



# TOWN OF MIDDLEBURY

## Economic Development Commission

**Special Meeting Minutes, Tuesday, January 31, 2023 6:00 p.m.**  
**Shepardson Community Center, Room 4**  
**(approved)**

**Present:** Commissioner David Cappelletti  
Commissioner Nicole Griffin  
Commissioner Jesse Langer  
Chairman Terrence McAuliffe  
Commissioner Frank Mirovsky  
Commissioner Armando Paolino  
Commissioner Mark Petrucci

**Also present**

### **CALL TO ORDER**

Chairman McAuliffe called the meeting to order at about 6:05 pm with roll call.

### **SPECIAL MEETING BUSINESS**

#### **“RESOLUTION FOR A COMPREHENSIVE APPROACH TO DEVELOPMENT”**

Commissioner Frank Mirovsky recused himself from discussion because he is an alternate on the Planning and Zoning Commission.

Chairman McAuliffe introduced the matter: *“At our January 23, 2023 regular meeting, a procedural error was made. The subject resolution was discussed in the Discussion part of the agenda and that was proper.*

*The procedural error came in bringing that resolution to a vote. Since the item did not appear on the agenda as either New or Old business, it needed to be made part of the agenda by a two-third vote of the commissioners and that was not done.”*

McAuliffe then asked if the commissioners were agreeable to vote on the resolution formed at the Jan. 23 regular meeting. Armando Paolino moved the MOTION to approve sending the resolution to the Planning and Zoning Commission, SECOND by Jesse Langer. Frank Mirovsky abstained, six members voted in favor, and none were opposed.

**ADJOURNMENT**

Frank Mirovsky MOTIONED to adjourn, SECOND by David Cappelletti, and unanimously voted at about 6:10 pm.

Respectfully submitted,

Terrence McAuliffe  
Chairman—Economic Development Commission  
cc. Town Clerk, Commission Members

attachment: RESOLUTION FOR A COMPREHENSIVE APPROACH TO DEVELOPMENT

RESOLUTION FOR A COMPREHENSIVE APPROACH TO DEVELOPMENT

WHEREAS, the Economic Development Commission (the "EDC") is constituted to encourage balanced smart economic development in Middlebury, review architectural consistency, and recommend tax incentives where appropriate.

WHEREAS, the Town of Middlebury Planning and Zoning Commission is considering a proposal that would change the zoning ordinances as follows: January 5, 2023 Meeting: Application for text amendments of Sections 9.1 Definitions to add Distribution Facilities, 42.1 Permitted Uses to add Distribution Facilities as a permitted use, 42.2.4 Height of Buildings adding warehouses and distribution facilities not to exceed fifty feet to the current language.

WHEREAS, members of the Economic Development Commission (the "EDC") have been contacted by a wide array of Middlebury property owners, homeowners, residents and constituent electors and taxpayers of the town regarding the proposed text change that would benefit one property in a commercial zone immediately adjacent to several neighborhoods; the proposed change would intensify the use of the commercial property and conduct of business beyond what is currently provided in the existing commercial zone.

WHEREAS, the new use would strain the local road infrastructure and impact the peaceful enjoyment of the residents of the immediate neighborhoods and the general conduct of life in town.

WHEREAS, the existing former use was a sensitive and consistent approach to development that was in concert with the adjacent residential development that occurred over time. This reality cannot be dismissed solely based on a permitted zone and simply adding provisions to increase intensity of use.

WHEREAS, the Planning and Zoning Commission should also respect that the town has other zones that will not impact neighborhoods in the same way and are better suited to accommodate the commercial intensity, infrastructure needs, and traffic attendant to the proposal currently under consideration.

WHEREAS, the Commission should consider that such a text change may result in other unintended consequences in similar commercial zones elsewhere in town.

WHEREAS, the Economic Development Commission (the "EDC") maintains that as the town's growth continues the EDC must recognize not just the desire for economic development and added value to the grand list to occur in such zones, but that such development needs to occur with a comprehensive approach and understanding of other residential and commercial development as it has evolved to date in such areas.

THEREFORE, the proposal currently before the Town Planning and Zoning Commission should be rejected in favor of other areas within town that are better suited for such development. Consistent with this recommendation the Commission should immediately proceed to the re-examination of our commercial and industrial zones to consider designations where such uses will not radically alter the enjoyment of other development that has occurred in immediately adjacent neighborhoods and the local and state road infrastructure is conducive to such developments.