



TOWN OF MIDDLEBURY

*Planning & Zoning Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
(203) 577-4162 ph
(203) 598-7640 fx*

January 3, 2019 REGULAR MEETING MINUTES

REGULAR MEMBERS PRESENT

Terry Smith, Chairman
William Stowell, Vice Chairman
Erika Carrington arrived @ 7:01 p.m.
Matthew Robison
Joseph Drauss

REGULAR MEMBERS ABSENT

ALTERNATE MEMBERS PRESENT

Jeffrey Grosberg

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, Drauss, & Robison and Alternate Member Grosberg as present. Regular Member Carrington arrived at 7:01 p.m.

PUBLIC HEARINGS

1. JSD Partners Southford, LLC/1067 Southford Road – Application for a Special Exception for a sign (Application #2018-12-1)

Chairman Smith read the Legal Notice published in Voices on 12-19-18 & 12-26-18 for the record.

David Hughes, P.E. of 57 Norway Street, Oakville, CT 06779 spoke on behalf of the applicant. He stated that they are proposing a new free-standing sign for the Middlebury Consignment building. Last month, a detail and graphic image of the sign were submitted for consideration. The existing sign is eight (8) feet in height, thirty-six (36) square feet in area with six (6) to nine (9) inch lettering. The proposed sign is thirteen (13) feet in height, 67.1 square feet in area with eight (8) to thirteen (13) inch lettering. The sign will be on a stone faced landscaped planter with direct lighting. The colors and the description of services have yet to be finalized.

Joseph Drauss requested more detail about the lighting.

David Hughes, P.E. confirmed that it will contain direct lighting with a spotlight coming from the landscape area directed toward the sign. The existing sign is located in the street right-of-way and will be removed. The new sign will be placed in the area where the Trucking Museum sign currently sits which will ultimately be relocated elsewhere on the property. He added that they plan to remove one (1) dead tree and trim others.

Matthew Robison questioned the hardship required for the special exception.

Dean Yimoyines stated that the sight distance is the reason.

Motion: to close the Public Hearing at 7:07 p.m. Made by Matthew Robison, seconded by Joseph Drauss. Unanimous Approval.

MINUTE APPROVAL

2. Discussion of the Minutes of the Regular Meeting held on December 6, 2018

Motion: to approve the Minutes of the December 6, 2018 Regular Meeting as submitted. Made by William Stowell, seconded by Matthew Robison. Erica Carrington and Joseph Drauss abstained from voting as they were not present at said meeting. Unanimous Approval.

OLD BUSINESS

3. JSD Partners Southford, LLC/1067 Southford Road – Application for a Special Exception for a sign (Application #2018-12-1)

Motion: to approve the application as presented as the landscaping substantially diminishes the recognition of principle business conducted thereon so therefore, the topography of the lot is the reason for the special exception. Made by Joseph Drauss, seconded by William Stowell. Unanimous Approval.

NEW BUSINESS

4. BOCH Middlebury Waterbury, LLC – Application for Text Amendment of Sections 31 and 52 of the Middlebury Zoning Regulations (Application #2018-12-2)

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck, CT 06770 spoke on behalf of the applicant. He stated that BOCH is a subsidiary of Subaru New England which sells all of the Subaru cars sold in New England through the various dealers. In December of 2017, this Commission rezoned a section of Straits Turnpike south of Park Road Extension. Currently, BOCH is a contract purchaser of three (3) of those parcels (1672, 1648 & 1628 Straits Turnpike). The applicant is seeking to amend the Zoning Regulation to allow a new car dealerships in said area. If granted by this Commission, the applicant intends to return for a Special Permit and Site Plan approval for a dealership on said parcels. At the request of Z.E.O. Curtis Bosco, Attorney McVerry did forward the proposal to Hiram Peck for his comments. In turn, Hiram Peck responded with his comments. Attorney McVerry then conformed the proposed amendments, addressing Sections 31 and 52, according to Mr. Peck's comments. He added that he believes the members of this Commission are aware of the conflict within the Regulations regarding the distance from the Watertown town line, which he attempted to correct. This would be for the Premier Subaru dealership in Watertown looking to relocate. Said dealership is owned by Robert Alvine who also owns a Premier Subaru dealership in Branford.

Joseph Drauss requested clarification on the exact parcels.

Attorney McVerry reviewed the Assessment Parcel Map with Mr. Drauss.

Motion: to accept the application and schedule a Public Hearing for March 7, 2019. Made by Erica Carrington, seconded by Matthew Robison. Unanimous Approval.

5. 1365, LLC/1365 Whittemore Rd – Application for a Site Plan Modification (Application #2018-12-3)

David Hughes, P.E. of 57 Norway Street, Oakville, CT 06779 spoke on behalf of the applicant and confirmed that the letter he submitted pertains to a request for an extension to the temporary parking plan that was previously approved by this Commission.

Chairman Smith questioned if there would be a resolution in eight months as to what will actually be done.

Dean Yimoyines confirmed that he purchased the Junipers property and is under contract to purchase an additional neighboring property. He requested some time to reevaluate all things considered before making a final decision about the use the entire property.

Motion: to approve an eight (8) month extension until September 1, 2019. Made by Erica Carrington, seconded by Matthew Robison. Unanimous Approval.

OTHER BUSINESS

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

None

7. Enforcement Report

Curtis Bosco, Z.E.O. updated the Commission about the progress of the various issues concerning the gas stations on Middlebury Road.

Chairman Smith requested that the Sacred Hearth exam sign be removed.

8. Adjournment

Motion: to adjourn the meeting at 7:29 p.m. Made by Erica Carrington, seconded by Joseph Drauss. 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, C.F.O
Rob Rubbo, Director of Health