

**Town of Middlebury- Development Review Board (DRB)
Meeting/Hearing conducted in person and via Zoom
Minutes of January 9, 2023**

Approved as presented on February 27, 2023

Members Present: David Hamilton, Chair, Gary Baker, Vegar Boe, Kevin Newton, and Michael Reeves

Members Absent: Mark Wilch, Jason Larocque, alternate

Staff Present: Jennifer Murray and David Wetmore

Others Present: Matt Curran (applicant representing Middlebury College), Diane Neuse, Wade and Marcy Weathers, Andy Hooper, Sandra Lewis. Participating via Zoom- Tamar Mayer, Monica Sanchez, Matt and Eden Lalonde, Joel Miller and Betsy Schwenker

MEETING AGENDA

- I. Call to Order-** David Hamilton, DRB Chair, called the meeting to order at 7:05 pm. D.H.- Assisted staff to determine participants, reviewed tonight's agenda and hearing conduct procedures.
- II. Approval of minutes-**
Motion by Vegar Boe- Vegar moved to approve the minutes of 12/12/2022 as presented, 2nd by Gary Baker. Discussion- Mike noted minor correction, **Motion to approve minutes, 4 yes, 0 no**, David Hamilton 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. D.H. disclosed that he teaches a class at Middlebury College but does not feel it is a conflict. DRB agrees, as there is no direct benefit to him from this proposed subdivision.

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 #2022-04:005.000-SD) is a request by The President and Fellows of Middlebury College for final plan/plat approval for a 3-lot subdivision of the property located at 51 Seminary Street Ext. pursuant to the Middlebury Zoning Regulations (MZR). Applicant proposes to subdivide the property into three parcels, lot #1 being 3+/- acres with existing homes, lot #2 being 1.35+/- acres and lot #3 being the remaining 31+/- acres. The property is identified as parcel #004005.000, in the R-20 zoning district. Staff has determined that this is a "minor subdivision" as that term is defined in the MZR.

David- invited Matthew Curran, applicant to provide an overview of their subdivision proposal.

Matt Curran- Explained that he is the College's Director of Business Services. The College bought this property earlier this year for the purpose of providing a site where affordable and work-force housing would be developed. Summit Properties has determined that they are interested in only lot # 3 of the subdivision (SD). For that reason the College is proposing to subdivide the property into 3-lots. Lot #1 will be a 3+ acre parcel with existing historic structures. Lot 2 will be a 1+ acre undeveloped parcel and

Lot #3 will be the remaining 32+ acre parcel that will be developed by Summit Properties. The proposed SD of the property does not include any development plans currently. Presently, the College has a purchase and sale contract on lot #1. Lot #2 remains for sale.

David opened the floor to Board questions/comments.

Kevin Newton- Asked about access to each lot? Matt noted that the survey shows 2 existing driveway accesses to lot #1. There is no developed access for lot 2 or lot 3.

David Hamilton- Will there be an easement for access to lot #3 through either lot 1 or 2? Matt responded no.

D.H.- confirmed with staff that access, WW, stormwater, wetlands and building envelopes are being deferred and will be reviewed as development of each lot is proposed. Staff agreed.

K.N.- Are there any wetlands associated with lots 1 or 2? Yes, along the eastern boundary of both.

D.H. – Was the lot line between lots #1 and #2 determined because of setback requirements? Yes.

K.N.- Will existing buildings be preserved? The large home will be. The 2nd home and barn on lot #1 may not. Staff noted that the 2 homes and barn are identified as historic structures and listed on the Register.

Michael Reeves- Is there a developed driveway for lot #2? No. Staff noted that a future access will be reviewed and permitted at the time development is proposed.

Vegar Boe- Will these properties be developed with community housing needs in mind? That is unknown. Staff stated that the R-20 district would allow for a diversity of housing types.

D.H.- asks if the DRB had further questions? None at this time. D.H. opened questions/comments to staff.

Jen Murray- asked if the applicant had considered any easements for pedestrian access? No.

