



TOWN OF MIDDLEBURY

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

July 11, 2019 REGULAR MEETING MINUTES

REGULAR MEMBERS PRESENT

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

REGULAR MEMBERS ABSENT

ALTERNATE MEMBERS PRESENT

ALTERNATE MEMBERS ABSENT

Jeffrey Grosberg

ALSO PRESENT

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

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 Drauss as present. Alternate Member Grosberg was absent.

PUBLIC HEARINGS

1. Theodore & Claire Tsetsos/32 Lubec Rd. – Application for Special Exception for an accessory apartment (Application #2019-5-1)

Chairman Smith read the legal notice published in Voices on 6-26-19 & 7-3-19 for the record.

Theodore Tsetsos submitted a list of special exceptions along with details as to how and his proposed addition meets the requirements. He reviewed the final plans with the commission showing the size in relation to the entire house. He confirmed that the accessory apartment will not be more than 30% of the total mass of the structure. It is in fact approximately 24%. The addition will have additional square footage built onto the main part of the house, not just the accessory apartment.

Rich Montville of 23 Lubec Road spoke in favor of the proposed application and urged the commission to support it.

Motion: to close the Public Hearing at 7:03 p.m. Made by William Stowell, seconded by Joseph Drauss. Unanimous Approval.

MINUTE APPROVAL

2. Discussion of the Minutes of the Regular Meeting held on June 6, 2019

Motion: to approve the Minutes of the June 6, 2019 Regular Meeting as submitted. Made by Matthew Robison, seconded by Joseph Drauss. Erika Carrington abstained from voting as she was not present at said meeting. Unanimous Approval.

OLD BUSINESS

3. Theodore & Claire Tsetsos/32 Lubec Rd. – Application for Special Exception for an accessory apartment (Application #2019-5-1)

Motion: to approve the application. Made by William Stowell, seconded by Erika Carrington. Unanimous Approval.

NEW BUSINESS

4. Lake Quassapaug Outing Club, LLC/2328 Middlebury Rd – Application for a Site Plan Modification (Application #2019-7-1)

Attorney Pilicy spoke on behalf of the applicant. He explained that they are seeking to add pickle ball courts and possibly expand the basketball facility. The outing club, with recreational facilities, has been in operation for approximately 10 years. This application is being presented as a continuation of a non-conforming use. They also included a statement as to their legal opinion and position on the right to continue the non-conforming use including the right to mix and match the different recreational opportunities that are there.

Scott Meyers, P.E. & L.S. of Meyers Associates P.C. reviewed the plans with the commission. The only thing that is changing is the addition of the pickle ball court.

Vincent McDonald described the game of pickle ball for the members of the commission. He also stated that they plan to build a platform that both pickle ball and basketball can be played on because the nets are portable and be fenced in with an 8' fence.

Chairman Smith indicated that he does not have a problem with it but questioned how this would not be considered an increase in a nonconformity or an expansion.

Attorney Pilicy replied that under Connecticut law, one can intensify (more of what you have) a nonconforming use. He cited court cases *Hall v. Brazzale*, 31 Conn. App. 342, 348-(1993) and *DiBlasi V. Zoning Board of Appeals of Town of Litchfield*, 224 Conn. 823. (1993).

Erika Carrington questioned if there was in increase in the impervious area.

Scott Meyers of Meyers P.C. calculated the increase to be approximately 0.5%

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

5. Straits Crossing, LLC/Corner of Park Rd. & Straits Turnpike – Application for Zoning Map Amendment LI-80 to CA-40 (Application #2019-7-2)

Robert LaFlamme of 218 Kuhne Road, Southbury stated that he and his daughter purchased the corner of Straits Turnpike and Park Road across from Middlebury Edge.

The grass has been mowed down, they put in a tracking pad and hauled in a little over 400 yards of fill. Currently, they are in the stages of trying to find a design that would be aesthetically pleasing in the corner. His grandson presented the commission with various proposed renderings for consideration.

Chairman Smith informed Mr. LaFlamme to keep the fill under 1000 yards.

Mr. LaFlamme went on to add that they are seeking a zone change.

Chairman Smith stated that a public hearing is required and that it would be set for August 1, 2019. He also added that the public hearing would need to remain open until September to satisfy the 35 day requirement.

Motion: to set a Public Hearing for August 1, 2019. Made by Joseph Drauss, seconded by Erika Carrington. Unanimous Approval.

OTHER BUSINESS

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

None

7. Quassy Amusement Park- Informal discussion to submit Site Improvement Plan for fall 2019

Eric Anderson notified the commission that they are looking to replace the existing pirate ride which is an older portable model with a new park/carnival model. The rides are almost identical but will sit on four (4) concrete slabs on the ground as opposed to a trailer. There will be no change in the footprint.

The members of the commission confirmed that they had no issue with the plan to replace the existing ride.

8. Enforcement Report

Chairman Smith thanked Curtis Bosco, Z.E.O. for issuing the enforcement letters over the past month.

9. Adjournment

Motion: to adjourn the meeting at 7:37 p.m. Made by Joseph Drauss, 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, C.F.O
Rob Rubbo, Director of Health