



DEVELOPMENT REVIEW BOARD

Meeting Type: **Regular Meeting**
Date: **Thursday, April 22, 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

B. Jenkins called the meeting to order at 6:03 PM.

2. Attendance

DRB Members: Bruce Jenkins, Chair; Henry Bonges, Vice-Chair; Julie Rutz, Clerk; Maryalice Callahan; Robert Brisson; Nick Smith, Alternate.

DRB Members Absent: None.

Staff: Richard Saunders

Other: Buddy Meilleur, LCATV; Nicholas Smith

- A. Route 7 South/Haydenberry: Doug Beachel
- B. Eagle Mountain Shores: Martin Courcelle; Tracey Tobin; Chris Mitiguy; Mary Jean Mitiguy
- C. 860 East Road: Joey Blondin

3. Agenda Review

No changes were 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

No staff updates were provided.

6. New Hearings/Business:

The following hearing will be continued from the April 8, 2021 Hearing:

- A. **Carrols LL c/o Doug Beachel**, applicant, is requesting Final Plan Approval for a **2-lot Minor Conventional Subdivision** located at **Haydenberry Drive and Route 7 South**, owned by Pomerleau Real Estate, described as 227008.000000, Book 450 & Page 315, SPAN 396-123-12466. The applicant is also seeking a **Major Site Plan** and **Conditional Use** approval for the construction of the restaurant use, and a **Variance** from Section 2101.C(11) which requires a minimum front coverage of 60% of BTL. The subject property is recorded as having 3 acres and is located within the Downtown Business (DB1) zoning district, and the Town Core Planning Area.

Staff and the applicant requested that the DRB continue the hearing. J. Rutz motioned to continue the hearing; 2nd by H. Bonges. Motion carried. The hearing will be continued on May 13, 2021.

The following hearings are new hearings:

- B. **Eagle Mountain Shores, Inc c/o Tracey Tobin, Christopher & Mary Jeanne Mitiguy, Lawrence & Yvette Hochberg**, applicant, is requesting **Conditional Use** approval for a proposed seawall and shoreline stabilization project located on the **Eagle Mountain Shores common land opposite 204 Eagle Mountain Harbor Road**, owned by the **applicant**, described as Parcel #C-7050-102 / COM092. The applicant is also seeking a **Variance** from the shoreline and side lot setbacks of the zoning district, and a **Flood Hazard Variance** to allow development within the FHO. The subject property is recorded as having 0.14 acres and is located within the Shoreland Residential (R6) and FHO zoning districts, and the West Milton Planning Area.

B.Jenkins swore in M. Courcelle, T. Tobin, C. Mitiguy, and MJ Mitiguy. The applicant's representative, M. Courcelle, provided a brief overview of the proposed project. Further discussion took place regarding the length, height and design of the wall, as well as the access for construction.

1. ***The applicant shall obtain a PRS. The applicant must obtain and provide all applicable permits and approvals before receiving Zoning approval for the proposed development.***

The applicant's representative agreed.

2. ***The DRB shall determine whether the supplied plans meet the requirements of Section 2201.M and may require the applicant to provide additional information.***

There were no objections made by the DRB Members at this time.

3. ***The applicant shall obtain a Certificate of Compliance and submit a compliant elevation certificate, and the Zoning Administrator shall approve the construction as outlined in Section 2201.P.***

The applicant's representative agreed.

4. ***The DRB shall determine whether to allow the proposed fill, which significantly alters the current grade.***

B.Jenkins asked how much of an impact this project would have on the current grade.

5. ***Upon review of the staff report, application, and evidence submitted during the DRB hearing, the DRB shall determine if the applicant meets all of the criteria for General Variance approval.***

6. ***Upon review of the staff report, application, and evidence submitted during the DRB hearing, the DRB shall determine if the applicant meets all of the criteria for Flood Hazard Variance approval.***

7. ***Applicant shall submit one (1) full-sized (to scale) and one (1) reduced (11 x 17) complete final plan sets depicting any changes required by the DRB. The plans must be deemed Final by Planning Staff prior to being eligible for a Zoning Permit from the Zoning Administrator. The Applicant is advised to submit an electronic .pdf plan for staff review prior to submitting all the copies of the Final Plan set. If no changes are requested by the DRB and no amendments are required the plans submitted to the Planning Office on March 15, 2021 with the application shall be considered final.***

8. ***A Zoning Permit is required prior to construction and an associated Certificate of Compliance is required after construction, prior to occupation and use. The applicant must obtain all applicable state and municipal permits or permit amendments for the proposed development prior to commencing construction.***

The applicant's representative agreed.

