



TOWN OF MIDDLEBURY

Planning & Zoning Commission

1212 Whittemore Road

Middlebury, Connecticut 06762

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Meeting of the Planning & Zoning Commission

March 7, 2024

Shepardson Community Center – Room 26

REGULAR MEETING MINUTES

Regular Members Present

Terry Smith, Chairman
Erika Carrington
Linda Herrmann
Matthew Robison

Regular Members Absent

William Stowell
Frank Mirovsky

Alternate Members Present

Paul Anderson
Joel Mancini

Also Present

John Calabrese, P.E.
Curtis Bosco, Zoning Enforcement Officer

Call to Order

The Chairman called the meeting to order at 7:00 p.m. and welcomed new members Joel Mancini and Linda Herrmann

At this time the Chairman stated that Paul Anderson would act as a voting member in the absence of William Stowell.

Roll Call and Designation of Alternate Members

The Chairman appointed alternate member Joel Mancini to vote in place of absent member William Stowell.

Craig Laaman/Wiggles Pet Resort/1082 Southford Rd. – Application for Special Exception for Excavation and Grading Sec.64 (Application #24-1Z) (Continued)

At this time the Chairman opened the above-mentioned public hearing. Alternate member Paul Anderson was appointed to vote for absent member Bill Stowell.

Regular members Smith, Robison, Carrington and Herrmann were present Emily Jones, Engineer from Civil One representing Wiggles explained that they need a special exception for earthwork; and regrading.

Ms. Jones referenced a January 31, 2024 letter from John Calabrese and read aloud the responses. A copy of this letter and the responses are in the Zoning office.

Ms. Jones referenced a December 1, 223 letter from Hiram Peck, AICP, CFM, CZEO regarding the application. Curtis Bosco, Zoning Enforcement Officer read aloud Mr. Peck's considerations and the responses from Civil One. A copy of this response letter is in the Zoning Office.

Ms. Jones stated that they have received approvals from the Architectural Review Board, the Fire Marshal, Conservation Commission and the WPCA.

Kevin Bennett, the project architect explained that the design of the building is within the architectural designs of New England and for Middlebury, CT. The property will be entered off of Route 188. The front half of building is administration, lobby and reception area. There is a corridor that runs to the back and the kennels are off of this hallway.

Mr. Bennett went on to explain that the loading dock has been relocated. Not that many deliveries and not a lot of breacktime. There is an rea in the back where people can sit outside and eat and receive packages. Not a big service area.

None of the rooftop mechanicals will be seen; flat roof. There is a well inside the roof where all mechanicals will be concealed. The interior drainage has continual floor drains and they can be washed down clean for each of the kennel runs. With regard to noise disturbance, the building is over insulated in the walls and the roofs, there is a lot of exercise that goes on for the dogs during the day, and they will have stress free dog suites.

Solid waste is quickly picked up and put into receptacles. They will use odor control for outside play areas.

There will not be 24-hour staffing; drop off will be what was stated.

Comments from Public

None.

Comments from Commissioners

The Chairman asked if the hours for excavation and grading are on the plan. Yes.

Erika Carrington MOTIONED to close the public hearing at 7:27 p.m. SECONDED by Matt Robison. Unanimous approval.

Ara & Wanda Horenian/35 Porter Hill Road – Application for Accessory Apartment (Application #23-62Z)

At this time the Chairman opened the above-mentioned public hearing. Alternate member Paul Anderson was appointed to vote for absent member Bill Stowell.

Alternate member Paul Anderson was appointed to vote for absent member Bill Stowell.

Regular members Smith, Robison, Carrington and Herrmann were present.

The Chairman read aloud the legal notice

Phil Negron representing Ara and Wanda presented the application. He explained that currently there is a three-car detached garage which they will make a four-bay garage in the end. One bedroom; one bath. They have taken in all the special permit requests.

Erika Carrington inquired about the laundry room on the lower level; and the one bedroom and one bath would be above, no walls above. There is an elevator that has not been purchased yet.

The Chairman asked if approval on the septic tank had been obtained from TAHD and Mr. Negron affirmed. The Chairman requested that this approval be submitted to the ZEO and that when they tie into the septic, the Commission would like to see the license.

Dr. Richard Getnick, lives across the street asked about the square footage and the bays for cars.

Matt Robison MOTIONED to close the public hearing at 7:38 p.m.; SECONDED by Paul Anderson. Unanimous approval.

Discussion of the Minutes of the Regular Meeting held on February 1, 2024

Erika MOTIONED to approve the minutes, SECONDED by Paul Anderson. Unanimous approval.

