

TOWN OF MILTON DEVELOPMENT REVIEW BOARD
PUBLIC NOTICE OF MEETING & AGENDA
Regular Meeting on Thursday, June 25, 2015 at 7:00 p.m.

Municipal Building Community Room
43 Bombardier Road, Milton, VT 05468
802.893.1186 ♦ www.miltonvt.org

7:00 p.m. Call to Order, Attendance, Agenda Review

7:00 p.m. Public Forum

The public may attend and be heard in accordance with Vermont's Open Meeting Law ([1VSA312](#)).

Development Review Hearings

7:00 p.m. Variance Application – Green Field Way – Green Field Homeowners Inc., Owners/Applicants. The Applicants are requesting a one-year Variance according to Section 1020 and 1070 of the Zoning Regulations in order to be able to construct and formalize dwelling unit egress and HVAC structures restricted by the Regulations and the 2009 DRB Final Plan & Site Plan Decision and Plat for the Type "A" Planned Residential Development. The Plat restricts the placement of "structures" outside of the defined "building envelopes" (subsequently redefined as "buildable envelopes") and within a designated common area, "open space", "buffer strip" (within which no "structures" other than fences may be placed) according to the Sections 844.3, 844.7(a) and 1010 of the March 26, 2007 Regulations (active at the time of approval), as well as Sections 856, 856.3(a) and 1110 of the (current) January 5, 2015, Regulations . The subject development is located at Green Field Way, described as SPAN #10148, Tax Map 25, Parcel 1. The subject property contains a total of approximately 1.92 acres and is located within the "Checkerberry "M4" Zoning District.

7:20 p.m. Site Plan Application - 32 Catamount Drive - Rennline Inc., Applicant/PEJ LLC, Owner
The Applicant seeks Site Plan approval per the Milton Zoning Regulations to shift an internal circulation drive, stormwater area, and dumpster pad to accommodate a 3,000 sq. ft. light industrial addition to the existing building. The site is currently accessed from existing entrances on Catamount and Industrial Drives and contains a 2-unit, 20,000 sq. ft. building previously approved as an Administrative Planned Unit Development. The units consist of a 19,936 sq. ft. light industrial use and a 64 sq. ft. research and development lab use. The Applicant proposes no access, lighting, parking or water/wastewater changes to the site. The property is described as 32 Catamount Drive; Tax Map 3, Parcel 8-27; SPAN #14541; contains approximately 3.27 acres; and is located within the General Industrial (I2) Zoning District(s) and the Catamount Planning Area. The Applicant has requested waivers (according to Section 803.12 of the Zoning Regulations) from Sections: 803.6 (landscaping plans), 803.7 (building elevations), and 803.8 (lighting plans).

7:45 p.m. Other Business
➤ Staff Update

7:55 p.m. Minutes
➤ June 11, 2015

8:00 p.m. Possible Deliberative Session to Review Decisions (Private Session per [1 VSA 312](#))

8:00 p.m. Adjournment

Milton Development Review Board Agenda



Jacob Hemmerick, Town Planner

Agenda filed in the Town Clerk's Office. Posted in the Municipal Building Lobby, Planning & Economic Development Department, Town's Facebook page, Town's DRB webpage, Middle Road Market, Milton Beverage, & Rene's Discount Beverage. E-mailed to the Regional Planning Commission, *Burlington Free Press*, *Milton Independent*, & LCATV. The times shown above are estimates. The Monday before meeting, the DRB meeting materials are posted online under the DRB's "Agendas and Minutes" page: <http://www.miltonvt.org/government/boards/drb.html>.

TOWN OF MILTON DEVELOPMENT REVIEW BOARD

Planning & Economic Development Department
43 Bombardier Road
Milton, Vermont 05468-3205
www.miltonvt.org
(802) 893-1186



STAFF REPORT

Hearing Date/Time: Thursday, June 25, 2015	
Case No: 2015-17	
Application(s)/Requested Action: Variance	
Existing Use: Type A Residential Planned Unit Development	
Proposed Use: Type A Residential Planned Unit Development	
Application Received: May 28, 2015	
Application Deemed Complete: May 28, 2015	
Staff Report Finalized: June 21, 2015	
Applicant(s): Green Field Homeowners Association, Inc. ATTN: Jay Nadeau, President 12 Greenfield Way #103, Milton, VT 05468 vtwaterboy@comcast.net	Owner(s): 12 Units' Owners Comprise Association
Engineer/License: None	Surveyor/License: None
E-911/Postal Address: Green Field Way	
Tax Map, Parcel(s): 25, 1	
School Parcel Account Number(s) (SPAN): 10148	
Deed(s): Multiple	
Existing Size: 1.92 acres	
Zoning District(s): Checkerberry M4 Zoning District	
Comprehensive Plan Planning Area: Town Core, Checkerberry Sub-Area	
Location: Located off W. Milton Rd. between US 7 and I-89	

Comments: Jacob Hemmerick, Town Planner; and Amanda Pitts, Zoning Administrator, herein referred to as Staff, have reviewed the application, materials and plans submitted and have the following comments. The numbered items below requests points of clarification, frame discretionary decisions for the DRB and pose conditions of approval.

Applicant: This matter comes before the Milton Development Review Board (DRB) on the application of Greenfield Way Homeowners Association c/o President Jay Nadeau referred to hereafter as the "Applicant".

Application: The Variance application was submitted by the Applicant on May 28, 2015 and was deemed complete by the Town Planner on May 28, 2015. A copy of the application and all supporting materials are maintained in the application file and available for public inspection during Planning and Economic Development Department business hours.

Ownership: The development is comprised of twelve units among four buildings whose owners comprise the Association.

Jurisdiction: Land development is subject to the control of the Town of Milton pursuant to, but not limited to, the following: The Vermont Planning and Development Act (Act); The Town of Milton Zoning Regulations (ZR), effective January 5, 2015; The Town of Milton Subdivision Regulations (SR), effective June 28, 2010.

Hearing: The Application is scheduled to be considered by the Development Review Board (DRB) at a public hearing on June 26, 2015.

Notice/Warning of Hearing: Public Warning was issued by the Department of Planning and Economic Development for the hearing according to Vermont Statutes Annotated Chapter 24 §4464.

Application Exhibits: No exhibits were attached to the application form.

Waivers Requested: The Applicant requested no waivers.

Location: The site is located at Greenfield Way, described as Tax Map 25, Parcel 1 and School Parcel Account Number (SPAN) 10148.

Size/Area: According to the evidence presented, the subject parcel is approximately 1.92 acres.

Zoning District & Planning Area: The site is located within the Checkerberry M4 Zoning District described on the Town of Milton Zoning Map, last amended August 22, 2011, on record and display at the Municipal Offices and available on the Town's website.

Comprehensive Planning Area: The site is also located within the Town Core Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan. The site is located in the Checkerberry Sub Area, as delineated in Figure 9.1 of the 2013 Comprehensive Plan (p.112).

Physical Characteristics/Natural Features: The site contains no known wetlands, is predominantly flat with landscaped lawn, and is located within the Lamoille River watershed.

Existing Use/Structures/Characteristics: The subject property contains a Type A Planned Residential Development (PRD) use comprised of four buildings, each containing three units. Each building is located within a building envelope, and each unit is located on an individual footprint lot, as shown on the Plat.

Surrounding Use/Structures: The adjoining properties predominantly contain single-family dwellings, although some Ridge Field Open space is located on the lot to the east.

Proposed Use/Structures: The Applicant seeks a one-year Variance according to Section 1020 and 1070 of the Zoning Regulations in order to be able to construct and formalize dwelling unit egress and HVAC structures restricted by the Regulations and the 2009 DRB Final Plan & Site Plan Decision and Plat for the Type "A" Planned Residential Development. The Plat restricts the placement of "structures" outside of the defined "building envelopes" (subsequently redefined as "buildable envelopes") and within a designated common area, "open space", "buffer strip" (within which no "structures" other than fences may be placed) according to the Sections 844.3, 844.7(a) and 1010 of the March 26, 2007 Regulations (active at the time of approval), as well as Sections 856, 856.3(a) and 1110 of the (current) January 5, 2015, Regulations .

