



## DEVELOPMENT REVIEW BOARD

Meeting Type: ..... **Regular Meeting**  
Date: ..... **Thursday, January 14, 2021**  
Time: ..... **6:00 p.m.**  
Place: ..... **Via Teleconference**  
Address: ..... **N/A**  
Contact: ..... **(802) 893-1186**  
Website: ..... **www.miltonvt.gov**

## MEETING MINUTES

*Bruce Jenkins, Chair      Henry Bonges, Vice Chair      Julie Rutz, Clerk      Robert Brisson      MaryAlice Callahan*

### AGENDA

#### 1. Call to Order

Meeting was called to order at 6:05 P.M by B. Jenkins.

#### 2. Attendance

**Members Present:** Bruce Jenkins, Chair; Julie Rutz, Clerk; MaryAlice Callahan,

**Members Absent:** Henry Bonges, Vice Chair; Robert Brisson

**Staff Present:** Richard Saunders, Development Review Planner

**Others Present:** Ernie Pomerleau; Steve Ploesser; Peter Sheppard; Jacquelyn Root; Gary Root; Phyllis Abell; Dan Heil; David Burke; Tina Young; Alfred Young; Doug Goulette; Buddy Meilleur, LCATV

#### 3. Agenda Review

There were no additions made to the agenda.

#### 4. Public Forum

*The public may attend and be heard in accordance with Vermont's Open Meeting Law (1 V.S.A. 312).*

#### 5. Staff Updates

Staff requested that due to meeting being held via teleconference, that some form of attendance take place to account for all attendees and/or interested parties.

#### 6. New Hearings/Business:

A. **Rivers Edge Building Development, LLC. c/o Tom Sheppard**, applicant, is requesting **Final Planned Unit Development** approval for the construction of a 51-unit general residential Planned Unit Development consisting of 25 duplex buildings and one single-unit building at **20 Haydenberry Drive**. The project also proposes the construction of a new public road and private loop road. The subject property is owned by **Milton Shopping Center, LLC. C/O Ernie Pomerleau** and is described as Parcel # 207060-010000, Book 482 & Page 368, SPAN 396-123-10555. The property is recorded as having 18.94 acres, and is located within the Milton Crossroads Marketplace West (M2) zoning district and the Town Core Planning Area.

B. Jenkins read the project summary aloud for the attendees and administered the oath. D. Heil and D. Burke were present to represent the applicant(s), and provided a summary of the project.

1. ***The applicant shall submit evidence of all required permits to the Town prior to receiving Zoning approval.***

D. Heil stated that they will provided all necessary permit approval(s) to the Town as soon as possible.

2. ***The DRB shall determine whether the proposed density meets the requirements of the UDR.***

D. Heil confirmed that the available developable area on the parcel is capable of up to 81-units, and their project is only 51; thus meeting said requirement.

- 3. The applicant must obtain a highway access permit for each new curb cut on the proposed public road. A zoning permit and highway access permit will be required for construction of the new road.**  
Applicant's representative agreed. B. Jenkins asked staff to provide clarification on how many Highway Access Permits will be required for the curb cuts on the proposed public road.
- 4. The applicant must file legally executed agreements for the perpetual maintenance of all separately conveyed shared driveways proposed for the development.**  
The applicant's representative agreed.
- 5. Applicant shall provide the E911 Coordinator with proposed street names in conformance with Vermont Enhanced 911 Systems and the Town's Street Naming and Street Addressing ordinance: <http://miltonvt.gov/DocumentCenter/View/421/Street-Naming-and-Street-Addressing-PDF>.**  
The applicant's representative agreed.
- 6. The DRB shall determine whether the proposed lighting meets town requirements.**  
D. Heil agreed.
- 7. The DRB shall determine whether to allow a sidewalk on only one side of the proposed roads.**  
D. Heil noted that this condition had been previously discussed at the preliminary hearing and fits requirements. D. Burke concurred.
- 8. The DRB shall determine whether the proposed landscaping meets Section 3204.E requirements.**  
No further comments offered.
- 9. The applicant must meet the requirements of Section 3405.L and establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of necessary improvements. Staff notes that legal documents have been drafted and will be reviewed by the Town Attorney upon final plan approval.**  
Staff confirmed that legal documents have been drafted.
- 10. An approved Zoning Permit is required prior to construction/land development including driveway construction and an associated Certificate of Compliance is required following completion. The final plat must be approved and recorded prior to applying for zoning permits.**  
The applicant's representative agreed.
- 11. Public Infrastructure: The process outlined in the Town of Milton Public Works Specifications Section 110, the General Procedures for Acceptance of Public Infrastructure, shall be followed for the installation of all proposed public infrastructure and its future ownership and maintenance. All draft legal documents must be approved by the Town Attorney, a cost estimate approved, and surety established prior to issuance of zoning permits.**  
The applicant's representative agreed.
- 12. In accordance with 24 V.S.A. §4463(b), the applicant must file a final subdivision plat for filing in the town's land records within 180 days of the Development Review Board's final approval. Upon written request by the applicant prior to the expiration of the 180 days, the Zoning Administrator may grant a written 90-day extension to the filing deadline if other local or state permits are still pending.**  
The applicant's representative agreed.

