

**Town of Middlebury  
Development Review Board (DRB)  
Town Office Large Conference Room  
Minutes of December 11, 2017  
Approved 1/22/2018**

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**Members Present:** Kevin Newton, Gary Baker, Rick Emilo, Don Keeler, John MacIntyre, and Anne Taylor,

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**Members Absent:** Scott Foster and David Hamilton

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**Staff Present:** Jennifer Murray, Katherine Wheatley (videographer) and Dave Wetmore

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**Others Present:** Brad and Blanca Jenne, Benj Deppman, Bonnie Gridley

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**MEETING AGENDA**

1. Application by Brad and Blanca Jenne, dba Middlebury Sweets, LLC requests final conditional use approval to convert and use a portion of the existing Greystone Motel for retail use as a candy shop. This will reduce the motel to 9 rooms. The property is located at 1395 Rte. 7 South in the Protected Highway district (PHD), parcel ID# 08:164.000.

Kevin Newton called the meeting to order at 7:00 pm, and reviewed tonight's agenda.

**1. Minutes of 11/27/2017**

**Approval of 11/27/2017 Minutes- Motion-** Gary Baker moved to approve the 11/27/2017 minutes as corrected, Anne Taylor 2nds. Motion passed, 5-yes, 0-no

**2. Adjustments to alter agenda-** None noted.

**3. Hearing on application by Brad and Blanca Jenne, dba Middlebury Sweets, LLC requesting final conditional use approval to convert and use a portion of the existing Greystone Motel for retail use as a candy shop. This will reduce the motel to 9 rooms. The property is located at 1395 Rte. 7 South in the Protected Highway district (PHD), parcel ID# 08:164.000.**

Kevin Newton recused himself from the DRB expressing conflict as neighboring property owner. Kevin handed the chair position over to Rick Emilo, Vice Chair for review of the Jenne application and then sat with the general public.

Rick opened the Jenne hearing, administered the oath to those present (Brad and Blanca Jenne, Kevin Newton) and asked if any Board member had a conflict or ex-parte communication regarding this application. None noted.

Blanca Jenne introduced their application and explained that their request is to add a retail component to the existing Greystone Motel operation. They propose to convert 1 motel room and the owner's apartment into the retail and commercial kitchen space. They will move their candy business "Middlebury Sweets, LLC" to this new location. The apartment will no longer be used as a residence. The second floor space will be used by their children while the store is opened. The remaining space will be used for storage. The kitchen space is used to make fudge and chocolates which is approx. 10% of their sales. Nine motel rooms will continue to be reserved for guest use. The Jennes expressed that they have discussed the changes of use with VTrans and have agreed to discontinue and remove the driveway/curb cut leading to the garage. They are proposing to make the U-shaped driveway one-way traffic. Applicants are proposing to change the building and trim colors, and provided examples for Board review.

42 **DRB and Staff questions?**

43 **What will the garage be used for?** Answer- The garage will be used for storage for both the  
44 Motel and the Candy Shop. No outside storage is being proposed.

45 **Will parking spaces be outlined?** Answer- The applicants propose to use paint to delineate the  
46 15 spaces in front.

47 **Are major renovations to the Motel necessary?** Answer- Applicant explained that the rooms  
48 have recently been remodeled. New furniture and bedding will be purchased.

49 **Where do you stand with VTrans permit?** Answer- Applicants stated they have their VTrans  
50 “letter of intent”. The State will not issue a permit until they receive Town approval. As noted  
51 above they are agreeing to discontinue and remove the existing garage driveway.

52 **What type of deliveries will be received?** Answer- Applicant stated that they receive typically 1-  
53 2 small vehicle deliveries/week. Larger truck deliveries do occur 1X/month. Larger trucks can and  
54 do access the property as it is not uncommon to see them parked there as Motel guests. No off-  
55 loading will be completed on Rte. 7.

56 **What exterior lighting changes are proposed and will they be compliant with Middlebury’s**  
57 **lighting standards?** Answer- Applicant stated that they feel the existing exterior pole and façade  
58 lighting is adequate. No changes are proposed at this time. However, if existing lighting is deemed  
59 to be non-compliant, Applicants agree to change. DRB stated that pole lighting does not appear to  
60 be shielded or directed downward, and encourages the Applicant to work with staff on this.

61 **Are there plans for additional landscaping?** Answer- Applicant expressed that they wish to  
62 work with what is there while adding seasonal flowers. Existing landscaping plants have not been  
63 maintained. Blanca expressed that she wants the property to look nice and will work with a  
64 landscaping and lawn maintenance company to clean up and manage up what’s there. Staff notes  
65 suggest that the DRB could request additional landscaping to break up the parking in front, citing  
66 Section 760 III.

67 **Will amended wastewater approval be required?** Answer- Applicant expressed that they have  
68 contacted the State Permit Specialist and are waiting for their response. Based on the Applicant’s  
69 existing wastewater permit, the flows for the kitchen are pretty low. The fact that they are  
70 removing one of the motel rooms and the owner’s apartment, sewer usage at the motel will likely  
71 be less than is used currently. Benj Deppman stated that he did not think amended wastewater  
72 approval would be required.

