



TOWN OF MIDDLEBURY

*Planning & Zoning Commission
1212 Whittemore Road
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MINUTES REGULAR MEETING April 3, 2014

MEMBERS PRESENT

Terry Smith, Acting Chairman
Erika Carrington
Matthew Robison
William Stowell

MEMBERS ABSENT

ALTERNATES PRESENT

Ron Kulpa
Paul T. Babarik

ALTERNATES ABSENT

ALSO PRESENT

Brian Miller
Curtis Bosco, ZEO
Rachelle Behuniak

REGULAR MEETING

1. Call to Order

Chairman Smith called the Regular Meeting of the Middlebury Planning & Zoning Commission to order at 7:30 P.M.

2. Roll Call and Designation of Alternates

Chairman Smith announced all Regular Members and Alternate Members as present. He appointed Ron Kulpa to act in place of the Open Seat.

3. Discussion of the Minutes of the Regular Meeting held on March 6, 2014

Motion: to approve the minutes of the Regular Meeting held on March 6, 2014. Made by William Stowell, seconded by Matthew Robison. Erika Carrington abstained from voting as she was not present at said meeting. Unanimous Approval.

OLD BUSINESS

4. Discussion regarding Plan of Conservation & Development

Alice Hallaran introduced herself along with Don McRae; both members of the Middlebury Land Trust. She submitted a proposed update for Section 5 of the 2001 P.O.C.D. (Plan of Conservation & Development), a copy of Section 5 of the 2001 P.O.C.D. and proposed changes of the 2013 Draft P.O.C.D. She stressed the importance of putting the 2001 P.O.C.D. in the 2014 plan. Much of the 2001 plan was based on 1973 and 1990. They worked with Curt Smith who worked with Ken Long. She also went to the Town Hall and looked up every piece of land that is owned by the Town that was over 2 ½ - 3 acres to find out if it was designated as open space. Her concern is how much land is permanently protected and how much of the open space that is not protected. She reviewed the proposed update with the Commission.

Brian Miller questioned why they would want to limit their addition in Section 5.14, Wetlands and Floodplains, to only the Town Center. He feels that water quality is an issue regardless of where the storm water runoff generates.

Alice Hallaran agreed that said section should be made more general.

Don McRae stated that with respect to Section 5.15 Scenic and Cultural Resources, there are a number of artifacts that are on the National Register in particular the downtown area surrounding the green and the library but referenced recommendations in the proposal.

Alice Hallaran feels that it is important to designate sections for Forests and Farms, Pathways and Hiking Trails, and Open Space Resources. She stated that 15% of the Town contains Permanently Protected Open Space along with 23% of Other Open Space Resources (Not permanently protected).

Brian Miller suggested that Private Recreational Space be omitted from Other Open Space Resources.

Alice Hallaran questioned how the 144 acres owned by Westover should be categorized.

Brian Miller suggested that perhaps as Institutional Open Space.

Alice Hallaran referenced the emphasis on achieving 25% of Middlebury's land to be permanently protected open space. She also stated that the maps in the P.O.C.D. need to be improved.

Brian Miller stated that C.O.G. (Council of Governments) has excellent maps and that the Town is entitled to a certain amount of mapping and suggested that it would be less expensive for the Town to acquire them from C.O.G. as opposed to Brian doing the mapping himself.

Alice Hallaran did indicate that the Permanent Open Space map from C.O.G. is not accurate. She reviewed a map, which was supplied by Curt Smith, with the Commission. She feels that each Commission member should have one. She also stated that Curt Smith also has a Plan Map.

Terry Smith stated that he would like to make a historic district that cannot be changed. He questioned the benefits of designating an area as historic.

Brian Miller stated that it governs any sort of expenditure of federal funds on an area and might provide some tax credits for certain types of activities. Also, a town can designate a local Historic District which would require approval by district members prior to any changes being made.

Chairman Smith suggested that reference be made that the Town strive to connect the open space rather than have numerous smaller sections. He thanked Alice Hallaran and Don McRae for their input.

NEW BUSINESS

None

OTHER BUSINESS

5. Any other business added to agenda by 2/3 vote of Commission

None

6. Enforcement Report

Chairman Smith questioned Curtis Bosco, ZEO if there was anything new that needed to be discussed with the Commission to which Curtis Bosco responded that all information regarding Cease & Desist orders was sent to the members. Chairman Smith also mentioned that Rachelle Behuniak had asked the members of the Commission to review for accuracy, the sections of the Regulations that she had submitted to them. He

questioned the contents of the Floodplain District (Section 53) and Definitions (Section 9). He asked if any of the members remember voting to add definitions to the Floodplain District when the FEMA maps were changed.

Brian Miller stated that the suggestions were a result of DEEP (Department of Energy & Environmental Protection). He stated that he cannot imagine why the Commission would not have voted on it.

Chairman Smith requested that Curtis Bosco, ZEO research the Minutes from 2000 to present where Section 9 & Section 53 were amended.

7. Adjournment

Motion: to adjourn the meeting at 8:30 P.M. Made by Matthew Robison, seconded by Ron Kulpa. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Clerk

Original to Edith Salisbury, Town Clerk

cc: P&Z Commission Members
Thomas Proulx, Chairman, Conservation Commission
Ollie LeDuc, Building Official
Curtis Bosco, Z.E.O.
David Alley, Chairman, Z.B.A.
Attorney Dana D'Angelo
Larry S. Hutvagner, CFO
Rob Rubbo, Deputy Director of Health
Mary Barton