



# **TOWN OF MIDDLEBURY**

## *Zoning Board of Appeals*

### **MINUTES**

### **ZONING BOARD OF APPEALS REGULAR MEETING**

### **Wednesday, November 1, 2023 – 7:30 p.m.**

### **Shepardson Community Center**

### **Room 26**

**Present:** Linda Herrmann  
Candice Graziano  
Brandon Cyr  
Bryan Ferrucci, Alternate

**Also Present:** Curt Bosco, ZEO  
Rachel Primus, Recording Clerk  
Attorney Michael McVerry

#### **Excused**

**Absent:** Joe Mancini  
Robert Marages

#### **Call to Order with the Pledge of Allegiance**

The meeting was called to order by Linda Herrmann at 7:30 P.M. She appointed Bryan Ferrucci as a regular voting member in place Robert Marages.

#### **Approval of November 2, 2022 Regular Meeting Minutes**

Tabled until next month's meeting.

#### **Public Hearing:**

None

#### **Old Business**

None

#### **New Business**

**To receive Appeal of the Decision of the Zoning Enforcement Officer #23-74Z regarding the use of an electronic sign from JSD Partners Southford, LLC- Dean Yimoyines regarding property at 1101 Southford Road and set a Public Hearing for December 6, 2023.**

Curt Bosco handed out copies of the application to the Commission and explained the appeal to them. He said he was made aware of the electronic sign on 1101 Southford Road, Middlebury CT being misused. The sign was rotating, which is a violation of the Zoning Regulations. Curt Bosco said he sent a cease and desist letter to the owner, which mentioned the statute from the Zoning Regulations. He explained that now the property owner is exercising his right to appeal. He included a copy of the application of appeal in the Commission's packets. He noted this is a

judgement of his decision as the Zoning Enforcement Officer. He said that at next month's public hearing he will be represented by the town attorney. If the board would like separate council he will have it supplied to them. Bryan Ferrucci felt they should have an attorney at the next meeting.

**VOTED:** Unanimously on a motion by Bryan Ferrucci and seconded by Candice Graziano to **OBTAIN** a town attorney for the December 6, 2023 Public Hearing.

Candice Graziano asked for clarification if the steps taken were the cease and desist letter, then the property owners appeal and finally the public hearing. Curt Bosco said that was correct. He said the appeal was submitted on October 13, 2023. A discussion ensued regarding holding a public hearing.

**VOTED:** Unanimously on a motion by Bryan Ferrucci and seconded by Candice Graziano to **ACCEPT** Appeal #23-74Z and to **SET** a public hearing for December 6, 2023 at 7:30 PM in Room 26 at Shepardson Community Center, 1172 Whittemore Road ,Middlebury CT.

- **Meeting Schedule 2024**

**VOTED:** Unanimously on a motion by Candice Graziano and seconded by Bryan Ferrucci to **SET** the 2024 meeting schedule for the first Wednesday of every month at 7:30 PM except for October which will be held on October 9, 2024.

**Correspondence**

None

**Adjournment**

**VOTED:** Unanimously on a motion by Bryan Ferrucci and seconded by Candice Graziano to **ADJOURN** the meeting at 7:51 P.M.

These minutes are submitted subject to approval.

Respectfully submitted,

Rachel Primus

Recording Clerk

ZBA Members

CC: Town Clerk, Z.E.O.