Lawrence Janesky/Artillery Road – Application for a subdivision modification (Application #23-65Z)

The Chairman explained that during public hearings they heard a lot about the monument. The Chairman said that the question before the Commission is whether or not we or can we sell open space that has been dedicated as part of a subdivision. Per subdivision regulations say that the open space should be permanently protected. He does not feel it is a good idea for the town to sell open space. The Chairman feels that clause is designated for small spaces. With regards to the monument, it does not matter who owns the property, it can still be built. He agrees that the town has not been

a good steward of the property and encourages that there should be a parking space or two because it is one of the last original historical Rochambeau spaces, the town should make it accessible. The Chairman suggested that the Middlebury Historical Society could hold a fundraiser and put up the monument at Meadowview Park

Matt Robison said that he agrees and feels that it needs to be separated from the historical standpoint. The Commission does not want to see people buy back open space from the Town.

Matt Robison MOTIONED to deny this application; SECONDED by Erika Carrington. Unanimous approval.

The Chairman read aloud the Resolution and it was adopted by the Commission. None opposed.

**Craig Laaman/Wiggles Pet Resort/1082 Southford Rd. – Application for Site Plan Approval for 13,120 square foot commercial building for canine services
(Application #23-89Z)**

Matt Robison MOTIONED to approve the application for the above-mentioned site plan; SECONDED by Paul Anderson. Unanimous approval.

The chairman read aloud the Resolution and it was adopted by the Commission. None opposed.

Craig Laaman/Wiggles Pet Resort/1082 Southford Rd. – Application for Special Exception for Excavation and Grading Sec.64 (Application #24-1Z)

Erika Carrington MOTIONED to approve the application for special exception for excavation and grading; SECONDED by Paul Anderson. Unanimous approval.

The Chairman read aloud the Resolution and it was adopted by the Commission. None opposed.

Andy Robinson/13West Lake Road #D15 – Demolition and Rebuild. Site Plan Review (Application #23-108Z)

Existing home there now; driveway stays the same. Sewer stays the same; propane heat, utilities will be underground. It has been approved by Wetlands; and they have received approval from Westlake Association.

Matt asked if the foot print was the same. It is bigger, the new house is a little less than 2,500 square feet. It was just under 1,300. It is now two stories; the foundation is bigger. Westshore has approved, driveway will stay the same. The houses are all conforming when they made the association; it is allowable to increase the footprint. It is not in the Planning and Zoning regulations it is within the regulations of Westshore HOA.

Paul Anderson MOTIONED to approve the site plan; SECONDED by Erika Carrington. Unanimous approval.

Jason Scozzafava/Embrace Animal Hospital/1556 Straits Tpke – Application for Site Plan Modification for building addition. (Application #24-22Z)

Ron Wolfe, P.E. would like to propose a building addition. The property is .55 acres and in the CA40 district. Jason wants to expand the business with a 20x40' addition on the side of the building. For the addition they would be providing three additional parking spaces and a retaining wall at the east side of the property and the drainage from the roof would tie into the existing drainage system.

Ne additional parking space will meet the requirement of 18 spaces.

They will be at 12.5% lot coverage. The building coverage would be 15.6% coverage. Showed a rendering of the addition and the floor plans.

Terry asked how high the retaining wall would be. Ron said it would be 8 feet tall; 6 feet down to 0 feet. The fence would be designed.

Linda Herrmann asked if the addition was visible from Straits turnpike. Ron said that the building sits up higher than Straits Turnpike; Ron said that it would be visible. The building should be all white.

Matt Robison asked what the setback would be; Ron said 84'. Asked for architectural for retaining wall, they would like to see them before they approve it.

Erika Carrington asked about parking spaces; and where they would be. One space would be on the northside and an island will be removed and replaced with a space and create another space next to the existing handicapped space.

The Chairman requested a frontal rendition and the architectural plan of what is proposed.

Matt Robison asked if the kennels will be only for patients. Yes, and there will be no overnight patients. Overnight patients will be sent to a referral hospital.

This discussion is TABLED to the April 4, 2024 meeting.

Gregory Barnes – Informal discussion regarding activities in vineyards

Mr. Barnes left the meeting early.

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

None.

Enforcement Report

None.

Adjournment

Linda Herrmann MOTIONED to adjourn; the meeting at 8:09 p.m.; SECONDED by Paul Anderson. Unanimous approval.

These minutes are submitted subject to approval.

Respectfully submitted,

Barbara J. Whitaker

Barbara J. Whitaker
Recording Clerk

cc: Brigitte Bessette, Town Clerk
Members of the Planning & Zoning Commission
Paul Bowler, Chairman – Conservation Commission
Mark Lubus, Building Official
Curtis Bosco, Zoning Enforcement Officer
Ken Long, Chairman – Zoning Board of Appeals
Attorney Dana D'Angelo
Robert Rubbo, Director of Health – Torrington Health District