**13. Legal Escrow: Pending Final Subdivision approval, the Applicant shall submit \$500 with the Final application to cover the legal review of the deeds and any other required legal instruments by the Town Attorney. Any funds not expended on the legal review will be refunded to the Applicant. If the legal review exceeds the \$500, the applicant is responsible for the additional costs.**

The applicant's representative agreed.

**14. Legal Review: Pending Final Subdivision approval, the applicant shall submit draft deeds and any other associated legal instruments for all impacted lots for review and approval by the Town Attorney. All requested revisions must be complete before the Plat may be recorded. Only instruments approved by the Town may be recorded in the Town of Milton Land Records. The Town Attorney must approve of the subdivision plat prior to filing the final plat on mylar.**

The applicant's representative agreed.

**15. Omission or misstatement of any material fact by the applicant or agent on the application or at any hearing which would have warranted refusing the permit or approval shall be grounds for revoking the permit or approval at any time.**

The applicant's representative agreed.

**16. The DRB shall motion to recess or close this hearing. If recessed, a specific time, date, and place shall be designated to resume the hearing. If closed, the DRB shall issue a decision within 45 days.**

The applicant's representative agreed.

Staff read a statement from Jim Carroll, an interest party, into the record.

A motion was made by J. Rutz at 6:29 p.m. to continue the hearing until January 28<sup>th</sup>, 2021; 2<sup>nd</sup> by M.A. Callahan. Motion carried.

B. **Gary and Jacquelyn Root**, applicant, is requesting **Final Minor Conventional Subdivision** approval for a two lot subdivision at **170 Railroad Street**. The subject property is owned by **the applicant** and is described as Parcel #131113-000000, Book 72 & Page 171, SPAN 396-123-13033. The subject property is recorded as having 0.75 acres and is located within the Milton Crossroads Marketplace Center (M1) zoning district, and the Town Core Planning Area.

B.Jenkins read the project summary aloud for the attendees and administered the oath at 6:31 p.m. D. Goulette was present to represent the applicant(s).

**1. The applicant must obtain a Highway Access Permit for the curb-cut on Kingsbury Crossing for Lot 2.**

The applicant's representative agreed.

**2. The DRB shall determine whether additional information is required to determine whether the proposed subdivision complies with Section 3002.E and/or other drainage requirements.**

Goulette provided a summary of the drainage profile and details of the project. Testified that the proposed activity will not change the direction of stormwater flow. Indicated the applicant had met with D. Allerton, DPW, who had agreed the proposed improvements were appropriate given the concerns. D. Goulette pointed out that the water table in the area is driven by precipitation, and that they do not anticipate any additional volume.

Staff read aloud email correspondence between D. Goulette and David Allerton, Town Engineer, regarding the drainage conditions for the record.

Staff provided a summary of the request received from interested persons, and applicant for the record.

- 3. The applicant must obtain a Highway Access Permit for the proposed work within the road right-of-way in addition to the permit requirements outlined in Section 3002.F comments.***

The applicant's representative agreed.

- 4. The DRB shall determine whether the applicant has supplied sufficient evidence of compliance with state permitting requirements.***

D.Goulette confirmed that they are in compliance with the State threshold, therefore meeting state requirements.

