

Town of Middlebury
Development Review Board (DRB)
Town Office Large Conference Room
Minutes of August 27, 2018
Approved as amended 9/24/2018

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

Members Absent: none

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

Others Present: Justus DeVries and Joe Nelson

MEETING AGENDA

1. An application (file #2018-09:089.000) request by G6 Realty, LLC for final conditional use approval to develop a new single-family home and camp in the Forest District pursuant to Sections 610 and 742. Additionally, the Applicants are asking for a modification to the Road Standards pursuant to section 576XII. The property is located at 155 Dragon Brook Road in the Forest District, parcel ID# 009089.000.

I. Call to Order

Kevin Newton called the meeting to order at 7:05 pm, reviewed tonight's agenda, reminded guests to sign the attendance sheet and asked if there were any non-agenda or public communications.

II. Approval of 5/14/2018 Minutes-

Motion by Gary Baker- moved to approve the 5/14/2018 minutes as presented, Rick Emilo 2nds. Anne asked for clarification regarding line 187. Dave noted that this point is in reference to whether the number of residential units was mentioned in the Habitat for Humanity deed. Motion passed, 7-yes, 0-no,

III. DRB public hearing:

Application (file #2018-09:089.000) request by G6 Realty, LLC for final conditional use approval to develop a new single-family home and camp in the Forest District pursuant to Sections 610 and 742. Additionally, the Applicants are asking for a modification to the Road Standards pursuant to section 576XII. The property is located at 155 Dragon Brook Road in the Forest District, parcel ID# 009089.000.

Kevin Newton – read the warning, administered the oath to Justus DeVries and Joe Nelson (later in hearing) and then asked if any Board member had a conflict or ex-parte communication regarding this application, none offered.

Kevin asked the applicant to present a summary overview of their application request.

Justus referred to “project narrative”, pages 7 and 8 of the application. Specifically, the Goldman's are requesting to build a seasonal camp w/detached garage/accessory structure and a single-family home w/attached garage on their property located on Dragon Brook Road. Due to the topography of the property the applicants are requesting a modification from the road standards pursuant to Section 576.XII. Additionally, the applicants are requesting to extend the normal 2 year approval to 3 years. No subdivision is proposed.

The property has 2120 feet of frontage along Dragon Brook Road, a class 3 Town road which is maintained year around. Seven rural residential properties exist along Dragon Brook Road. The

42 Goldman property is a 530+ acre forested parcel located entirely in the Middlebury's Forest
43 District. The property is enrolled in VT's Current Use Program and is managed for forest products
44 and wildlife resources. In the Forest District the camp is a permitted use and the single-family
45 home is a conditional use. As proposed the camp and SFH will be sited on approx. 2+ acres each
46 within existing patch cuts (areas where openings have been created resulting from previous forest
47 management practices). The camp and SFH will be served by on-site water and wastewater,
48 electricity will be provided by a solar array. Applicants will install a fire suppression sprinkler
49 system for fire protection. Cell phones will be used for communications. Emergency Services will
50 have access to the property via a locked gate at the Road. Public utilities will not extend from any
51 public road.

52 Seasonal camp- The applicants are proposing to use an existing access road developed to provide
53 access for trucks/forest management equipment during forest harvest activities. The access road
54 will be improved by removing or reducing the height of water bars and top dressing with road
55 gravel. Roadside drainage ditches are in place and stabilized with native vegetation. Road grades
56 range between 2 and 24%.

57 Single-family home- The single-family home is proposed to be accessed once road improvements
58 are made to reduce road grades and better accommodate emergency services. The application
59 includes three options that would reduce the access road grades. The least preferable is Option #2
60 which would negatively impact 5-6 acres. Option #4 reduces the road grades on only the steepest
61 portion of the existing access road. Applicants favor this option most. Option #3 is totally separate
62 from the existing access road and would require significant improvements to a skid trail and
63 impact a Class 3 wetland. Option #3 would likely be the most compliant with Middlebury's road
64 standards.

65 DRB Chair Kevin Newton noted that prior to the hearing a site visit was held. Attending the site
66 visit were abutters Mary Alford, Ross Conrad and Alice Eckles, Paul Many, Michael Many and
67 Brett Dunham, a neighbor from Ripton, DRB members, Kevin Newton, Rick Emilo and John
68 MacIntyre, Applicant consultants Justus Devries and Joe Nelson and Dave Wetmore, DRB staff.

69 DRB Questions-

70 Don- Will the sprinkler system require water storage? The specifics of the sprinkler system are yet
71 to be developed.

72 Dave H.- What is the width and capacity of the bridge. The bridge is approx. 12-ft wide and
73 supports loaded log trucks.