Access: Footprint Lots 1 through 12 are accessed from the Green Field Way 60-foot private right-of-way and road intersecting with West Milton Road at Legion Road.

Utilities: All units/lots within the development are served by municipal water and sewer.

BACKGROUND

The DRB granted the development Type A PRD Final Plan and Site Plan approval on October 19, 2009 (**ATTACHED**). On May 7, 2015, Applicants Peter and Joyce Muller submitted Permit Application 2015-59 to construct stairs from the rear porch of their unit (102). This was denied by the Zoning Administrator due to the fact that the proposed stairway was outside the footprint lot, outside the building envelope, and within a protected open space buffer strip. This denial was the drive for this Variance application.

ZR844.3/ZR856 requires building envelopes.

Buildable envelope is defined as the area of an approved lot within which all permitted STRUCTURES, ACCESSORY STRUCTURES, taking into account the applicable maximum LOT COVERAGE, exclusive of SETBACKS, areas on an excessive grade and natural features that may not be disturbed.

ZR844.7 and ZR856.3(a) requires buffer strips to attenuate the density of this use with neighboring properties.

Buffer strip is defined as the area of land designated as green space along a property line used to lessen the impact of LAND DEVELOPMENT upon adjacent property. No STRUCTURES, other than fences, shall be located within a BUFFER STRIP.

Of note in this case is that the Applicant told Staff and showed Staff pictures that emergency basement egresses and HVAC structures (meeting the definition of structures according to the Regulations) were (in some cases) constructed: outside of the buildable envelopes, outside of the footprint lots, and within the protected buffer strip. While these were not shown on the Final Plans as approved by the DRB, the dwelling units nevertheless received a Certificate of Occupancy from the Town. In other words, a violation for which the Applicant is requesting a variance has been previously formalized by the Town. This does, however, provide a basis for increasing non-conformities, which (in this case) must undergo variance review.

VARIANCE REVIEW

ZR1070, Variances: ZR1070 states, "A variance from provisions of these Zoning Regulations may be granted only after appeal to the Development Review Board in accordance with the following provisions [of ZR1071]."

ZR1071, Required Findings: ZR1071 states, "The DRB may grant variances, and render a decision in favor of the appellant, if all the following facts are found and the finding is specified in its decision."

ZR1071.1, Unique Physical Circumstances or Conditions Standard: ZR1071.1 states:

That 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, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Regulations in the neighborhood or district in which the property is located;

The buffer strip boundaries, footprint lot boundaries, and building envelope boundaries result in a hardship generally created by the developer's approved proposal in response to the Zoning Regulations. Conversely, the site has now been developed in such a way as to create peculiar physical conditions that would prevent the construction of a small stairway from porches near ground level, something that could be found to be an unnecessary hardship.

ZR1071.2, Possibility of Reasonable Use Standard: ZR1071.2 states:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Regulation and that the authorization of a variance is therefore necessary to enable the reasonable USE of the property;

Certain dwelling units without stairways were developed and purchased without stairways, and there is no possibility that the stairways can be developed in strict conformity with the provisions of the Zoning Regulations or the DRB's approval. However, Staff finds that a stairway is a minor variance that would enable reasonable USE of the property.

ZR1071.3, Unnecessary Hardship Standard: ZR1071.3 states:

That such unnecessary hardship has not been created by the appellant;

The hardship, in this case, was created by the developer and the purchasers knowingly or unknowingly bought these restrictions with this property.

ZR, 1071.4, Alteration of Essential Character or Use Impairment Standard: ZR1071.4 states:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate USE or development of adjacent property, reduce access to RENEWABLE ENERGY RESOURCES, nor be detrimental to the public welfare; and

Staff finds that stairways of reasonable size would not alter the essential character of the neighborhood or impair the appropriate use or development of adjacent properties and so forth.

ZR1071.5 Minimum Relief Standard: ZR1071.5 states:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Regulations and from the *Plan*.

Staff recommends the following conditions:

1. The Final Site Plans shall show all existing and proposed dwelling unit ingress/egress and HVAC structures; new structures shall be sized with the minimum dimensions necessary to safely provide reasonable egress from the porches and no patios may be installed.

ADMINISTRATION

ZR1000 & 1010, Zoning Permit & Certificate of Occupancy: If approved,

2. A Zoning Permit is required and an associated Certificate of Occupancy/Compliance is required after construction is complete (and prior to occupation/use of the new structures).

ZR1020, Expiration of Permits:

3. A variance approval shall expire one year from the date of issue. If the work has not been completed, the applicant shall apply to the Zoning Administrator for an extension. The Zoning Administrator may grant a single one-year extension for the identical project only."

Technical Advisory Committee: The Technical Advisory Committee had no comments or concerns.

Final Plan Submission:

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

STAFF RECOMMENDATION

Based on the regulatory language above, Staff recommends that the DRB **APPROVE** the Variance Application for the property at Green Field Way, described as SPAN #10148, Tax Map 25, Parcel 1 subject to the conditions above.

Respectfully Submitted:



Jacob Hemmerick, Town Planner

ATTACHMENTS:

1. 2009 Approval

COPIES TO:

1. Applicant(s)



TOWN OF MILTON, VERMONT 05468-3205

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT
43 BOMBARDIER ROAD • 802-893-1186 • FAX: 893-1005

October 19, 2009

Green Field Housing LLC
c/o Richard Colton
28 Lake Forest Drive
Burlington, VT 05401

Dear Mr. Colton:

**NOTICE OF DECISION for Green Field Housing LLC c/o Richard Colton
Type "A" Planned Residential Development – Final Plan & Site Plan Approval**

On October 8, 2009, the Milton Development Review Board (DRB) granted Final Plan & Site Plan Approval for your proposed Type "A" Planned Residential Development located at 23 West Milton Road. The DRB's Notice of Decision is enclosed for your records. The conditions of approval are listed on pages 8 through 10 of the Notice of Decision.

If you have any questions, please contact the Department of Planning & Economic Development at 893-1186.

Sincerely,


Meghan Grant
Planning Assistant

Enclosure

CC: David Burke, Art Shields

NOTICE OF DECISION FOR Green Field Housing LLC c/o Richard Colton
Type "A" Planned Residential Development – Final Plan & Site Plan

detailed information at the preliminary stage, then they might be able to alleviate some of the DRB's concerns. After considerable discussion, the DRB recommended that the plans that are presented for preliminary approval should be as detailed as possible and should show that the project will fit in with the character of the neighborhood. At this meeting, the Applicant also stated that the project will consist of senior-type housing for retirees, people trying to scale down, and empty-nesters, and will be all one-level units of about 1250-1400 square feet.

2. The DRB granted Preliminary Plan approval on June 25, 2009. The Preliminary Plan decision included conditions requiring additional parking and a sidewalk, and states the density will be evaluated with the Final Plan application to determine if additional parking and a sidewalk can be provided while also maintaining an appropriate amount of open space.
3. The Final Plan generally meets the requirements of the Subdivision Regulations, as well as the requirements of the Zoning Regulations. A Site Plan application was submitted for review with the Preliminary Plan application and will be reviewed again with the Final Plan application.

Site Visit

4. The DRB held a site visit on September 6, 2008, and the site was staked out. Clayton Forgan and Ron Harding attended this site visit. The following DRB members visited the site on their own: Allen Lasell, Bruce Jenkins, George Belansek, and David Conley.

Narrative

5. Section 844.2(d): *Narrative* of the Zoning Regulations requires the Applicant to provide a narrative that describes how the proposed design provides for the purposes of PRDs as listed in Section 842 in the Zoning Regulations, identifies the benefits to the Town of the Type "A" PRD over a conventional subdivision, and identifies the proposed use of the open space and possible mechanisms for its protection. The Applicant's narrative was considered during the Sketch Plan review. Based on the Sketch Plan and corresponding narrative submitted by the Applicant, the DRB believes the proposed subdivision will generally meet the goals of the Type "A" PRD.

