



TOWN OF MIDDLEBURY

Planning & Zoning Commission

1212 Whittemore Road

Middlebury, Connecticut 06762

(203) 577-4162 ph

(203) 598-7640 fx

May 4, 2023 REGULAR MEETING MINUTES

REGULAR MEMBERS PRESENT

Terry Smith, Chairman
William Stowell, Vice Chairman
Matthew Robison
Erika Carrington

REGULAR MEMBERS ABSENT

Joseph Drauss

ALTERNATE MEMBERS PRESENT

Frank Mirovsky
Paul Anderson
Gerald Lukowski

ALTERNATE MEMBERS ABSENT

ALSO PRESENT

John Calabrese, P.E. (arrived @ 7:09 p.m.)
Curtis Bosco, Z.E.O. (arrived @ 7:12 p.m.)

CALL TO ORDER

Chairman Smith called the Regular Meeting to order at 6:59 p.m.

ROLL CALL AND DESIGNATION OF ALTERNATES

Chairman Smith announced Regular Members Smith, Stowell, Robison & Carrington and Alternate Members Anderson, Lukowski & Mirovsky as present. Regular Member Drauss was absent. He appointed Alternate Anderson to act in place of absent Regular Member Drauss.

PUBLIC HEARING

1. 1365 LLC/1321 West Street-Application for a Zoning Map Change from R-40 to CA-40 (Application #2022-12-2)(Continued)

Chairman Smith announced that a letter of withdrawal, dated May 2, 2023, was received from Attorney Michael McVerry on behalf of the applicant.

MINUTE APPROVAL

2. Discussion of the Minutes of the Regular Meeting held on April 6, 2023

Chairman Smith appointed Alternate Member Lukowski to act in place of absent Regular Member Drauss solely for this agenda item due to the fact that Paul Anderson was not present for said meeting.

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

OLD BUSINESS

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

4. 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)

Chairman Smith chose to address the two (2) above referenced agenda items simultaneously.

Emily Jones, P.E. with Civil 1 Engineering in Woodbury, CT spoke on behalf of the applicant, GB Middlebury, LLC. At the April 6, 2023 public hearing, the commission made some requests to add into the plans. She did incorporate all of their requests into the revised plans and reviewed the following with the commission:

- Additional landscaping was added at the bottom with a staggered double row of green giant arborvitaes. Additional plantings were also added to the top of the hill;
- The dumpster was relocated between the two (2) buildings further from the residential zone and will be utilized for both buildings;

- A handicap parking spot was added in the front of the visitor parking;
- A gravel access drive was added to the detention basin in the area of the sediment forebay to allow for easy maintenance and cleanup;
- The lighting on the site has been lowered to a maximum of 12' high poles and the wall packs on the lights have been moved away so that they are not positioned directly over the overhead doors. Due to lowering the lights, one (1) light was added;
- The change in the construction hours were noted on the last sheet of the plans for limited hours on Saturday and no activity on Sunday.

Chairman Smith thanked her for addressing all of the requests.

Motion: to approve the application per the attached Resolution for GB Middlebury, LLC/80 Turnpike Drive – Application for a Site Plan – (Application #2022-11-2). Made by William Stowell, seconded by Erika Carrington. Unanimous Approval.

Chairman Smith questioned if the 1000 yards would be imported or exported.

Emily Jones, P.E. replied that they would be exported.

Chairman Smith added that the landscape bond will also be considered a restoration bond if they do not build the building.

Emily Jones, P.E. expressed her understanding.

Motion: to approve the application per the attached Resolution for GB Middlebury, LLC/80 Turnpike Drive – Application for a Special Exception for Section 64 Excavation & Grading – (Application #2022-11-3). Made by Erika Carrington, seconded by Paul Anderson. Unanimous Approval.

Chairman Smith questioned when the applicant planned to commence construction.

Brian Godin responded that they hope to begin this year.

5. 1365 LLC/1321 West Street-Application for a Zoning Map Change from R-40 to CA-40 (Application #2022-12-2)

Application was withdrawn without prejudice per the request of the applicant. See agenda item #1.

