



## **TOWN OF MIDDLEBURY**

*Planning & Zoning Commission*

*1212 Whittemore Road*

*Middlebury, Connecticut 06762*

*(203) 577-4162 ph*

*(203) 598-7640 fx*

**February 3, 2022**

**REGULAR MEETING**

**MINUTES**

**REGULAR MEMBERS PRESENT**

Terry Smith, Chairman

William Stowell

Matthew Robison

Erika Carrington

Joseph Drauss

**REGULAR MEMBERS ABSENT**

**ALTERNATE MEMBERS PRESENT**

Paul Anderson

**ALTERNATE MEMBERS ABSENT**

Kevin Zupkus

**ALSO PRESENT**

John Calabrese, P.E.

Curtis Bosco, Z.E.O.

**CALL TO ORDER**

Chairman Smith called the Regular Meeting to order at 7:02 p.m.

**ROLL CALL AND DESIGNATION OF ALTERNATES**

Chairman Smith announced Regular Members Smith, Stowell, Robison, Carrington & Drauss and Alternate Member Anderson as present. Alternate Member Zupkus was absent.

## **PUBLIC HEARINGS**

### **1. 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**

### **2. 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**

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

Discussion was tabled.

## **NEW BUSINESS**

4. **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)**
5. **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)**

Attorney Bernard Pellegrino of 475 Whitney Avenue, New Haven, CT 06511 spoke on behalf of the applicant. The two (2) applications for a text amendment to Section 22 is to add said parcels as eligible areas for the PRD and a corresponding map amendment to amend the zoning map to make the parcels part of the R-40/PRD which it abuts in town. He acknowledged that both require a Public Hearing.

**Motion:** to set a Public Hearing for the two (2) items for March 3, 2022. Made by William Stowell, seconded by Matthew Robison. Unanimous Approval.

6. **Ter Geo LLC/896 Middlebury Rd – Application for Site Plan Revision (Application #2022-1-3)**

Matthew Robison recused himself from the application.

Chairman Smith appointed Alternate Member Paul Anderson to act in place of Regular Member Matthew Robison.

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the applicant. In December of 2020, approval was granted by this Commission for both a text amendment and a map change creating the RT (Residential Transition) Zone. In September of 2021 approval was granted for a Special Permit for this building to add a 2<sup>nd</sup> story (3,700 sq. ft.) and a 2-car garage in the rear to convert it to office spaces for Mr. Antonacci's companies and possibly his father's law office. Since then, it came to their attention that the slab that the building is on had sunk in the past which resulted in engineering issues. Upon recent review by a structural engineer, it was determined that the slab would most likely be adequate however, the walls themselves may not support a 2<sup>nd</sup> floor without putting in a steel skeleton to offer support. Due to the expense and the questionable ability to do so, they are proposing to ament the approval by removing the

2<sup>nd</sup> story, adding a 3-car garage (1,800 sq. ft.) in the rear as opposed to a 2-car garage (1,181 sq. ft.). Wetlands approval was granted on January 25, 2022. He provided renderings of the proposed buildings for the Commission's review.

Chairman Smith questioned if the lighting was changing.

Scott Meyers, P.E. & L.S. with Meyers Associates P.C. confirmed that the layout of the lighting plan will remain the same.

Russell Antonacci stated that the lights on the renderings are different than the originally approved lighting. He went on to add that he is not committed to the lights on the new renderings and that the architect just used them for this evening's meeting but is flexible.

Chairman Smith declared that if this Commission were to approve this application that they would do so with the condition that the lighting is acceptable to the town engineer and Z.E.O.

Attorney McVerry confirmed that it would not be a problem.

Chairman Smith pointed out that the signs have but acknowledged that they do comply with the regulations.

**Motion:** to approve the application for a Site Plan Revision with the condition that any lighting changes be approved by the Town Engineer & Z.E.O. Made by William Stowell, seconded by Erika Carrington.

**Discussion:**

Joseph Drauss questioned the number of parking spaces.

Chairman Smith replied that there are 23 spaces (including 2 handicap), while 18 are required.

Matthew Robison recused. Unanimous Approval.

**7. 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)**

Emily Jones, P.E. with Civil 1 Engineering in Woodbury, CT spoke on behalf of the applicant. The property is located on the west side of Route 63, just down from Maples Restaurant headed towards Naugatuck and is approximately 3.9 acres in size and has an

existing single-family residence. Most of the lot is wooded, is quite steep and has a wide Eversource easement through the southern portion of the property. This proposal, which was approved in 2006 and has since lapsed, is basically the same and the applicant would like to get them renewed. 27,550 square foot 2-story retail and office building with parking and drainage. There is no sanitary sewer or water. Therefore, they will need a private well and plan to extend the sanitary sewer approximately 500 feet up Straits Turnpike. The current application is for the Site Plan and for a Special Exception due to the size of the building and understands that a Public Hearing is required. She also stated that the applicant is not asking for a Special Exception for the earthwork application, but acknowledged that they would need to return to this Commission for approval. She plans to make a few small changes on the plans to the storm drainage and will get the revised plans to the town engineer and Z.E.O. as soon as possible.

**Motion:** to set a Public Hearing for March 3, 2022. Made by Joseph Drauss, seconded by Erika Carrington. Unanimous Approval.

Chairman Smith requested that all of the changes from the original approval be pointed out during the public hearing as well as architectural.

### **OTHER BUSINESS**

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

None

#### **9. Enforcement Report**

Curtis Bosco, Z.E.O. reviewed the status of various ongoing noncompliance issues throughout town.

Chairman Smith informed the members that Hiram Peck will attend the March 3, 2022 meeting in anticipation of setting a Public Hearing for the cannabis regulation change.

Curtis Bosco, Z.E.O. added that accessory apartments will become the rule as a matter of right by October, unless action is taken.

Chairman Smith suggested that the Commission take part in a workshop with Hiram Peck to go over the draft of the Regulations. He also expects him to discuss the affordable housing requirement during the March 3, 2022 meeting.

Curtis Bosco, Z.E.O. stated that Kyle Richards of The Metro Realty Group would like an opportunity to address the commission with respect to affordable housing. The town hall is expected to launch their new online services on February 14, 2022.

#### **10. Adjournment**

**Motion:** to adjourn the meeting at 7:58 p.m. Made by Joseph Drauss, seconded by Matthew Robison. Unanimous Approval.

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