



TOWN OF MIDDLEBURY

Planning & Zoning Commission

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TOWN CLERK'S OFFICE

MIDDLEBURY, CT

Marybeth L. Lush
TOWN CLERK

Meeting of the Planning & Zoning Commission April 4, 2024

Shepardson Community Center – Auditorium REGULAR MEETING MINUTES

Regular Members Present

Mr. Terry Smith, Chairman
Ms. Erika Carrington
Ms. Linda Herrmann
Mr. Matthew Robison

Regular Members Absent

Mr. William Stowell

Alternate Members Present

Mr. Paul Anderson
Mr. Joel Mancini
Mr. Frank Mirovsky

Also Present

Mr. John Calabrese, P.E.
Mr. Ron Wolff, P.E. representing Embrace Animal Hospital
Ms. Emily Jones, P.E. representing Middlebury Land Trust
Mr. Mark Riefenhauser, Benson Woods Associates Representative
Mr. Michael McVerry, Attorney representing Meadow Realty, LLC
Mr. Edward G. Fitzpatrick, Attorney representing Southford Park, LLC
Mr. Mark Grocki, P.E. representing Southford Park, LLC
Mr. Eric Anderson, representing Quassapaug Amusement Park, Inc.
Mr. Curtis Bosco, Chief Zoning Enforcement Official (C.Z.E.O.), Middlebury, CT

Call to Order

The Chairman, Mr. Terry Smith, called the meeting to order at 7:00 p.m. and welcomed those present.

Roll Call and Designation of Alternate Members

At this time, Mr. Terry Smith, the Chairman stated that Mr. Frank Mirovsky would act as a voting member in the absence of Mr. William Stowell.

Public Hearings

None

Discussion and approval of the Minutes of the Regular Meeting held on March 7, 2024

Ms. Erika Carrington made a MOTION to approve the March 7, 2024 minutes as written. The motion was SECONDED by Ms. Linda Herrmann. The motion was APPROVED by a unanimous voice vote.

Old Business:

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

Ron Wolff, P.E. from Wolff Engineering, was present representing Mr. Scozzafava from Embrace Animal Hospital.

Mr. Wolf presented revisions to the site plan, including changes to:

1. The retaining wall,
2. Shrub and tree plantings,
3. The relocated refuse dumpster to make it less visible from the road,
4. Renderings of the proposed building from the Architect showing the perspective / elevation view from the road.

Mr. Terry Smith asked about the proposed use of the space on the plans on the second floor of the building. Mr. Wolff indicated that the space was intended to be used for storage of business supplies.

Mr. Terry Smith indicated that he would like to impose a condition of approval on the plan that this space not be used for habitable space.

Ms. Linda Herrmann asked what color the expanded building would be. The building will be painted all white.

Mr. Terry Smith then read a site plan resolution and Ms. Erika Carrington MADE A MOTION to approve the resolution. The motion was SECONDED by Mr. Frank Mirovsky. The motion was APPROVED by a unanimous voice vote. The resolution is available in the Middlebury Zoning office.

New Business:

Mark Riefenhauser/Benson Woods Associates, LLC – Site Plan Modification Benson Woods, Phase 3, North Benson Road. (Application #24-30Z)

Mr. Riefenhauser presented details of the proposed site plan for the future phase 2 of the Benson Woods community included a detailed site plan provided to the Commissioners and for the public present to view. This site plan is available in the Zoning office.

Phase 2 of the community will be on the east side Benson Road and no work has been started as of this date.

The proposed phase 2 of the community will consist of 32 units on two roads intersecting North Benson Road.

The total acreage for phase 2 has been reduced from the prior plan of 15.5 acres to 8.2 acres.

Mr. Terry Smith requested that Mr. Riefenhauser secure letters of approval from the Middlebury Fire Department, and from the Wetlands Commission to bring to the next Planning and Zoning meeting.

Mr. Matthew Robison made a MOTION to TABLE the discussion on this application, to a public hearing, to be held on May 2, 2024. This motion was SECONDED by Ms. Linda Herrmann. The motion was APPROVED by a unanimous voice vote. The revised site plan is available in the Middlebury Zoning office.

