



## DEVELOPMENT REVIEW BOARD

Meeting Type:..... **Regular Meeting**  
Date:..... **Thursday, May 13, 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    Nick Smith, Alternate*

### AGENDA

#### 1. Call to Order

H. Bonges called the meeting to order at 6:04 PM.

#### 2. Attendance

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

**DRB Members Absent:** Robert Brisson

**Staff:** Richard Saunders; Cymone Haiju

**Other:** Buddy Meilleur, LCATV; Steve Ploesser

- A. Route 7 South/Haydenberry: Doug Beachel; Chris Boyea; Ernie Pomerleau
- B. Eagle Mountain Shores: Martin Courcelle; Tracey Tobin; Chris Mitiguy; Mary Jean Mitiguy; Ricky Doe; Ned Norris; Yvette Hochberg
- C. 860 East Road:
- D. 720 Everest Road: David Burke; Dan Newcomb
- E. 27 Railroad Street: Jeff Olesky; Bill Kaigle

#### 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 22, 2021 Hearing:

- A. **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.

H. Bonges swore in R. Doe. R. Doe shared his concerns regarding shoreline stabilization of this project.

H. Bonges swore in N. Norris. N. Norris provided testimony regarding concerns of environmental impact for the proposed project as well as the shoreline stabilization concerns presented by R. Doe.

Motion was made at 6:16 p.m. by J. Rutz to close the hearing; 2<sup>nd</sup> by M. Callahan. Motion carried. The hearing was closed.

- B. **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.

Motion was made at 6:17 p.m. by J. Rutz to close the hearing; 2<sup>nd</sup> by M. Callahan. Motion carried. The hearing was closed.

- C. **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.

B. Jenkins swore in the applicant and their representatives. C. Boyea provided a brief overview of the proposed project.

B. Jenkins read aloud the following numbered items and further discussion took place:

1. ***The applicant shall obtain a PRS or provide evidence that a PRS is not required. The applicant must obtain all applicable permits before receiving Zoning approval for the proposed development.***

Staff suggested the applicant look into this process to ensure all permits have been applied for.

2. ***The DRB shall determine whether the proposed structure meets Section 2101.D requirements and may require the applicant to alter or amend the design of the proposed building.***

3. ***The DRB shall determine whether to allow two curb cuts on the lot.***

B. Jenkins and H. Bonges asked for clarification of the direction of the curb cut on Route 7. C. Boyea clarified that VTrans has approved a right in, right out entrance. H. Bonges asked if there was anything in the road that would deter drivers traveling South on Route 7 from turning left into the parking lot from Route 7; C. Boyea confirmed there is nothing in the roadway, but will be managed by the curbing. B. Jenkins posed concern of the flow of traffic into the lot from Route 7. Further discussion was had.

4. ***The DRB shall determine whether an access or easement with access agreement is required to facilitate cross access to the proposed Lot 2. The applicant must submit a letter of intent from VTrans for the proposed highway access.***

Staff clarified that the concern was that the current plan set does not propose and access to Lot 2.

5. ***The applicant shall construct all driveways to comply with current Public Works Specifications.***

The applicant understands.

