detail.

David Herbst, MAI of Kerin & Fazio, LLC presented a neighborhood study for the two proposed warehouses at 754 Southford Road. Based on that analysis, it is the opinion of Kerin & Fazio, LLC that the proposed warehouses will have no negative impact on the market value of neighboring properties and will not change the character of the subject's neighborhood.

The data, analyses and conclusions in support of this opinion are contained in the report which is available for review in the land use office.

The following residents voiced their concerns and opposition to the above-mentioned reports:

Michael Dooling, North Street expressed concerns about the traffic study and the comparison of cars and tractor trailers.

Diana Anton, 27 Kelley Road expressed concern about traffic at Strongtown Road.

Robert Nerney, 414 Longmeadow Road asked that the public hearing be continued because the Commission members are just receiving information to be reviewed.

Edwin Durgy, Kelley Road submitted his written report regarding warehousing.

Pat DiFrancesco, 369 Three Mile Road questioned the traffic study and property values.

Don Andrew, 21 Avalon Drive said that site plan application did not show the right amount of tree coverage. And questioned recent residential sales.

Dana Shepard, 302 Hemlock Lane discussed her concerns about truck traffic, size and speed.

Gary Klein, Avalon Farms recapped findings from the Architectural Review Board's determination of the architectural plans submitted and that Board's request that the application be denied by Planning & Zoning.

Mahesh Dodia, 151 Judd Hill Road expressed his concern about the peer review data on the traffic study, about the site review rendering (second driveway), concern about the end user and traffic on 188, wetlands, energy and power.

Joe Puzzo, 42 Avalon Drive referenced the recent election and vote by the board of the Selectman. He feels that the report submitted by the Economic Development Commission.

Katie Martin, 4 Nantucket Way at the November 20, 2023 Board of Selectmen meeting the Board took a vote against the distribution center.

Larry Janesky, 725 Breakneck Hill Road expressed concern over the traffic study and would prefer to see the Timex building left standing as it is.

Joe Hudach, 46 Atwood Street expressed concern on groundwater and wetlands.

Damien Bell and Brian McEvoy returned to the podium to address some of the concerns of the above-mentioned residents.

Commissioners Carrington, Anderson and Lukowski asked questions regarding traffic and sound.

Attorney Gail McTaggart read aloud Section 182 which can be found within the 2022 Connecticut Budget. Attorney McTaggart requested an extension of time to render a decision on the application by Southford Park, LLC.

Attorney McTaggart explained the statute concerning the following applications:

Site Plan

This is an administrative approval. It reviews the standards in the regulations. If they are met it is supposed to be approved. The Commission cannot place conditions on site plans.

Special Exception – Excavation and Grading

A traffic study is required. These are two separate applications. The Courts have ruled that when a use is permitted in the zone, and the requirements are met as determined by the Commission than it is supposed to be approved. The Commissions may place conditions on special exceptions as described in the zoning regulations.

Zone Change

This is discretionary and is a legislative act of the Commission and should follow the POCD.

Attorney McTaggart further explained to the Commission that the traffic study peer review is permitted by ordinance and the third party was carefully selected with assistance from her and the Town Engineer. There was a lot of effort in finding someone without a conflict of interest.

Lawrence Janesky/Artillery Road – Application subdivision modification (Application #23-65Z)

Vice Chairman Stowell called this public hearing to order at 10:33 p.m. Regular members Stowell, Robison and Carrington were named as well as alternate members Anderson and Lukowski as present. The Vice Chairman appointed alternate member Paul Anderson to sit in place of regular member Terry Smith; and appointed alternate member Gerry Lukowski to sit in the place of Joseph Drauss for this meeting.

The Vice Chairman read aloud the legal notice, dates of publication and name of newspaper in which the notice was placed.

Larry Janesky presented his application and the reason that it is centered around relocating the Rochambeau monument.

Town Attorney Dana D'Angelo stated that the purpose of the hearing was to consider the open space issue from the subdivision approval.

Eric Conroy, 255 Artillery Road opposed any change.
Edwin Derby, Kelley Road spoke in favor.
George Gabrielson, 217 spoke in favor of the change.
Robert Rafford, Town Historian spoke in favor.

The Vice Chairman referred this matter to the Land Preservation & Open Space Commission for review.

A MOTION was made by Paul Anderson to close the public hearing at 10:33 p.m. SECONDED by Gerry Lukowski for Lawrence Janesky/Artillery Road – Application for a subdivision modification (Application #23-65Z) The MOTION passed unanimously.