- 5. The DRB shall determine whether the increase in impervious surface of the proposed subdivision and subsequent stormwater effects are likely to adversely impact neighboring properties. The DRB may require the applicant to implement additional measures to ensure neighboring properties are not adversely affected.***

J. Rutz asked if the interested parties had any comments to contribute. P. Abell asked if the water table does increase and the impact on her land increases, who would be responsible? J. Rutz asked for a specific remedy. P. Abell suggested the old culvert be replaced. Further discussion took place in regard to the filling of a gully in the applicant's backyard. B. Jenkins stated that the DRB cannot require the applicant to remedy an existing problem. B. Jenkins asked if there are footing drains proposed for the new home; D. Goulette did not have these answers.

A. Young indicated concern about additional stormwater as they experience flooding, suggesting in the spring that the "ravine" fills at least to the edge of the road. The applicant shared they have never witnessed afore mentioned volume of water.

M.A. Callahan proposed the DRB consider a site visit. The applicant shared that they had been unaware of some of the neighbors concern. Staff pointed out that the Town Engineer can only work with the information they are provided. B. Jenkins asked if there was previously a Kingsbury Crossing Culvert; multiple explained, yes, decades ago.

- 6. The applicant shall establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of shared infrastructure and facilities within the subdivision.***

B. Jenkins asked about shared facilities; D. Goulette noted municipal water/sewer. D. Goulette agreed. Staff noted DPW comments suggesting the applicant connect to municipal sewer sooner rather than later; J Rutz asked for additional information in regard to the existing homes connection to the Town sewer system. D Goulette indicated the applicant doesn't want to fix what isn't broken.

- 7. An approved Zoning Permit is required prior to construction/land development including driveway construction and an associated Certificate of Compliance is required following completion. The final plat must be approved and recorded prior to applying for zoning permits.***

The applicant's representative agreed.

- 8. In accordance with 24 V.S.A. §4463(b), the applicant must file a final subdivision plat for filing in the town's land records within 180 days of the Development Review Board's final approval. Upon written request by the applicant prior to the expiration of the 180 days, the Zoning Administrator may grant a written 90-day extension to the filing deadline if other local or state permits are still pending.***

The applicant's representative agreed.

- 9. Legal Escrow: Pending Final Subdivision approval, the Applicant shall submit \$500 with the Final application to cover the legal review of the deeds and any other required legal instruments by the Town Attorney. Any funds not expended on the legal review will be refunded to the Applicant.***

The applicant's representative agreed.

**10. *Legal Review: Pending Final Subdivision approval, the applicant shall submit draft deeds and any other associated legal instruments for all impacted lots for review and approval by the Town Attorney. All requested revisions must be complete before the Plat may be recorded. Only instruments approved by the Town may be recorded in the Town of Milton Land Records. The Town Attorney must approve of the subdivision plat prior to filing the final plat on mylar.***

The applicant's representative agreed.

**11. *Omission or misstatement of any material fact by the applicant or agent on the application or at any hearing which would have warranted refusing the permit or approval shall be grounds for revoking the permit or approval at any time.***

The applicant's representative agreed.

**12. *The DRB shall motion to recess or close this hearing. If recessed, a specific time, date, and place shall be designated to resume the hearing. If closed, the DRB shall issue a decision within 45 days.***

The applicant's representative agreed.

Further discussion took place about potentially scheduling a sight visit to assess the drainage concerns. B. Jenkins asked if stormwater has run across the road before; T. Young stated, yes. J. Root and D. Goulette pointed out it was a pre-existing condition. A. Young asked only that it not become worse as a result of the proposed development. J. Root testified there will definitely be rain gutters and no leach field.

A motion was made by J. Rutz at 7:00 p.m. to continue the hearing until January 28<sup>th</sup>, 2021; 2<sup>nd</sup> by M.A. Callahan. Motion carried.

B. Jenkins requested a written document from Dave Allerton reflective of his professional opinion as Town Engineer in regard to the stormwater/drainage issues in this location, and if there is likely to be any negative effects to the stormwater with the proposed development.

**7. Other Business:**

- A. Approval of Minutes from October 22, 2020.
- B. Approval of Minutes from October 29, 2020.

The minutes will be addressed at the next hearing, on January 28<sup>th</sup>, 2021.

**8. Adjournment**

The DRB unanimously agreed to adjourn at 7:30 p.m.

**9. Deliberative Session**

*Private session for deliberations on applications and written decisions in accordance with 1V.S.A. 312.*

**APPROVED MINUTES:**

\_\_\_\_\_  
Bruce Jenkins, Chair

Date: \_\_\_\_\_

Filed with the Milton Town Clerk's Office on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST: \_\_\_\_\_, Milton Town Clerk