

**Town of Middlebury
Development Review Board (DRB)
Town Office Large Conference Room
Minutes of October 23, 2017
Approved**

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

Members Absent: David Hamilton

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

Others Present: Charlie Roy, Anthony Neri, Greg Wry, Irene Barna, Judy Watts, Jack Watts, Eric and Helen McKerran, Andrew Pezzulo, Michael and Maria Farnsworth, Amey Ryan, Chris Robbins, Joe Controneo

MEETING AGENDA

1. An application by Tony Neri for preliminary conditional use review of a proposal for an approx. 7,000sf retail (grocery) store. The property is located at 3 Elm Street, parcel ID 24:201 and 30 MacIntyre Lane, parcel ID 24:199 in the VRC zoning district.
2. An application by Charles Roy for final subdivision review of a proposal to create a two-lot subdivision. This property is located at 651 Blake Roy Road, parcel ID 11:034 in the FOR zoning district.

Kevin Newton called the meeting to order at 7:00 pm.

1. Minutes of 10/9/2017

Motion- Gary Baker moved to approve the 10/9/2017 minutes as presented, Anne Taylor 2nds. Motion passed, 6-yes, 0-no, Scott abstained.

2. Motion to alter agenda order- Don moved to amend the order of business tonight to hear the Roy application first. Rick 2nds. Motion passed, 7-yes and 0-no

3. Hearing on application by Charlie Roy for final subdivision review of a 2-lot subdivision, Parcel ID 11:034 in the FOR zoning district.

Kevin Newton administered the oath to those present. Charlie Roy represented the application as owner of record/applicant.

Charlie Roy introduced his application. Specifically, he is proposing to create a 2-lot subdivision of parcel ID 11:034 which is a 28+/- acre parcel in the Town of Middlebury west of the Middlebury River. This is considered a separate parcel from the balance of the Roy property due to the River. The subdivision will result in lot #1 being 17 acres and lot #2 being 18 acres. The balance of the Roy parcel, approx. 20 acres is located within the Town of Salisbury. The configuration between lot #1 and lot #2 follows along the existing agricultural and forest cover types. Lot #2 (in Salisbury and Middlebury) will be sold to the Goodrich Farm to add to their sugaring operation. Lot #1 will have an easement onto lot #2 for septic and also for access. Access is proposed to be a deeded right-of-way (ROW) will originate in Salisbury between the bridge crossing Middle Road and the Goodrich Farm property line (approx. 150-ft.). The ROW been located to avoid FEMA flood hazard areas (FHA). The ROW will be permanently protected by deed. Charlie met with the Salisbury DRB but was told the meeting was not warned correctly and

41 that they could not hear his request regarding the right-of-way to access lot #1. State wastewater
42 permit is pending.

43 Don Keeler asked about Salisbury approval for the ROW. The creation of lot #1 is dependent upon
44 permanent access. Charlie responded that he has discussed his options with Mark Wilch, Salisbury
45 ZA and his attorney. Both felt that it may be easier to approve a boundary adjustment for the ROW
46 once Goodrich Farms own it. Dave Wetmore expressed that in order for that to happen Goodrich's
47 may need to be part of this application. The DRB needs assurance that a ROW will benefit the
48 creation of lot #1. If this is just an easement/ROW why can't Charlie just create it?

49 Anne asked about sight distance at Middle Road. Charlie shared that they were good.

50 Kevin sought public comments. No public comments made.

51 **Motion-** Don moved to continue the Roy hearing to November 13, in hopes that Charlie will have
52 a plan for deeded access/ROW. Gary 2nds. Motion passed, 7-yes and 0-no

53

54 **4. Hearing on application by Tony Neri for preliminary conditional use review of a**
55 **proposal for an approx. 7,000sf retail (grocery) store. The property is located at 3 Elm**
56 **Street, parcel ID 24:201 and 30 MacIntyre Lane, parcel ID 24:199 in the VRC zoning**
57 **district.**

58 Kevin Newton administered the oath to those present. Tony Neri presented the application as
59 owner of record/applicant.

60 Tony introduced his request to reopen the former Greg's Market as a retail grocery store. He
61 presented a site plan developed by Dubois and King. The site plan would orient the main entrance
62 on the west side of the building. The Pool World building would be moved back and space used
63 for parking. Tony was clear that he wants to reinstate the front side parking along Elm Street for
64 ~~handicap~~ disabled patrons as well as parking along Exchange Street. There would be a separate
65 entrance (facing Elm Street) for those entering from Elm Street and Exchange Street. Tony would
66 like to keep the Pool World building as a business rental. Pool World building had been on the
67 Historic Register, but has been recently delisted.

68 Parking- as currently configured Tony stated he has 27 spaces including those on Elm Street and
69 Exchange Street. As proposed, by moving the Pool World building parking would increase to
70 approximately 50 parking spaces.

71 Landscaping- the only proposed changes to the site would be to remove trees along and between
72 the Ryan and Farnsworth properties and replace with a privacy fence.

73 Tony is asking DRB for preliminary approval to allow him to get a grocery store reopened and
74 approve the increase in parking. He understands that he will need to come back with specifics, but
75 he feels he needs this conceptual approval to begin talks with potential operators of the grocery
76 store.

