

**Town of Middlebury
Development Review Board (DRB)
Town Office Large Conference Room
Minutes of May 14, 2018
Approved 8/27/2018**

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: Steven and Lucee Noble
Kevin Parizo, Linda Williams, Glen Andres, David Hohenschau, Bobbi and Gerry Loney, Orli Schwartz, Emma McDonagh, Paige Ballard, Mireya Sierra, Calder Birdsey, Reed Martin, Jack Allnutt, John Hanson, Steve Ingram, Alex Carver, Chris Kirby, Chris Robbins, Carolyn Kuebler, John McLeod, Micky Heinecken, Ashley Cadwell and Helmut Hietzker

MEETING AGENDA

1. An application request (file #2018-04:027.010) by Steven Noble, dba Desabrais and Noble Inc. for an amendment to their conditional use for their retail laundry use approval dated April 27, 2011. The applicants propose to add on-site dry cleaning services to their use of the property owned by Maxwell and Susan Eaton. The property is located at 1232 Exchange Street in the General Commercial district (GC), parcel ID 04:027.010.
2. An application (file #2018-21:001) request by Habitat for Humanity of Addison County for preliminary/conceptual conditional use review of a new 2-family home project that has been referred to the DRB by the administrative Officer. The applicants also request a front and rear yard setback waiver pursuant to Section 724. The property is located at 51 Seymour Street in the High Density Residential district (HDR), parcel ID# 21:001.

Kevin Newton called the meeting to order at 7:00 pm, reviewed tonight's agenda, reminded guests to sign the attendance sheet and asked if there were any non-agenda communications.

1. **Adjustments to alter agenda** - Kevin noted that tonight's agenda is being amended to include election of DRB Chair and Vice-Chair. Elections shall be made ahead of any further DRB business tonight.

Kevin opened nomination for DRB Chair. Don nominated Kevin for Chair, 2nd by Gary. No further nominations were submitted. Rick Emilo called the motion. Motion carries 7-yes and 0-no

Kevin resumed the Chair and opened nominations for Vice-Chair. Don nominated Rick, 2nd by Anne. No further nominations submitted. Kevin called the motion. Motion carries, 7-yes and 0-no.

2. **Approval of 4/09/2018 Minutes-**

Motion by Gary Baker- moved to approve the 4/9/2018 minutes as presented, John MacIntyre 2nds. Motion passed, 7-yes, 0-no,

3. **DRB public hearing:**

Application request (file #2018-04:027.010) by Steven Noble, dba Desabrais and Noble Inc. for an amendment to their conditional use for their retail laundry use approval dated April 27, 2011. The applicants propose to add on-site dry cleaning services to their use of the

37 **property owned by Maxwell and Susan Eaton. The property is located at 1232 Exchange**
38 **Street in the General Commercial district (GC), parcel ID 04:027.010.**

39 Kevin Newton – read the warning, administered the oath to Steven Noble and asked if any Board
40 member had a conflict or ex-parte communication regarding this application, none offered. Kevin
41 asked the applicant to present the application.

42 Steven Noble- Steven (dba Desabrais and Noble, Inc.) expressed that they are requesting to add
43 on-site dry cleaning services to the property they rent from the Eaton’s, located at 1232 Exchange
44 Street. This is an amendment to their 2011 decision. That decision expressly stated that adding dry
45 cleaning services to this site would require the DRB to grant an amendment to the previous
46 approval. The dry cleaning operation will be conducted in building #2. Steven explained that this
47 new system is a non-perc recirculating chemical system called “Solvon K4” and will not discharge
48 any waste into the Towns sewer system. “Perc” is considered very hazardous. All “still slops”
49 (residual cleaning byproduct) in organic and will be transported to a disposal site by Safety Kleen.
50 Currently, this facility serves as a drop-off point for dry cleaning done in Colchester. The
51 Colchester dry cleaning site uses “Perc” which be phased out and will cease operation when this
52 new system is up and running in Middlebury. State Permit Specialist Rick Oberkirch has reviewed
53 the proposed change and confirmed that adding this closed dry cleaning system to the Middlebury
54 site would not require an amended wastewater approval. Additionally, Doug Elliot, section chief
55 for ANR Air Quality Division, commented that the Solvon K4 system is not regulated by the State
56 and as such Air Quality approval is not required at this time. Both of these documents are part of
57 the file record.

