

**Town of Middlebury  
Development Review Board (DRB)  
Meeting/Hearing conducted in person and online via Zoom  
Minutes of August 9, 2021**

**Approved October 25, 2021**

Members Present: Kevin Newton- V. Chair, Gary Baker, Rick Emilo, John MacIntyre (Zoom), Kevin Newton, Anne Taylor (Zoom) and Mark Wilch

Members Absent: David Hamilton, Jason Larocque (alt),

Staff Present: Jennifer Murray, Dave Wetmore

Others Present: Brent Rakowski, Robert Duke, Mike Mosen, Norm Cushman, Steve Smith, David Provost, George McArdle, Pier LaFarge, Kevin and Royce McGrath

**MEETING AGENDA**

1. Continued from July 12- Application (file #2021-23:008.000-PUD Amendment) request by Middlebury College for an amendment to their existing Planned Unit Development (PUD) for a proposed four-story residence hall building to be located at the north end of the lawn area known as the “Battell Beach” opposite Forest Hall in the INS district on parcels ID# 023008.000 and 027130.000. The residential hall will provide 154 residential units containing 284 beds.
2. Application (file #2021-24:174.001-SD) request by Juniper Holdings North, LLC for final 2-lot subdivision approval of parcel #024174.001. The applicants propose to subdivide a .23 acre lot (with existing barn structure) from their .47 acre property. The Juniper Holdings North property is located at 47 North Pleasant Street in the Office and Apartment district (OFA).

**I. Call to Order-** Kevin Newton, DRB V. Chair, called the meeting to order at 7:00 pm. Kevin reviewed the agenda. DRB members introduced themselves. Chat feature on Zoom is set to allow one to visit with host only (Jennifer Murray).

**II. Approval of minutes-**

**Motion by Gary Baker-** Gary moved to approve the minutes of July 26, 2021 as drafted, 2<sup>nd</sup> by Rick Emilo. Discussion- None, **Motion to approve minutes, 6 yes, 0-no**

**III. Public Hearing business**

1. Continued from July 12- Application (file #2021-23:008.000-PUD Amendment) request by Middlebury College for an amendment to their existing Planned Unit Development (PUD) for a proposed four-story residence hall building to be located at the north end of the lawn area known as the “Battell Beach” opposite Forest Hall in the INS district on parcels ID# 023008.000 and 027130.000. The residential hall will provide 154 residential units containing 284 beds.

Kevin Newton – reopened the hearing from July 12<sup>th</sup> and asked if any DRB member had a conflict of interest and/or ex-parte communications regarding this application- none expressed

Kevin.- Administered the oath to Brent Rakowski, Robert Duke, Steve Smith and David Provost and staff Jennifer Murray and David Wetmore.

Kevin.- invited Middlebury College to present their application for the First Year Residence Hall (FYRH) project and amendment to the College's PUD approval.

David Provost, executive Vice President- began by reviewing the history of the College's Planned Unit Development (PUD) approved in 1995 and a recent history of activities in relation to the Middlebury College Master Plan (MP) dated 2008, updated 2017. The FYRH project is designed to house up to 284 freshman students, which is about ½ of the freshman class. This building is meant to replace the 51,285 sq. ft. Battell Hall building built in 1950 with 251 beds. Battell Hall is planned to be removed soon after the FYRH is operational. As proposed, the FYRH will be an 83,000 sq. ft. four story building. The building will be fully accessible and picks up design elements of the existing campus, including the arches and brick work of Forest Hall. The FYRH includes a protected west-facing court yard area for students to gather. At a later date, the MP shows that the Battell Hall site will be replaced with a new museum forming an Arts Quad along with Johnson and Wright Theater. The 3<sup>rd</sup> project the MP identifies is a new student center near Proctor Hall and the tennis courts.