Middlebury Land Trust c/o Civil 1, Inc- Special Exception and Site Plan for a Dog Park and associated parking, 69 Nichols Road. (Application #24-33Z)

Ms. Emily Jones, P.E. from Civil 1 representing the Middlebury Land Trust, presented the site plan for the proposed three-acre site for the dog park. This site plan is available at the Middlebury Zoning office.

The site is part of Middlebury Land Trust's open space which encompasses 134 acres off Nichols Road, which is currently both a nature preserve, and a site for hiking and bird watching.

The proposal site plan includes:

1. Widening Nichols Road to 18 feet at this site.
2. A 26-space parking area to be used by those using the nature preserve and dog park.
3. A 2.5 acre fenced in area for the dog park, which will have a double gated entrance, and a separate fenced area for small and large dogs.
4. A proposed water line branching off the existing CT Water main running through the property, for hydration purposes for the dogs.

5. Some drainage modifications for the site and parking area

The proposed dog park would have operating hours identical to the nature preserve which is open daily from dawn to dusk.

The proposed site would involve Wetlands regulated activity and as such, needs approval from the Middlebury Conservation Commission.

Ms. Jones indicated that they had already secured approval from the Middlebury Selectman Committee to allow them to modify the width of Nichols road.

Ms. Erika Carrington made a MOTION to TABLE further discussion on this application, to a public hearing, to be held on May 2, 2024. Mr. Matthew Robison SECONDED this motion. The motion was APPROVED by a unanimous voice vote. The site plan is available in the Middlebury Zoning office.

**Meadow Realty, LLC/1000 Southford Road – Text Amendment Sec. 67.1
Garages and Services Stations regarding distance requirements. (Application #24-34Z)**

Mr. Michael McVerry, Attorney representing Meadow Realty, LLC was present at the meeting.

Mr. McVerry explain that they are proposing a change to the regulations regulating the sale of gasoline within 500 feet of a school property.

They are proposing the regulation be modified to read within 500 feet, from building to building.

Mr. Matthew Robison made a MOTION to TABLE further discussion on this application, to a public hearing, to be held on June 6, 2024. Ms. Erika Carrington SECONDED the motion. The motion was APPROVED by a unanimous voice vote.

**Attorney Edward G. Fitzpatrick for Southford Park, LLC, 764 Southford Road,
Application for Site Plan Modification reducing buildings, parking, and
impervious coverage. (Application #24-35Z)**

Attorney Edward G. Fitzpatrick representing Southford Park, LLC was present at the meeting and introduced the proposed site modification plan, and then handed the presentation over to Mr. Mark Grocki, P.E. for VHB. VHB had been retained by Southford Park, LLC to revise the site plan created by the prior engineering firm.

Mr. Grocki presented the modified site plan, providing copies for the Commissioners and for the public to view at the meeting.

Mr. Grocki outlined the following changes to the prior site plan:

1. A reduction of 2,100 sq. feet to the proposed buildings
2. A reduction of 5,000 sq. feet to the impervious surface space

3. the revised site plan was fully contained in the previously designated limit of disturbance area as outlined by red lines on the site plan
4. the revised plan changed the location and number of proposed parking spaces
 - a. The number of vehicle parking spaces was reduced from 409 to 284 and relocated next to the proposed buildings, thereby eliminating a large parking lot in the original plan.
 - b. The number of tractor trailer parking spaces was reduced from 168 to 166.
5. A 3rd party review of the storm water basin plan was conducted by VHB in light of the reduction in impervious surface space, and the conclusion reached was to mimic the prior plan's design.
6. Mr. Grocki presented renderings of the proposed building outlines and explained that the revised design stayed within the previously approved 44 feet height limit average, with the revised average being 42 feet, with a high point of 43 feet from grade.
 - a. The roof line of the buildings would now have a slope with a 3-foot parapet, providing better screening of any rooftop units from the ground level view.
7. The proposed earth work at the site was still within the original design's specifications.

Mr. Fitzpatrick indicated that they have an Architectural review with the town scheduled for April 22, 2024.