58 DRB Questions-

59 Dave H. asked if this system was available in 2011 and does the State conduct inspections. Steven
60 explained that Solvon K4 system was in existence then, however, at that time they had purchased
61 the business in Colchester which conducted dry cleaning services and therefore they did not need
62 to provide on-site dry cleaning at the Exchange Street site. Steven stressed that all residual “still
63 slops” from the Solvon K4 system are non-hazardous and will be shipped to an approved waste
64 facility. Periodic but infrequent inspections are conducted by the State, 5 times perhaps in the last
65 20 years. Mostly the inspections have focused on record keeping and machine operation.

66 Kevin N.- asked about changes to site plan, parking and landscaping? No changes are planned to
67 the site plan, exterior lighting, parking, or landscaping.

68 Anne T.- asked about exterior lighting, noting that some fixtures appear to be non-compliant with
69 Middlebury’s lighting standards. Steven noted that the pole light no longer exists and that when
70 fixtures have been replaced they have been LED and down-shielded. Peck Electric provides
71 electrical services to Noble/Desabrais. DRB noted that as fixtures are replaced applicant should
72 make sure they are compliant.

73
74 Public comment/questions- None expressed

75
76 **David Hamilton motion-** I **move** that the Middlebury Development Review Board, having
77 reviewed the application submitted and having heard and duly considered the testimony
78 presented at the public hearing of May 14, 2018 **approve** this request to amend conditional use
79 approval dated April 27, 2011 to add on-site dry cleaning services as proposed by Desabrais and
80 Noble, Inc. located on parcel # 04:027.010, building #2, 1232 Exchange Street. Don Keeler
81 2nds. No discussion. Motion to approve carries 7-yes and 0-no.

82
83 Hearing concluded- 7:25 PM

85 **4. DRB public hearing:**

86 **Application (file #2018-21:001) request by Habitat for Humanity of Addison County for**
87 **preliminary/conceptual conditional use review of a new 2-family home project that has been**
88 **referred to the DRB by the administrative Officer. The applicants also request a front and**
89 **rear yard setback waiver pursuant to Section 724. The property is located at 51 Seymour**
90 **Street in the High Density Residential district (HDR), parcel ID# 21:001.**

91 Kevin Newton – read the warning, administered the oath to all present and asked if any Board
92 member had a conflict or ex-parte communication regarding this application, none offered. Kevin
93 asked the applicant to present the application.

94 Mickey Heinecken- President of Habitat for Humanity of Addison County (H/H), explained the
95 purpose and mission of H/H and that they are presently working to complete their 10th home. They
96 provide affordable homes for income eligible homeowners. 51 Seymour Street was a 3 unit multi-
97 family home that was owned by Addison County Community Trust. When the home became unfit
98 for habitation it was transferred to H/H with the understanding that they would remove the existing
99 structure and build affordable housing. Working in partnership with the College they are excited to
100 develop an affordable 2-family project in a location that is walkable to many necessary services
101 while providing individual ownership via a condominium-like ownership. Mickey expressed that
102 he believes the Town supports their mission.

103 John McLeod- explained that he envisions this as a 3-step project sequence that involves his
104 architectural class and students at the College. Specifically, students this semester have
105 focused on research, permitting requirements and design options. They have met w/ the
106 Design Advisory Committee (DAC) twice and now with the DRB. The fall semester will
107 focus on final working drawings and bid specs and winter term will complete design
108 drawings. H/H hopes to begin building construction spring 2019.

109 Student presentation-

110 Emma McDonagh- provided a general overview. 51 Seymour Street is located in the HDR
111 district. The homes were originally worker housing for local industry in Middlebury. They are
112 typically, 1-1/2 and 2 story homes with gable ends facing the road.

113 John Henry Hanson- the H/H lot is 74-ft by 200-ft. The buildable envelope with setbacks
114 applied is 44-ft. by 165-ft.. The driveway will be located along the south boundary. At the
115 recommendation of Chief Dave Shaw, driveway will be 14-ft. wide to accommodate fire and
116 rescue vehicles. Development of the lot is limited due to its narrowness and the other
117 constraints identified. As proposed residence A is 20-ft. by 68-ft. and residence B is 20-ft. by
118 64-ft.. The former house foundation was approx. 40-ft by 60-ft.. When the former structure
119 was demolished the foundation along w/clean fill was used to fill the foundation hole.
120 Building over this rubble will require excavation of the foundation materials and disposal of
121 unstable material. Acceptable/structural fill will replace the material removed and then
122 compacted. John explained the proposed location of the homes on the property in relation to
123 the seasonal wet area located between the buildings. The front most home will hold the street
124 line but will require a 10-setback waiver to do so.

