



TOWN OF MIDDLEBURY

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

January 7, 2021 REGULAR MEETING MINUTES

Via Zoom Meeting #848-8185-5835

REGULAR MEMBERS PRESENT

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

REGULAR MEMBERS ABSENT

ALTERNATE MEMBERS PRESENT

ALTERNATE MEMBERS ABSENT

Jeffrey Grosberg

ALSO PRESENT

John Calabrese, P.E.

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, Carrington, Robison and Drauss as present. Alternate Member Grosberg was absent.

PUBLIC HEARING

1. Connecticut Topsoil, LLC/92 Turnpike Dr.-Application for a Special Exception for an Excavation & Grading Permit per Section 64 (Application #2020-9-4) (Continued)

Emily Jones, P.E. with Civil 1 Engineering in Woodbury spoke on behalf of Connecticut Topsoil, LLC spoke on behalf of the applicant. The property is located on the north side of Turnpike Drive on the property line between Middlebury and Waterbury in an LI-80 Zone. They are proposing a 3,750 square foot single-story building for a contractor yard and topsoil company. Revisions were made and reviewed at last month's meeting which were based on the November 2, 2020 review submitted by John Calabrese, P.E. Said revisions include the following additions:

- size and type of proposed trees
- safety fence to the top of the slope
- notes regarding inspections and as-builts, etc.
- hours of operation (6:00am – 5:00pm, Monday – Saturday)
- number and type of construction equipment: general earthmoving, rock processing as well as two (2) haul trucks
- location of rock processing area which is approximately 450 feet from the animal clinic to the west and 400 feet from the property across the street

Emily Jones, P.E. went on to state that they returned to EDC to present them with a new rendering depicting the building size, color, orientation & location on the site, parking areas with the access drive and plantings which fairly represent what will be planted.

Chairman Smith confirmed receipt of the December 22, 2020 Architectural Review from EDC confirming their approval of the proposed building design and site plan.

Emily Jones, P.E. added that, as requested, a grading restoration plan was also submitted in the event the project is abandoned before completion. There is enough room between the proposed building pad and the property line to cut back the slope. Part of the restoration would include the relocation of the safety fence to the top of the slope should it need to be cut back. Notes state the building pad area should be graded smoothly to eliminate low points, topsoil seeded and stabilized and should not be excavated below the elevation of the roadway except for in the detention basin area. She does not anticipate this occurring as the applicant is going to be the final user of the site. A standard detail sheet on the lighting is included. Poles will be 12' tall with a 4k light. Letters from the

Police Chief and Fire Marshal were submitted indicating that they have they have no concerns with respect to the plan.

Chairman Smith questioned where the excavated material would be brought to

Emily Jones, P.E. was unsure as if the final location was determined. However, a route leaving the site was put on the plans indicating that it is not going through residential areas.

Chairman Smith stated that he would include “Trucks shall not be routed through residential neighborhoods” as one of the conditions of approval.

Motion: to close the Public Hearing at 7:08 p.m. Made by William Stowell, seconded by Erika Carrington. Unanimous Approval.

MINUTE APPROVAL

2. Discussion of the Minutes of the Regular Meeting held on December 3, 2020

Motion: to approve the minutes as submitted. Made by William Stowell, seconded by Joseph Drauss. Unanimous Approval.

OLD BUSINESS

3. Connecticut Topsoil, LLC/92 Turnpike Dr.-Application for Site Plan approval (Application #2020-9-3)

Motion: to approve the application per the attached Resolution. Made by William Stowell, seconded by Joseph Drauss. Unanimous Approval.

4. Connecticut Topsoil, LLC/92 Turnpike Dr.-Application for a Special Exception for an Excavation & Grading Permit per Section 64 (Application #2020-9-4)

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

NEW BUSINESS

5. The Metro Realty Group, Ltd./1685 Straits Turnpike-Application for a Special Exception pursuant to Sections 31.1 & 52 (Application #2020-12-1)

