



DEVELOPMENT REVIEW BOARD

Meeting Type:.....Regular Meeting
Date:.....Thursday, August 24, 2017
Time:.....7:00 p.m.
Place:.....Municipal Building Community Room
Address:.....43 Bombardier Road Milton, VT 05468
Contact:.....(802) 893-1186
Website:.....www.miltonvt.org

MEETING MINUTES

1 **1. CALL TO ORDER**

2 The Chair called the meeting to order at 7:05 p.m.
3

4 **2. ATTENDANCE**

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

6 **Members Absent:** Karen Trombley, Alternate

7 **Staff Present:** Jeff Castle, Town Planner

8 **Public Present:** Jacob Hemmerick, Victor Sinadinoski, Michael McCormick, David Vaillancourt, Heidi
9 Vaillancourt, Bonnie Pease, Dean Benjamin, Teresa Benjamin

10
11 **3. AGENDA REVIEW**

12 None.
13

14 **4. PUBLIC FORUM**

15 Jacob Hemmerick introduced the new Town Planner, Victor Sinadinoski.
16

17 **5. OLD HEARINGS/BUSINESS**

18 None.
19

20 **6. NEW HEARINGS/BUSINESS**

21 **6 (A) Hubert McCormick, Owner/Applicant** requests Conditional Use, Site Plan Amendment and PUD
22 Amendment approval located at 414 Route 7 South. The proposal is for a new Repair Service use in an
23 existing 1, 800 square foot accessory storage building and additional parking. The property is described as
24 SPAN 12282, Tax Map 7, Parcel 15. The property contains a total of 1.86 acres and is located within the
25 "Checkerberry Commercial" (M4-C) Zoning District, Town Core Planning Area, and Checkerberry Sub-
26 Area.
27

28 The Chair administered the Oath to Interested Persons.
29

30 Michael McCormick introduced himself to the Board and explained that he was representing his father,
31 the Applicant. McCormick then introduced David and Heidi Vaillancourt.
32

33 David Vaillancourt addressed the Board and explained that he was the party interested in operating
34 the automobile repair facility. Vaillancourt stated that he would like to have two vehicle lifts within the
35 facility. The name of the garage would be Dave's Garage.
36

37 The Chair read the following summary to open the hearing:
38

1 *1. All conditions of prior DRB approvals and subsequent amendments are in full force and effect except as*
2 *amended therein and further amended herein.*

3
4 McCormick agreed.

5
6 Jenkins referred to 1 (b) and asked McCormick if he was also planning on changing the parking lot in
7 the front of the building.

8
9 McCormick stated that they may and he was anticipating some type of modification, but would get
10 approval from the Board before making any changes.

11
12 *2. At least 7 trees must be planted or preserved within the front yard setback.*

13
14 McCormick asked the Board to waive this requirement at this time.

15
16 *3. The proposed Vehicle Repair Service must operate in accordance with the standards of UDR3108.A.*

17
18 McCormick agreed to the requirement.

19
20 *4. The Development Review Board must determine if the applicant is proposing a "best fix" that conforms with*
21 *the requirement location of parking to the maximum extent feasible given the physical characteristics of the lot*
22 *and the existing development.*

23
24 Rutz asked if there was any change in the plan based on the parking lot being in the front setback.

25
26 McCormick stated there was no change and that this issue will have to be addressed when the slip lane
27 comes in.

28
29 Castle noted that the Regulations state that any major site plan including a change to the amount or
30 location of parking is to meet these standards. However, if the DRB feels that what is proposed is due
31 to existing development, then it doesn't need to meet such standards.

32
33 Jenkins stated that it doesn't have any impact or change to that.

34
35 *5. Final plans shall indicate the location of 3 bicycle parking spaces in conformance with UDR3203.A.*

36
37 McCormick agreed to the requirement.

38
39 *6. The Applicant shall provide street trees along the Route 7 frontage in accordance with the street tree standards*
40 *of UDR3204.E.*

41
42 The Board and McCormick agreed to a one year delay.