125 Reed Martin- described the proposed landscape plan, which seeks to separate and create
126 public and private areas for the owners of each unit. The planting plan will incorporate the use
127 of River Birch, ornamental grasses and Willow Shrubs as well as stone pathways and walls.
128 Site work will include leveling the area to site residence B.

129 Calder Birdsey- The design and shape of each home is dictated by the long linear lot. The
130 pulled back (recessed) gable function like a front porch (welcoming and interacts w/Street)

131 commonly found on homes along the Street. The design is meant to be simple, strong and easy
132 to build which allows for all season constructability.

133 Jack Allnutt- emphasizes the gable feature of each residence. Both homes will be slab at
134 grade, 20-ft. wide and 20-ft. high. Walls will be 12” thick and roof pitch is 12/12.
135 Construction seeks to meet Efficiency VT hi performance standards. These will single story
136 homes with storage in attic area. The single story homes are accessible to all people and most
137 especially those with limited mobility. Jack suggests that the design of the homes are iconic
138 and typical of the VT vernacular.

139 Mireya Sierra- notes that materials will consist of simple materials, including matte gray
140 standing seam roofs. The siding will be eastern white cedar that will weather to a natural gray
141 color with time. These materials are meant to be largely maintenance free.

142 Orli Schwartz- described floor plan layout and elevations. Bedrooms are oriented toward the
143 Street w/common living space at the rear, away from the Street.

144 DRB comments/questions.

145 Don K.- will the Street side ditch remain or will it be filled in? It will remain ditched and
146 function as such. Everything between the sidewalk and the road is planned to stay the same.

147 Kevin N.- expressed concern related to the turn-around for residence B in front of residence
148 A. It is not reasonable to expect folks to back safely that distance. Shifting residence B further
149 north on the lot would allow the driveway to extend further west, expanding parking and
150 turnaround options on the lot. Applicants stated that they have wrestled to balance parking
151 needs and function with maintaining private areas associated with residence A. Dave H. noted
152 that applicants should expect more traffic than that typically generated by residents of the
153 homes, i.e. deliveries, etc. Rick E. suggested that if left as presented the turn-around space for
154 residence B near residence A must be clearly identified as such. Need to avoid backing into
155 Seymour Street.

156 Gary B.- asked what was the original footprint and did applicants consider replicating what
157 was there. Applicants expressed that the previous use as a multi-family was problematic. H/H
158 stressed that the typical homeowners that occupy these homes have a long histories as renters.
159 H/H feels that it is best that new home owners accept the responsibility associated with home
160 ownership and believes a two-family duplex home doesn't allow for that. Separation is
161 important for H/H owners.

162 Kevin N.- asked if a rear setback waiver would allow for better parking and residence siting?
163 Yes that would help provide more flexibility to maximize the use of the lot.

164 Dave H.- asked if the shed shown in the earlier discussions with the DAC was no longer
165 needed? At the Street side, yes- but H/H feels storage is important and wants to incorporate a
166 shed somewhere on the site.

167 Anne T.- expressed concern related to the distance residents must walk to get to the living
168 space in residence B. Applicants said door placement and floor plans can be swapped if this is
169 a concern. H/H stressed their goal is to make homes “mobility accessible” but not totally
170 handicapped accessible. If the future owner of the home is disabled, H/H will work to make
171 the home accessible for them.

172 DRB- noted that condominium ownership is considered a subdivision pursuant to the
173 Regulations. This is problem due to the lots density of only 17,000 sq. ft. H/H will need to
174 explore this issue. Deed covenant requires property owners to sell back to H/H. DRB asked
175 H/H if there was a precedent for this type of common ownership of all land under the homes
176 with a lease arrangement for the individual homes. This issue needs to be resolved.

177 Gary B.- observed that most homes on the Street have eaves and that the applicants don't. H/H
178 expressed that this is a contemporary design and they don't feel the need to match the
179 surrounding homes exactly.

180 Dave H.- will heat pumps be used? Yes there will be 1 unit for each home

181 Anne - asked about window design and placement, will windows be flush-mounted or inset?
182 Windows will be set-in but trim is absent which makes them appear in the rendering as though
183 they are more on the surface.

