

**Town of Middlebury
Development Review Board (DRB)
Town Office Large Conference Room
Minutes of February 11, 2019
Approved as corrected 2/25/2019**

Members Present: Kevin Newton, chair, Gary Baker, Rick Emilo, Donald Keeler, and Anne Taylor

Members Absent: David Hamilton, John MacIntyre

Staff Present: Jennifer Murray, Dave Wetmore

Others Present: Chris and Jill Stackhouse, Jill Ireland, Roger Norian, Margaret Rush, Adam Ginsberg, Anton Rifelj, J.B. Allen, Kathy Skubikowski, Katherine Wheatley (videographer)

MEETING AGENDA

1. Application request (#2019-22:027) by Jill Ireland, for side yard setback waiver approval pursuant to Sections 540 and 724. Applicant proposes to construct an addition to her existing single-family home. The property is located at 11 Springside Road in the High Density Residential (HDR) zoning district, parcel #22:027.000.

I. Call to Order

Kevin Newton, DRB Chair, called the meeting to order at 7:00 pm, reviewed tonight's agenda, and asked if there are any non-agenda items/public communications. None expressed.

Kevin noted that it is important that all sign in and take the oath if they are to be considered "interested persons".

II. Approval of Minutes-

Motion by Gary Baker- moved to approve the minutes of 12/10/2018 as presented, Rick 2nds. No changes or discussion. **Motion passed 5-yes, 0-no,**

III. DRB public hearings:

1. Application request (#2019-22:027) by Jill Ireland, for side yard setback waiver approval pursuant to Sections 540 and 724. Applicant proposes to construct an addition to her existing single-family home. The property is located at 11 Springside Road in the High Density Residential (HDR) zoning district, parcel #22:027.000

Kevin Newton opened the hearing, read the warning and administered the Oath to those present who intend to submit testimony. Those taking oath were Chris and Jill Stackhouse, Jill Ireland, Roger Norian, Adam Ginsberg, Anton Rifelj, Kathy Skubikowski and Fred Dunnington.

Kevin opened the hearing, asked about conflicts of interest and ex-parte communication. None expressed

Chris Stackhouse- Outlined the proposed Ireland project which includes replacing and expanding the existing breezeway and footprint of garage. The garage will become a 2-car two story structure that will be attached to the Ireland home via the mudroom. The new structure will be built to within 6-feet of the Ireland's north boundary. Chris testified that the setback at the front of the garage would be 6-ft. and 7-ft. at the back. The garage will have a 10/12 pitch roof and will be approx. 25-ft high. The abutting property owners to the north are the Town of Middlebury and Cynthia Patterson and Nancy Church. The Town owns the small triangular piece directly north of the proposed garage.

DRB questions/comments-

43 Have other renovations/additions been completed recently? Yes, Chris is finishing up an addition to the
44 south side of the Ireland home that added a master suite and bathroom. That addition was issued a zoning
45 permit for the construction and complied with all setback requirements. With permission from the Town the
46 contractor was able to temporarily use a portion of the Town land for parking of construction/work vehicles
47 and supplies.

48 What landscaping plans are proposed to reduce impacts to the neighbors? Use of the Town land required
49 removal of a Box Elder tree, stockpiling of topsoil, and spreading of gravel, which were done with town
50 permission. Once construction is completed the gravel will be removed, topsoil material returned, seeded and
51 mulched. This area was once kept mowed by neighbors and it is expected that Ms. Ireland will keep it
52 mowed. Other existing landscaping includes a white cedar hedge on the west side with a fence that extends
53 to the north boundary. There is partial screening along the north boundary. The Church/Patterson property is
54 elevated above the Ireland property, new landscaping would be most effective if placed on the
55 Church/Patterson side on the boundary. Ms. Ireland is agreeable to assisting with costs associated with
56 establishing more landscaping along the north boundary.

57 DRB members Anne Taylor, Gary Baker and Rick Emilo acknowledged that they visited (separately) the
58 Ireland and neighboring properties in preparation for tonight's meeting.

59 Exterior lighting proposed? Any exterior lighting will be compliant with Middlebury Zoning.

60 Total # of bedrooms? There will be four- one over the garage in the guest quarters and 3 in the house.

61 Was the Town notified of this application? Dave responded that the notice of hearing was delivered to Town
62 Manager Kathleen Ramsay.

63 **Staff comments-** Dave clarified that the application for setback waiver impacts both the Town and the
64 Church/Patterson property.

65 **Public questions/comments-**

66 Roger Norian- 2 Chipman Heights- The Norian property is located on the south side of the Ireland property.
67 Their home is a typical +/-1300 sq. ft. ranch home. He expressed frustration why he was not made aware of
68 the plans for the addition on the south side of the Ireland home. Roger feels this request for setback waiver is
69 a variance and asks if this is really a hardship and therefore necessary? DRB noted that the construction to
70 the south side of the Ireland home must have complied with the setbacks. Staff acknowledged that the south
71 side addition was permitted administratively and complied with all setback requirements. Neighbors were
72 not required to be notified unlike the public hearing being conducted tonight.

