

**Town of Middlebury- Development Review Board (DRB)  
Meeting/Hearing conducted in person and via Zoom  
Minutes of February 27, 2023**

**Approved as presented 3/13/2023**

Members Present: David Hamilton, Chair, Gary Baker, Kevin Newton, Michael Reeves (Zoom) and Mark Wilch

Members Absent: Vegar Boe, Jason Larocque, alternate

Staff Present: Jennifer Murray and David Wetmore

Others Present: Alice White and Donald Monroe (owners), Amey Ryan, Ruth Sproull (Zoom), Barbara Doyle-Wilch (Zoom), Elizabeth Herrmann and Nick Scribner (applicants architects), David Dorman and Margaret Clerkin

**MEETING AGENDA**

**I. Call to Order-** David Hamilton, DRB Chair, called the meeting to order at 7:00 pm. D.H.- Assisted staff to determine participants, reviewed tonight’s agenda and hearing conduct procedures.

**II. Approval of minutes-**

**Motion by Kevin Newton-** moved to approve the minutes of 1/9/2023 as presented, 2<sup>nd</sup> by Gary Baker. Discussion- None **Motion to approve, 4 yes, 0 no**, Mark Wilch abstained

**III. Public comments-** None expressed

**IV. Public Hearing-** David Hamilton opened the hearing at 7:10 PM. David asked if there are members with conflicts or ex parti communications to disclose. None expressed.

David administered the oath to all visitors and staff present in person, as well as those attending via Zoom. David read the hearing application notice below.

1. Application (file #2023-27:077.000-CU) is a request by Donald Monroe and Alice White for the demolition and removal of the historic home located at 32 South Street pursuant to the Middlebury Zoning Regulations (MZR) Section 690. Specifically, applicants propose to demolish the existing home to build a new single-family home on the property. The property is identified as parcel #027077.000, located in the R-8 zoning district.

David- invited Donald Monroe, applicant, to provide an overview of their plans.

Donald – presented the history related to their purchase of the property. Alice is an alumni of Middlebury College and they have a 2<sup>nd</sup> home on Lake Dunmore where they reside during portions of the year. They enjoy Middlebury and wish to retire full time in Middlebury. As the DRB is aware, the real estate market is very active and available housing stock on the market is very limited. When the 32 South Street property came on the market, they felt that the location and size made for a good retirement prospect. They took the risk and made an offer without the benefit of an inspection. They contacted Liz Herrmann and consulted with her and builders Smith and McClain on the renovation of the home. Their goal was to renovate the home. After a thorough inspection by Liz and Smith and Mclain, they determined that the home was in very tough shape. Don expressed that Liz will elaborate on the homes deterioration. That

said, based on the input from their consultants, they determined that the home would need to be demolished.

Don noted that he believed the home is not part of the existing Historic Village District as outlined in the National Historic Register of Historic Places (NRHP). 32 South Street is on the State Historic Register as a “contributing” structure. They are aware that the expansion of the Historic Village District has been proposed but not approved. Section 690.III specifically cites that the preservation of Landmarks shall apply to properties listed on the NRHP dated November 13, 1976. 32 South Street is not on the 1976 NRHP.

Don shared that they have spent a lot of money developing plans for the property. The inspection determined that there have been numerous alterations over the years. The design of their new home is similar to and in character with other homes on South Street, but it is not meant to replicate the existing home. Neighbors have been consulted and seemed pleased with their plans. This decision to demolish and replace the existing home has been difficult. Their plans, when purchased, were to renovate rather than replace. Don asked Liz to address the deficiencies of the home that lead them to make the decision to demolish and rebuild. Don also outlined Liz’s bio as an award winning and well regarded architect.

Liz Herrmann- Liz presented digital slides that clearly show the structural deficiencies that she believes prevent the structure from being renovated without undue financial hardship to the owners.

Liz cited that she has completed many historic renovations, and was eager to see the possibilities for the 32 South Street home. She reiterated that the home is not on the NRHP and is a “contributing” historic structure pursuant to the State Historic Register. She read the 1980 description of the property from the State Historic Register and admitted that viewing the home from the street, it appears charming. However, the inspection determined that there were many deficiencies that prevent reasonable renovation of the home. Liz noted that many of the historic details cited are no longer present. The rear porch, casement windows and concrete block foundation are not original to the home. The roof is asphalt shingled and structural issues along with water penetration have caused serious deterioration in many places. Noted window pediments are not present on all windows. The foundation is in horrible shape, collapsing in due to water and structural problems. Over the years the structural alterations have left the floor joist and foundation structurally unsound. The entire foundation, subfloor structure and roof will need replacing. The chimney is pulling away and would need to be replaced. The lovely front porch facing South Street is basically the only exterior historic detail that remains, but the roof and foundation are structurally deficient and the porch itself is narrow and does not provide adequate width for typical porch uses.