David Wetmore- Reiterated that all structures on lot #1 are identified as historic. Further, he requested the DRB to condition any approval on the following.

1. Lot #3 should be added to the plat, since lot #3 will be the focus of an application review over the next several months.

2. That many zoning requirements have been deferred, pending review of future development plans including preservation of historic structures, water/wastewater, stormwater, wetlands, and access.

D.H.- opened the question/comment period to the public.

Sandra Lewis- lives at 62 Seminary Street, Ext. Ms. Lewis expressed traffic safety concerns along Seminary Street Ext. in front of her home. There is a dip in the road that causes site issues.

Diane Neuse- lives at 66 Seminary Street Ext. She wanted the DRB to know that historically there was a 3rd access to the property that had existed into the 1970's. It was located more toward the west boundary along Seminary Street Ext, which might provide a better access to the property.

Tamar Mayer- lives at 158 Washington Street Ext. Ms. Mayer is interested in lot #2 which abuts her property. She has had no success talking with the College. Further, what is the development potential of lot #2. D.H suggested that she communicate her interest directly to Matt Curran and regarding development potential, she should contact staff in the Zoning and Planning office.

Betsy Schwenker- President of the Battell Hill HOA across from lot #3. No comment at this time.

Monica Sanchez- expressed support for the restoration of the historic structures.

Jane Reilly- no comment.

D.H.- noted that access safety and visibility will be part of the access permit review.

Andy Hooper- noted that this is a quiet area in Town. He expressed that he has communicated his interest in a boundary adjustment (BLA) between his property a lot #1 to preserve a visual barrier. He realized that the process has moved much quicker and hoped that a BLA was still possible. D.H. acknowledged that the SD application does not include a BLA. Matt Curran said that he is still in discussions with Andy. Staff suggested that another option could be an easement along the boundary to preserve the existing vegetative screening. That would not solve the setback compliance issue of the chicken coop though.

D.H.- asked if there were any further questions/comments.

Motion by Kevin Newton- moved that the DRB enter deliberative session to discuss SD application at 8:00 PM. 2nd by Gary Baker. Motion approved 5-yes, 0-no.

Motion by Gary Baker- moved to exit deliberative session and into open meeting at 8:30 PM. 2nd by Michael Reeves. 5-yes, 0-no.

Motion by Michael Reeves- 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 January 9, 2023 approve this 3-lot subdivision request for the property owned by Middlebury College located at 51 Seminary Street Ext. as shown on the site plan submitted for parcel # 004045.000. Approval is subject to the DRB's discussion and conditions identified during deliberative session and to the findings and conditions of approval outlined in the written decision and Final Plat, both signed by the DRB Chair. 2nd by Vegar. Conditions of approval were discussed and summarized below. Motion to approve 5-yes and 0-no.

1. Lot #3, in its entirety, is required to be included with the final plat.

2. All future development associated with lots 1, 2 and 3 will be compliant with the Towns Zoning and reviewed by DRB prior to approval by staff, including the historic renovation of structures located on lot #1.

3. DRB asks that a finding be included acknowledging that a minor BLA (10+/- feet) is being considered between the Hooper property and lot #1 to preserve the existing vegetative screening. DRB Chair is authorized to sign final plat providing BLA is minor and consistent with the Boards deliberations.

D.H. Closed the hearing at 8:40 PM.

V. Other business

1. Proposed amendments to Rules of Procedure- Staff distributed and went over the amendments proposed. The DRB decided that they will vote on them at the beginning of the next meeting.
2. DRB discussed whether John MacIntyre's position should be replaced immediately or wait till annual re/assignments to Town boards and committees are made. DRB preferred to wait until May.
3. Next DRB meeting is anticipated to be February 13, 2023.

VI. Adjournment

On a motion by Gary Baker, 2nd by Vegar Boe the DRB voted to adjourn the meeting at 8:50 PM. Motion passed 5 yes, 0-no. Meeting adjourned at 8:50 PM.

Minutes submitted by Dave Wetmore