Section 844.1: Density Analysis

6. The density analysis submitted with the application shows that the maximum density for the site is 12 units. The Applicant is proposing 12 units in 4 three-unit buildings. The density analysis in the application was figured using the allowable maximum density in the M4 District for multifamily dwellings, which is 7 units per acre. This results in 12 units. The DRB found in the Sketch Plan Decision that this methodology was acceptable, although there is a discrepancy in the Zoning Regulations. Section 844.1(c)[4] within the Type "A" PRD regulations states that the total developable land area must be divided by the minimum lot area for single family dwellings, which in this case is 20,000 square feet. This would result in 5 units allowed. So although greater density is allowed within the M4 Zoning District for multifamily structures, which are defined as structures containing three or more dwelling units, when a PRD is proposed if the density analysis is done using the minimum

NOTICE OF DECISION FOR Green Field Housing LLC c/o Richard Colton
Type "A" Planned Residential Development – Final Plan & Site Plan

definition of lot area in the Zoning Regulations, the lot area is 1.28 acres. However, the Applicant now proposes footprint lots. The Milton Zoning Regulations do not include special provisions for footprint lots within PRDs; therefore, footprint lots must be considered regular lots for which waivers must be requested. Essentially, the footprint lots change the proposal from one lot with 12 units clustered on it to a 13-lot subdivision, with 12 footprint lots and one common land lot. The Applicant has requested waivers for the footprint lots, which will require waivers from the required minimum lot area, minimum frontage, minimum setbacks, and maximum lot coverage. The footprint lot areas are shown on the plans. The DRB hereby approves the requested waivers to allow for the requested footprint lot areas and to allow for zero frontage, zero setbacks, and 100% lot coverage for the footprint lots. Although the plans do show the footprint areas and the lot area with and without the footprints, the plans (including the "Project Data" box) should be clarified to indicate that there are 13 lots proposed and include the requested waivers from the dimensional requirements. Additionally, the "Lot Areas" box on the plat should be revised to clarify that there are 13 lots and indicate what the areas of the 13 lots are (this will be 12 footprint lots plus one "common land" lot). Although this information is on the plans and can be pieced together, this information should be clear in one table to assist the Lister's Office when they establish the new parcels.

13. Dimensional tables from the Preliminary/Final Plan application form must be filled out for each lot.
14. Previously, the Applicant requested a waiver to a 0' front setback from the sidelines of the 60' private right-of-way, and the DRB granted the requested waiver in the Preliminary Plan decision. The common land lot's frontage is established along West Milton Road and the proposed private right-of-way.
15. The plans show the required PRD buffer strip along the side and rear property lines of the development, in accordance with Section 844.7(a). This buffer will fall within the 60' right-of-way, and a small portion of the hammerhead and parking spaces will extend into the buffer, but since this is not a structure, this is acceptable. The 20' PRD buffer should be labeled on the plat.
16. In accordance with Section 844.3 of the Zoning Regulations, the site plan shall include building envelopes. Sheets 1 and 2 of the Final Plan set appear to show building envelopes, although they do not appear to be labeled. The Plat shows typical units (footprints), but does not show the building envelopes. The building envelopes must be labeled on the Site Plan sheets and added to the Plat.

Section 844.5: Open Space

17. The M4 Zoning District requires a minimum of 25% of the total land area in a Type "A" PRD be permanently protected as open space. The engineer's Preliminary Plan cover letter stated that the total common land, which excludes the units, the driveways, and the roadway, represents 60.8% of the parcel. A portion of the common land at the front of the lot has been designated for passive recreational use. This area represents 16.7% of the structure. The DRB found in the Preliminary Plan decision that since more than 25% of the lot will remain open as common land, this meets the intent of the Zoning Regulations. The homeowners' association documents have been submitted and are being reviewed to

NOTICE OF DECISION FOR Green Field Housing LLC c/o Richard Colton
Type "A" Planned Residential Development – Final Plan & Site Plan

to avoid conflict with the three visitor parking spaces, and provide use of the designated common area and connection to the other sidewalk. Staff believes the proposed location of the path is adequate; however, it should be constructed to the Town's sidewalk standards; i.e. a 5' wide concrete path. The DRB will need to determine if the path should be allowed in the proposed location and if it should be constructed to the Town's sidewalk standards; i.e. a 5' wide concrete path. At the hearing, Mr. Burke stated that he believes a cinder path would be more aesthetically pleasing than a concrete sidewalk going through a field. He explained if built according to the plan, the cinder path would last as long as a concrete path. The DRB finds that a cinder path is appropriate for this location.

23. The procedures for the acceptance of public infrastructure outlined in the Public Works Specifications will need to be followed for the sidewalk within the public right-of-way, including the submission of a construction cost estimate and the establishment of a surety in the amount approved by the Town Engineer and the Selectboard, and a pre-construction meeting must be held.

(b) Adequacy of traffic circulation, parking, and loading facilities.

24. Section 812 of the Zoning Regulations requires 2 parking spaces per dwelling unit with 3 or more bedrooms and 1.5 spaces per dwelling unit with 1 or 2 bedrooms. The floor plans indicate that the units will be 2 bedrooms, which would require a total of 18 parking spaces. There is just enough room within each driveway for one car based on the required parking dimensions of 9' x 18', but it is tight, especially for the units on the east side of the proposed road, where there is approximately 19'-20' from the edge of pavement to the edge of garage. The driveway parking spaces are within the private right-of-way; however, since this right-of-way is private, this is not an issue. The DRB found in the Preliminary Plan decision that the Applicant must provide 1.5 unobstructed spaces per unit, which means the garage parking space cannot be counted towards the 18 required parking spaces. The Final Plans include 6 additional visitor parking spaces: 3 at the entrance to the project and 3 off of the hammerhead. Therefore, 18 unobstructed parking spaces are now provided. Since each unit will have a one-car garage, there are potentially 12 additional spaces available, if the garage is used for parking. The DRB's Preliminary Plan decision additionally requested that visitor and residential parking should be properly described in the homeowners' association documents and should be appropriately marked onsite with signage or markings (and these measures should be detailed on the final plans). The homeowners' association documents are being reviewed for compliance with this condition; however, the plans do not indicate if any signage will be installed. The DRB finds that "no parking" signs should be shown on the plans and installed to prevent on-street parking that may block the required fire lanes. This parking prohibition along the private roadway should also be included within the homeowners' association covenants.
25. Section 814.2 of the Zoning Regulations requires the minimum distance between an intersection and a driveway to be 50 feet for a local street. The proposed driveways meet the minimum separation distance from the intersection of Green Field Way and West Milton Road. The proposed driveways do not meet the minimum separation distance required by the Public Works Specifications, but this is a private road, so this is acceptable. However, this road will never be able to become public due to the driveway spacing issue as well as the parking spaces within the driveways being located solely within the right-of-way.

NOTICE OF DECISION FOR Green Field Housing LLC c/o Richard Colton
Type "A" Planned Residential Development – Final Plan & Site Plan

(f) Suitability of the site for the proposed scope of development, including due regard for the preservation of existing natural and historical resources.

33. The DRB believes the site is suitable for the proposed development. There are no known natural or historic resources on the property.
34. The engineer's cover letter that was submitted with the Preliminary Plan stated that a State stormwater permit will not be necessary. A 20' wide drainage easement was proposed on the Santerre property to the northwest, where the outlet to a proposed footing drain was proposed. However, in a phone conversation with Sue Santerre on July 10, 2009, Mrs. Santerre stated that they had not agreed to this easement at that point in time. The Applicant was asked to provide documentation that the Santerres agree to the proposed easement on their property, or another discharge location will need to be provided on the Applicant's property. The plans have been revised to keep the drainage on the Applicant's property, and the easement has been eliminated.

(g) Consistency with the Comprehensive Plan.

35. The subject property is located within the Checkerberry Sub-Area of the Town Core Planning Area. The Applicant has taken steps to meet the goals for the Town Core Planning Area when designing this development, including enhancing the pedestrian environment through adequate sidewalk connections and street trees.