43
44 *7. The Development Review Board must determine if the applicant is proposing a "best fix" that conforms with*
45 *the provisions of the parking lot landscaping to the maximum extent feasible given the physical characteristics of*
46 *the lot and the existing development.*

1 8. *The final plans shall show screening between the proposed Vehicle Repair Service use and the adjacent single*
2 *family home.*

3
4 McCormick stated that there is already natural growth.

5
6 Jenkins stated that the final plans show the existing screening.

7
8 9. *Landscaped screening shall be provided to screen the additional parking from the adjacent residence.*

9
10 McCormick stated that the building screens the additional parking from the adjacent residence.

11
12 10. *A revised landscaping plan prepared by a licensed landscape architect, certified horticulturalist or certified*
13 *arborist shall be included with the final plans.*

14
15 McCormick asked for waiver as he was not proposing any landscaping changes at this time.

16
17 Bongas stated that the Board did not have to make a decision at this time.

18
19 11. *Landscaping required under this section or as a condition of approval must be maintained in healthy*
20 *condition. Dead or dying plants must be replaced within 1 growing season with a comparable plant (in terms of*
21 *type, form, size at maturity, etc.) of at least the minimum size requirements specified in Figure 3-03.*

22
23 McCormick agreed.

24
25 12. *The Development Review Board may place specific limits on noise levels and hours of operation as deemed*
26 *necessary to protect the character of the area.*

27
28 Vaillancourt agreed to 8 am to 6 pm, Monday through Friday, and 8 am to 1pm on Saturday. All bays
29 face away from the residences.

30
31 13. *Final plans shall show a dumpster enclosure in conformance with 3209.D(3).*

32
33 McCormick agreed.

34
35 14. *The Development Review Board may place conditions on any approval as deemed necessary to further the*
36 *purposes of these regulations and ensure conformance with all applicable provisions of these regulations.*

37
38 McCormick agreed.

39
40 15. *The Applicant shall provide a landscaping surety to guarantee the completion of the approved landscaping.*
41 *The Applicant must submit a written cost estimate for the proposed trees from the landscape contractor, and a*
42 *performance bond shall guarantee their survival for three years from installation. The surety must be established*
43 *prior to the issuance of a Zoning Permit.*

44
45 McCormick asked for a delay in this requirement.
46

1 16. *The Applicant shall submit two (2) full-sized (to scale) and two (2) reduced (11 x 17) complete final plan sets*
2 *depicting the requested changes. The revised plans must be deemed Final by the Town Planner prior to being*
3 *eligible for a Zoning Permit from the Zoning Administrator. The Applicant is advised to submit ONE plan set*
4 *for staff review prior to submitting all the copies of the Final Plan sets.*

5
6 McCormick agreed.

7
8 17. *A Zoning Permit is required prior to construction/use and an associated Certificate of Compliance is required*
9 *after construction is complete (and prior to occupation/use).*

10
11 McCormick agreed.

12
13 Jenkins closed the hearing at 7:41 pm.

14
15 **6(B) Town of Milton, Owner/Applicant**, requests **Site Plan Amendment** approval for the addition of a
16 trail and viewing platform in the Town Forest to be located at **599 Westford Road**. The property is
17 described as SPAN 14724 and SPAN 10401, Tax Map 16, Parcel 38-1 and 44-2, contains approximately
18 49.5 acres, and is located in the Agricultural/Rural Residential (R5) Zoning District and the East Milton
19 Planning Area.

20
21 The Chair administered the Oath to Interested Persons.

22
23 The Chair read the following summary to open the hearing:

24
25 1. *The DRB shall determine if this is a minor or major amendment per Section 801.*

26
27 Dean Benjamin addressed the Board regarding whether it was a minor or major amendment. Benjamin
28 stated that it was not a minor amendment but in fact a major amendment. Benjamin expressed concern
29 that the construction is being done within inches of his property line and a 200-year-old stone wall and
30 mature maple trees.