Inside the home utility systems would all need replacing, including electric and heating. The home is uninsulated, and all windows will need replacing. The stairs leading to the 2<sup>nd</sup> floor lack safe, adequate headroom and cannot be improved. In conclusion, for so many reasons the 32 South Street home cannot be reasonable renovated without excessive and undue expense to the owners. No existing components can be reused. Liz said that she believes and supports renovation of historic structures where possible, but the existing home does not warrant renovating.

The design of the new home would honor the Streets historic character. The new home would be similar size as existing home. The design draws from the design features of the other homes on the Street. Liz shared construction details and pictures of the new home proposed for the property. The orientation of the new home is squared up to face South Street better and is setback 7.5 feet from the Chipman Park right-of-way (ROW) 2.5 feet further than the existing home. As proposed the new home does require a setback waiver for the side facing Chipman Park but will comply with all other required setbacks.

D.H.- opened the hearing to DRB questions/comments.

Mark Wilch- asked if the front line of the new home is closer to South Street than the existing home. Liz answered that the new home sits closer to South Street but complies with required setback. The frontline is in keeping with others along South Street.

Gary Baker- asked if the applicants had prepared a cost comparison between renovating and new construction. Gary expressed that the Zoning requires the DRB to conclude that renovation would be a financial hardship. Don expressed that they had not asked for an estimate for renovations based on Liz and Smith and McClains inspection. They concluded renovation would be too expensive.

D.H.- stated that the financial hardship criterion is a test. If this criterion is applicable, the DRB needs to be careful that they are consistent in how they determine hardship. Don't want to set a precedent. Liz expressed that building construction costs are quite high right now and the new home budget is the same, but she opines that renovations would be far greater. Nick Scribner cites that 690.IV states "that properties are important and should be preserved wherever reasonably possible". He feels retention is not reasonably possible. Don Monroe reiterated that the property should not be considered a historic landmark as it has not been approved yet.

Mike Reeves- expressed that Planning and Zoning Staff had determined that it may be a "Landmark", based on the proposed NRHP designation. It is up to the DRB to determine whether it is a "Landmark" and then whether an estimate of costs will be required.

Kevin Newton- expressed that his work experience and the pictures the applicant presented has demonstrated to him that it would be a waste of additional money to require a cost estimate comparison.

D. H.- is the orientation of the new home more aligned with South Street. Yes, more than Chipman Park.

D.H. noted a setback waiver has been requested, related to the new home. David asked the applicant to outline the specifics of their setback waiver request. Applicants stated that the new home is compliant with the setbacks from South Street and the south and west property lines. The waiver is requested for the setback from Chipman Park. The required setback is 15-ft. The owners are requesting a 50% reduction so the home would be sited 7.5 ft. from Chipman Park. The existing home is located 5-ft. from Chipman Park. The new home would reduce the setback non-compliance that currently exists.

D.H.- asked Staff if setback waiver could be administratively approved. Dave Wetmore responded yes, pursuant to 540.C.

Staff comments/questions.

Jennifer Murray- noted that Staff recognized that the nomination to the National Historic Register would make this home and many others "historic landmarks". While it is not yet approved, Staff felt that they needed to take the conservative view and have the DRB determine the historical classification of this structure.

J. M.- asked about siting the new home closer to South Street. Liz responded that it is closer but maintains the street line similar to the other homes on the Street. Squaring it up also helps to maintain the character of the existing street line.

L.H.- also expressed that she has looked up and down South Street and it is her opinion that there is no other home in as poor a shape as 32 South Street.

J.M.- asked about the barn. What are the plans for this structure. Alice White stated that they plan to restore and maintain the structure. It is her retirement project.

J.M.- asked what would happen if the owners decided they could not complete the project as they propose. DRB felt that in some cases a bond could be required if there were serious concerns.

D.H.-asked if there was a budget for the project. Yes, it is higher then they expected, but they are committed to it.