The new FYRH is sited as planned in the MP- providing projects that provide infill development within their campus, rather than developing at the edges of campus. The FYRH will frame the north end of the "beach" with Bicentennial Hall (west) and La Chateau on the east. The construction of the FYRH will not result in an increase to student populations. While the FYRH does provide approx. 33 more beds than Battell, most of the increase in sq. footage provides additional and needed student amenity space, i.e. study, gathering, and storage space. Vehicle access to the building will be from Weybridge Street. The service area of the building will be located on the north side and the existing topography will provide screening from HVAC mechanical systems and trash/recycling.

Brent Rakowski, Otter Creek Engineering- Vehicle access is via Freeman Way from Weybridge Street. It will be a gated access and used as primarily a service access. It is planned that this access will be used for temporary drop-off and pickup by incoming and outgoing students at the beginning and end of semesters. At these times and to facilitate traffic congestion the road will be one-way from Freeman Way south to College Street. There is no parking lot associated with the new FYRH. Students will be expected to park in existing and designated student parking on campus. Since the FYRH is not associated with an increase in student populations the College does not believe that there should be an overall increase in traffic. The FYRH will be connected to Town water and sewer. The building will be heated by steam from the central boiler system on campus. Stormwater will be collected and treated by infiltration and then into the Towns stormwater system, if required, along Weybridge Street.

Brent reviewed the staff notes and expressed that the College did not anticipate any negative impacts to schools, and the Town. They believe that the FYRH is strongly supported in the College's MP and that it will fit well with the character of the area. Regarding performance standards, some blasting will be required and a temporary staging area and access for construction will be needed to support construction activities. This area will be fenced with limited access. Exterior lighting has yet to be considered but given the proximity to the observatory and surrounding uses, the lighting will comply with the Towns lighting requirements, section 769. There is no wetlands associated with the project site. The mechanical equipment and dumpster will be screened by proposed landscaping and existing topography. This project will require State Act 250, erosion control and stormwater review and permitting.

Kevin opened the floor to DRB and staff questions.

Rick- Will lot C remain for parking? Yes, access to the FYRH will be gated and access limited except during pickup and drop-off times.

Anne- asked what is a substantial change to student populations? Dave Provost expressed that the student undergraduate programming population is around 2,500. There are no plans to increase this number. Each semester a portion of the students are studying abroad. Usually new fall student populations range between 620-630 and 100+ start in February. Effects on student enrollments are some of the temporary challenges created by COVID.

David W.- asked if the construction schedule and activities would comply with the Performance Standards outlined in section 750. Brent expressed that the College may need some flexibility, if need arises. David asked Brent to review and identify where that need may be.

Kevin- will blasting require a pre-blast survey of surrounding properties? The technical specification of the plan will require them to comply with State requirements. Pre- and post-blast surveys could be waived for College-owned buildings. Beyond College properties, pre/post-blast surveys may be required depending on distance from blast site.

Kevin-asked if police chief or fire chief had offered comments. Dave W. stated he had sent the application materials to both Tom and Dave. Tom expressed that he did not see an issues with the project. Email in the file. Dave Shaw had not responded. Dave noted that the applicant should contact Chief Shaw and have a meeting to resolve any concerns he may have. Brent expressed that the building will be fully sprinklered.

Kevin- observed that the windows are double hung style and asked if students would have access to eaves or adjacent rooftops? Robert Duke shared that limiters could be installed to restrict access.

Public comment- none expressed

Motion by Gary Baker - I **move** that the Middlebury Development Review Board, having reviewed the application submitted and having heard and duly considered the testimony presented at the public hearing on August 9, 2021, approve this request for amended PUD approval for Middlebury College's plans to construct a First Year Residential Hall as presented in the application by Middlebury College, subject to the standard conditions and those outlined in tonight's discussion. 2<sup>nd</sup> by Mark Wilch.

Discussion- Anne asked if we needed to hear from Dave Shaw before deciding. DRB determined that the project will require a complete public safety review and asked the applicants to reach out to Chief Shaw to address his concerns/comments. No further discussion. Motion approved 6-yes and 0-no.

Kevin closed the hearing and took a short recess- 7:45 PM

2. Application (file #2021-24:174.001-SD) request by Juniper Holdings North, LLC for final 2-lot subdivision approval of parcel #024174.001. The applicants propose to subdivide a .23 acre lot (with existing barn structure) from their .47 acre property. The Juniper Holdings North property is located at 47 North Pleasant Street in the Office and Apartment district (OFA).

