



DEVELOPMENT REVIEW BOARD

Meeting Type:.....**Regular Meeting**
Date:.....**Thursday, March 23, 2023**
Time:.....**6:00 p.m.**
Place:.....**Community Room or Via Zoom**
Address:.....**43 Bombardier Road**
Contact:.....**(802) 893-1186**
Website:.....**www.miltonvt.gov**

MEETING MINUTES

<i>Bruce Jenkins,</i> <i>Chair</i>	<i>Nick Smith,</i> <i>Vice Chair</i>	<i>Julie Rutz,</i> <i>Clerk</i>	<i>Scott Turner</i>	<i>Maryalice</i> <i>Callahan</i>	<i>Henry Bonges,</i> <i>Alternate</i>	<i>Robert Brisson,</i> <i>Alternate</i>
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MINUTES

1. Call to Order

The meeting was called to order by B. Jenkins at 6:00 P.M.

2. Attendance

DRB Members Present: Bruce Jenkins, Chair; Nick Smith, Vice-Chair; Maryalice Callahan, Scott Turner

DRB Members Absent: Julie Rutz, Clerk; Bob Brisson, Alternate; Henry Bonges, Alternate

Staff: Amanda Pitts

Hearings: Karl Marchessault, Lisa Labelle

3. Agenda Review: None

4. Public Forum: None

5. Staff Updates: None

6. Continued Hearing/New Business:

- A. Rockwell Ramsey Real Estate Associates LLC, applicant,** has submitted an application for **Subdivision Amendment & Variance** approval to amend the previously approved Winterberry PUD to create Lot 1 & 2; Lot 1 as the mixed use commercial/residential building and associated parking lot, and Lot 2 as the remaining residential units. The variance is requested to deviate from the setback requirements of M4-C and M4-R for the existing structures. Subject property is located at 349 Route 7 South and Boysenberry Drive and owned by Lisa Labelle and Haydenberry Holdings LLC. It is described as Parcel# 207060-001000/ SPAN 396-123-11501. It is located in the Checkerberry Commercial (M4-C) and Checkberry Residential (M4-R) zoning districts, and the Town Core Planning area.

Karl Marchessault, O-Leary Burke Civil Associates, and Lisa Labelle, owner/applicant represented the applicant for this hearing. Karl Marchessault gave the background of the proposed subdivision. B. Jenkins administered the oath and read through the numbered items.

- 1. The applicant shall secure a Project Review Sheet or Permit Navigator Summary from the Department of Environmental Conservation and all applicable permits.*

2. *Any future changes to the pre-existing nonconforming residential uses on Lot 1 will require applicable permitting per section 1303.*
3. *Applicant shall maintain site in accordance with surface water and riparian buffers section 3011.*
4. *DRB shall determine if all the criteria for a General Variance have been met.*
 - a. *The proposed land development will not alter the essential character of the area or district in which the property is located.*
 - b. *The proposed land development will not substantially or permanently impair the lawful use or development of adjacent property.*
 - c. *The proposed land development will not be detrimental to public health, safety or welfare.*
 - d. *The applicant has not created the unnecessary hardship.*
 - e. *The applicant is proposing the least deviation possible from these regulations that will afford relief.*
 - f. *There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. These conditions, and not the circumstances or conditions generally created by the provisions of these regulations in the district in which the property is located, have created an unnecessary hardship for the applicant. These physical circumstances or conditions prevent the property from possibly being developed in strict conformity with these regulations and a variance is necessary to enable reasonable use of the property.*
5. *This project shall be completed, operated, and maintained as set forth in the plans and exhibits as approved by the Development Review Board and on file in the Department of Planning and Zoning, and in accordance with the conditions of this approval. No changes, erasures, modifications, or revisions, other than those required by this Decision, shall be made on the plan after approval unless a revised plan is first submitted to the Department of Planning and Zoning for approval.*
6. *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. The plat must be deemed Final by Planning Staff prior to being eligible for recording as the final survey plat. 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.*
7. *Applicant shall submit one (1) full-sized (to scale) and one (1) reduced (11 x 17) complete final plan sets depicting the requested changes. The revised plans must be deemed Final by Planning Staff prior to being eligible for a Zoning Permit from the Zoning Administrator and/or recording the final survey plat. The Applicant is advised to submit an electronic .pdf plan for staff review prior to submitting all copies of the Final Plan set.*
8. *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.*

9. 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.
10. The Variance Approval shall expire three years from the date of issuance. DRB noted that approval shall expire in three years only if a survey plat is not finalized/recorded.
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.
12. The DRB may schedule a site visit.
13. 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.

Motion to approve variance and subdivision by N. Smith. Second by S. Turner. Motion carried. Proposed application is approved.

7. Other Business

- A. No bylaw discussion.
- B. N. Smith motion to approve January 26, 2023 minutes, second by S. Turner. Motion carried.

8. Motion to adjourn meeting by S. Turner at 6:20 pm. Second by M. Callahan. Meeting adjourned.

9. Deliberative Session

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

+Respectfully submitted,

Amanda Costello

APPROVED MINUTES:

Bruce Jenkins
Bruce Jenkins, Chair

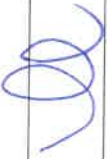

Date: April 27, 2023

Filed with the Milton Town Clerk's Office on this 28th day of April, 2023.

ATTEST: Kristi Beers, Milton Town Clerk

SIGN-IN SHEET FOR DEVELOPMENT REVIEW BOARD MEETING

DATE: March 23, 2023 **General Sign-In Sheet**

NAME (PRINT)	SIGNATURE	MAILING ADDRESS	E-MAIL	Indicate Hearing or Reason for Attendance
Lisa Labelle		125 Manley Rd	abcacademy2023@gmail.com	349 Rt 7
Karl Marchessault				349 Rt 7 S.

NOTE: Those wishing to gain interested person status and testify on an application must sign this sheet. Please print legibly, as we depend on this sign-in sheet for notification purposes.