Parkland Estates Homeowners Association Inc./Park Road – Application for a subdivision modification (Application #23-66Z)

Vice Chairman Stowell called this public hearing to order at 10:57 p.m. Regular members Stowell, Robison and Carrington were named as well as alternate members Anderson and Lukowski as present. The Vice Chairman appointed alternate member Paul Anderson to sit in place of regular member Terry Smith; and appointed alternate member Gerry Lukowski to sit in the place of Joseph Drauss for this meeting.

The Vice Chairman read aloud the legal notice, dates of publication and name of newspaper in which the notice was placed.

Attorney Frank Pilicy for the applicant explained that the reason for the application which was originally approved in 2007 is to transfer ownership currently under a home owners association to the Town of Middlebury.

John Calabrese, consulting engineer offered that his review would be forthcoming.

Attorney D'Angelo explained that the subdivision had already been approved, and that this would be a modification.

A MOTION was made by Matt Robison SECONDED by Paul Lukowski; to continue this Parkland Estates Homeowners Association, Inc./Park Road – Application for a subdivision modification (Application #23-662) hearing to January 4, 2023. The MOTION passed unanimously.

Middlebury Planning & Zoning Commission – on its own initiative, in accordance with Public Act 23-142, proposing text amendments to Sections 21.1 and 21.2 regarding day nurseries

Vice Chairman Stowell called this public hearing to order at 11:04 p.m. Regular members Stowell, Robison and Carrington were named as well as alternate members Anderson and Lukowski as present. The Vice Chairman appointed alternate member Paul Anderson to sit in place of regular member Terry Smith; and appointed alternate member Gerry Lukowski to sit in the place of Joseph Drauss for this meeting.

The Vice Chairman read aloud the legal notice, dates of publication and name of newspaper in which the notice was placed.

Curtis Bosco, Zoning Enforcement Officer explained that this initiative was referred to the Council of Governments and all proper notices were filed. Attorney D'Angelo explained that in accordance with Public Act 23-142 proposing text amendments to Section 21.1 and 21.2 regarding day nurseries.

There were no questions or comments from the Commissioners.

A MOTION was made by Erika Carrington and SECONDED by Gerald Lukowski to close the public hearing at 11:08 p.m. on Middlebury Planning & Zoning Commission on its own initiative, in accordance with Public Act 23-142, proposing Text Amendments to Sections 21.1 and 21.2 regarding Day Nurseries. The MOTION passed unanimously.

Kyle P. Richards for Metro Realty Management Corp./124 Kelly Road – Application for a Zone Text Change to add Section 28 Planned Rental Housing Development Overlay District to the Regulations (Application #23-67Z)

Kyle P. Richards for Metro Realty Management Corp./124 Kelly Road - Zone Map Change Application to change from the current LI-80/R-4/PRD to Section 28 Planned Rental Housing Development Overlay District (Application #23-68Z)

Vice Chairman Stowell called this public hearing to order at 11:09 p.m. Regular members Stowell, Robison and Carrington were named as well as alternate members Anderson and Lukowski as present. The Vice Chairman appointed alternate member Paul Anderson to sit in place of regular member Terry Smith; and appointed alternate member Gerry Lukowski to sit in the place of Joseph Drauss for this meeting.

The Vice Chairman read aloud the legal notice, dates of publication and name of newspaper in which the notice was placed.

The Vice Chairman read a letter from this applicant requesting this hearing to be continued to January 4, 2024 at 7:00 p.m.

A MOTION was made by Erika Carrington and SECONDED by Paul Anderson to defer the public hearing for Kyle P. Richards for Metro Realty Management Corp./124 Kelly Road – Application for a Zone Text Change to add Section 28 Planned Rental Housing Development Overlay District to the Regulations (Application #23-67Z) to January 4, 2024 at 7:00 p.m. The MOTION passed unanimously.

Diana Anton voiced displeasure that this public hearing was delayed.

Discussion of the Minutes of the Regular Meeting held on November 2, 202

A MOTION was made by Matt Robison and SECONDED by Paul Anderson to approve the minutes of the regular Planning & Zoning meeting held on November 2, 2023. The MOTION passed unanimously. There was no discussion.

Old Business

Jad Harb, JTH Builders, LLC/Washington Drive – Application for an 11-Lot Subdivision on 60.135 acres, Sycamore Place (Application #23-42Z)

Vice Chairman Stowell called this public hearing to order at 11:04 p.m. Regular members Stowell, Robison and Carrington were named as well as alternate members Anderson and Lukowski as present. The Vice Chairman appointed alternate member Paul Anderson to sit in place of regular member Terry Smith; and appointed alternate member Gerry Lukowski to sit in the place of Joseph Drauss for this meeting.

