

Town of Middlebury
Development Review Board (DRB)
Town Office Large Conference Room
Minutes of February 13, 2017
Approved on February 28, 2017

Members Present: Kevin Newton, Gary Baker (Alt.), John MacIntyre, Anne Taylor,

Members Absent: Scott Foster, Rick Emilo, Don Keeler, David Hamilton

Staff Present: Jennifer Murray, Victor Sinadinovski, Katherine Wheatley (videographer)

Others Present: Glenn Lower, Andrea Murray

MEETING AGENDA

- An application by Middlebury Natural Foods Cooperative for a PUD amendment to review changes to landscaping plans approved in August 2016. This property is located at 9 Washington Street, parcel number 25:190, in the Village Residential/Commercial zoning district.

Kevin Newton called the meeting to order at 7:00 pm.

1. Minutes of 10/24/2016 and 11/14/2016

The minutes of 11/14/2016 and 12/12/2016 were tabled until the next meeting because a quorum of the members who had attended those meetings were not present at this meeting.

2. Hearing for the Middlebury Natural Foods Cooperative

Kevin administered the oath to all present.

Andrea Murray, of Vermont Integrated Architecture, presented the application on behalf of the Middlebury Natural Foods Cooperative (MNFC). Andrea described the changes to the landscaping plans. Instead of planting trees near the main entrance, the area will be kept grassy so that they can host small events in that spot. At the southwest portion of the building where there is a café entrance, the MNFC will keep the area landscaped as it is currently. The MNFC hopes to discourage customers from using that entrance and instead use it only as a staff entrance. A planned planting of a tree on the southwest corner will not be planted because there is a tank underneath the proposed spot.

Kevin asked if the rain garden was being eliminated and Andrea said yes. A leader pipe currently comes from the roof to drain storm water. Kevin asked if there was a pathway from the western parking lot to the café entrance. Andrea replied that there is one, but that it is not paved. They do not want to encourage traffic flow from that direction. John asked if it was a possibility that the MNFC would make the café entrance more than just an employee entrance in the future. Glenn Lower of the MNFC said that it is possible, but that the MNFC does not want a second entrance for customers. He said City Market in South Burlington tried that for a year and they reported it did not work out well.

On a **Motion** by Anne Taylor

I move that the Middlebury Development Review Board, having reviewed the application submitted and having heard and duly considered the testimony presented at the public hearing of

46 February 13, 2017, approve this conditional use request for expansion of the Middlebury Natural
47 Foods Cooperative building, located at 9 Washington Street.

48
49 Seconded by John MacIntyre. Motion **passed**, 4-0.

50
51
52 **3. Other Business:**

53 The next DRB meeting is scheduled for Tuesday, February 28, 2017. One application concerns a
54 proposed 40-unit apartment building for South Village, Lot #5, and the other application concerns
55 a change of use request from retail to professional office on Park Street.

56
57 John had a question about zoning enforcement of DRB decisions. He asked how the DRB could go
58 about enforcing the rulings and conditions that it decided. Jennifer indicated that if the Zoning
59 Administrator determined that there are existing or proposed substantive changes to a previous
60 approval for a property, then the matter would be brought back to the DRB to discuss. Kevin stated
61 that the DRB puts conditions on decisions and that enforcement is the Zoning Administrator's job.
62 Anne said that if the DRB noticed violations of a decision, then DRB members should bring a
63 complaint to Jennifer and then Jennifer would decide on how to move forward.

64
65 Kevin stated that the DRB or ZA would be allowed to refuse further permits on a parcel until
66 zoning violations on that property are fixed. John said that it sounded like the DRB has no
67 enforcement authority and that DRB should bring up concerns about certain properties with
68 Jennifer. Jennifer agreed, and encouraged the DRB to follow up with her on specific issues-
69 especially since there may be old conditions of approval that occurred before she started here,
70 which she might be unaware of.

71
72 **4. Adjournment:**

73 On a **Motion** by Gary Baker, seconded by John MacIntyre, the DRB **voted to adjourn**. Motion
74 passed, 4-0.

75
76 Meeting adjourned at 7:25 pm.

77
78
79 Minutes Submitted by Victor Sinadinowski
80