Dave Wetmore- noted for the record, in addition to all the exhibits and submissions the DRB received in their packet, two letters were received as evidence for the Boards consideration. One letter is from Glenn Andres and the other from Joel Wollum.

#### Public comment/questions

David Dorman- He abuts the property on the west side since 1980 and is very knowledgeable of the property. He is very pleased with the new homes design, and expressed that the neighbors strongly support the project to demolish and replace the home. David acknowledged many of the deficiencies that have been expressed by Liz. Its nice to think that it may be reasonable to preserve an old structure but is it feasible. The property has not been well maintained for years. There are many homes that are owned by the College and used by others as 2<sup>nd</sup> homes on South Street. David strongly supports the idea of full-time neighbors.

Amey Ryan- IPJ listed this property and expressed that it was shown many times and most walked away due to condition. However, many offers were received. Any reasonable person would conclude that replacing the home is the smart move forward. Amey expressed that regardless of who the owners are, replacing the home would have been required. It is not habitable as it is.

J.M. asked how Amey felt about homes being torn down for their lot value. Amey noted that she didn't think that was the motivation for most buyers interested in a historic home. She noted that part of the former Collins home was demolished and rebuilt, due entirely to condition.

Barbara Doyle-Wilch- asked if it could be moved and repurposed. Not likely, moving a structure is very costly and the condition is critical. Amey does not believe there is a market for moving this house in its present condition.

Ruth Sproull- expressed that hardship needs to be determined in some way. Comparing the cost of renovation to new construction would tell the whole story.

David Dorman-express that restoration should not even be considered if it can't be brought up to code.

L.H.- Liz responded to Glenn Andres comments regarding documenting and recording the home prior to demolition and conserving the record with the Sheldon Museum. The owners have made a record of the home and its condition and will consider sharing it with the Sheldon.

D.H.- asks if there are any further comment- none expressed.

D.H.- reviews with the DRB their options.

**Motion by Gary Baker-** moved that the DRB enter deliberative session to discuss application at 8:30 PM. 2<sup>nd</sup> by Mark Wilch. Motion approved 5-yes, 0-no.

**Motion by Kevin Newton-** moved to exit deliberative session and into open meeting at 9:15 PM. 2<sup>nd</sup> by Gary Baker. 5-yes, 0-no.

**Motion by Kevin Newton- Having heard the testimony and considered the information submitted, I move to remand the application back to ZA for administrative review and approval, having concluded that the 32 South Street property is not currently identified as a “landmark historic structure” pursuant to section 690.III. Further, I recommend that prior to zoning approval, the DAC should review the new home design for its compatibility with the historic character of South Street. 2<sup>nd</sup> by Mark Wilch. No further discussion. Motion to approve 5-yes , 0-no.**

**Motion by Kevin Newton-** I move to close the hearing, application # 2023-027:077.000-CU at 9:20 PM. 2<sup>nd</sup> by Mike Reeves. Motion to approve 5-yes and 0-no.

## **V. Other business**

1. Proposed amendments to Rules of Procedure- Staff distributed and went over the amendments proposed. The DRB reviewed and discussed the amendment regarding how decisions will be reviewed by the Board prior to chair signature.

**Motion by Gary Baker-** I move to amend the DRB Rules of Procedure as drafted and presented by staff dated 1/9/2023. 2<sup>nd</sup> by Kevin. No further discussion. Motion to approve, 5-yes, 0-no. David Wetmore will sign and note date of adoption and decision on adopted Rules of Procedure.

2. Next DRB meeting will be March 13, 2023. The Board will review Summit Properties Sketch Plan for the Seminary Street Ext. property. This is just an informal opportunity to review the applicants’ plans and offer general comments regarding what will needed for Preliminary Plat review. Staff will prepare staff notes and send TND requirements prior to the meeting. Staff provided a copy of the Summit’s sketch plans, preliminary review comments from Middlebury Town department heads, and TPUDC comments (requested by Town Planning and Zoning Staff). David W. will send copies to Mike, Vegar and Jason.

3. Kevin and Gary requested hard copies of the recently adopted Zoning Regulations. Staff will prepare copies for all Board members and distribute them on March 13<sup>th</sup>.

## **VI. Adjournment**

**Motion by Gary Baker,** 2<sup>nd</sup> by Mark Wilch the DRB voted to adjourn the meeting at 9:40 PM. Motion passed 5 yes, 0-no. Meeting adjourned at 9:40 PM.

Minutes submitted by Dave Wetmore