



TOWN OF MIDDLEBURY

Land Preservation & Open Space Acquisition Commission

SPECIAL MEETING MINUTES

**Land Preservation & Open Space Acquisition Commission Meeting
Wednesday January 24, 2024 – 7:00 p.m.
In Person- Upstairs, Shepardson, Room 26**

Present: Malcolm Todt
Paul Bialobreski
George Gabrielson
Jim Lawlor
Dawn Andonellis
Ericka Carrington

Also Present: Katie Burdick, Recording Clerk
Attorney Pilicey
Attorney D'Angelo

Public: Two

Absent: Anne Paolino

1. Call to Order with Pledge of Allegiance

The meeting was called to order at 7:02 p.m. by Mr. Gabrielson with the Pledge of Allegiance.

2. Parkland Estates- Modification of Subdivision for Transfer of Open Space

Attorney Pilicey spoke on behalf of the applicant to discuss the original allocation to of open space. Attorney Pilicey stated the original approved application had the open space designated as a homeowner association. Attorney Pilicey requested that the LPOS Commission accept the transfer of open space from Home Owner Association to being town owned.

Discussion ensued between the commissioners and the Towns Attorney, Dana D'Angelo, about the pros and the cons of accepting ownership of the space for the town. Mrs. Carrington stated that routinely the town usually gets the open space set aside from the subdivision, and accepting the transfer would be seen as standard.

Mr. Bialobreski **MOTIONED** to recommend the accepting the open space transfer to the town; **SECONDED** by Mr. Gabrielson.

Discussion: Mr. Lawlor inquired if there would be a significant loss or gain in tax revenue. Attorney D'Angelo stated she believes the open space generates approximately \$400 in tax revenue.

Unanimous approval. Mrs. Carrington abstained.

3. Modification of Subdivision on Breakneck Hill and Artillery Road

Attorney D'Angelo gave a brief history of the piece of property that was up for discussion. Mr. Janesky, owner of the neighboring property, had discussed and proposed purchasing the deemed open space parcel that currently has the Rochambeau Memorial on it with multiple members of the historical society. Attorney D'Angelo advised the LPOS Commission their recommendation was one of many steps of the approval process that would come before the town to make. The matter of discussion would be if the LPOS Commission recommends opening up the subdivision. Members of the Commission inquired if this practice was something that was routine, and Attorney D'Angelo stated she has not see it done in the past during her time as an attorney. Attorney D'Angelo stated if the subdivision was to be reopened Mr. Janesky proposed to pay a fee in lieu of the open space.

Discussion ensued about disrupting the Rochambeau Memorial that currently is on the parcel of land. Dr. Radford, President of historical society, and Mrs. DiMartino, Secretary, were given the opportunity to speak on the topic. Both members spoke on behalf of the historical society in favor of selling the land to Mr. Janesky and either moving the memorial closer to the road or relocating the Rochambeau Memorial to another location. They proposed moving it to Meadowview Park or another town owned property with more access for the public to view the Rochambeau Monument. Mrs. DiMartino stated that the town does not take care of the memorial very well and it is hard for the public to get to the spot where the memorial is located.

Mr. Gabrielson stated that he agrees with Mrs. DiMartino that the town could and should do a better job at preserving the memorial and creating an access pass for the public. However, Mr. Gabrielson stated that he does not believe it should be discarded and sold. Mr. Gabrielson stated he finds it's hard to understand why the historical society would be so in favor of selling the land and moving the memorial to a completely different and insignificant location that doesn't honor what the memorial stands for.

Further discussion ensued between the Commissioners about their concerns of giving up the open space at the request of a private owner. The Commissioner also discussed Mr. Janesky's potential use for the land and the raised concerns with his request or potential request to lift the lands restrictions for personal gain.

The Commissioners discussed the precedence of opening the subdivision for personal sales of open space land. The Commissioners agreed that the precedence their approval would set could potentially be detrimental.

Mr. Todt stated he appreciates the hard work and the efforts of the Town's Historical Society and all they have done over the 40 years he has been in Middlebury, Mr. Todt stated that he has does have concerns about the open space not being open any more. Commissioners agreed and expressed their concerns with the private ownership and use of the land.

Mr. Gabrielson **MOTIONED** to not open the subdivision of the property of Rochambeau Realty Company on Charcoal and Breakneck Hill without prejudice for future consideration; **SECONDED** by Mr. Bialobreski.

Unanimous Approval. Mrs. Carrington abstained.

4. Adjournment

Mr. Bialobreski **MOTIONED** to ADJOURN the meeting at 8:12 p.m.; **SECONDED** by Mr. Todt.
Unanimous approval.

These minutes are submitted subject to approval.

Respectfully submitted,

Katie Burdick

Katie Burdick
Recording Clerk