74 Kevin- asked the applicant to clarify the road options proposed for each structure.

- 75 1. Option #1 is the existing road with water bars reduced and top dressed with gravel or stone.
76 Applicants are requesting approval to use this road for access to the camp only. Maximum
77 grade is 24%.
- 78 2. Options 2, 3 or 4 are proposed prior to the development of the SFH.
- 79 3. Option #2 includes a series of switchbacks that eliminate the steepest portion of the road
80 and seek to comply with the 10% maximum road grade requirement. This option will
81 include a great deal of disturbance to forest resources (5-6 acres) and will be expensive.
- 82 4. Option #3- is a new road that enters onto the property further up Dragon Brook Road.
83 Stream crossing is not as significant. Road would likely impact class 3 wetlands. Maximum
84 15% grades in a couple of places for a short distance. Road would follow existing skid trail
85 but would require additional forest cover removal. This is also an existing easement to an
86 adjacent parcel.

87 5. Option 4- is a proposed switch back that would seek to eliminate the steepest portion (24%
88 grade) on the existing road (option #1). Applicant prefers this option. This option would
89 extend the road approx. 600-ft. and necessitate the removal of approx. 0.4 acres of forest
90 cover.

91 6. Justus articulated that the Goldman's are agreeable to entering a hold harmless contract
92 with the Town if it is necessary. However, Justus noted that emergency services are a
93 benefit to residents but these services are not mandated to be able to access the ~~all~~ property.
94 The Goldman's understand this is a remote rural area and response by emergency services
95 would be very limited.

96 Anne- Expressed that she would like to see the grades shown every 50-ft as the Regulations
97 require. Joe Nelson expressed that his field measurements show the road is not as steep as
98 represented on the map. Applicants noted that the grade to the SFH from the existing road is not as
99 steep. DRB members who walked this section agreed.

100 Anne- Observed that the accessory shed/garage was larger than the camp itself and asked why this
101 is necessary. Applicant stated that it will be used to store equipment (tractor and implements,
102 ATV's, and other equipment necessary to maintenance of the property. DRB agreed to discuss
103 Anne's two points further in deliberation.

104 Public comment/questions- None expressed

105
106 Staff- Dave W. made a site visit w/ Teena Betourney and Dave Shaw on 8/14. Both Teena and
107 Dave S. expressed that they have limited capacity to respond to an emergency with the existing
108 road grades. Dave Shaw's letter (received 8/22 via email) is meant to reflect this fact.

109
110 Kevin-asked if there were any other questions related to the application request? None voiced.

111
112 Don Keeler moved to enter deliberative session at 7:55 PM, Gary Baker 2nds. Motion carries 7-
113 yes, 0-no

114
115 Key points discussed-

- 116
117 1. Access road requirements and benefits.
118 2. Use of accessory structures in the Forest District.
119 3. Fire protection

120
121 Gary Baker moved to exit deliberative session at 9:00 PM, Rick Emilo 2nds. Motion carries 7-yes,
122 0-no

123
124 **Motion by John MacIntyre-** I **move** that the Middlebury Development Review Board, having
125 reviewed the application submitted and having heard and duly considered the testimony
126 presented at the public hearing of August 27, 2018, approve this request for final conditional use
127 approval to construct a seasonal camp utilizing the existing forest road access as presently
128 designed and constructed w/modifications to existing water bars and new top coat of
129 stone/gravel.

130
131 Further- I **move** that the Middlebury Development Review Board, having reviewed the
132 application submitted and having heard and duly considered the testimony presented at the
133 public hearing of August 27, 2018, approve this request for final conditional use and road
134 waiver approval to construct a single-family home subject to design and construction of an
135 access road that Staff confirms is acceptable to both the Middlebury Fire Department and

136 Middlebury Regional Emergency Medical Services personnel regarding emergency vehicle
137 access or satisfy the access requirements as outlined in Section 705.

138
139 David Hamilton 2nds motion by MacIntyre. Motion to approve as outlined carries,
140 Yes- MacIntyre, Hamilton, Baker, Emilo and Newton No- Keeler and Taylor

141
142 **Motion by David Hamilton-** I move, as requested by the applicant, to extend this conditional
143 use approval from 2 years to 3 years. Rick Emilo 2nds.
144 Motion to approve and extend Board approval to 3 years carries. Yes- Hamilton, Emilo,
145 MacIntyre and Newton. No-Baker, Keeler and Taylor

146
147 Hearing concluded- 9:20 PM

148
149 **Other business**
150 Next meeting- No meeting scheduled at this time.

151
152 DRB noted that the following needs to be better addressed in the Regulations.
153 Camp driveway/access expectation
154 Accessory structures in the Forest District, i.e. for a camp

155
156 DRB asked about violation and enforcement concerns

157
158 DRB asked if the Bees Wrap company change of use will include retail sales. If they are then
159 parking counts may not be correct. Also it was noted that Brian Carpenter has his administrative
160 offices setup in this building. Staff will review.

161
162 **IV. Adjournment**

163 **Motion by David Hamilton-** moved the DRB to adjourn at 9:25 PM, 2nd by Rick Emilo. Motion
164 carries, 7-yes -0-no

165 Meeting adjourned at 9:25 PM

166
167 Minutes Submitted by Dave Wetmore