Other

36. If the Town Attorney has any comments on the legal documents, these will need to be addressed.
37. A \$10 recording fee, to record the Final Plan decision in the land records, must be submitted.
38. Sumner Cohen, president of the Ridgefield Homeowners' Association, stated that 22 of 24 homeowners within the Ridgefield development have voiced their concern that they thought they had an agreement with Mr. Colton to better maintain his property before he develops it. They would like this noted in the record.

DECISION

MOTION by David Conley, second by Clayton Forgan, to **APPROVE** the Applicant's proposed Final Plan & Site Plan application for a proposed 12-unit, 13-lot Type A Planned Residential Development located at 23 West Milton Road, subject to the following conditions being completed to the satisfaction of Staff:

1. 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 Economic Development, and in accordance with the conditions of this approval.
2. No changes, erasures, modifications, or revisions, other than those required by this

NOTICE OF DECISION FOR Green Field Housing LLC c/o Richard Colton
Type "A" Planned Residential Development – Final Plan & Site Plan

15. If the Town Attorney has any comments on the legal documents, these will need to be addressed.
16. A \$10 recording fee, to record the Final Plan decision in the land records, must be submitted.

VOTE RECORD:

Bruce Jenkins – yea/nay/abstain/absent/didn't vote
John Jorschick – yea/nay/abstain/absent/didn't vote
Clayton Forgan – yea/nay/abstain/absent/didn't vote
David Conley - yea/nay/abstain/absent/didn't vote
David Keelty - yea/nay/abstain/absent/didn't vote

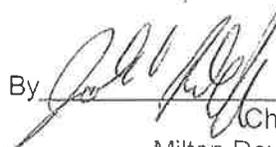
MOTION TO APPROVE PASSED BY A VOTE OF

5 / 0 / 0 / 0 / 0
YEA NAY ABSTAIN ABSENT DIDN'T VOTE

Decision made at the meeting on October 8, 2009.

Signed:

Dated at Milton, Vermont, this 19th day of October, 2009.

By  _____
Chair
Milton Development Review Board

30 Day Appeal Information:

An "interested person", who has participated in this proceeding, may appeal this decision to the Vermont Environmental Court within 30 days of the date the decision was signed. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. See V.S.A. Title 24, Chapter 117, Section 4465(b) for clarification on who qualifies as an "interested person".

Notice of the Appeal, along with applicable fees, should be sent by certified mail to the Vermont Environmental Court. A copy of the notice of appeal should also be mailed to the Town of Milton Planning & Zoning Office at 43 Bombardier Road, Milton, VT 05468. Please contact the VT Environmental Court, 2418 Airport Road, Suite 1, Barre, VT 05641-8701, 802-828-1660, for more information on the filing requirements and fees.

TOWN OF MILTON DEVELOPMENT REVIEW BOARD

Planning & Economic Development Department
43 Bombardier Road
Milton, Vermont 05468-3205
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(802) 893-1186



STAFF REPORT

Hearing Date/Time: June 25, 2015 at 7:00 p.m.	
Case No: 2015-18	
Application(s)/Requested Action: Site Plan Amendment	
Existing Use: Administrative PUD with Manufacturing and Research and Development	
Proposed Use: Administrative PUD with Manufacturing and Research and Development	
Application Received: June 1, 2015	
Application Deemed Complete: June 1, 2015	
Staff Report Finalized: June 19, 2015	
Applicant(s): Rennline, Inc. c/o Paul Jacques 32 Catamount Drive Milton, VT 05468 802.893-7366	Owner(s): PEJ, LLC 32 Catamount Drive Milton, VT 05468 802.893-7366
Engineer/License: Trudell Consulting Engineers 478 Blair Park Road Williston, VT 05495 802.879.6331	Surveyor/License: None.
E-911/Postal Address: 32 Catamount Drive	
Tax Map, Parcel(s): 3, 8-27, 8-27-001, 8-27-002, 8-27-003	
School Parcel Account Number(s) (SPAN): 13975, 14540, 14541, 14722	
Deed(s): 373, 818; 374-456; 374, 458	
Size: 3.27	
Zoning District(s): "General Industrial" (I2) Zoning District	
Comprehensive Plan Planning Area: Catamount Planning Area	
Location Map: The northern section of Catamount Drive.	

INTRODUCTION

Comments: Amanda Pitts, Zoning Administrator; and Jacob Hemmerick, Planning Director herein referred to as Staff, have reviewed the application, materials and plans submitted and have the following comments. The numbered items below requests points of clarification, frame discretionary decisions for the DRB and recommend conditions of approval.

Application and Applicant: The application for Site Plan approval was submitted by Rennline, Inc. c/o Paul Jacques, herein referred to as the "Applicant", on June 1, 2015 and deemed complete by Staff on June 1, 2015. A copy of the application and supporting materials are available in the application's file in the Planning Department for public inspection during business hours.

Ownership: The owner is listed as PEJ, LLC on the application. Based on the Grand List it appears to staff that PEJ, LLC and RNK Enterprises LLC are the owners of the units and RKP Holdings LLC is the owner of the land.

1. Applicant shall explain the ownership of the entire property and units and if all parties with an ownership interest are party to this application.

Jurisdiction: Land development is subject to the control of the Town of Milton pursuant to, but not limited to, the following: The Vermont Planning and Development Act (Act); The Town of Milton Zoning Regulations (ZR), effective January 5, 2015; The Town of Milton Subdivision Regulations (SR), effective June 28, 2010.

Notice/Warning of Hearing: Notice was issued by the Department of Planning and Economic Development for the hearing according to Vermont Statutes Annotated Chapter 24 §4464. Adjoining property owners notified include: PEJ, LLC/Rennline, Inc, GFA Realty, Inc, T. & M. Realty, LLC, G.B. I.C, Andrea Desautels, Kolav, Inc, T. Chase Investments LLC, Trudell Consulting Engineers

Exhibits: The Applicant included the following exhibits (**ATTACHED** to this Report) with the application:

- a. Proposal Summary
- b. Site Layout & Utility Plan
- c. Site Existing Conditions, Demolition and Erosion Control Plan
- d. Legend and Notes
- e. Protective Covenants for Catamount Industrial Park

Location: The site is located at 32 Catamount Drive and shown on Milton's Tax Map 3 as Parcel 8-27, 8-27-001, 8-27-002, 8-27-003. The corresponding School Parcel Account Numbers (SPAN) are 13975, 14540, 14541, 14722.

Size/Area: According to the evidence presented, the subject parcel is approximately 3.27 acres or 142,441 square feet. The Assessor's Grand List records this property as approximately 3.27 acres.

Zoning District: The subject property is located within the General Industrial (I2) Zoning District, described in Article II of the Zoning Regulations and depicted on the Town of Milton Zoning Map, which is on record and displayed at the Municipal Offices and at www.miltonvt.org. ZR 391 states, " The purpose of this area is to provide adequate space for industrial uses, specified large scale retail uses which require room for EXPANSION, and space for OUTDOOR STORAGE."

Existing Use: The site consists of a 20,000 square foot light industrial building containing two units containing manufacturing uses, and an office for research and development.

Surrounding Use: The property is surrounded to the west, east and north by 4 vacant lots. One of the vacant lots, to the east is owned by GBIC and is currently approved for a manufacturing facility. To the south are two commercial lots.

Proposed Development & Use: The Applicant seeks Site Plan Amendment approval for a 3,000 square foot addition to the existing manufacturing use for Rennline, LLC. The Applicant is also seeking approval for changes to the internal circulation, stormwater, dumpster pad location, and relocating landscaping.

Existing and Proposed Dimensional Conformity: The existing lot and proposed structures meet all dimensional requirements.

Access: No changes are proposed to the existing ingress and egress access off Catamount Drive and the two accesses off Industrial Drive.

Municipal Services: The site is currently served by municipal water and sewer. The site is served by municipal Police, Fire and Rescue. There would be no impact to the school enrollment.

Disclosed Restrictions or Covenants: The Applicant disclosed Protective Covenants for Catamount Industrial Park recorded on June 20, 1984 in Volume 85, Page 292-302.

DRB Approval History: The site received approval for a 20,000 square foot light industrial (manufacturing use) and associated parking and loading areas in a decision dated August 28, 2008. The Applicant received Administrative PUD approval on December 28, 2011 for the addition of an 8'x8' office research and development.

