

**Town of Middlebury
Development Review Board (DRB)
Town Office Large Conference Room
Minutes of June 10, 2019
Approved as presented 7/22/2019**

Members Present:	Gary Baker, V. Chair, Rick Emilo, David Hamilton, Jason Larocque, John MacIntyre and Anne Taylor
Members Absent:	Kevin Newton
Staff Present:	Dave Wetmore
Others Present:	David Clark, Victoria DeWind, Wesley and Kristin Butler, Jason Barnard, and Kathleen Wheatley (videographer)

MEETING AGENDA

- I.** An application (file # 2019-05:181.000) request by Harley Grice Revocable Trust for 2-lot final plan/plat subdivision approval of parcel # 005181.000. The Grice property is located at 1126 Halpin Road in the Agricultural Rural (AR) district

II. Call to Order

Gary Baker, DRB Vice Chair, called the meeting to order at 7:01 pm, reviewed the night's agenda, and asked if there were any non-agenda items/public communications. None expressed.

III. Approval of Minutes-

Motion by Anne Taylor- moved to approve the minutes of 5/13/2019 as presented. Rick 2nds. David Hamilton asked that the minutes reflect minor corrections to lines 22 and 122. Anne and Rick as makers of the motion agreed to the corrections. No other discussion. **Motion approved 6-yes, 0-no,**

IV. DRB public hearings:

1. An application (file # 2019-05:181.000) request by Harley Grice Revocable Trust for 2-lot final plan/plat subdivision approval of parcel # 005181.000. The Grice property is located at 1126 Halpin Road in the Agricultural Rural (AR) district

Gary Baker opened the hearing, by noting that it is important that all sign in and take the oath if they are to be considered "interested persons". Gary read the warning and administered the oath to those present who intend to present testimony. Taking oath were David Clark, Victoria DeWind, Wesley and Kristin Butler, Jason Barnard.

Gary- asked if there are any DRB conflicts of interest or ex-parte communication. None expressed

Gary- invited the applicants to present their application.

Jason Barnard- introduced the Grice application for a 2-lot minor subdivision of the property owned by Harley Grice Revocable Trust. Overall, the Grice property is a 284 plus acre parcel. The entire Grice parcel was not surveyed, acreage is determined from the Towns parcel maps.

42 The applicants propose to subdivide (lot #2) a 3.19 acre parcel with a 50-ft right-of-way for
43 access to Lot #2. The 500+ foot driveway is relatively flat changing less than 5-ft. in elevation
44 over its course. The Town has issued a “work in the right-of-way permit” (#20190604-2) for
45 the Halpin Road curb cut as shown on the survey. The survey depicts a ¾+ acre building
46 envelope for a home and other residential accessory buildings. The potable water and
47 wastewater permit is pending approval by the State ANR. Jason has talked with ANR and felt
48 assured that the permit would be issued soon. The project site will be less than 1 acre and will
49 not require a stormwater permit.

50
51 Lot #2 is a mostly wooded site. Soils are shallow and ledge is present. There are no prime
52 agricultural soils present on Lot #2. Wes Butler expressed that the home will not be easily
53 visible from Halpin Road. Their home will be positioned to look easterly away from the Road.
54

55 **DRB Questions-**

56 Anne Taylor- Did the driveway intersection with Halpin Road get moved as discussed at the
57 Sketch Plan meeting? Yes, Mr. Clark and Wesley met and staked the location. The survey
58 reflects the change. Will the existing farm access be abandoned? Not sure, it may depend on
59 Mr. Pominville’s needs. Wesley and Kirsten are agreeable to sharing the driveway with the
60 farm operations.
61

62 Dave Hamilton- What is the wastewater system designed for? Jason responded that the system
63 is designed to support 4-bedroom home, or a 3-bedroom home with a 1-bedroom accessory
64 apartment.
65

66 Anne Taylor- Will all utilities be buried as required by Middlebury Zoning. Wes responded
67 that all utilities will be buried.
68

69 Jason Larocque- Regarding stormwater, do all the non-agricultural uses on the Grice property
70 exceed 1 acre? Jason Barnard noted that there are 2 existing single-family homes located very
71 close to the road. He didn’t think all uses combined exceed 1 acre but he will do the
72 calculations.
73

74 Gary- asked if the Board or others had additional questions. None expressed.
75

76 **Motion by Rick Emilo-** I move that the Middlebury Development Review Board, having reviewed
77 the application submitted and having heard and duly considered the testimony presented at the
78 public hearing of June 10, 2019, approve this request for final subdivision approval to create a 3.1+
79 acre lot near 1126 Halpin Road, as discussed and conditioned upon the abandonment of the existing
80 agricultural road access cut and approval of the Final Plat by the DRB Chair. David Hamilton 2nds.
81 Motion approved 6-yes and 0-no.
82

83 **Motion by Rick Emilo-** I move to close the Grice subdivision hearing, 2nd by Jason. Motion approved
84 6-yes and 0-no.
85

86 **V. Other business-**

87 **1. Next meeting is June 24, 2019- it is the continuation of the**

- 88 a. Holmes appeal
- 89 b. Tony Neri- development on 55 Middle Road

90 **2. DRB briefly discussed Rules of Procedure and Evidence.** DRB asked that staff
91 review with Town Attorney the circumstances when an applicant is not present to
92 participate in the Boards review of the application.

93 **VI. Adjournment**

94 **Motion by Rick Emilo-** moved the DRB to adjourn at 7:35 PM, 2nd by Jason. **Motion**
95 **passed, 6-yes -0-no.** Meeting adjourned at 7:35 PM

96 Minutes Submitted by Dave Wetmore