

**Town of Middlebury  
Development Review Board (DRB)  
Town Office Large Conference Room  
Minutes of March 11, 2019  
Approved April 8, 2019**

---

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

---

**Members Absent:**

---

**Staff Present:** Jennifer Murray, Dave Wetmore

---

**Others Present:** Megan Mandigo, Richard Thodal, Barbara Blodgett, Brent Rakowski, Matthew Curran, Paula and Sam Guarnaccia and Katherine Wheatley (videographer)

---

**MEETING AGENDA**

1. Application (file # 2019-08:084.000-SD) request by Douglas and Megan Mandigo for 2-lot final plan/plat subdivision approval of parcel #008084.000. The Mandigo property is located at 573 South Munger Street in the Agricultural Rural (AR) district.
2. Application (file #2019-24:059.000-PUD) request by the President and Fellows of Middlebury College to amend their Planned Unit Development approval to change the use of the building located at 82 Weybridge Street from 3 residential apartment units to program space for the Programs on Creativity and Innovation in the Liberal Arts. This property is located in the High Density Residential District on parcel #024059.000.

**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 2/25/2019 as presented. John MacIntyre 2nds. No changes or discussion. **Motion passed 7-yes, 0-no.**

**III. DRB public hearings:**

1. **Application (file # 2019-08:084.000-SD) request by Douglas and Megan Mandigo for 2-lot final plan/plat subdivision approval of parcel #008084.000. The Mandigo property is located at 573 South Munger Street in the Agricultural Rural (AR) district.**

Kevin Newton opened the hearing, read the warning and administered the Oath to those present who intend to submit testimony. Those taking oath were Megan Mandigo, Richard Thodal, Barbara Blodgett, Paula and Sam Guarnaccia

Kevin asked about conflicts of interest and ex-parte communication. None expressed

Megan Mandigo- Introduced their subdivision (SD) request. The Mandigos own a 8.84 acre parcel in the AR district located at 573 South Munger Street. Steve Revell (site technician) and Seth Kittridge (surveyor) has assisted with SD compliance requirements. Site plan and survey was submitted with the application. Specifically, the Mandigos propose to create one new lot of 2.14 acres (lot #2) that will be served by an on-site drilled well and wastewater mound system. The remaining 6.5+ acre (lot #1) is the Mandigo's existing single-family home. Wastewater and potable water permit is pending State approval. Steve Revell identified the wetlands system that extends through the property, a portion of which will be located along the eastern boundary of the new lot.

44 Megan outlined proposed boundaries, home site, well and mound system site. The new lot has 201-ft of  
45 frontage along South Munger Street and required setbacks are shown on both the site plan and survey.  
46 The development of the wastewater permit on lot #2 requires a new well be drilled to replace the  
47 Thodal's existing shallow spring. A "well construction agreement" between the Thodal's and  
48 Mandigo's has been executed.

49 DRB Member questions-

50 Will mature trees need to be cut to site the house? There are a few mature trees but the house location is  
51 mostly open. The survey shows a wooded tree line between the house site and the location of the  
52 mound system.

53 Is the basic building envelope between the road and the location of the septic mound? Yes, the property  
54 east of the mound drops off quickly to the wetlands.

55 Are you aware that Middlebury Zoning requires all utilities to be buried, electric, phone and cable? No,  
56 I am aware now.

57 Staff questions-

58 Dave- noted that a driveway access permit will be required and the actual driveway location may  
59 change.

60 Jennifer- It's unusual to have a subdivision creating two small lots side-by-side in the AR district. The  
61 subdivision rules refer to the description of the district, so the DRB might look at different things in a  
62 rural subdivision than a subdivision in one of the high-density districts, such as limiting the frequency  
63 of curbcuts along a road or what the house will look like from the road to preserve rural character.  
64 What was the rationale behind two separate driveways- have you considered a shared driveway that  
65 would serve both lots #1 and #2? Are there existing trees or shrubs between the new house and the  
66 road, or has any landscaping been considered to create a vegetative buffer in front of the house. The  
67 location of the Mandigo's garage and septic system prevent sharing a driveway. Regarding landscaping,  
68 Megan said most of the homes on the east side of the Road are located close to the Road. The house  
69 site is pushed back as far as the topography will allow without impacting mound system.

70 Jennifer noted that the regulations allow the DRB to limit the size of the building envelope, alter the  
71 access, limit the amount of clearing and require landscaping.

72 Don- when was the Mandigo property was created? Megan knows a survey of the property was  
73 completed by Lee Lowell around 1960. Richard Thodal expressed that the home was built by Harris  
74 Hymann in 1967.