73 **What signage is proposed?** Answer- Applicant expressed that they would like to repurpose the  
74 existing free standing sign and will request a new flat sign on the building. Does the existing  
75 freestanding sign comply with the sign standards? Staff expressed that based on the applicants  
76 representations the existing free standing sign may not comply. Applicant asked if its size is  
77 grandfathered. Staff stated that this is a new request and signage would need to comply with  
78 existing Zoning. Applicants proposed one-way traffic flow will require some directional signage.

79 **What are the candy shops hours of operation and how many employees?** Answer- Presently  
80 the summer hours are 8:30 am to 6:00 pm, Monday-Saturday and Sundays 11am to 5:00 pm.  
81 Applicant stated they currently have 1-1/2 employees for the candy shop and plan to retain a full  
82 time house keeper position for the Motel.

83 **Parking requirements, there is a discrepancy between Applicant calculations and Staff?**  
84 Answer- Employee parking will be in front of garage. Section 760 requires 21 spaces dedicated to  
85 the Motel and retail use. Applicant site plan shows parking available for 15 vehicles. The balance  
86 of the parking spaces are being requested as a “Green Space Waiver”. The green space parking  
87 area is requested in the application and identified as the area north of the garage behind the south

88 end of the Motel. Is this area wetland? Staff stated that based on the Towns map inventory, it is  
89 not.

90 **Is U-Haul rentals on this site part of this application?** Answer- No. Applicant stated adding U-  
91 Haul to this location will be a separate application at another time. This application is for the retail  
92 candy shop only. DRB observed adding U-Haul would require additional parking.

93 **Where will the dumpster be located?** Answer- Applicant does not anticipate using a dumpster.  
94 All garbage will be kept in the garage.

95 **If an onsite resident will not be present, how will late night check-ins be handled?** Answer-  
96 Remote check-ins will be completed by phone, room keys will be available via a lockbox and  
97 keypad. DRB noted that Fire Department may require Knox Box for access. Applicant stated that  
98 can be arranged.

99 DRB and Staff reviewed color scheme. Applicant shared color samples. Building will be a soft  
100 yellow color. Trim will be white and doors will be a brick red. The stone façade will remain  
101 unchanged, it is part of the character of the Greystone. Rick Emilo asked if the DRB would like  
102 the Applicants to meet with the DAC? DRB did not feel it was necessary if the work is completed  
103 as represented.

104 Rick opened up the hearing to public comment

105 Kevin Newton- expressed he is a nearby homeowner and supports this request to add retail to the  
106 Motel use. Kevin stated that the existing u-shaped access was laid out with the right-of-way  
107 takings along Rte. 7 in the 1960's.

108 Rick- asked DRB if it was necessary to enter deliberative session for more discussion prior to  
109 rendering decision on this application. Board felt that it was not needed.

110 **Motion by John MacIntyre- I move** that the Middlebury Development Review Board, having  
111 reviewed the application submitted and having heard and duly considered the testimony presented  
112 at the public hearing of December 11, 2017 **approve** this conditional use request to add retail use  
113 to the existing Greystone Motel use subject to the following conditions.

114 1. All exterior lighting will comply with Section 769.  
115 2. All signage will comply with Section 772.  
116 3. Absolutely no off-loading on or within Rte. 7 right-of-way.  
117 4. Extending hours of operation will require DRB approval.  
118 5. Install Knox Box if required by Fire Department.  
119 6. Amended wastewater approval if required.

120 **Gary Baker 2nds. Motion to approve carries 5-yes and 0-no.**

121 Benj Deppman- expressed that he is the Jennes' attorney and that they are under some very tight  
122 timelines. They need to close by December 29. Hopes the Board will render there decision as  
123 quickly as possible. They really need a written decision in the next couple of days. DRB and Staff  
124 discussed this request, timeframe to render written decision and appeal periods and agreed that  
125 Applicant should try to use the draft minutes as evidence of approval, which should be available  
126 within 3 days.

127 Applicants and general public left at 7:40 pm. Rick handed chair position back to Kevin for  
128 remainder of the meeting.

129 **4. Deliberative session-** not required.

130 **5. Other Business**

131 a. Review of current bylaw amendments being considered by the Planning Commission.

132 Anne expressed that she had forwarded some comments to Jennifer. Jennifer was invited to  
133 present the highlights of the amendments and DRB provided comments for her  
134 consideration.

135 b. Board reviewed both “Off-da-Hook” and “Champlain Valley Dispensary” preliminary  
136 decisions.

137 DRB reviewed both decisions, no substantive amendments/changes suggested. Kevin will  
138 come in to sign Wednesday morning.

139 c. Next meeting- possibly January 8, 2018, but nothing is currently scheduled

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141 **6. Adjournment**

142 **Motion-** Rick Emilo moved to adjourn at 8:45 pm, John MacIntyre 2nds. Motion passed, 5-yes -0-  
143 no

144 Meeting adjourned at 8:45 pm.

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146 Minutes Submitted by David Wetmore