The Vice Chairman read aloud the legal notice, dates of publication and name of newspaper in which the notice was placed.

Luke Sofair appeared on behalf of the applicant and stated that all requirements were met to the satisfaction of the Town Attorney.

A MOTION was made by Erika Carrington to approve the application of Jad Harb, JTH Builders, LLC/Washington Drive – Application for an 11-Lot Subdivision on 60.135 acres, Sycamore Place (Application #23-42Z); SECONDED by Matt Robison as per the attached Resolution. The MOTION passed unanimously.

Attorney Edward G. Fitzpatrick for Southford Park, LLC/764 Southford Road, Middlebury, CT 06762 – Application for a Text Change regarding Height in LI-200 Zone pursuant to Sec. 42.2 of the Regulations (Application #23-58Z)

Discussion of the Application made by Attorney Edward G. Fitzpatrick for Southford Park, LLC/764 Southford Road, Middlebury, CT 06762 – Application for a Text Change regarding Height in LI-200 Zone pursuant to Sec. 42.2 of the Regulations (Application #23-58Z) is TABLED to January 4, 2024 at 7:00 p.m.

Attorney Edward G. Fitzpatrick for Southford Park, LLC/764 Southford Road, Middlebury, CT 06762 – Application for a Special Exception for an Excavation and Grading Permit pursuant to Sec. 64 of the Regulations (Application #23-60Z)

Discussion of the Application made by Attorney Edward G. Fitzpatrick for Southford Park, LLC/764 Southford Road, Middlebury, CT 06762 – Application for a Special Exception for an Excavation and Grading Permit pursuant to Sec. 64 of the Regulations (Application #23-60Z) is TABLED to January 4, 2024 at 7:00 p.m.

Lawrence Janesky/Artillery Road – Application for a subdivision modification (Application #23-65Z)

Discussion of the Application made by Lawrence Janesky/Artillery Road – Application for a subdivision modification (Application #23-65Z) is TABLED to January 4, 2024 at 7:00 p.m.

Parkland Estates Homeowners Association, Inc./Park Road - Application for a subdivision modification (Application #23-66Z)

Discussion of the Parkland Estates Homeowners Association, Inc./Park Road - Application for a subdivision modification (Application #23-66Z) is TABLED to January 4, 2024 at 7:00 p.m.

Middlebury Planning & Zoning Commission - on its own initiative, in accordance with Public Act 23-142, is proposing Text Amendments to Sections 21.1 and 21.2 regarding Day Nurseries

A MOTION was made by Erika Carrington and SECONDED by Gerald Lukowski by the Middlebury Planning & Zoning Commission - on its own initiative, in accordance with Public Act 23-142, is proposing Text Amendments to Sections 21.1 and 21.2 regarding Day Nurseries to adopt this proposed change as per the attached Resolution. The MOTION passed unanimously.

Kyle P. Richards for Metro Realty Management Corp./124 Kelly Road – Application for a Zone Text Change to add Section 28 Planned Rental Housing Development Overlay District to the Regulations (Application #23-67Z) 18

Kyle P. Richards for Metro Realty Management Corp./124 Kelly Road - Zone Map Change Application to change from the current LI-80/R-4/PRD to Section 28 Planned Rental Housing Development Overlay District (Application #23-68Z)

Discussion on the application made by Kyle P. Richards for Metro Realty Management Corp./124 Kelly Road – Application for a Zone Text Change to add Section 28 Planned Rental Housing Development Overlay District to the Regulations (Application #23-67Z) was TABLED to January 4, 2024 at 7:00 p.m.

Discussion on the application made by Kyle P. Richards for Metro Realty Management Corp./124 Kelly Road - Zone Map Change Application to change from the current LI-80/R-4/PRD to Section 28 Planned Rental Housing Development Overlay District (Application #23-68Z) was TABLED to January 4, 2024 at 7:00 p.m.

New Business

Craig Laaman/Wiggles Pet Resort/1082 Southford Rd. - Application for Site Plan Approval for 13,120 square foot commercial building for canine services (Application #23-89Z)

Sean Quinlan from Civil One Engineering gave a brief presentation and presented site plans to the Commission. Additionally, he presented a statement of use. Hugh Sullivan, Architect informed the Commission that they received approval from the Architectural Review Board for the site.

This application was referred to John Calabrese, the Town's consulting engineer.

