

JOINT HEARING OF THE MIDDLESEX PLANNING COMMISSION  
AND ZONING BOARD OF ADJUSTMENT  
Wednesday, June 9, 2021  
6:00 PM

Meeting held remotely via Zoom

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DRAFT MINUTES

**Dixie LLC c/o Carl Bailin Zoning Permit #21-13 Public Hearing**

**Call to Order**

Hearing was called to at 6:05 pm by Planning Commission (PC) chair Sandy Levine.

**Roll Call:**

PC members Sandy Levine, Elias Gardner, Theo Kennedy, Phil Comen and Mitch Osiecki were present;

ZBA members Charlene Bohl, Roger Hirt, Peter Raymond and Sarah Birge were present (Jess Clark was absent).

Also present were Kevin Thompson, Zoning Administrator and Carl Bailin, Applicant.

Sandy Levine explained that one purpose of the hearing is for the PC to conduct a Site Plan Review of Permit Application #21-13 in accordance with Section 5.5 of Middlesex Zoning Regulations.

Zoning Board of Adjustment (ZBA) chair Charlene Bohl added that the ZBA will concurrently hold a Conditional Use Review of the same application in accordance Section 5.4 of the Zoning Regulations. The standards for Site Plan Review and Conditional Use Review are identical, so in the interest of efficiency, the two bodies will hold a concurrent hearing.

Sandy read the oath and swore in applicant Carl Bailin. There were no other interested persons in attendance.

Documents under review for this hearing include:

- Permit Application #21-13;
- Site Plan;
- Site Grading Plan;
- Vermont Natural Resources Board Schedule G – Notice of Initial Application Filing.

Copies of these documents, along with the Notice of this Joint Hearing will be attached to the Final Minutes.

## General Standards

- 1) Site Features. Site layout and design, to the extent feasible, shall protect significant features such as surface waters, wetlands, critical habitat areas and associated buffers, ridgelines, hilltops, areas of steep slope (>25%), primary agricultural and forest soils, existing farm and pasture land, historic sites and structures, tree lines, walls and fences.

Carl stated that the only surface waters are the abutting Winooski River. There are no wetlands, critical habitat areas, ridgelines or hilltops. He added that there are some steep slopes on the property, but none within the proposed building envelope (construction area). There are no other features of interest as described above.

- 2) Access. The property is accessed by a private drive off Welch Park Drive. The only other site served by this driveway is the former Hartigan's building on an adjacent lot (also owned by Carl Bailin).
- 3) Circulation. Carl stated that circulation will be provided around each of the storage buildings and is in conformance with Act 250 standards. The property abuts a VELCO right of way (ROW), but the only overlap is with the circulation zone. The proposed buildings are outside of the VELCO ROW, and is also in conformance with Act 250 standards.
- 4) Parking, Loading, Service & Outdoor Storage Areas. There will be no outdoor storage of any materials on the property. There will short-term parking near the storage units, but no long-term parking on the property.
- 5) Layout & Site Design. There will be approximately 25 feet between each building. The proposed buildings will have setbacks well in excess of the required 75 feet from the Winooski River. All proposed buildings meet the required front, side and rear setbacks from lot lines, with the exception of the NW corner of building #4. Applicant seeks a variance or waiver of setback standards, which the ZBA has the authority to consider under Section 7.6 of the Zoning Regulations.
- 6) Landscaping & Screening. Landscaping is already in place. There is also a greenbelt between this lot and the adjacent lot mentioned previously (the former Hartigan's).
- 7) Storm Water management & Erosion Control. The property has a Storm Water Permit, previously approved and already installed.
- 8) Lighting. The only lighting planned on the site will be energy-efficient, low-voltage downcast lighting, and will most likely be motion-activated.
- 9) Bylaws in effect. No issues present.
- 10) Sign Requirements. No sign permit is requested at this time, and no signage is anticipated on the site.

Zoning District Standards. As previously mentioned, one building, as proposed, does not meet the 25 foot setback requirement. The ZBA has the authority to grant a variance or waiver of setback standards, provided that this parcel was legally in existence prior to November 2, 2004. That appears to be the case.

There was a brief discussion of the Town Zoning Map, which appears to contain an error with respect to the identification of an abutting parcel. This is essentially an administrative error, with no implication for this application.

No further questions were raised by members of the PC or ZBA.

**Motion:** Theo Kennedy moved to close the PC hearing and enter deliberative session; Elias Gardner seconded. **Motion carried, 5-0-0.**

The Planning Commission adjourned at 6:50 pm.

Respectfully submitted,  
Mitch Osiecki  
Planning Commission secretary