CLASSIFICATION OF APPLICATION

Site Plan Classification: ZR170 states that Site Plan Review, according to ZR800, shall be fulfilled by all Applicants before a Zoning Permit is granted.

Site Plan Review: ZR800 adds:

Site Plan approval, granted in accordance with this Section by the Milton Development Review Board, shall be required before a Zoning Permit is issued for any USE in any district with the exception of SINGLE FAMILY DWELLINGS, DUPLEXES, and TRIPLEX – OWNER OCCUPIED on single lots, ACCESSORY residential STRUCTURES, and all agricultural USES.

COMPLETION OF APPLICATION

Site Plan Application Requirements: ZR803 lists application requirements. The applicant requested a waiver from 803.6 (Landscaping Plans), 803.7 (Building Elevations), and 803.8 (Outdoor Lighting). The DRB is granted waiver for these items authority according to ZR803.12. The Applicant requested this waived since no changes are proposed from the original approval. The application was complete. Staff finds that the expansion of a building and any associated outdoor lighting merits revisions to the elevations and lighting plans of record.

2. The Final Plans shall include elevations and outdoor lighting.

Covenants/Easements: The Applicant provided the Protective Covenants for Catamount Industrial Park.

Certification of No Violations: ZR803.13 requires a certification that there are no outstanding violations with respect to the property, or a detailed, written description of any and all outstanding violations. Staff has not yet added this to the application form (revisions are in progress), so the Applicant did not submit a statement. While Staff did not find any violations, Staff finds that the site currently has outdoor storage and structures (box trailers) that are not shown on the approved plans. This would constitute a Site Plan violation and must be acted upon if not corrected. Staff notes, however, that enclosed outdoor storage is permitted according to ZR392 and the box trailers are considered structures. Within the I2, I3 and M4 Zoning Districts, ENCLOSED OUTDOOR STORAGE may be established as an ACCESSORY USE per Zoning Regulations Section 580.8, which states, "Only permitted or CONDITIONAL USES allowed in a district can be an ACCESSORY USE in that district." The definition of ENCLOSED OUTDOOR STORAGE is, "The storage of materials fully or partially enclosed by a STRUCTURE such that the materials are not visible from off-site or from STREETS and provide adequate safeguards." ZR1110 defines a STRUCTURE as "Anything constructed or erected, the use of which requires location on or within the ground or attachment to something having location on or within the ground. For the purposes of these regulations, MOBILE/MANUFACTURED HOMES shall be considered STRUCTURES. For the purposes of these regulations, a driveway, parking area, sidewalk or bicycle path, sign, bicycle rack, recreational vehicle, trailer or other vehicle on wheels not regularly used for the manufactured purpose, private septic system or well is not considered a structure." Staff finds that the existing outdoor storage and structures are not shown on the site plans. If the Applicant wishes to formalize these unpermitted violations of the Zoning Regulations, they must be shown on the site plans and the outdoor storage needs to be enclosed by a fence or structure to ensure that they are not visible off-site or from a street.

3. The Final Plans shall show the location of all proposed enclosed outdoor storage as well as all structures.

REVIEW STANDARDS

Site Plan Conditions: ZR802.1 states that the DRB may impose appropriate conditions and safeguards to meet the standards of Site Plan Review.

Site Plan Review Standards & Procedures: ZR802.2(a) states that the DRB "may consider the following in its review of a Site Plan application.

- **Site Circulation Safety:** Maximum safety of vehicular and pedestrian circulation on site, between the site and adjacent roads and sidewalks, and between the site and adjacent land uses
- **Circulation, Parking, Loading Adequacy:** Adequacy of traffic circulation, parking, and loading facilities.
- **Transportation Impacts:** Impacts on capacity of roadways and other transportation facilities in the vicinity.
- **Landscaping, Screening, Lighting Adequacy:** Adequacy of landscaping, screening, and outdoor lighting.
- **Municipal Service Impact:** Impacts on the Town's ability to provide adequate sewer, water, fire, police, or other municipal services and facilities.
- **Suitability for Development:** Suitability of the site for the proposed scope of development, including due regard for the preservation of existing natural and historical resources.
- **Comprehensive Plan Consistency:** Consistency with the Comprehensive Plan.

COMPREHENSIVE PLAN

Zoning Relationship with the Plan: ZR802 asks that the DRB evaluate the proposal's consistency with the Comprehensive Plan. ZR100 states that the "The Regulations are designed to implement the purposes and policies set forth in the [Comprehensive Land Use Plan for the Town of Milton and the Vermont Municipal and Regional Planning and Development Act].." The Plan states the following:

9.2. Catamount Area Goals

There are two primary future land uses recommended for this section of Milton: low density clustered residential development and industrial development. The proposed uses in the Catamount Area are not intended to compete with the services and land uses planned for the Town Core Area. The Zoning Regulations were amended in 2010 to allow for certain retail uses. Only large-scale retail uses such as garden centers, construction and agricultural equipment sales, home supplies, and retail associated with manufacturing establishments are permitted so that they do not compete with the services and land uses planned for the Town Core Area.

There are three recently developed large parcels in the Catamount Area: the new Gardner's Supply distribution facility and the Highview Estates residential development on the west side of Route 7, and the Charlebois Company and Premier Coach on the east side of Route 7, adjacent to Colchester. This area is close to the Vermont Agency of Transportation maintenance facility and the Colchester Park and Ride; therefore it would be useful to establish a bike/multi-use path within this area.

Goal 9.7.1. Encourage high quality industrial development in a sub-regional growth center, which will provide greater employment opportunities and broaden the tax base.

Objective 9.7.1.a. Develop standards to enhance the appearance and quality of development in this major gateway into the Town of Milton.

Objective 9.7.1.b. Maintain buffer zones to prevent encroachment of industrial and commercial uses into the residential areas.

Goal 9.7.2. Ensure an aesthetically pleasing approach into Milton.

Objective 9.7.2.a. Develop a plan to work towards enhancing the character of Route 7.

Objective 9.7.2.b. Encourage high quality planned unit developments to cluster new housing in a way that minimizes visual impacts from Route 7.

Goal 9.7.3. Enhance multi-modal transportation opportunities.

Staff finds that this use, in this location, is consistent with the *Comprehensive Plan*.

GENERAL PROVISIONS OF THE ZONING REGULATIONS

Required Frontage & Approved Access: ZR530 requires that lots have access on a public road. The standard is met.

Number of Structures on Lots: ZR540 states, "There shall be only one PRINCIPAL STRUCTURE and its approved ACCESSORY STRUCTURES on a LOT." There is only one existing principal structure and the proposed addition will only increase the size of the principal structure. The proposal meets this regulation.

Height Restrictions: ZR560 establishes a max height of 35' and the existing maximum height is 21 feet. The Applicant does not propose to exceed 21 feet.

Sewage Disposal: ZR 570 requires adequate sewage disposal. The Applicant proposes no changes to the current wastewater service.

Water Service: The Applicant proposes no changes to the water service.

Accessory Structures & Uses: ZR850 defines standards for accessory structures. No accessory structures are proposed.

Roads and Drives: ZR590 states, "All roads and drives shall conform to the requirements of this Section" and outlines standards for proposed public roads, private roads, and driveways. No new driveways are proposed.

Driveway: ZR593 states, "All drives on private property shall be considered private. Responsibility for construction, maintenance and improvements shall fall entirely upon the owners and operators of each private drive."

Driveway Specifications: ZR593.2 states that driveways must be built to the DRIVEWAY specifications as defined in the Public Works Specifications (PWS). No new driveways are proposed.

Local Highway Access Permit: No new highway accesses are proposed.

Temporary Structures and Construction Offices or Trailers: ZR560 states:

During the period of construction, temporary STRUCTURES, construction offices, and construction trailers used in conjunction with construction work are permitted. Zoning Permits for such STRUCTURES shall be issued for a maximum six month period and may be renewed for an additional six months upon request.