77 Don Keeler asked why Tony proposes handicapped spaces in front if the entrance is proposed on
78 the side. Tony responded there are two entrances- one on the front and one on the side. Don asked
79 why the front entrance is not on the site plan. Tony responded that this is a conceptual site plan and
80 specifics need to be worked out.

81 If Pool World building it is to remain a retail space it will require dedicated parking as well. Tony
82 shared that he hates to lose the Pool World building but could if he has to.

83 The DRB asked if, as proposed, Tony is asking for parking to be allowed on 3 sides. Tony
84 responded yes, that is what he is asking for. Along Exchange Street parking would be reserved for
85 deliveries/freight **in morning and customers the rest of the day.** There is no customer entrance

86 proposed on Exchange Street. The parking configuration depicted is only painted lines, there is no
87 curbing proposed that would restrict traffic movement. Snow storage was briefly discussed, and
88 the details would have to be worked out for final plans.

89 DRB acknowledged that this is a preliminary hearing and that the final site plan will require
90 additional specifics and updating. The Board expressed a great deal of reservation about parking
91 along the Exchange Street and Elm Street rights-of-way. Tony expressed again that the front
92 parking is critical. DRB stated that there have been numerous accidents at this location and various
93 Town staff have expressed great reservation about allowing those 5 parking spots to be reopened.
94 In particular, Police Chief Hanley feels parking in front should not be reopened. DRB asked if
95 Tony would continue the indemnification agreement and insurance policy that Greg had on those
96 front spaces, and Tony stated he would agree to that. The DRB observed that the volume of traffic
97 (especially truck traffic) through the intersection has increased significantly in the last several
98 years, and is greater now than when Greg operated the store. Traffic congestion through this
99 intersection would only be compounded by allowing front parking. DRB also expressed that there
100 is a plan to place a sidewalk along Exchange Street. Any parking and loading proposed along
101 Exchange Street would need to consider the sidewalk development. The sidewalk is planned to be
102 located along the east side of Exchange Street to approx. RK Miles and then cross to the west side.

103 The DRB asked if there are exterior changes proposed. Tony responded- only the new west
104 customer entrance. Additional exterior lighting would be necessary along west side of building and
105 maybe the parking lot. DRB noted final plans would need lighting plans and product
106 specifications.

107 The DRB asked are there any plan to improve the looks of the east side of the building? None
108 except to try to clean the existing siding.

109 Kevin opened floor to public comment, requesting that folks state their name for the record. Before
110 doing so Kevin reread and administered the oath to the public gathered.

111 Andrew Pezzulo- commented that he lives on Seymour Street and that this end of Town is a “food
112 desert”. This end of Town needs this grocery store.

113 Chris Robbins- expressed that she would really like to see the grocery market reopened. She
114 supports the parking along Exchange Street, but does not support the front parking spaces. Chris
115 noted that the final plan needs to address stormwater and improvements to parking and traffic
116 flow/circulation. She supports improvements to the RK Miles road to allow safe one way traffic
117 through this area.

118 Amy Ryan- supports the reopening of the Store. She also supports the replacement and removal of
119 the wooded hedge with a privacy fence between their property and Tony’s. There were some trash
120 issues with the owner after Greg, but those have been cleaned up now- a fence would help. The
121 wooded hedge is really in poor shape and area is damp. Also there is an elevation change between
122 the proposed parking and the Ryan/Farnsworth properties. Amy asked if angle parking in the front
123 with only one way traffic would reduce problems at the intersection. She feels the north end of
124 Middlebury needs a local grocery.

125 Michael Farnsworth- agreed with the comments made by the public. Supports the reopening of the
126 Store. He is frustrated by the amount of trash that gets blown around.

127 Maria Farnsworth- Agrees with Mike’s comments. She is in favor of the fence. The trees at least
128 the ones in place currently require a lot of maintenance. Maria expressed that the RK miles access
129 is a death trap. She has observed people partying in the back parking lot. She feels the only way to
130 improve the ingress/egress over the RK Miles property is to remove one of the buildings.

131 Greg Wry- Middlebury needs this type of market and would like to see it reopened.

132 Tony Neri- expressed that RK Miles owns the access to Exchange Street on the north end of his
133 and Farnsworth properties. Improving this access would eliminate some of the traffic at the
134 Elm/Exchange Street intersection. Tony noted there are three stormwater catch basins on the
135 property or along Town ROW.

136 Jennifer asked Amey if there is a drainage swale between the Neri and Ryan/Farnsworth
137 properties. Amy Ryan stated no.

138 Kevin asked if there were any additional questions/comments from public, Board or Staff. Hearing
139 none Kevin surveyed Board for direction.

140 **Motion-** Don moved for the Board to enter deliberative session at 8:15 pm to discuss the Neri
141 project. Gary 2nds. Motion passed 7-yes and 0-no.

142 9:10- the Board came out of deliberative session.

143 **Motion-** Gary moved to continue the Neri hearing on November 13, 2017 for the purpose of
144 reviewing the preliminary decision. Scott 2nds. Motion passed 7-yes and 0-no. Don and ~~Anne~~-Rick
145 expressed that they would not be available on the 13th.

146

147 **5. Other business**

148 Don asked about neon sign restrictions? Staff will review.

149

150 **6. Adjournment**

151 **Motion-** Scott Foster moved to adjourn at 9:15 pm, Anne 2nds. Motion passed, 7-yes -0-no
152 Meeting adjourned at 9:15 pm.

153

154 Minutes Submitted by Jennifer Murray