



## **TOWN OF MIDDLEBURY**

*Planning & Zoning Commission*

*1212 Whittemore Road*

*Middlebury, Connecticut 06762*

*(203) 577-4162 ph*

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### **October 3, 2019 REGULAR MEETING MINUTES**

#### **REGULAR MEMBERS PRESENT**

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

#### **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, Robison, Carrington & Drauss and Alternate Member Grosberg as present.

## **PUBLIC HEARINGS**

### **1. Peter Vileisis/288 Watertown Road – Application for a Special Exception for an Excavation & Grading Permit pursuant to Section 64 (Application #2019-9-1)**

Chairman Smith read the Legal Notice published in the Waterbury Republican American on 9-20-19 & 9-25-19 for the record.

Curt Jones of Civil 1 located at 43 Sherman Hill Road, Woodbury, CT spoke on behalf of the applicant. For the record, he submitted the receipts for the certified notices which were sent to the neighboring property owners. He reviewed the plans with the commission. There is an existing driveway serving the rear piece and it does have limited sight lines due to the corner just to the north. They are proposing to bring in material (approximately 4,720 cubic yards) to create a new access for the property. It will serve as a driveway to access the property. It is positioned so that it can potentially serve as a subdivision road, although that is not part of this application. The hours of operation have been submitted along with an A2 Survey. It will be a short duration and he expects it to take under 30 days to complete. The soil & erosion control measures are indicated as well. The wetlands were flagged and located in the fields by the surveyors. It is estimated to be 130 feet south of the existing driveway.

Christine Nelson of 312 Watertown Road voiced her concerns with respect to what she believes to be a history of illegal dumping on the property. She stated that for the past 6 & ½ years she has witnessed Peter Vileisis and the Waterbury Wrecking Company place fill on the property that was not permitted, is undocumented and ultimately constructed an existing driveway. Fill has been brought in at all hours of the night including Saturdays and Sundays. She is concerned about clean fill being placed upon what has already been put in without knowing the contents. For the integrity of Middlebury, she asked that core samples be taken to ensure that there is no contamination.

David Alley of 121 Westwood Drive, whose property adjoins the applicant's property in the far southeast corner, stated that he went to the Town Hall to view documentation. He too has seen and heard material being brought onto the property for well over a year. While researching documentation, he came to learn that there were letters sent to the applicant back in September of 2010 from the P&Z administrator regarding activity being done on the property and that he was asked to contact the office to ensure that there were no regulations being broken. On the same day, a letter was sent by the Conservation Commission essentially citing the same issue. On August 3 of 2011, another letter was issued by Conservation reinforcing the fact that fill was being brought onto the property without a permit. On June 15, 2016 a notice of violation and letter from Conservation was sent. On February 27, 2019 yet another notice of violation was sent. He was

informed by the Z.E.O. that the applicant was given a cease and desist order on June 10, 2019. He knows that demolition buildings in Waterbury have had issues with contamination and Middlebury has no oversight other than letters that have been sent to the applicant. He requested that core samples be done. For the record, he submitted photos depicting how the property appears to have been drained over the last year. He also questioned where the fill will be coming from, who will be monitoring it and that the commission keep the hearing open.

Joseph Drauss questioned who gave the applicant permission to take down guardrails to make an entrance on the property. He feels that it is a violation that should be addressed. He stated that bringing fill in without a permit is not acceptable.

Matthew Robison questioned if Mr. Vileisis would address any of the concerns that have been raised and why there is no permit.

Mr. Vileisis replied that it has always been farm land, he's been there for 50 years and that there was a verbal permit before and then there wasn't. He also added that the Board continuously changed their meetings.

Matthew Robison asked who he received a verbal permit from.

Mr. Vileisis responded by saying it was from whoever was in charge 20 years ago.

Chairman Smith requested that Mr. Alley provide dates for the photos he submitted for the record.

Mr. Alley agreed to do so.

Chairman Smith went on to express his concerns about the prior fill and stated that the public hearing would remain open. He feels core samples are warranted but is unsure where they should be taken from. He asked John Calabrese, P.E. to research it and how much was put in there.

**Motion:** to continue the Public Hearing on 11-7-19. Made by Joseph Drauss, seconded by William Stowell. Unanimous Approval.