Kyle Richards with The Metro Realty Group stated that their application is for building and site plan approval including a Special Exception for two (2) single-story 21,000 square foot medical office buildings. He acknowledged that their application is being reviewed by Plan Three. Although they have yet to receive comments, they anticipate receiving them in the near future in order to properly address them prior to the February 4, 2021 meeting. The Conservation Commission granted their approval on November 24, 2020 and on December 22, 2020 the EDC also granted their approval. The Farmington, CT fully integrated land development company was founded approximately 30 years ago. Metro Construction is their affiliate construction company and the management, maintenance, HVAC and leasing all happens internally through their staff of approximately 60 employees. He welcomed members of the Commission to tour their properties. Their portfolio has grown to 35 assets, currently exclusively in central Connecticut (Berlin, West Hartford, Farmington, South Windsor, Avon), and consists of multi-family housing and medical office development. He showcased a photo of one of their medical office buildings, which is located just outside of the UCONN Health Center in Farmington. They are currently under construction of their 10th building. Due to their history with various hospitals and private practices, they have recently branched out of Farmington in order to locate other ambulatory care centers in other areas, including Rocky Hill, Waterbury and Middlebury. He went on to review the site plan with the Commission. This site is approximately 13 acres in size, located in the northwest corner of Park Road and Straits Turnpike, and currently zoned CA-40 with a significant amount of existing medical office to the south of the site. Each single-story 21,000 square foot medical office building has a dimension of 210' X 100'. They are considering constructing a fieldstone or decorative wall with columns. A well planted courtyard between the two (2) buildings is also being proposed. The large parking fields will be located at the northern side of Building B and southern side of Building A. The entrances to each building will favor said parking fields in order to be more pleasing aesthetically, while still taking into consideration the average distance of a parking space to the front door. A healthy drop-off area will also be available in front of each building. He displayed a rendering of the proposed building predominately constructed of red brick, precast material and Dryvit which will be painted to mimic the precast. The window lintels and decorative columns at the entrance will also be precast and a decorative copper mansard is also being proposed. The distance from the ground at the front entrance to the eave is just under 25' in order to create a presence. He displayed a photo of a recently

completed building located at 55 South Road in Farmington, which is nearly identical to the ones being proposed. The backsides of the buildings convert to a Belgian block and an EIFS material which will complement the brick.

Chairman Smith shared that he did visit the building on South Street in Farmington. He stated that he likes the look of the building but recommended that the applicant consider constructing a covering over the landing for nonambulatory visitors in order to protect them from the elements.

Kyle Richards agreed to consider the recommendation.

Chairman Smith confirmed that the request for a Special Exception pertains to the buildings exceeding the square footage allowance.

Motion: to schedule a Public Hearing for February 4, 2021. Made by William Stowell, seconded by Joseph Drauss. Unanimous Approval.

6. Lake Quassapaug Amusement Park/2132 Middlebury Rd.-Application for Site Plan approval to replace an existing attraction (Application #2020-12-2)

The application was withdrawn per the request of the applicant.

OTHER BUSINESS

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

None

8. Enforcement Report

There was no discussion.

9. Adjournment

Motion: to adjourn the meeting at 7:33 p.m. Made by William Stowell seconded by Joseph Drauss. Unanimous Approval.

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
Ollie LeDuc, Building Official
Curtis Bosco, Z.E.O.
Ken Long, Chairman, Z.B.A.
Attorney Dana D'Angelo
Rob Rubbo, Director of Health

SITE PLAN RESOLUTION

Upon motion by Commissioner **Stowell**, seconded by Commissioner **Drauss**, it was voted **unanimously** to approve the application of **Connecticut Topsoil, LLC** for a SITE PLAN located on **92 Turnpike Drive**, and as shown on Record Subdivision Map entitled **Connecticut Topsoil Permitting Set** and prepared by **Civil One** and dated **June 17, 2020 & Revised to November 16, 2020**.

The Commission specifically finds The Application:

1. is in compliance with the requirements of the Panning & Zoning Regulation, Section 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 Officer;
- e) Recommendations contained in letter from Calabrese Engineering dated November 2, 2020

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.

January 7, 2021

RESOLUTION

Upon motion by Commissioner **Carrington**, seconded by Commissioner **Stowell**, it was voted **unanimously** to approve the application of **Connecticut Topsoil, LLC.** for an **Excavation & Grading Permit** located on **92 Turnpike Drive**, and as shown on Record Map entitled **Connecticut Topsoil Permitting Set** and prepared by **Civil One** and dated **June 17, 2020 & Revised to November 16, 2020.**

The Commission specifically finds The Application:

1. is in compliance with the requirements of the Panning & Zoning Regulation, Section 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 site restoration 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 Officer;
- e) Recommendations contained in letter from Calabrese Engineering dated November 2, 2020
- f) Trucks shall not be routed through residential neighborhoods

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.

January 7, 2021