SITE PLAN STANDARDS

Landscape Plan Requirements: ZR806 states that the DRB shall determine the appropriateness of the proposed landscaping and screening. In considering a Site Plan application, the Development Review Board may require modifications to the proposed landscaping plans in order to more fully implement the purpose of this Section. The existing and proposed relocation of landscaping is shown on the Site Plan. The Applicant requests a waiver from any new landscaping requirements.

4. DRB shall determine if the existing landscaping and relocation of existing landscaping is acceptable.

Landscaping Planting Cost Schedule: ZR806.4 allows the DRB to require landscaping as a percentage of the total development cost.

5. If the DRB determines that new landscaping is required as a percentage of development, the Applicant shall submit a cost schedule for the total development.

Landscape Cost Estimate & Bond: ZR806.3 requires bonding to ensure installation and survival of all proposed landscaping. The Applicant has proposed no new landscaping.

6. If new landscaping is required, a landscaping surety shall be required to guarantee the completion of the approved landscaping and will be held to guarantee survival for a period of three years from installation. The surety must be established prior to the issuance of a Zoning Permit, per Zoning Regulations Section 806.3 and the Town's Policy 98-02 on *Landscape Performance Bonds*.

Waste Management Screening: ZR806.8 states, "Landscaping and/or fencing shall be provided to screen trash/garbage containers/dumpsters from view of adjoining properties and roads. Screening shall surround the trash/garbage containers/dumpsters on three sides." The Applicant proposes relocating the dumpster location and shows screening on only two sides by landscaping.

7. The Applicant shall provide screening for the dumpster on three sides.

Parking Quantity: According to ZR812.2, manufacturing requires 1 space for every 3 employees. The original approval stated there are 40 employees, which would require 14 parking spaces. The proposed site plan shows 40 parking spaces, 2 of which are ADA spaces in compliance with ZR 812.3. Staff finds the parking meets the parking space requirements.

Parking Surface: ZR812.5 allows the DRB to require pavement. No changes are proposed to the parking area.

Minimum Driveway Spacing/Intersection Clearance: No changes are proposed to the driveways or intersections.

Minimum Internal Road/Driveway/Aisle Widths: ZR814.3 requires 12 feet of width for one-way circulation and 24-feet for two-way traffic. The proposed relocated gravel driveway is only 20-feet.

8. If the relocated driveway is to be for two-way traffic, the gravel drive shall be 24-feet.

Minimum Curb Return Radius: ZR814.5 requires minimum turn radii of 20 feet. No changes to the parking lot are proposed.

Landscaping for Parking Lots: ZR814.6 states “For parking lots with thirty or more spaces, landscaped islands at least five (5) feet in width shall be installed at intervals not exceeding every 100 feet. A minimum of 10 percent of the total parking lot area, excluding perimeter areas, shall be landscaped.” The parking lot has more than thirty spaces, but no landscaped islands. There is landscaping around the entire perimeter of the parking lot. Staff finds the existing landscaping around the parking lot acceptable.

Visibility Triangles: Per ZR815.2, a visibility triangle shall be maintained at the intersection of all DRIVEWAYS and public STREETS. Staff finds that the visibility is adequate at all intersections.

Bicycle Parking Space: ZR819 requires one bicycle parking space for all uses subject to Site Plan Review.

9. The Applicant shall show a bicycle parking space in compliance with ZR819 on the Final Plans. The bicycle parking space shall be installed prior to receiving a Certificate of Occupancy/Compliance.

Outdoor Lighting: Because of the proposed addition, one light fixture is proposed to be relocated. Staff finds this meets the requirements of ZR820.

Sign Regulation Purpose & Applicability: No new signs are proposed.

10. If a new sign is proposed, a sign permit is required for business identification signs. All signs shall be well-maintained in accordance with ZR830.

Municipal Impact: The Technical Advisory Committee did not foresee any municipal impacts for the proposed project.

ADMINISTRATION

Final Plan Submission:

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

Zoning Permit & Certificate of Compliance:

12. A Zoning Permit is required and an associated Certificate of Compliance is required after construction is complete (and prior to occupation/use of the addition).

State Project Review: The Applicant has obtained a Project Review Sheet from the Permit Specialist in the District 4 Regional Office of the Agency of Natural Resources, and provided a copy to the Town.

13. The Applicant shall obtain all required State permits and approvals.

Legal Review: A Condominium Plat and Declaration of Condominium were recorded in 2009.

14. The Town Attorney shall determine if a revised Condominium Plat and Declaration of Condominium must to be amended due to this proposed amendment.
15. If needed, the Applicant shall submit associated legal instruments for review and approval by the Town Attorney. Only instruments approved by the Town may be recorded in the Town of Milton Land Records.

Legal Escrow: ZR1040 grants the Selectboard authority to prescribe fees with respect to the Regulations. The Selectboard has a duly adopted a fee schedule including a fee for legal review.

16. The Applicant shall submit \$500 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.

Basis for Revocation of Approvals and Permits: ZR1030 states:

In addition to any other remedies provided for by law, a Zoning Permit, Sign Permit, variance, CONDITIONAL USE approval, or Site Plan approval may be revoked by the Zoning Administrator or Development Review Board, whichever granted the permit or approval, for violation of these Regulations or the terms and conditions of the permit or approval.

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

CONCLUDING REVIEW

Site Plan Review Standards: ZR802.2(a) states that the DRB "may consider the following in its review of a Site Plan application.

- **Circulation Safety:** Maximum safety of vehicular and pedestrian circulation on site, between the site and adjacent roads and sidewalks, and between the site and adjacent land uses
- **Circulation, Parking, Loading Adequacy:** Adequacy of traffic circulation, parking, and loading facilities.
- **Transportation Impacts:** Impacts on capacity of roadways and other transportation facilities in the vicinity.
- **Landscaping, Screening, Lighting Adequacy:** Adequacy of landscaping, screening, and outdoor lighting.
- **Municipal Service Impact:** Impacts on the Town's ability to provide adequate sewer, water, fire, police, or other municipal services and facilities.
- **Suitability for Development:** Suitability of the site for the proposed scope of development, including due regard for the preservation of existing natural and historical resources.
- **Comprehensive Plan Consistency:** Consistency with the Comprehensive Plan.

Staff finds that the proposal meets requirements and will not have any adverse impacts.

1. The Applicant shall address any remaining questions or concerns from the DRB concerning the Site Plan standards above.

RECOMMENDATION

Staff recommends that the DRB **approve** the application for Site Plan amendment approval for the 3,000 square foot addition, changes to internal circulation, landscaping, relocation of dumpster located at 32 Catamount Drive and described as SPAN# 13975, 14540, 14541, 14722, Tax Map 3, Parcel 8-27, 8-27-001, 8-27-002, 8-27-003 with conditions.

Respectfully Submitted,

Amanda Pitts, Zoning Administrator

ATTACHMENTS:

- a. Summary of proposal
- b. Site Layout & Utility Plan
- c. Site Existing Conditions, Demolition and Erosion Control Plan
- d. Legend and Notes
- e. Protective Covenants for Catamount Industrial Park

COPIES TO:

Owner
Applicant
Engineer

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Planning & Economic Development
Milton, Vermont



June 1, 2015

Amanda Pitts, Zoning Administrator
Town of Milton Planning & Zoning
43 Bombardier Road
Milton, VT 05468

RE: 32 Catamount Drive

Dear Ms. Pitts:

On behalf of Rennline, Inc., we are submitting plans and a Development Review Board Application for a 3,000 square foot (SF) warehouse addition to the existing 20,000 SF light industrial building located at 32 Catamount Drive. The project is located within the I2 – *General Industrial* zoning district. Below is a brief project narrative.