6. ***The DRB shall determine whether a shared maintenance agreement is required for the proposed development.***
7. ***The applicant shall obtain potable water and wastewater connection permits from the Town of Milton Department of Public Works.***  
The applicant stated that they are in the process of submitting these applications to the Town.
8. ***The DRB shall determine whether the supplied erosion control plan meets Section 3009 requirements.***
9. ***The DRB shall determine whether the supplied stormwater management plan meets Section 3010 requirements.***
10. ***The applicant shall obtain a zoning permit/s for the proposed freestanding signage prior to construction.***  
The applicant stated that the signage at the highest point will be approximately 22 feet.
11. ***The DRB shall determine whether the proposed signage meets 3015.F(1)(c) requirements.***
12. ***The applicant shall demonstrate that the additional parking is required to the satisfaction of the DRB.***  
The applicant confirmed that large vehicles, such as school buses have the ability to maneuver in the proposed parking area.
13. ***The DRB shall determine whether Section 3202.D applies, and whether the applicant has demonstrated that there is sufficient space to meet the requirements of this section.***
14. ***The DRB shall determine whether the proposed accessible parking meets Section 3202.I requirements and may require the applicant to alter or amend the plans to comply with regulations.***  
The applicant stated they understood and would comply with this condition.
15. ***The applicant shall construct a sidewalk meeting current Public Works Specifications along the Haydenberry Drive lot frontage, to connect the Route 7 South sidewalk to the planned Haydenberry Drive sidewalk.***  
The applicant stated they would be open to constructing this sidewalk.
16. ***The DRB shall determine whether a walkway is required along the full length of the front of the proposed building.***  
The applicant agreed.
17. ***The DRB shall determine whether the proposed street trees are sufficient to meet the requirements of Section 3204.E and may require additional street trees or other planting.***
18. ***The DRB shall determine whether the proposed lighting meets Section 3205 requirements.***
19. ***The applicant shall demonstrate how odorous emissions will be avoided or mitigated to the satisfaction of the DRB. The DRB may require the applicant to implement additional mitigation measures and/or demonstrate how other performance standards will be met.***
20. ***The DRB shall determine whether the proposed site landscaping meets the requirements of this section.***
21. ***The DRB shall determine whether the proposed development meets the requirements of Section 3209.E.***

- 22. The DRB shall determine whether the supplied information is sufficient to determine whether additional actions are necessary to mitigate traffic impacts.**
- 23. The applicant must meet the Vermont Commercial Building Energy Standards stretch code for commercial buildings.**
- 24. The DRB shall determine whether additional action is required to comply with the requirements of this section.**
- 25. The proposed subdivision would create a lot that requires direct access from Route 7 (Lot 2) or an easement/access agreement. The DRB shall determine the suitability of the proposed access configuration and may require the applicant to alter the lot arrangement or employ other measures to ensure compliance with Section 3404 requirements.**
- 26. The DRB shall determine whether street lighting is required.**
- 27. The DRB shall determine whether the applicant meets all of the criteria required to receive a variance.**
- 28. 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.**
- 29. The applicant shall 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.**
- 30. 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 construction of water, wastewater, and stormwater infrastructure for the proposed development prior to commencing construction.**
- 31. Site Plan and 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.**
- 32. 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.**
- 33. 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 was made at 7:00 p.m. by H. Bonges to close the hearing; 2<sup>nd</sup> by J. Rutz. Motion carried. The hearing was closed.

The following hearings are new hearings:

- D. **Altom Ltd c/o Dan Newcomb**, applicant, is requesting a **Waiver** for the removal and reconstruction of an existing seasonal structure with a 16.6% increase in footprint size at **720 Everest Road**. The subject property is owned by the **applicant** and is described as Parcel #237028.000000, Book 509 & Page 164, SPAN 396-123-12311. The property is recorded as having 0.28 acres, and is located within the Shoreland Residential (R6) zoning district and the West Milton Planning Area.

B. Jenkins read aloud the project summary. D. Burke, the applicant's representative provided a brief overview of the proposed project.

B. Jenkins read aloud the following numbered items and further discussion took place:

- 1. The applicant shall provide a list of all permits required by state authorities and evidence that all required permits have been obtained prior to receiving Zoning approval for the proposed development.**

D. Burke stated he understood.

- 2. The applicant must meet all of the following criteria to secure a Waiver. Staff has provided comment on each criterion accordingly.**

- 3. 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 waiver approval.**

B. Jenkins asked about the current camp elevation.

- 4. 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.**

D. Burke stated he understood.

- 5. 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.**

At 7:28 p.m., J. Rutz motioned to continue the hearing; 2<sup>nd</sup> by H. Bonges. Motion carried. The hearing will be continued on May 27, 2021.