Kevin Newton – opened the hearing, read warning and asked if any DRB member had a conflict of interest and/or ex-parte communications regarding this application- none expressed

Kevin.- administered the oath to George McArdle and Pier LaFarge (owner applicant), neighbors Kevin and Royce McGrath and staff Jennifer Murray and David Wetmore.

Kevin- invited applicant to present their subdivision plans.

George McArdle- explained that they had bought 47 North Pleasant Street in 2016. It is a .47 acre parcel with a single-family home and detached garage/barn structure. They are proposing to subdivide the parcel into 2-lots. Due to their circumstances they need to sell the property and the additional lot would provide

additional income to them. George expressed that the additional lot will provide opportunities for an affordable lot that could be developed. The property is connected to Town water and sewer. A State WW permit will be required.

George- read from the narrative they submitted with the application, in which they conclude that the subdivision will not cause undue impacts on any of the standards.

Kevin- open to questions from DRB or staff.

Mark Wilch- asked why there was no frontage with lot #2. Mark also asked if the 12-ft Church easement could be confined to lot #1?

Dave W. expressed that the applicant's property is located in the Office and Apartment district. The frontage requirement for the district is 100-ft. The applicant's property has only 125-ft of frontage along North Pleasant Street. The regulations do not allow for the creation of a parcel with less than 100-ft of frontage. However, Middlebury Zoning allows an internal lot to be created with access via at least a 30-ft wide right-of-way. Lot #2 will have a ROW across lot #1. Lot #1 will retain all the existing frontage. The property has a horseshoe shaped driveway, which will be discontinued. Lot #1 will be served by the existing southern driveway. Lot #2 will be served by the northern driveway. David noted that the applicant's parcel # is 024174.001. The parsonage and church subdivision was completed in 2016. Dave explained how the Church uses the 12-ft easement. **Dave suggested that the survey note should correct PID, show a building envelope and more accurately note the location for 30-ft access ROW. The survey ownership should be corrected to reflect Juniper Holdings North, LLC.**

Kevin-opened to public comment

Royce and Kevin McGrath- expressed that they own 51 North Pleasant Street, directly north of the applicant's property. There is a seasonal stream that runs from east to the west toward North Pleasant Street between their properties. This makes the area wet, especially around the barn. They are concerned about development that could make the situation worse. Mr. McGrath acknowledged that there is a catch basin at the front of the applicant's property close to North Pleasant Street. When would this issue get addressed? The McGraths also expressed that this area of Town has many historic structures and hopes that any development would consider the character of the area.

Staff- expressed that any development on Lot #2 would most likely be reviewed and approved administratively. The exception is if a setback waiver was requested. The barn could not be used as a residential unit without moving the structure to comply with the minimum requirements of the Setback Waiver provisions. The Town does not inspect the property for stormwater. It would be the developers/contractors responsibility to address stormwater management on the property at the time development is proposed. Middlebury Zoning does not allow parking in the front yard.

Kevin-asked if there were more questions/comments- none expressed

**Motion by Rick Emilo- I move** that the Middlebury Development Review Board, having reviewed the application submitted and having heard and duly considered the testimony presented at the public hearing of August 9, 2021, approve this request for final subdivision approval to create a 2-lot subdivision of the Juniper North Holdings, LLC property located at 47 North Pleasant Street, subject to the findings and conditions of approval of the written decision and Final Plat signed by the DRB Chair. 2<sup>nd</sup> by Gary Baker. No discussion- Motion to approve 6-yes and 0-no. Hearing closed at 8:35 PM

V. Other Business- No meeting 8/23

**VI. Adjournment**

**Motion by Mark Wilch-** Mark moved the DRB to adjourn at 8:40 PM, 2nd by Rick Emilo.

**Motion passed, 6-yes, 0-no.** Meeting adjourned at 8:45 PM.

Minutes Submitted by Dave Wetmore