

Town of Middlebury
Development Review Board (DRB)
Meeting/Hearing conducted online via Zoom
Minutes of September 14, 2020

Approved as presented 11/23/2020

Members Present: Kevin Newton, Chair, Gary Baker, V. Chair, Rick Emilo, David Hamilton, Jason Larocque, John MacIntyre, Anne Taylor and Mark Wilch

Members Absent:

Staff Present: Jennifer Murray, Dave Wetmore

Others Present: Jason Barnard, Robert Grant, Cathy Vincent, Emily Jenkins, Mykala Humiston,

MEETING AGENDA

1. Application (file #2020-05:225.000-SD) request by Dutton Family Revocable Trust, Robert Grant, TTEE for final 3-lot subdivision approval of parcel # 005225.000. The Dutton Family Trust property is located at 97 Seminary Street Extension in the Agricultural Rural (AR) district.

I. Call to Order

Kevin Newton, DRB Chair, called the meeting to order at 7:00 pm, and welcomed Mark Wilch as alternate to DRB. Kevin then reviewed the night's agenda and asked if there were any non-agenda items/public communications. None expressed. At 6:45 PM, before the start of the meeting Ann Webster administered public office oaths to Anne Taylor, John MacIntyre, Jennifer Murray and David Wetmore. Mark Wilch, alternate to the DRB had previously taken the oath.

II. Election of DRB officers

Chairperson- Kevin opened the floor for nominations. Rick Emilo nominated Kevin for the position of chair, Gary Baker 2nds. No further nominations.

Jason Larocque moved to close nominations, Rick Emilo 2nds. Gary Baker called the vote for Chair person. Motion approved 7-yes and 0-no.

Vice Chairperson- Kevin opened the floor for nominations. Rick Emilo nominated Gary Baker for the position of Vice Chairperson, Kevin Newton 2nds. No further nominations.

Rick Emilo moved to close nominations, Anne Taylor 2nds. Kevin called the vote for Vice Chairperson. Motion approved 7-yes and 0-no.

III. Approval of Minutes:

Motion by Jason Larocque- moved to approve the minutes of 3/9/2020 as presented. Anne Taylor 2nds. Discussion- none. Motion approved 7-yes, 0-no, Mark abstained

IV. DRB public hearings/meeting:

1. Application (file #2020-05:225.000-SD) request by Dutton Family Revocable Trust, Robert Grant, TTEE for final 3-lot subdivision approval of parcel # 005225.000. The Dutton Family Trust property is located at 97 Seminary Street Extension in the Agricultural Rural (AR) district.

Kevin Newton opened the hearing, read the warning and administered the oath to those present who intend to present testimony. Taking oath were Jason Barnard (applicant's consultant), Mikala Humiston, Emily Jenkins, Cathy Vincent and Robert Grant and Staff.

Kevin- asked if there are any DRB conflicts of interest or ex-parte communication. None expressed.

Kevin invited Jason to explain the Dutton SD- Jason began by stating that Dutton property is a 34 +/- acre parcel with an existing SFH.

Lot#1 is to be a 4.35-acre lot accessed by a right-of-way that complies with section 705. Lot #1 includes an existing 3-bedroom SFH served by Middlebury Town water and on-site septic.

Lot #2 is to be a 44 +/- acre lot. This lot is adjacent to public property (Mean Woods). No development is proposed on lot #2 at the present time. Dutton Family Trustee, Robert Grant expressed interest and hopes that the Town of Middlebury will purchase this parcel.

Lot #3 is to be the remaining 84 +/- acres which is currently farmed by Foster Brothers and will remain in agricultural use. No Development of lot #3 is planned currently. Deferral language will be included with transfer of this parcel.

Kevin- asked about frontage for lots #2 and #3? Jason and Dave expressed that both lots have the required frontage and attempted to show where the existing accesses are located. Jason stated that they will add these access points to the survey

Rick – asked why lot #1 did not include the existing frontage? Dave shared that the frontage where the driveway is located is not the required 200-ft and therefore it does not comply with the frontage requirements outlined in Section 620. Section 705 allows for a lot to be accessed by a right-of-way (ROW) that is at least 30-ft. wide.

Mark- asked why can't the existing frontage just go with lot #1? The existing 59+ ft. of frontage does not comply with the 200-ft. frontage requirement. Dave shared that the DRB should not knowingly create a non-conforming lot. Section 705 allows for the creation of an internal lot served by a permanent 30-ft. ROW. Lot #1 complies as an internal lot.

Kevin- open the discussion to the public

Cathy Vincent- Shared that her home is adjacent to the driveway to lot #1. Who should she contact if she has problems with the use of the ROW? Jason felt that any issues would likely be associated with lot #1 and the owner of lot #1 would be responsible. Cathy wondered if there should be a notice and contact information posted?

Cathy Vincent- raised concerns about the driveway access use for heavy agricultural equipment. Jason shared that this is not the primary access for lot #3. Dave noted that mapped wetland in this area suggests that this should not be used as the primary access for lot #3. The driveway for lot#1 does not impact wetlands.

Dave Wetmore- Shared that Robert Grant had just called him and express that he had not been able to participate due to technical difficulty, but he had been able to listen to the discussion. Robert confirmed and agreed with the discussion and evidence presented.

David Hamilton- asked about the driveway requirements. Dave W. explained that Section 705 outlines the minimum standards including B-71 driveway design standards. As presently constructed the driveway appears to meet the minimum standards.

Kevin-asked if there are any other questions or comments? None expressed.

Kevin asked if the DRB was ready to make a motion?

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 tonight's hearing (9/14/2020), approve this request for final 3-lot subdivision of the Dutton property located at 97 Seminary Street Extension, as discuss and subject to approval of the written decision and final plat by the DRB chair. Rick Emilo 2nds. No discussion. Motion approved 7-yes and 0-no.

VI. Adjournment

Motion by Anne Taylor- moved the DRB to adjourn at 7:45 PM, 2nd by John MacIntyre. Motion passed, 7-yes, 0-no. Meeting adjourned at 7:45 PM.

Minutes Submitted by Dave Wetmore