- **Site Layout:** The 30'x100' (3,000 SF) building expansion is proposed for the southwest corner of the existing building. The driveway and dumpster pad will be shifted to the south to accommodate the expansion.
- **Building Elevation:** Maximum height on the addition will not exceed the height of the existing building, which is 21 feet (FT). The applicant requests a waiver from the requirement to submit building elevations. The addition will be of similar color and materials as the existing structure.
- **Parking:** At 40 spaces, the existing parking lot meets the zoning requirements for parking spaces. No additional spaces are proposed.
- **Landscaping and Screening:** The applicant requests a waiver from any new landscaping requirements for the building expansion. Two new Austrian Pines, in addition to two relocated Austrian Pines, will be planted to screen the relocated dumpster pad.
- **Water & Sewer:** No change to existing water and sewer service is proposed. The number of permitted employees will not increase.
- **Lighting:** No change to the number of fixtures on the site is proposed. One building-mounted fixture located on the south elevation of the existing building will be relocated to the south elevation of the addition, as shown on the Site Plan. The applicant requests a waiver from the requirement to supply a lighting plan for the relocation of one, previously approved, fixture.
- **Stormwater:** Runoff from the expanded rooftop and impervious surfaces will be treated in the existing infiltration basin, which will be shifted to the southwest to accommodate the relocated driveway and building addition. The Stormwater Discharge Permit for the parcel will be amended to reflect the increase in impervious surfaces.

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- **Traffic:** No change to existing traffic volume is anticipated, based on the expected use of the addition, which is to house new and existing equipment. However, the ITE Trip Generation Manual, 9th Edition, estimates vehicle trips for the use (General Light Industrial), based on floor area, will increase from 20 trips to 23 trips during the PM Peak.

The following documents are enclosed for review:

- Signed Development Review Board Application
- Site Plan Package – Full Size (4 copies)
- Site Plan Package – Reduced Size (15 copies)
- Catamount Industrial Park Covenants (15 copies)
- Fee Check

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

TRUDELL CONSULTING ENGINEERS (TCE)



Abigail Dery, P.E.
Project Engineer

cc. Paul Jacques

802-~~28~~-0060

879-0060

292

AMN. Abby or Jeremy

PROTECTIVE COVENANTS FOR
CATAMOUNT INDUSTRIAL PARK
MILTON, VERMONT

The purpose of these covenants is to insure the orderly development of a planned industrial park and the protection of the lot owners in the park and the Town of Milton. The development shall be in conformance with the provisions of the Town of Milton zoning ordinances. Any references throughout these protective covenants to the Milton zoning ordinance shall be to the ordinance as it may from time to time be amended. It is intended that the development shall be mixed light industrial, manufacturing, and businesses suited for such an industrial park. Greater Burlington Industrial Corporation is the owner and developer of the park and hereinafter shall be referred to as DEVELOPER.

NOW THEREFORE, these covenants are hereby declared to be applicable to those lands and premises as shown and laid down on a plan of land identified as the Catamount Industrial Park dated April 22, 1983, and recorded in Map Book * on page 17 of the land records of the Town of Milton and being the development located on the lands and premises acquired from Catamount Stadium, Clifford and Mary Howe, Ivan and Leona Sanderson, and Russell and Shirley Sweeney. Said lands and premises will hereinafter be referred to as the PROJECT.

There will be organized through the efforts of the Greater Burlington Industrial Corporation, a Catamount Architectural Review Board, which is described in detail under the resolutions attached under Appendix A. All applicable plans for sites or buildings in the Catamount Industrial Park must be submitted to the Catamount Architectural Review Board for review prior to submission to other required agencies.

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It is further acknowledged by all parties that the premises are subject to a permit issued pursuant to 10 VSA, Chapter 151 (Act 250) and that the DEVELOPER may amend these covenants from time to time, upon written notice to all parties, to insure conformance of these covenants with the requirements of said permit, or any duly issued amendments thereto. Any covenant change must first be approved by the District 4 Environmental Commission by means of an amendment to the initial Act 250 Permit. Any covenant change will also be submitted to the Milton Planning Commission for review and approval.

1. COMPLIANCE WITH LOCAL, STATE AND FEDERAL LAWS

All individual lot developments shall be in compliance with applicable local zoning requirements, state and federal laws.

2. SUBMISSION OF CONSTRUCTION PLANS

2.1 Architectural, elevations, site layout and gradings, landscaping, on-site waste water and storm water disposal, and sign design plans shall be submitted to the Catamount Architectural Review Board for approval prior to the start of any construction or improvements, to insure their conformation with the provisions and objectives of this agreement. This requirement shall be interpreted to include, but not be restricted to, new construction, landscaping, and any other improvements not expressly required under this agreement.

2.2 As required under the Milton zoning ordinance, no building shall be located upon any lot nearer than 50 feet to the front line nor nearer than 35 feet to any side or rear lot line. The maximum lot coverage shall not exceed 75% of the total individual lot area. (See Preamble)

3. ARCHITECTURAL QUALITY

3.1 Buildings shall be designed and maintained to be harmonious, appropriate and compatible in appearance and character with other park

structures and the general surroundings, as recommended by the Catamount Architectural Review Board. Details of building designs will accompany the site plan submission to the Catamount Architectural Review Board. Details will include at a minimum, elevations on all sides, choice of exterior materials and colors, special features if any (such as entry ways, screening, exterior lighting, etc.).

3.2 Location of HVAC units will also be shown if not enclosed within buildings. Exterior equipment and systems shall be enclosed or painted to be consistent with the overall character of the PROJECT.

3.3 Preferred materials for construction are dark brick or stone, masonry, precast or formed concrete, and pre-engineered panels in earth tones or a combination of the above. Simplicity in choice of materials will be preferred. Lighting fixtures for parking areas and walkways shall not exceed 20 feet in height. All exterior lighting shall be shielded.

4. ACCESS

4.1 Access to all private property within the PROJECT shall be from a public right-of-way by one or more curb cuts approved by the Catamount Architectural Review Board. No other access will be permitted.

4.2 To grant such approval, the Catamount Architectural Review Board shall find that the proposed location and designs of curb cuts and matching driveway will not create unnecessary hazards and will not unduly retard the traffic flow and the public right-of-way.

4.3 Such curb cuts and matching driveway shall not be wider than necessary to accommodate up to three, 12 foot lanes, and shall be designed with a minimum of 25 foot radius curbs. Parking ratios will be in accordance with the Milton zoning ordinance. No parking will be permitted closer than 10 feet to any

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property line, on public rights-of-way within the project area, along drives (except where it is designated and constructed) or on lawns or designated open space areas.

5. LIGHTING

5.1 Any private spot light, or similar illuminating device, shall be so shielded that the light source is not visible from a public right-of-way or adjacent properties, and so directed that the beams therefrom shall not be thrown on public rights-of-way or adjacent properties.

5.2 The design and type of exterior light fixtures for illumination shall be subject to approval by the Catamount Architectural Review Board.

6. LOADING AND UNLOADING

6.1 Loading and unloading shall be prohibited in all public rights-of-way in the project area.

6.2 A minimum of one off-street loading space shall be provided for all buildings in the project area with an industrial use.

7. LANDSCAPING

7.1 Existing trees and shrubs on property lines shall be preserved wherever possible to stabilize soil, buffer winds and views, and provide wildlife habitat.

7.2 All land not covered with buildings, access, and parking areas shall be attractively landscaped with grass, trees, shrubs, and appropriate ground cover. This ground cover shall be in the following minimum ratio, one tree and three shrubs per 50 linear feet of front yard and per 150 feet of side yards. Such planting may be lined or in group masses. Existing vegetation, at the discretion of the Catamount Architectural Review Board, may be counted as part of the required number of plantings on such sites as it occurs.

7.3 In addition to the required ratio and setbacks, planting plans shall also show trees, shrubs, and ground cover to enhance the building design.

7.4 All landscaped areas shall be properly maintained in a sightly and well kept condition. Plant materials which limit the need for chemical treatment or mechanical maintenance equipment will be preferred. These include mulches and woodland ground cover under groups of trees, vegetative ground covers other than turf, native trees and shrubs permitted to grow without shearing, unmown native grasses and flowers.

7.5 Owners will be encouraged, if their site includes more than two (2) lots, to lease land for hay production or employee garden plots.

8. SCREENING

8.1 Parking will be partially screened, and loading, storage, and refuse collection areas will be substantially screened from access roads, highways, and adjacent properties. Screening will be achieved by the use of walls, fences, vegetation, land forms, alone or in combination, not higher than six feet, as approved by the Catamount Architectural Review Board, providing that these screening devices do not:

- a. Present a risk for traffic accidents;
- b. Detrimentially affect the appearance in the vicinity.

