



## DEVELOPMENT REVIEW BOARD

Meeting Type:..... **Regular Meeting**  
Date:..... **Thursday, June 13, 2019**  
Time:..... **6:00 p.m.**  
Place:..... **Municipal Building Community Room**  
Address:..... **43 Bombardier Road Milton, VT 05468**  
Contact:..... **(802) 893-1186**  
Website:..... **www.miltonvt.gov**

## MEETING MINUTES

*Bruce Jenkins, Chair    Henry Bonges, Vice Chair    Julie Rutz, Clerk    Robert Brisson    Sean Cannon*

### 1. Call to Order

The meeting was called to order by B. Jenkins at 6:02 p.m.

### 2. Attendance

**Members Present:** Bruce Jenkins, Chair; Henry Bonges, Vice Chair; Sean Cannon; Julie Rutz, Clerk; Robert Brisson

**Members Absent:**

**Staff Present:** Michael Burris, Planning Director

**Others Present:** Robert Chartier

### 3. Agenda Review

None.

### 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

M Burris stated that Lindsey Beaudoin started as the Administrative Assistant on June 10, 2019.

### 6. New Hearings/Business:

**A.** Robert Chartier, is requesting setback Variance approval for a lean-to located at 47 Misty Bay Road, described as Deed Book 363 & Page 749, SPAN 10004. The subject property is recorded as having 1.7 acres, and it is located within the Shoreland Residential (R6) zoning district, the Flood Hazard Overlay district, and the West Milton Planning Area.

The Chair administered The Oath to Interested Persons.

1. The R. Chartier has requested that the DRB schedule a site visit. The DRB declined to schedule a site visit.
2. The applicant must meet all of the variance criteria to secure a variance.
3. Criterion 1. The proposed land development will not alter the essential character of the area or district in which the property is located.
4. The proposed land development will not alter the essential character of the area. Many of the lots in the R6 district along the Lake Champlain shoreline are and have pre-existing dimensional nonconformities. Dimensional waivers are frequently requested and granted in this area. Moreover, the lean-to is screened by mature cedar trees and is not visible from Misty Bay Road.
5. Criterion 2. The proposed land development will not substantially or permanently impair the lawful use or development of adjacent property.
6. Locating the lean-to closer to Misty Bay Road will not impair the lawful use or development of adjacent property.

7. Criterion 3. The proposed land development will not be detrimental to public health, safety or welfare.
8. The lean-to is not negatively impacting public health, safety, or welfare. It has no impact upon the sight distances from the applicant's driveway.
9. Criterion 4. The applicant has not created the unnecessary hardship.
10. The applicant applied for a variance in response to corrective action requested by the zoning administrator because the lean-to is an unpermitted structure.
11. Criterion 5. The applicant is proposing the least deviation possible from these regulations that will afford relief.
12. A waiver can be granted for a 50% setback reduction at 17.5 feet. The applicant is requesting a reduction to 15 feet. As the lean-to is already built, no further deviation is requested.
13. Criterion 6. 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.
14. The property is located entirely within shoreline, so the lean-to's location is creating the least imposition possible upon the shoreline upland zone. However, being located within the 250' of shoreline zone does not necessarily preclude development. There are no exceptional geographic boundaries or irregular lot shapes that are preventing reasonable use of the property.
15. Staff contends that the applicant does not meet all criteria for variance approval, namely criteria 4 and 6.
16. 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 variance approval.
17. 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.
18. 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.

H. Bonges motioned to close the hearing at 6:17 p.m and J. Rutz seconded the motion.

#### 7. Other Business:

A. Approval of Minutes from 5/23/2019

Motion made by H. Bonges at 6:18 p.m. to approve the Development Review Board Meeting Minutes of May 23, 2019 as amended with a second by S. Cannon and J. Rutz abstained. Approved.

#### 8. Deliberative Session

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

#### 9. Adjournment

Motion made by J. Rutz at 6:20 p.m. to adjourn the meeting with a second by S. Cannon. Approved Unanimously.

Respectfully Submitted,  
Lindsey Beaudoin

APPROVED MINUTES:

Bruce Jenkins  
Bruce Jenkins, Chair

Date:

June 27, 2019

Filed with the Milton Town Clerk's Office on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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