31
32 Hemmerick stated that the Town had no objection to the application being reviewed as a major site
33 plan amendment.

34
35 Castle stated that the staff report prepared by the Zoning Administrator was prepared as a major site
36 plan. All criteria that is looked at as a major site plan has been included in the report.

37
38 2. *Applicant shall confirm no changes are proposed to existing stone wall.*

39
40 Hemmerick stated that the Town has no objection to adding a condition to this approval guaranteeing
41 that the stone wall between the Benjamins' property and the Town property remain undisturbed. It
42 was further stated that the condition could be added to the contracting documents.

43
44 Brisson asked if the soil being extracted would remain on site.

45
46 Hemmerick stated that he had not seen any specification from the engineer addressing that question.
47

1 Teresa Benjamin submitted a picture of the property for the Board's review.

2
3 Benjamin asked the Board to move the trail closer to the parking lot and further away from his
4 property line. Benjamin expressed concern regarding construction that would damage the roots of
5 several mature maple trees on his property next to the stone wall.

6
7 *3. The Applicant shall state the suitability of the site for the proposed scope of development, including due*
8 *regarding for the preservation of existing natural and historical resources. Specifically, address the natural*
9 *resources of the wetlands and the stone wall and the very old maples.*

10
11 Hemmerick stated that the wetlands are Class II across the panhandle and are unavoidable. The Town
12 has no option but to impact if they are going to maintain an access trail to the Town Forrest that will
13 not going to erode away. Hemmerick stated that he was in agreement with the Benjamins and that the
14 stone wall was an asset and should be protected and the Town should respect the law of trees.
15 Hemmerick further stated that the Town can accomplish the project without impacting those trees and
16 perhaps improving the conditions in areas where erosion is at its worst.

17
18 Benjamin asked that they go straight up from the kiosk.

19
20 Jenkins said the Board must go by what is proposed in the site plan.

21
22 Benjamin asked the Board to deny the existing zoning permit as it is.

23
24 *4. The DRB shall determine if the applicant's proposal is suitable for the scope of development.*

25
26 Hemmerick stated that it was a discretionary call for the Board.

27
28 *5. The Applicant shall obtain a Project Review Sheet from the Permit Specialist in the District 4 Regional Office*
29 *of the Agency of Natural Resources, provide a copy to the Town, and obtain all required State permits and*
30 *approvals prior to construction.*

31
32 Hemmerick stated this has been done.

33
34 *6. The Applicant shall submit two (2) full-sized (to scale) and two (2) reduced (11 x 17) complete final plan sets*
35 *depicting the requested changes. The revised plans must be deemed Final by the Town Planner prior to being*
36 *eligible for a Zoning Permit from Zoning Administrator. The Applicant is advised to submit ONE plan set for*
37 *staff review prior to submitting all the copies of the Final Plan sets.*

38
39 Hemmerick agreed.

40
41 The Chair closed the hearing at 8:35 p.m.

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43 **7. OTHER BUSINESS**

44 **7(A) Bylaw Review:** The DRB last reviewed their Bylaws in 2016. The DRB has agreed that an annual
45 review to keep the Bylaws up-to-date is best practice.

46 **Action:** Review Bylaw Revisions. Approve.

47 **MOTION** to approve the Bylaws as amended by Rutz. **SECOND** by Bonges. **APPROVED.**

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7(B) Planning Staff Report
None.

8. APPROVAL OF MINUTES

8(A) Minutes of August 10, 2017

MOTION to approve Minutes of August 10, 2017 by Rutz. SECOND by Bonges. APPROVED.

9. ADJOURNED

MOTION to ADJOURN at 8:40 p.m. by Brisson. SECOND by Rutz. APPROVED.

Minutes approved by the Development Review Board this 12 day of Oct, 2017.



Henry Bonges, Vice Chair /swm

Draft filed with the Town Clerk this _____ day of _____, 2017.

Filed with the Town Clerk this _____ day of _____, 2017.