## **MINUTE APPROVAL**

### **2. Discussion of the Minutes of the Regular Meeting held on September 5, 2019**

**Motion:** to approve the Minutes as submitted. Made by Erika Carrington, seconded by Joseph Drauss. Regular Members Stowell & Robison abstained from voting as they were not present. Chairman Smith appointed Alternate Member Grosberg to act in place of Regular Member Stowell. Unanimous Approval.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### **3. Peter Vileisis/288 Watertown Road – Application for a Special Exception for an Excavation & Grading Permit pursuant to Section 64 (Application #2019-9-1)**

Discussion was tabled.

### **4. Pomperaug Regional School District/65 North Benson Road – Application for Site Plan Approval (Application #2019-9-2)**

Brad Parsons, P.E. of All-Points Technology Corporation spoke on behalf of Greenskies Renewable Energy, LLC. He stated that they are proposing a 300kW underground electrical conduit for Solar Facility interconnection to the Long Meadow Elementary School electrical room. The solar field is in the south corner of the school, adjacent to Route 188. The electrical interconnections will run underground through the existing 100 wetland buffer, then behind the school and into the electrical room. Wetlands approval was obtained at their last meeting. They are also proposing screening on the west and south sides. They are under the 25% lot coverage requirement for the site. Including pavement coverage, they are at 17.4%.

Joseph Drauss questioned the type and grade of panels as he wants to ensure that the school is actually getting what they are paying for.

Brad Parsons, P.E. replied that they will be 370W regular panels, not bifacial, but was not certain of the grade as he is not an electrical engineer. He added that he would inquire

and let the commission know.

Chairman Smith asked when the construction would commence.

Brad Parsons, P.E. stated that he believes his client is looking to do it as soon as possible.

Chairman Smith requested that a temporary chain-link construction fence be added around the entire project as there is nothing separating this from the kids playing on the ball fields.

Brad Parsons, P.E. agreed to do so and confirmed that there will be no grading. They will be doing clearing along the western side as they do have an agreement with the neighbor. If they can come to an agreement on a temporary access, they may come in through the adjacent property as opposed to North Benson Rd.

Chairman Smith questioned what safeguards are being proposed to ensure that Fire Department personnel will be able to access a shutoff in the event of a fire. He also requested another row of screening along the ball field be put in.

Brad Parsons, P.E. again said he would discuss these items with his client and relay the information to the commission next month.

William Stowell questioned the height of the permanent fence and the plantings. Additionally, he asked how access will be obtained as he is concerned that children will attempt to retrieve balls that may land in the field.

Brad Parsons, P.E. replied that it will be around the entire field, 6' in height and Spartan Junipers will run along the entire side. The gate will be locked at all times and he is attempting to obtain written confirmation from the tennis club authorizing the clearing on their property.

Jeff Grosberg voiced his concerns about the electricity.

Erika Carrington questioned if the panels are breakable.

Brad Parsons, P.E. stated that the panels do not conduct electricity and that anything that is conductive is protected. Glass is on top of the panels themselves and can break.

Jeff Grosberg requested documentation from someone who has more expertise with respect to the electricity and the field being in such close proximity of school children.

William Stowell requested that the applicant bring in an electrical engineer.

Brad Parsons, P.E. agreed to ask his client to bring in their Electrical Engineer and to submit documentation ahead of time for the commission's review.

## **OTHER BUSINESS**

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

**Motion:** to add P&Z – Discussion of the Minutes of the Regular Meeting held on August 1, 2019 to the agenda. Made by William Stowell, seconded by Matthew Robison. Unanimous Approval.

### **Added: P&Z - Discussion of the Minutes of the Regular Meeting held on August 1, 2019**

**Motion:** to approve the Minutes of Regular Meeting held on August 1, 2019 as submitted. Made by William Stowell, seconded by Matthew Robison. Joseph Drauss abstained from voting. Unanimous Approval.

### **6. Enforcement Report**

Curtis Bosco, Z.E.O. reviewed his report with the commission. He also shared with them that the application that was presented to the City of Waterbury for excavation at the town line was withdrawn so that the applicant could have the opportunity to address all of the concerns from the City of Waterbury and the Municipality of Middlebury. Additionally he is making efforts in trying to create electronic versions of all of the office forms.

Chairman Smith requested that the Town Attorney get involved with the business operating on Yale Avenue.

### **7. Adjournment**

**Motion:** to adjourn the meeting at 7:54 p.m. Made by Erika Carrington, seconded by Matthew Robison. Unanimous Approval.

Middlebury Planning & Zoning  
Regular Meeting Minutes  
10-3-19

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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  
Rob Rubbo, Director of Health