NEW BUSINESS

6. 1365 LLC/1383 West Street-Application for a Site Plan Modification (Application 23-11Z)

Chairman Smith stated that the applicant is seeking approval to put in a pad with a pizza oven.

Dean Yimoyines added that the proposed pad would be under 100 sf. and pushed out on the backside corner of the kitchen.

Motion: to approve the application. Made by William Stowell, seconded by Matthew Robison. Unanimous Approval.

7. 1365 LLC/1321 West Street-Application for a Text Amendment to create a Bed & Breakfast use (Application 23-21Z)

Attorney Michael McVerry of 35 Porter Avenue spoke on behalf of the applicant and requested that a public hearing be scheduled for the July 6, 2023.

Motion: to set a Public Hearing for July 6, 2023. Made by Erika Carrington, seconded by Paul Anderson. Unanimous Approval.

Attorney McVerry added that he forwarded a copy to Attorney Dana D'Angelo, who indicated that she would send it to Hiram Peck of Plan Three.

OTHER BUSINESS

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

Chairman Smith stated that the governor's executive order for outdoor dining expired on April 30, 2023. He acknowledged that restaurants in town had outdoor dining that did not comply with the regulations. He expressed his understanding that the owners would like to continue to offer outdoor dining. For some, it is the only way their establishments survived. He suggested that they sit down with owners that had outdoor dining that did not comply to see what this commission can do to about changing the regulations to help them, yet still maintain the safety. He added that it may only involve three (3) restaurants: Meet Me Here, 8fifty, and Maples.

All agreed that it was a good idea.

Chairman Smith stated that he would have Curtis Bosco, Z.E.O. contact the owners in the hopes of having a workshop prior to one of the meetings.

9. Enforcement Report

None

10. Adjournment

Motion: to adjourn the meeting at 7:16 p.m. Made by Erika Carrington, seconded by Paul Anderson. Unanimous Approval.

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

RESOLUTION

Upon motion by Commissioner **Stowell**, seconded by Commissioner **Carrington**, it was voted **unanimously** to approve the application of **G.B. Middlebury** for a **Site Plan** located on **80 Turnpike Drive**, and as shown on Record Subdivision Map entitled **80 Turnpike Drive Overall Site Layout** and prepared by **Civil 1** and dated **October 7, 2022, Revised April 19, 2023.**

The commission specifically finds The Application:

1. is in compliance with the requirements of the Planning & Zoning Regulations 51.3.1;

The Application is subject to the following conditions/modifications:

- a) Providing bond satisfactory to the Commission and the Board of Selectmen;
- b) Posting of a landscape bond as determined by the Board of Selectmen;
- c) Signing of the Map by the First Selectman;
- d) Signing of the Map by the Conservation Officers;
- e) Compliance with Town Consultant's memos dated 1/24/23 and 4/2/23;
- f) Compliance with Town Engineer's memo dated 4-3-23.

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.

May 4, 2023

RESOLUTION

Upon motion by Commissioner **Carrington**, seconded by Commissioner **Anderson**, it was voted **unanimously** to approve the application of **G.B. Middlebury** for a **Special Exception Excavation & Grading Permit** located on **80 Turnpike Drive**, and as shown on Record Subdivision Map entitled **80 Turnpike Drive** and prepared by **Civil 1** and dated **October 7, 2022, Revised April 19, 2023.**

The commission specifically finds The Application:

1. is in compliance with the requirements of the Planning & Zoning Regulations 64;

The Application is subject to the following conditions/modifications:

- a) Providing bond satisfactory to the Commission and the Board of Selectmen;
- b) Posting of a landscape bond as determined by the Board of Selectmen;
- c) Signing of the Map by the First Selectman;
- d) Signing of the Map by the Conservation Officers;
- e) Compliance with Town Consultant's memo dated 4/2/23;
- f) Compliance with Town Engineer's memo dated 1-24-23.

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.

May 4, 2023