9. ***Conditional Use approvals shall expire three years from the date of approval if the applicant does not receive a zoning permit. An amendment to a development approval obtained under Section 4204 or 4305 will not affect the expiration date of the approval. The applicant may apply to the Zoning Administrator for a single one-year extension for the identical project.***

10. 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.

11. 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.

Staff read aloud an item received by an interested party whom has requested anonymity to be entered into the record. DRB Members stated that for this person's letter to be discussed, their identity and address is to be known. Staff stated that they would reach out to this person to allow them to participate in the next meeting should they wish to continue with their comments. M. Courcelle mentioned that his clients would likely be unable to comply with Section 310.F as there is almost no soil on the property.

R. Brisson motioned to continue the hearing; 2nd by M. Callahan. Motion carried. The hearing will be continued on May 13, 2021.

C. **Joey Blondin**, applicant, is requesting **Minor Conventional Subdivision** approval for a proposed 3-lot subdivision located at **860 East Road**, owned by **Frederick Blondin**, described as Parcel # 204031-000000, Deed Book 419 & Page 269, SPAN 12711. A single-family home and barn will remain on Lot 1, and single family homes are planned for Lots 2 and 3. The subject property is recorded as having 32 acres and is located within the Agricultural/Rural Residential (R5) zoning district, and the East Milton Planning Area.

B.Jenkins swore in J. Blondin, applicant.

1. Applicant shall obtain a PRS or provide evidence that a PRS is not required. All state permits must be secured before zoning permits may be issued.

The applicant agreed.

2. Applicant is advised that the proposed access from Marrs Hollow Road requires a town highway access permit.

The applicant agreed.

3. The DRB shall determine whether to allow the creation of Lot 3 without road frontage in accordance with Section 3002 and 2006.6(3)(a).

Discussion took place regarding the site distance.

4. The Applicant shall obtain approved state water/wastewater permits prior to zoning permit approval.

The applicant shared that they already have these permits.

5. The applicant shall install lot corner monuments in accordance with UDR 3405.K

The applicant agreed.

6. Applicant is advised that any prospective development shall be located away from surface waters, wetlands, and floodways, and measures to control erosion/retain soils shall be followed to preserve soils of statewide and prime significance (outlined below). The building envelopes shall be shown on the survey plat.

The applicant agreed.

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 agreed.

- 8. **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 shall be responsible for any legal review over \$500, and will submit payment to the Town accordingly.**

The applicant agreed.

- 9. **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 the subdivision plat prior to filing the final plat on mylar.**

The applicant agreed.

- 10. **The final Plat shall be submitted on mylar (18" x 24"), signed by the licensed surveyor and the Chair of the DRB, and recorded in the Town Clerk's Office within 180 days of the date of the DRB's Final Approval Decision per Subdivision Regulations Section 4408. Final approval expires if not filed within 180 days, unless extended by the Zoning Administrator for pending local or state approvals. In the event a subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.**

The applicant agreed.

- 11. **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 has agreed to provide stakes on the property to identify where the newly located access will be located on the site. The DRB Members have agreed to individually drive by the proposed project, and welcome any community members to do the same should they have questions.

J. Rutz motioned to continue the hearing; 2nd by M. Callahan. Motion carried. The hearing will be continued on May 13, 2021.

7. Other Business:

- A. Approval of Minutes from April 8, 2021. Motion to approve the minutes as amended made by H. Bonges; 2nd by J. Rutz. Minutes approved.

8. Adjournment

J. Rutz made a motion to adjourn the meeting at 7:00 p.m.; 2nd by H. Bonges. Motion carried. Meeting adjourned.

9. Deliberative Session

Respectfully submitted,

Cally Audet

APPROVED MINUTES:

_____ Date: _____

Bruce Jenkins, Chair

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

ATTEST: _____, Milton Town Clerk

DRAFT