Mr. Terry Smith asked a question about the blue lines and blue circles on the proposed site plan. Mr. Grocki replied that these plans were also prepared for the Conservation Commission review purposes and those blue lines and circles pertained to that review.

Mr. Matthew Robison asked a clarifying question about the proposed height of the buildings. Mr. Grocki explained that the required specification was an average, which was 42 feet for the new site plan, with a high point of 43 feet from grade.

Mr. Terry Smith asked that they secure letters of approval from Middlebury Police, Fire, and Architectural review for further discussion at the next Planning and Zoning meeting.

Ms. Erika Carrington made a MOTION to TABLE further discussion on this application, to a public hearing, to be held on May 2, 2024. The motion was SECONDED by Ms. Linda Herrmann. The motion was APPROVED by a unanimous voice vote. The revised site plan is available at the Middlebury Zoning office.

**Eric Anderson/Lake Quassapaug Amusement Park, Inc., 2132 Middlebury Road
- Site Plan Modification to allow the replacement of existing ride. (Application
#24-37Z)**

Mr. Eric Anderson, from the Lake Quassapaug Amusement Park, Inc. was present at the meeting and explained that the desired intent of the application was to replace an existing YoYo ride with a different ride which had the same footprint and height as the old ride.

Unfortunately, the revised site plan was not available at the meeting.

The desired work is scheduled for the Fall of 2024, so a decision was made to table any further discussion to next month's meeting when a revised site plan would be available for discussion.

Other Business – Informal discussions:

1. Gregory Barnes – Informal discussion regarding activities in vineyards
 - a. Mr. Barnes was present at the meeting and expressed concerns, that he had previously documented to the Commission on the activities at a proposed new vineyard operation off of Tranquility Road. Mr. Barnes restated his concerns and recommendations on limiting the proposed future commercial activity. Mr. Barnes and Mr. Terry Smith discussed several avenues for Mr. Barnes to affect any revisions to town regulations. Mr. Terry Smith recommended that Mr. Barnes discuss this matter with Mr. Curtis Bosco, the Middlebury C.Z.E.O so he could understand his options and the regulation modification process in more depth.
2. Sycamore Place Subdivision, Washington Drive – request for extension to file Mylar.
 - a. Mr. Terry Smith indicated he had signed this request for extension on the prior Monday.
3. Trout Estates Subdivision, Nick Road – request for extension to file Mylar.
 - a. **Mr. Matthew Robison made a MOTION to grant the extension. The motion was SECONDED by Ms. Erika Carrington. The motion was APPROVED by a unanimous voice vote.**

4. Planning and Zoning Enforcement Report:

- a. Mr. Curtis Bosco, Middlebury C.Z.E.O., discussed the following enforcement actions:
 - i. A Cease and Desist order sent to Mr. Adam Szost at 119 Christian Road. Mr. Bosco provided a letter that had been sent outlining the violation involving the storage of a commercial vehicle.
 - ii. Mr. Bosco sought guidance from the Commissioners on the enforcement of town regulations on lawn signs posted within 10 feet of the town's road right of way. After some discussion, the Commission gave Mr. Bosco the direction to develop a plan of communication to residents and a plan to remove all lawn signs within this 10 feet right

of way.

- b. Mr. Bosco also outlined the plan for the future of the Naugatuck Valley Planning Commission which he is a member of. The current plan that is being proposed is to eliminate this Commission, where the activities of the Commission have already largely been shifted to paid staff.
5. Mr. Terry Smith informed the Commission members of a planned activity in Shelton, CT on Saturday April 20, 2024 to discuss regulation of and a tour of commercial properties in Shelton.

Any other business added to the agenda by a 2/3 vote of the Commission
None.

Adjournment:

Ms. Erika Carrington made a MOTION to adjourn the meeting at 8:07 p.m. The motion was SECONDED by Mr. Matthew Robison. The motion was APPROVED by a unanimous voice vote.

These minutes are submitted subject to approval.

Respectfully submitted,

Robert C. Bernabeo
Substitute Recording Clerk,
Town Administrative
Assistant.

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