75 Anne- noted that many of the homes along South Munger Street are quite visible from the road, the  
76 exception is the Highter and Olson homes. The Thodal residence is also behind vegetation.

77 Barbara Blodgett- stated that she has a deed covenant that restricts any further SD of her land. Are there  
78 any such restrictions on the Mandigo property? Megan purchased their home in 2016 and she is not  
79 aware of any such restrictions.

80 Jennifer Murray- Are there any wildlife corridors identified on the property. None that is identified.  
81 Richard Thodal indicated that there is a well-traveled deer corridor located north of his property.

82 Dave Hamilton- Is any portion of the Mandigo property in the SFHA. Staff checked and there is no  
83 identified FHA. Dave asked if the area east of the mound system is buildable. Not likely, as it is  
84 difficult to access and topography would limit building options.

85 **Motion by John MacIntyre-** I move that the Middlebury Development Review Board, having reviewed the  
86 application submitted and having heard and duly considered the testimony presented at the public hearing of  
87 March 11, 2019, approve this request for final subdivision approval to create a 2+ acre lot at 573 South  
88 Munger Street, subject to approval of the Final Plat by the DRB Chair and conditions, 2<sup>nd</sup> by Rick Emilo.  
89 Discussion- Anne felt that she would like to deliberate and provide staff better input on conditions before  
90 making a decision. **Motion fails 2-yes and 5-no.**

91 **Motion by Anne Taylor-** Anne moved to enter deliberative session to consider the Mandigo SD and specific  
92 conditions, 2<sup>nd</sup> by Dave Hamilton. Motion carries 5-yes and 2-no. 7:35 PM. Chair noted that deliberation  
93 will be conducted after hearing the College application.

94 **2. Application (file #2019-24:059.000-PUD) request by the President and Fellows of Middlebury**  
95 **College to amend their Planned Unit Development approval to change the use of the building**  
96 **located at 82 Weybridge Street from 3 residential apartment units to program space for the**  
97 **Programs on Creativity and Innovation in the Liberal Arts. This property is located in the High**  
98 **Density Residential District on parcel #024059.000.**

99 Kevin Newton opened the hearing, read the warning and administered the Oath to those present who  
100 intend to submit testimony. Those taking oath were Matthew Curran, Brent Rakowski, Paula and Sam  
101 Guarnaccia

102 Kevin asked about conflicts of interest and ex-parte communication. None expressed.

103 Brent Rakowski, Otter Creek Engineering- stated that he helped prepare the application submissions. 82  
104 Weybridge Street is located in the High Density Residential District.

105 Matt Curran- is the Director of Business Services and representing the College in this application. 82  
106 Weybridge Street is a 3-unit faculty/staff apartment house. The College is proposing to convert this  
107 structure to provide space for the "Program on Creativity and Innovation in the Liberal Arts". Matthew  
108 described this student program space as an opportunity for students to develop and foster creative ideas.  
109 No retail sales will be conducted on-site. Products would be produced/manufactured and packaged at  
110 the 82 Weybridge Street property and brought to a distribution center. Absolutely no alcohol will be  
111 allowed on the property. Student alcohol use will result in automatic removal from program.

112 Board questions-

113 Is this property exempt from taxes? Unknown

114 Are the units vacant? Yes, for over six months. The 3<sup>rd</sup> floor apartment has been vacant the longest.  
115 Matt noted that the units are small and not very popular.

116 Describe what is meant by manufacturing? Not mass manufacturing, but maybe small scale sewing  
117 projects, etc.

118 How will the students be monitored? Students typically work independently, the 10:00 pm curfew  
119 (quiet time) will be monitored by College Public Safety personnel.

120 Describe small events? Public events like an art show. Special events would be allowed 4 times/year  
121 with up to 25 attendees. How was the maximum # of attendees determined? It was based on history of  
122 public events associated with the Program. No alcohol will be allowed at these events.

123 Does the College have other housing available for faculty/staff? Yes, housing is available by a lottery  
124 system. Faculty/staff is not required to live on campus. 6 years is the maximum time faculty/staff can  
125 live on campus.

126 The fire chief has requested the barn is not used for anything other than storage- does that work with  
127 your plans? Not a problem- the barn will be used for storage, for maintenance and facility services.  
128 Students will not have access to the barn.

129 How much parking is available- Brent clarifies that he had actually measured the parking area  
130 associated with 82 Weybridge Street. **Brent stated there are 7 spaces rather than the 9 submitted**  
131 **with the application.** Additionally there is unused parking available that is associated with Homestead  
132 House and Weybridge House. It is expected that most students enrolled in the Program will bike/walk.