- E. **Cyrus Kamini**, applicant, is requesting **Major Site Plan** approval for the redevelopment of a 2,950 ft<sup>2</sup> mixed-use building at **27 Railroad Street**. The applicant proposes refurbishing the existing residential apartments and converting existing storage into a 1,475 ft<sup>2</sup> retail use. The subject property is owned by the **applicant** and is described as Parcel #135028.000000, Book 496 & Page 443, SPAN 396-123-12877. The property is recorded as having 0.32 acres, and is located within the Old Towne Residential/Commercial (M5) zoning district and the Town Core Planning Area.

B. Jenkins read aloud the project summary and swore in the applicant's representative, J. Olesky. J. Olesky provided a brief overview of the project. B. Jenkins asked if there would be any retail component from the proposed commercial space; J. Olesky stated, no. J. Olesky asked if historically any spaces have been considered multi-use spaces.

B. Jenkins read aloud the following numbered items and further discussion took place:

- 1. The DRB shall determine whether the proposed development complies with Section 1301.C and the applicant may further develop the lot.**

J. Olesky asked for further clarification on this condition.

**2. *The DRB shall determine whether to allow 10 parking spaces, which is one fewer than required.***

J. Olesky provided clarification on the layout of the proposed parking spaces and the concerns the applicant has on the encroachments of both Town and Railroad right-of-ways.

**3. *The applicant shall submit a draft written agreement to the Town offices for legal review and approval, and shall otherwise comply with the requirements of this section.***

**4. *The DRB shall determine whether the proposed parking configuration meets Section 3202.E requirements.***

J. Olesky stated he understood.

**5. *The DRB shall determine whether the proposed development complies with Section 2302.I(3) requirements.***

J. Olesky stated he understood.

**6. *The DRB shall determine whether additional bicycle facilities are required.***

**7. *The DRB shall determine whether the proposed configuration meets the pedestrian access requirements of Section 2303.B(2).***

**8. *The DRB shall determine whether a landscape plan is required for this development.***

Staff has recommended that this requirement be waived.

**9. *The DRB shall determine whether street trees, and additional landscaping and screening are required for this development.***

Staff has recommended that this requirement be waived.

***The DRB shall determine the applicability of Section 3209 provisions and may determine that the proposed changes constitute a 'best fix' that conforms to the maximum extent feasible.***

Staff has recommended that this requirement be waived.

**10. *Applicant shall submit one (1) full-sized (to scale) and one (1) reduced (11 x 17) complete final plan sets depicting any required changes. 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. If no changes are required Staff may deem the plan set submitted with the application to be final.***

**11. *An approved Zoning Permit is required prior to construction/land development including driveway and parking construction and an associated Certificate of Compliance is required following completion. The applicant must obtain all applicable state and municipal permits or permit amendments for the construction of water, wastewater, and stormwater infrastructure for the proposed development prior to commencing construction.***

**12. *If the applicant does not obtain a zoning permit for the proposed development within 3 years of receiving development approval the approval will expire and the applicant will be required to apply for a new approval under the regulations in effect at that time. The applicant may apply to the Zoning Administrator for a single one-year extension for the identical project. An amendment to a development approval obtained under Section 4204 or 4305 will not affect the expiration date of the approval.***

**13. *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.***

**14. 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.**

At 8:10 p.m., J. Rutz motioned to continue the hearing; 2<sup>nd</sup> by H. Bonges. Motion carried. The hearing will be continued on May 27, 2021.

**7. Other Business:**

A. Approval of Minutes from April 22, 2021.

Motion to approve the minutes as written made by H. Bonges; 2<sup>nd</sup> by J. Rutz. Motion carried.

**8. Adjournment**

H. Bonges made a motion to adjourn the meeting and enter deliberative session at 8:13 p.m.; 2<sup>nd</sup> by J. Rutz. Motion carried. Meeting adjourned.

**9. Deliberative Session**

Respectfully submitted,

Cally Audet

APPROVED MINUTES:

Bruce Jenkins, via chair Date: 2<sup>nd</sup> June 2021  
Bruce Jenkins, Chair

Filed with the Milton Town Clerk's Office on this 2<sup>nd</sup> day of June, 2021.

ATTEST: Krist Beers, Milton Town Clerk