A MOTION was made by Paul Anderson and SECONDED by Erika Carrington to accept the Application made by Craig Laaman/Wiggles Pet Resort/1082 Southford Rd. Application for Site Plan Approval for 13,120 square foot commercial building for canine services (Application #23-89Z) and no public hearing is required and the discussion is continued to January 4, 2024. The MOTION passed unanimously.

Gregory Barnes – Informal discussion regarding activities in vineyards

Mr. Barnes was not present.

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

None

Enforcement Report

Curtis Bosco, Zoning Enforcement Officer informed the Commission members that members of the Zoning Board of Appeals and Planning and Zoning Commission would be required to take four hours of State mandated training (online). This training must be completed by January 1, 2024. He informed that Commission that they would receive an email link in order to complete the training. Each member can self-certify by notarized statement.

Mr. Bosco also informed the Commission members that they would be subject to ramifications for failure to complete this training by January 1, 2024.

Adjournment

Erika Carrington MOTIONED to adjourn the meeting at 11:34 p.m., SECODED by Gerald Lukowski. This MOTION passed unanimously.

These minutes are submitted subject to approval.

Respectfully submitted,

Barbara J. Whitaker

Barbara J. Whitaker
Recording Clerk

cc: Brigitte Bessette, Town Clerk
Members of the Planning & Zoning Commission
Paul Bowler, Chairman – Conservation Commission
Mark Lubus, Building Official
Curtis Bosco, Zoning Enforcement Officer
Linda Herrmann, Chairman – Zoning Board of Appeals
Attorney Dana D'Angelo
Robert Rubbo, Director of Health – Torrington Health District


SUBDIVISION/RESUBDIVISION RESOLUTION

Upon motion by Commissioner Robison, seconded by Commissioner Carrington, it was voted on December 7, 2023 to approve the application of Jad Harb, JTH Builders, LLC for an 11 Lot Subdivision located on Sycamore Place and Washington Drive, Middlebury, Connecticut, for lots to be known as Sycamore Place and as shown on Record Subdivision Map entitled "Record Subdivision Map, Sycamore Place, Washington Drive, Middlebury, Connecticut and prepared by JPGA John Paul Garcia and Associates, P. C. 190 Fairwood Road, Bethany, Connecticut and dated, 5/25/23, revised through 11/17/23" all subject to the following conditions:

- a) Signing of the Map by the Planning & Zoning Commission Chairman;
- b) Signing of the Map by the Town Health Officer;
- c) Providing bond satisfactory to the Board of Selectmen for setting of all monuments required to be set and for any other work deemed by them to require bonding;
- d) Signing of the Map by the First Selectman;
- e) Signing of the Map by the Conservation Commission Chairman;
- f) Compliance with Section 3.9 & 3.10 of the Subdivision Regulations for the Town of Middlebury.

If the above conditions and or modifications are complied with within 90 days of this decision, the Chairman is authorized to sign the Map. Otherwise, the application is to be considered disapproved and denied.

Attest



William Stowell,

Acting Chairman, Middlebury Planning & Zoning Commission

Middlebury Planning & Zoning Commission

MIDDLEBURY PLANNING & ZONING COMMISSION ON ITS OWN INITIATIVE IN ACCORDANCE WITH PUBLIC ACT 23-142 - TEXT AMENDMENT TO AMEND THE ZONING REGULATIONS, SPECIFICALLY §21.1 AND §21.2, DAY NURSERIES:

WHEREAS: The Middlebury Planning & Zoning Commission has initiated a Text Amendment Application to amend the Zoning Regulations, specifically §21.1 & §21.2 in accordance with the requirements of Public Act 23-142.

WHEREAS: On Thursday, December 7, 2023 at the Shepardson Community Center, 1172 Whittemore Road, Middlebury, CT at 7:00 p.m. a properly noticed Public Hearing was held to receive and consider information from the Public.

WHEREAS: The Planning & Zoning Commission considered the proposed application and all documents submitted by the applicant as well as a Staff Referral Report from the Naugatuck Valley Council of Government Regional Planning Commission.

WHEREAS: The Planning & Zoning Commission finds that the Proposed Text Amendments to §21.1 & §21.2 of the Zoning Regulations complies with Public Act 23-142.

NOW THEREFORE BE IT RESOLVED that the Middlebury Planning & Zoning Commission APPROVES the text amendment as proposed.

Dated this 7th day of December, 2023.

Attest



William Stowell,
Acting Chairman, Middlebury Planning & Zoning Commission