73 Anton Rifelj- 19 Springside Drive- Anton cited that there are apartments and B&B's being operated in the
74 neighborhood and expressed concern related to traffic and asked specifically about the proposed Air B&B
75 and office uses. The roads are narrow and what is the impact from more traffic? Anton noted also that in the
76 past the Town owned piece north of Irelands had been offered to neighbors with no takers. He would like to
77 see this piece in private ownership as taxable property. If Ms. Ireland was to own this piece it would not
78 eliminate the need for setback waiver but it would reduce the encroachment into the setback. Jill Ireland
79 responded that the garage addition had been redesigned based on neighbor concerns. The north and south
80 side dormers have been removed and overall height reduced to 25-ft. The space above the garage does not
81 include any office space. She expressed her business is health care oriented and operates nationally and
82 internationally. Any use of an office in her home would not involve client visits or generate traffic. She is
83 asking for a 2-car garage with 1-bedroom guest quarters above. There are no plans to park on any of the
84 Town land. There will be adequate parking for 5-6 vehicles in the garage and driveway once complete. The
85 present garage is very small and it would be very difficult to site a new garage without a setback waiver.

86 Adam Ginsburg- Adam is an architect representing Nancy Church and Cynthia Patterson- Adam read the
87 Church/Patterson letter to the DRB and expressed his and Church/Patterson's appreciation for the way Chris
88 had reached out to neighbors. The problem for his clients is that the garage is 2-stories. Removing the
89 dormers does not help much. Adam acknowledged that even a 2 story complying garage would impact his
90 clients but to a lesser degree.

91 **Staff comments-** Jen corrected the comment that this is a “variance” request. The waiver provision per
92 Section 724 does not involve the 5 criteria required for a variance. Additionally, the proposed garage does
93 not cross any boundary.

94 Fred Dunnington- He and Dorothy own property directly across for the Ireland property. Their home is a 9-
95 bedroom home with an attached 2 car garage of a size similar to the proposed garage. They have no
96 objections to the proposed setback waiver request. Fred provided context to past history of the area. The
97 triangle Town owned piece has been mowed by many of the neighbors over the years. Prior to
98 Church/Patterson purchase many trees had blown down and trees have been replanted and are becoming well
99 established. Fred addressed the setback waiver provisions in the Regulations. He expressed that a 2-car
100 garage is very common in the neighboring area and in VT they are almost a necessity. Fred expressed that
101 “character of the area” per section 540 is largely the only criteria that applies to the Boards review. Further,
102 he notes that the design and appearance of the proposed garage are characteristic of other similar structures
103 in the area. This is a high density district and structures are expected to be in close proximity to each other.

104 **DRB questions-** Where were the dormers originally proposed? On the north and south side of the garage.
105 Chris showed them on the elevation drawings.

106 Adam Ginsburg- Expressed concern that his clients will lose their views if the garage is built and landscape
107 screening will only limit their views more.

108 **DRB-** Asked how many months does Mr. Ginsburg’s clients have a view to southeast? Adam did not
109 comment. Fred Dunnington and Chris Stackhouse both shared pictures taken from the Church/Patterson
110 property looking southeast over and next to the Ireland home/garage.

111 Are there any impacts from the proposed garage on the Norian property? Mr. Norian stated that the garage
112 does not negatively impact their property but the addition to the south side of the home looms over their
113 property.

114 Anton Rifelj- Commented that the Ireland home is more prominent than others in the area.

115 Kevin Newton- asked for final comments- hearing none, the public comment period was closed. Hearing will
116 remain open until after deliberation.

117 **Motion by Don Keeler-** I move to enter deliberation session at 7:45 PM, 2nd by Anne Taylor. **Motion**
118 **passed 5-yes- 0-no.**

119 **Motion by Anne Taylor-** I move that the Middlebury Development Review Board exit deliberative
120 session at 8:10. Rick Emilo 2nds. **Motion passes 5-yes, 0-no.** Public invited back in.

121
122 **Motion by Rick Emilo-** I move that the Middlebury Development Review Board, having reviewed the
123 application submitted and having heard and duly considered the testimony presented at the public hearing
124 of February 11, 2019 **approve** this request for a setback waiver to construct the proposed addition to the
125 Applicants one-family home no less than 6-ft. of the northern property line as shown on the site plan
126 submitted, for parcel 22:027.000 located at 11 Springside Road.

127
128 2nd by Gary Baker- no discussion. **Motion passed 4-yes, 0-no, Don Keeler abstained.**

129
130 **Motion by Don Keeler-** I move to close Ireland hearing at 8:15, 2nd by Rick Emilo. **Motion passes 5-yes,**
131 **0-no.**

132 133 **IV. Other business**

134 Next meeting- 2/25/2019- Wetmore/Friend application for conditional use for 1415 Case Street property.
135 Harley Grice sketch plan for a 2 lot subdivision of his property on Halpin Road.

136
137 3/11/2019- Meeting is scheduled to hear 2-lot subdivision of Mandigo property on South Munger Street.

138 139 **V. Adjournment**

- 140 **Motion by Rick Emilo-** moved the DRB to adjourn at 8:20 PM, 2nd by Don Keeler. **Motion passed, 5-yes -**
141 **0-no.**
- 142 Meeting adjourned at 8:20 PM
- 143
- 144 Minutes Submitted by Dave Wetmore