



## **TOWN OF MIDDLEBURY**

*Planning & Zoning Commission  
1212 Whittemore Road  
Middlebury, Connecticut 06762  
(203) 577-4162 ph  
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### **July 5, 2018 REGULAR MEETING MINUTES**

#### **REGULAR MEMBERS PRESENT**

Terry Smith, Chairman  
Matthew Robison  
Erika Carrington

#### **REGULAR MEMBERS ABSENT**

William Stowell, Vice Chairman  
Joseph Drauss

#### **ALTERNATE MEMBERS PRESENT**

Jeffrey Grosberg

#### **ALTERNATE MEMBERS ABSENT**

Paul T. Babarik

#### **ALSO PRESENT**

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

#### **CALL TO ORDER**

Chairman Smith called the Regular Meeting to order at 6:58 p.m.

#### **ROLL CALL AND DESIGNATION OF ALTERNATES**

Chairman Smith announced Regular Members Smith, Robison, & Carrington and Alternate Member Grosberg as present. Regular Members Stowell & Drauss and Alternate Member Babarik were absent. He appointed Alternate Member Grosberg to act in place of absent Regular Member Stowell.

## **PUBLIC HEARINGS**

### **1. Leavenworth P. Sperry, Jr./312 Park Road-Application for a Special Exception pursuant to Section 21.2.9 (Application #2018-6-1)**

Chairman Smith read the Legal Notice published in Voices on 6-20-18 & 6-27-18 for the record.

Attorney Curtis Titus spoke on behalf of Middlebury Land Trust. He stated that the reason for the application is to end the traffic danger on Straits Turnpike. The natural area together with the conservation easement, is approximately 172 acres in size. The entrance to it, off of Straits Turnpike, is on a curve and people have trouble entering and exiting. The Juniper Hill area extends up almost to Park Road and there is a piece of land with the conservation easement of approximately acres. This will allow them to put in eleven (11) gravel parking spaces behind the existing garage. The parcel includes a small house, which is in need of a little work, and garage. They will provide storage for records and the ability to hold meetings. To date, Middlebury Land Trust has protected 10% of the area of the town (owned or under conservation easement) which totals an estimated 1,913 acres. They have applied for membership in the National Land Trust Association which requires meticulous maintenance of records.

Erika Carrington agreed that the parking on Straits Turnpike is hazardous.

Chairman Smith questioned if there were plans to use the house or garage to put on major events.

Dr. Scott Peterson replied that major tented events are not expected. However, they do intend to offer hikes or other small scaled events like bird watching as the new thing in Land Trust is to connect with the public.

Matthew Robison questioned what efforts would be made to make the public aware that Straits Turnpike in no longer to be utilized.

Dr. Peterson stated that they would put up a sign and email their members.

**Motion:** to close the Public Hearing at 7:09 p.m. Made by Erika Carrington, seconded by Matthew Robison. Unanimous Approval.

## **MINUTE APPROVAL**

### **2. Discussion of the Minutes of the Regular Meeting held on June 7, 2018**

**Motion:** to approve the Minutes of the June 7, 2018 Regular Meeting as submitted. Made by Erika Carrington, seconded by Jeffrey Grosberg. Matthew Robison abstained from voting as he was not present at the meeting. Unanimous Approval.

## **OLD BUSINESS**

### **3. Leavenworth P. Sperry, Jr./312 Park Road-Application for a Special Exception pursuant to Section 21.2.9 (Application #2018-6-1)**

**Motion:** to approve the application per the attached Resolution. Made by Erika Carrington, seconded by Jeffrey Grosberg. Unanimous Approval.

### **4. Brookside Memorial-Review and possible action of proposed sign**

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 presented on behalf of Brookside Memorial. He reminded the Commission of their Special Exception approval in May of 2016 for a funeral home, crematory, cremation garden, columbarium and monument identification. At that point, they left open the question of a sign. In October of 2016, he discussed with this Commission the possibility of an oval sign and if it met the size requirements. It was determined that the oval sign was acceptable, however, nothing was ever done. Presently, they are up and operating and Attorney McVerry reviewed a proposed sign for the Commission's review. The sign will be approximately 8' 9" high from the ground and the free standing sign itself is about 18.95 square feet and will be placed out on the road which is shown on the original plans. They are considering it to be more of a directory sign due to the various uses within the site.

Chairman Smith confirmed that 25 square feet is allowed for directory signs.

Attorney McVerry added that all of the letters are in compliance and that they have an estimated 6 square feet of additional square footage if necessary.

Jeffrey Grosberg stated that as long as there is space for the future use, it should be deemed as a directory sign.

The remaining members of the Commission agreed and that it is compliance with the Regulations.

**NEW BUSINESS**

None

**OTHER BUSINESS**

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

None

**6. Enforcement Report**

Curtis Bosco, Z.E.O. confirmed that all members received his Enforcement Report.

Chairman Smith requested that a violation letter be sent to the owner of 252 White Avenue regarding the trailer in the yard. He also stated that the owners on Judd Hill Rd. who are doing some kind of therapy, are building a barn which he believes is not a residential use and that it should have been brought before this Commission.

Curtis Bosco, Z.E.O. indicated that he would make copies of the plans and get them to the members of the Commission.

Chairman Smith also asked Curtis Bosco, Z.E.O. to address the issue of donation boxes that are placed in any setback area.

Chairman Smith read a letter from Janis & Michael Carnaroli addressed to the First Selectman, Edward B. St. John expressing their gratitude for the work of those involved in their recent application.

**Motion:** to cancel the August 2, 2018 Regular Meeting. Made by Matthew Robison, seconded by Erika Carrington. Unanimous Approval.

**7. Adjournment**

**Motion:** to adjourn the meeting at 7:30 p.m. Made by Erika Carrington, seconded by Matthew Robison. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Clerk

Original to Edith Salisbury, Town Clerk

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

## SITE PLAN RESOLUTION

Upon motion by Commissioner Carrington, seconded by Commissioner Grosberg, it was voted unanimously to approve the application of Leavenworth P. Sperry for a Special Exception SITE PLAN located on 312 Park Road, and as shown on Record Subdivision Map entitled Improvement Location Survey Prepared for Leavenworth P. Sperry, Jr. Land at 312 Park Road Middlebury. and prepared by Smith & Company and dated September 26, 2017.

The Commission specifically finds The Application:

1. is in compliance with the requirements of the Panning & Zoning Regulations Section 21.2.9

The Application is subject to the following conditions/modifications:

- a) signing of the Map by the First Selectman;
- b) signing of the Map by the Conservation Officers.

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.

July 5, 2018