133 Does the College own the property directly across Mill Street? No, it is a privately owned residence.

134 Should we be concerned with the loss of this College-owned housing and will it have negative impacts  
135 on availability of rental housing in Town? Matt expressed that the College has reduced the number of  
136 students allowed to live off campus, which should make available more rental housing in Town for  
137 others. Matt also felt this housing was not very popular with faculty/staff as units were small.

138 Fire Chief expressed interest for interior renovation plans, what will they be? Fire Marshall has made  
139 his inspection and College has completed all required changes including no use of 3<sup>rd</sup> floor without  
140 secondary egress and fire suppression system, doors on all 1<sup>st</sup> and 2<sup>nd</sup> floor spaces have been removed.  
141 Only 5 students will work in the building at a time. Card key access will be required. No cooking will  
142 be allowed in the building, all appliances have been removed.

143 Public comment/questions-

144 Paula and Sam Guarnaccia- They reside at 13 Mill Street. Their biggest concern is about noise. They  
145 acknowledged the neighbors, College and Town Police have worked hard to reduce noise levels over  
146 the years. 82 Weybridge Street has never been a problem. The Stone Mill property that housed the  
147 Program until recently was not a problem either. Problems have mostly centered around on off-campus  
148 student housing and are associated with alcohol use. The College's efforts to reduce the amount of off-  
149 campus student housing (especially those along Shannon Street and Weybridge Street) has helped to  
150 eliminate the "party houses".

151 What will hours of use be? Students will be able to use the building anytime, but after 10 PM quiet  
152 hours will be observed. Matt stressed that no alcohol is permitted on the property. College Safety  
153 personnel will be required to enforce.

154 Will this require an amended wastewater permit? Brent responded no, the flows will be less than those  
155 associated with the residential uses.

156 What kind of amenities will be available for student use? Matt stated that the College will ensure Wifi  
157 is available, and possibly other technology. This Program is student-driven. Generally, students own  
158 their own computers and they fundraise to equip their needs.

159 Will an occupancy permit be required? Yes, the Fire Marshall will determine maximum occupancy.

160 Kevin asked if there are more questions. No further questions expressed.

161 **Motion by David Hamilton-** I move to close the College public hearing and enter deliberative session for  
162 the purpose of discussing the application. 2<sup>nd</sup> by Gary Baker. Motion carries, 7-yes, 0-no. 8:15 PM

163 **3. Deliberative session-** conducted to review Mandigo and College applications.

164 Motion by Gary Baker- I move to exit deliberative session at 9:00 PM to act on the Mandigo and  
165 College applications, 2<sup>nd</sup> by Don Keeler. Motion carries 7-yes, 0-no  
166

167 **Motion by Anne Taylor-** I move that the Middlebury Development Review Board, having reviewed the  
168 application submitted and having heard and duly considered the testimony presented at the public hearing  
169 of March 11, 2019, approve the application request (file #2019-08:084.000-SD) for final subdivision  
170 approval to create a 2+ acre lot at 573 South Munger Street, parcel #008084.000, subject to the conditions  
171 outlined by in deliberation session and approval of the Final Plat by the DRB Chair. 2<sup>nd</sup> by Rick Emilo.  
172 No discussion. Motion carries 7-yes, 0-no.

173 **Motion by Rick Emilo-** I move that the Middlebury Development Review Board, having reviewed the  
174 application submitted and having heard and duly considered the testimony presented at the public hearing  
175 of March 11, 2019, approve this application request (file #2019-24:059.000-PUD) to amend Middlebury  
176 College's PUD allowing the 82 Weybridge Street building to be used for the College's Program on  
177 Creativity and Innovation in Liberal Arts, parcel #024059.000, subject to the conditions outlined in  
178 deliberative session. 2<sup>nd</sup> by David Hamilton. No discussion. Motion carries 7-yes, 0-no.  
179

180 **4. Other business-** Next meeting- 4/8/2019

181 DRB asked for an update on the Blue Spruce Motel cleanup- Staff is working w/owner to comply with DRB  
182 decision. Staff directed him to contact Department of Health for State compliance.  
183

184 DRB reappointments? Dave will check and notify members, thinks it is Don and Rick.

185 Don suggested that someone should be writing thank you notes to businesses that locate or expand in  
186 Middlebury. These businesses are making significant investments and should be acknowledged.

187

188 **5. Adjournment**

189 **Motion by Rick Emilo-** moved the DRB to adjourn at 8:20 PM, 2<sup>nd</sup> by Dave Hamilton. **Motion passed, 7-**  
190 **yes -0-no.** Meeting adjourned at 9:20 PM

191 Minutes Submitted by Jennifer Murray and Dave Wetmore