184 Don- would these units be available to disabled veterans? That would depend solely on the
185 financial circumstances of the applicant.

186 Staff comments/questions- asked if there is a covenant in H/H deed identifying the # of units.
187 Mickey expressed that he does remember that was in the covenants. When was the 3-family
188 use discontinued? Based on ACCT records, the use ceased in early 2015. At that time the
189 building was shut down. Jen expressed that it has been more that 1 year but less than 4 years,
190 so it would require DRB approval to re-establish the previous nonconforming use.

191 Public comments/questions-

192 Dave Hohenschau- asked if the Board had seen his letter. Staff noted it was part of each Board
193 member's packet. Dave stands by the information expressed in the letter and acknowledged
194 H/H for responding to their concerns.

195 Bobbi Loney- lives at 71 Seymour Street. Bobbi expressed concern for the lack of storage, i.e.
196 shed for bikes, garbage, etc. H/H expressed this is important to them as well.

197 Kevin Parizo- described the drainage area behind his home that extends from Otterside to the
198 Police Station. Formerly, there was a drainage ditch that has slowly filled in over the years and
199 no longer functions to divert stormwater/drainage. This causes a lot of problems for folks on
200 the west side of Seymour Street. Kevin expressed concern about separate detached residential
201 homes. ACCT was a multi-family home. He questions if this would establish a precedent.

202 Gerry Loney- suggests that the lack of trim around windows and doors does not make the
203 design "iconic". Trim gives windows and doors prominence. Use of trim would help to make
204 the proposed residences similar to the rest of the homes on Seymour Street. Holding the
205 frontline is even more critical.

206 Carolyn Kuebler- asked the applicant to consider a traditional duplex. H/H expressed that a
207 duplex would not allow for equal access to yard space (private), light and solar gain.

208 John M.- shared that at the March DAC meeting the class presented 3 types of home
209 configuration. Detached homes bring the most benefits. H/H leans toward single and 1-1/2
210 story homes for ease of construction. H/H stressed that the detached model presents a different
211 mindset for the owners of these homes. Constructing home w/ attached/common walls would
212 result in approx. the same footprint as the detached homes proposed but would not allow for
213 equal private areas, light and access to solar gain. Attached/common wall construction
214 requires a fire wall separation. As for stormwater/drainage concerns, H/H does not want to
215 alter the existing drainage patterns and does support trying to improve drainage to the benefit
216 of all property owners to the north.

217 Gary B.- asked if drainage is seasonal or perennial. Would H/H consider consulting with a
218 civil engineer? Neighbors suggested the area remains wet year around. A civil engineer has
219 not be engaged as part of H/H review, but John suggested they could. The question is can the
220 neighbors cooperate to fix this drainage issue, it's not just an H/H issue.

221 Jen asked the students to demonstrate to the DRB using the 3-D model where the former cellar
222 hole is located and where a building located outside that footprint would be located.

223 Chris Robbins- questioned whether the 2nd detached home could be square and fit better on the
224 lot. Applicant expressed that the class felt that the lot dictates that a design that is long and
225 narrow is more appropriate. A rear setback waiver would provide more room to set the 2nd
226 house back further or allow for revised parking configuration.

227 Staff- noted that letters had been received today from Julie Barry (27 Morgan Horse Farm
228 Road) and Kathy Nessen (63 Seymour Street).

229 **Motion by Don Keeler-** moved to enter deliberative session at 8:45, 2nd by Anne. Motion
230 carries 7-yes and 0-no. General public left.

231 **Motion by Dave Hamilton-** moved to exit deliberative session at 10:00 PM, 2nd by Gary.
232 Motion carries 6-yes, 0-no. Rick left at 9:30.

233 **Motion by Anne Taylor-** moved to have Staff draft a decision letter for DRB review and
234 approval based on the discussion considered during deliberative session advising applicant of
235 the DRB thoughts regarding their application, 2nd by Dave. Motion carries 6-yes and 0-no.

236 **Other business**

237 Next meeting- No meeting on 5/28/2018.

238

239 **5. Adjournment**

240 **Motion by Gary Baker-** moved the DRB to adjourn at 10:15, 2nd by Anne Taylor. Motion carries,
241 6-yes -0-no

242 Meeting adjourned at 10:15 pm.

243

244 Minutes Submitted by Dave Wetmore