

**Town of Middlebury
Development Review Board (DRB)
Town Office Large Conference Room
Minutes of February 24, 2020
Approved 3/9/2020**

Members Present: Kevin Newton, Chair, Gary Baker, V. Chair, Rick Emilo, David Hamilton, Jason Larocque, John MacIntyre and Anne Taylor

Members Absent:

Staff Present: Jennifer Murray, Dave Wetmore

Others Present: Anthony Neri, Jonathon Ashley, Robin Ingenthron, Farhad Kahn, Wahab Odoi and Katherine Wheatley (videographer)

MEETING AGENDA

I. Continued from January 27, 2020- application (file #2020-28:176.000-CU) request by Anthony Neri Property Rentals, LLC for an amendment to Planned Unit Development approval #2018-28:176-SD, dated December 20, 2018 for the retail use of Lot #1 and a 3000 sq. ft. addition to the existing structure located at 55 Middle Road. The 55 Middle Road property is located in the Village Residential Commercial (VRC) on parcel #028176.000.

II. Call to Order

Kevin Newton, DRB Chair, called the meeting to order at 7:00 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 Rick Emilo- moved to approve the minutes of 1/27/2020 as presented. Jason Larocque 2nds. Discussion- none. **Motion approved 7-yes, 0-no,**

IV. DRB public hearings/meeting:

a. Continued from January 27, 2020- application (file #2020-28:176.000-CU) request by Anthony Neri Property Rentals, LLC for an amendment to Planned Unit Development approval #2018-28:176-SD, dated December 20, 2018 for the retail use of Lot #1 and a 3000 sq. ft. addition to the existing structure located at 55 Middle Road. The 55 Middle Road property is located in the Village Residential Commercial (VRC) on parcel #028176.000.

Kevin Newton opened the hearing, read the warning and administered the oath to those present who intend to present testimony. Taking oath were Tony Neri, Jonathon Ashley, Robin Ingenthron, Farhad Kahn and Staff.

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

Kevin- invited the Applicant to present his application. Application was presented by Tony Neri and Jon Ashley.

Tony - expressed that he plans to lease the building to Good Point Recycling. The existing building is approx. 5000 sq. ft. He also proposes a 3000 sq. ft. addition on the south end with loading dock area. The total building would be approx. 8000 sq. ft.

Jon- presents updated application exhibits and narrative. These materials are in response to the DRB recess memo dated 1/28/2020. Jon reviewed;

- Location and construction of the sidewalks proposed on the east and north side of the building. The east side sidewalk would be at-grade and the north side will be a raised sidewalk with a ramp for handicap access.

- DAC suggestions related to additional landscaping and roof snow guards. Jon noted DAC comments related to existing trees health and site conditions. Specifically, the Green Ash trees would likely succumb to Emerald Ash Borer. There is an overhead powerline and water table that limits the types of landscape plants that the site will support. The applicant verbally agrees to infill landscaping along Middle Road as suggested by DAC and at southeast corner. No landscaping plan was presented and plant/tree species have not been determined.
- Sheet #2 shows truck turning movements. Jon expressed that all truck maneuvers can be completed on the applicant's property. Additionally, the southern entrance is adequate for trucks entering and exiting.
- The parking areas, internal roadway on the east side and loading dock area will be paved. The west side of the building will remain gravel.
- Sheet #3 shows drainage patterns. Stormwater generated will be directed via surface sheet flow to the drainage swale along the east boundary and to the Middle Road drainage ditch and under Middle Road into the wetlands to the west. The culvert at southern access has been replaced recently. Applicant expressed that it was completed to Town specifications. The site plan demonstrates that it is 22-ft long.
- Applicant agrees to place snow guards along the east side of the roof for pedestrian safety.
- Applicant stated that once addition is complete, the entire building will be sided with a horizontal vinyl siding. The color will be a forest green.

DRB questions/comments-

Anne commented that the loading dock area will need to be kept free of stuff for trucks to maneuver. In the future where will trash and recycling be stored? It is shown on the plan in the southeast corner. The screening would be an enclosure similar to the A&W and Gregs Market. Jen asked if pallets would be store outside? No, Good Point plans to store pallets in the building along with trash and recycling.

Anne- When would paving be completed? During the summer. Anne confirmed where paving will take place. The entire parking, loading dock area and drive will be paved except for the west side of the building. Will this be used as a driveway/road? Applicant does not anticipate that it will be used. It is exposed gravel to facilitate drainage along the west side of the building. Applicant stated there is enough gravel in place to allow for vehicle traffic.

Dave H.- Roof material and color? Existing is standing seam and dark green. The addition will be the same.

Rick E.- What species are proposed for landscaping? Applicant has not decided. He is not familiar with the species suggested by DAC. Dave W. noted that DAC was suggesting a variety of species that would survive wet conditions, be acceptable under the powerline and provide sufficient screening of the loading dock area.

Jennifer- Asked about a revised landscaping plan? DRB could delegate this to Staff. Applicant stated that he would likely work Green Haven Gardens to develop a landscaping plan. Jennifer stated that the DRB will need to see a physical plan that specifies species types.

Jason- Questioned whether the tractor trailer turning movements identified on sheet #2 are correct. He noted that the designation S-40 is for a straight 40-ft. box style truck. Jon will need to check and confirm.

Jason- asked about how the loading dock will be constructed? The exhibits make it look like the dock will be at grade and on quite a steep grade. Applicant stated that it would be built so that the floor of the trailer will be level to the dock. DRB noted that final grading plan needs to accurately show final elevations. Jon stated that the topo elevations show that maximum steepness. Is there adequate sight distance at the Middle Road intersection? Sight distances have not been reviewed.

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Dave H.- asked if the loading dock would be cut into the existing slope and is there elevation to allow this without impacting drainage patterns? Yes that is the plan.

How was the elevation data presented in the exhibits determined? Jon noted that it was based on Lidar survey resources.

Jennifer- asked about stormwater impacts to Farhad’s property and to the Towns infrastructure? Will grading plan prevent ponding of water? Jon expressed that he cannot attest that the stormwater system will handle the water generated from the applicants property. Jon stated that he has not sized the culverts and cannot ensure they are adequate to handle stormwater flows. No catch basins are planned and roof gutters are not being considered.

Jennifer- asked about building energy efficiency? The addition will be steel and metal walls with 6 inch insulated panels. Fuel source will be propane. The addition will have radiant heat in the floor and the existing building will be outfitted with hotdog type heaters. Lights will be LED. Some exterior lights will be left on all night for security purposes. Applicant will work with Efficiency VT. Building will be alarmed.

Dave W. – read into record DAC recommendations regarding landscaping and roof guards.

Public comments- None

On a motion by Jason Larocque, 2nd by David Hamilton, the DRB moved to enter deliberative session at 7:50. Motion passed 7- yes, 0- no.

At 8:35, Gary Baker made a motion to exit deliberative session, seconded by David Hamilton. Motion passed 7-yes, 0-no.

Motion by Jason Larocque- I move that the Middlebury Development Review Board continue the Neri hearing to March 9, 2020 at 7:00 PM. 2nd by John MacIntyre.

Motion to continue Neri hearing on March 9, 2020 passed 7-yes and 0-no.

Staff will issue recess memo regarding additional information the DRB has requested to complete review of the Neri application.

V. Other business-

1. Jennifer shared that Anne and John’s terms are up this year. Beth will be contacting them.

VI. Adjournment

Motion by Rick Emilo- moved the DRB to adjourn 2nd by Anne. **Motion passed, 7-yes -0-no.**

Meeting adjourned at 8:45 PM

Minutes Submitted by Dave Wetmore