8.2 Other planting, such as free standing trees and shrubs, may be located wherever they do not create a traffic hazard, or affect the appearance of the area subject to the approval of the Catamount Architectural Review Board.

9. SIGNS

9.1 Signage will be in accordance with the Milton zoning ordinance. In addition, a comprehensive signage plan for the park will insure compatibility of park and tenant signage. Such plan will specify color, materials, size, and illumination (if applicable).

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Planning & Economic Development
Milton, Vermont

9.2 Proposals for all signs will accompany the site plan submission, and alterations to existing signs or additional signage, whether located as attachments to buildings or as free standing signs, shall be approved by the Catamount Architectural Review Board prior to submission to the Milton Planning Commission.

10. PLUMBING

All plumbing within the park shall be designed with the most efficient water conservation features and fixtures that are available and that are within a reasonable cost. At a minimum this shall include low flush toilets, aerator faucets, and low flow plumbing fixtures. Water re-use where feasible shall be practiced.

11. ENERGY CONSERVATION

Where feasible, buildings will take advantage of natural features of the site for buffering the effect of winter winds, summer sun, and other climatic conditions. Where feasible, glazing will be oriented mainly to the south and east. Buildings, where feasible, will be oriented and designed to allow for the use of alternative energy systems now or in the future. Building design considerations shall be given to special conservation measures, fuel requirements for heating, cooling and production processes of these facilities. Design will conform to ASHRE 90-80 Standard and the State of Vermont Energy Guideline or the equivalent in effect at the time of construction. Planting plans will show the use of vegetation wherever feasible for wind breaks and shade for roofs.

12. WASTE DISPOSAL

Solid waste will be disposed of legally in a state approved land fill. Each tenant or owner shall be responsible for its own waste disposal arrangements and at its own expense. Hazardous waste will be disposed of in

accordance with state and local laws. Statements of such plans shall be submitted with building plans. Sanitary waste will be disposed of on each individual site via subsurface disposal systems designed by an engineer registered in the State of Vermont.

13. WATER SYSTEMS

13.1 GBIC will cause to be created an association of Catamount Industrial Park residents.

13.2 It shall be the responsibility of this association to operate and maintain the fire protection system and potable water system within the park and any other special systems that may be developed for the exclusive benefit of all park residents. Initial shares in the association shall number 52 although it will be organized as a non-profit membership corporation. As each of the 26 lots shown on the park plan dated April 22, 1983, is sold one share will be transferred to that buyer and an additional share will be dropped from the total outstanding shares until all lots are sold and all the shares have reverted to the park residents.

13.3 GBIC will, as long as the park remains vacant, perform its own maintenance on the fire and fresh water systems equipment. Neither system will be activated other than for the test and permit purposes until users are on site. The water system will be turned over to the Town of Milton upon its acceptance by the Town of Milton and at such time as the town can be assured of sufficient revenue to maintain the facility. A water rate will be established based on the current rate in South Burlington (\$7.00 per thousand cubic feet).

13.4 Each property owner then constructing a facility will be required to install a Milton standard water meter.

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13.5 The first four share holders will join with GBIC to become a board of five (5) water commissioners. As additional properties are sold all property owners will elect annually on Milton Town Meeting Day for (4) commissioners to join a fifth appointed by GBIC. Once the entire park has been sold, and GBIC no longer has an ownership interest, the occupants within the park will elect five (5) commissioners.

13.6 The Board of Commissioners will insure that sufficient funds are set aside to properly maintain the system and provide for its replacement if necessary in the future. During the early development of the park, GBIC will provide the balance of funds necessary to maintain the balanced budget as shown in Appendix "B".

14. DURATION OF COVENANTS

These covenants are to run with the land and shall be binding on all parties claiming under them for a period of 25 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years, unless an instrument signed by a majority of the then owners of the lots sets forth an agreement to change said covenants.

15. ENFORCEMENT

15.1 Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenants, either to restrain violation or to recover damages. It is understood that the Caramount Architectural Review Board and/or lot owners reinforce said covenants by such action and it is understood that all cost of litigation including reasonable attorney's fees shall be borne by the violator of the covenants.

15.2 The Catamount Architectural Review Board shall have the authority to notify a lot owner of a violation of any of the covenants. The lot owner shall have 30 days to correct any deficiency. Upon failure of the lot owner to correct such deficiency, the Catamount Architectural Review Board may order correction of the defect and any costs incurred in this correction may be charged to the lot owner.

16. WAIVER

No provision of these covenants shall be deemed to have been waived by reason of the failure to enforce, regardless of the occurrence of violations or breaches from time to time.

17. HEADINGS

The headings of these covenants are for purposes of reference only and shall not limit or otherwise affect the meaning hereof.

18. NOTICE OF SALE

No lot may be conveyed, sold or leased to any person on any terms unless at least 14 days prior thereto the owner shall have notified the Catamount Architectural Review Board of the name and address of the proposed transferee. The Catamount Architectural Review Board shall have the right to communicate with the proposed transferee to further the intent of these protective covenants.

19. SEVERABILITY

Invalidation of any or one of these covenants by judgment or court order shall in no way affect the other provisions, which shall remain in full force and effect.

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20. AMENDMENTS

20.1 These protective covenants may be amended by the DEVELOPER or a majority of the then lot owners by a majority vote of the then lot owners once all of the PROJECT has been sold for development.

20.2 Any amendment to these protective covenants shall be consistent with applicable local, state and/or federal law or permits to the project.

IN WITNESS WHEREOF, we have hereunto set our hands and seals at Burlington, Chittenden County, Vermont, this 3rd day of June, 1984.

GREATER BURLINGTON INDUSTRIAL CORPORATION

[Signature]

[Signature]

By: *Nancy E. Long*
Pres.

Appendix "A" to Protective Covenants for Catamount Industrial Park, Milton, Vermont

Architectural Review Board

The Catamount Architectural Review Board is created to perform all the tasks delineated in the foregoing Protective Covenants for Catamount Industrial Park. The initial Board will consist of the Sites Committee of GBIC in its entirety. The Sites Committee will continue to serve until there are five new businesses in the park. Once there are five businesses, those five businesses will appoint two members to the board and the GBIC Sites Committee will appoint three members to the board. The ratio of GBIC Board members to others will shift balance when 75% of the park is developed. When the entire park is occupied GBIC will transfer its entire interest in the board to the occupants of the park who will choose all five members of the Catamount Architectural Review Board.

Appendix "B" to Protective Covenants for Catamount Industrial Park, Milton,
Vermont

Yearly Operational Costs

Fire Protection System

Manpower	120 hrs @ \$10/hr	\$1,200
Heats & Lights	500 ft ² @ \$1/ft ²	500
Fuel	50 Gal @ \$2	100
Power	2,000 KWH @ \$0.10/KWH	200

Equipment replacement (straight line)		
\$30,000 over 30 years		<u>1,000</u>

Yearly Costs \$3,000

Water Supply Building

Manpower	200 hrs @ \$10/hr	\$2,000
Heat & Lights	500 ft ² @ \$1/ft ²	500
Power	3,500 KWH @ \$0.10/KWH	350

Equipment replacement (straight line)		
\$15,000 over 15 years		<u>1,000</u>

Yearly Costs \$3,850

Milton, Vermont *June 24, 1984*

Received for record *4* o'clock

30 minutes *P.*M.

and recorded in Vol. *85* Page *392/302*

Milton *Plant* Records.

Attest

Hubert M. Spind
Town Clerk *1/25/84*

RECEIVED

JUN 01 2015

Planning & Economic Development
Milton, Vermont

CV-FairPoint 874 04/08

TOWN CLERK'S OFFICE
Received Feb 09, 2012 01:00P
Document Number: 56951
Recorded in VOL: 414 PG: 224
OF Milton Land Records
Attest:
John P. Cushing
Town Clerk

EASEMENT FOR PLACEMENT OF GUYS

KNOW ALL MEN BY THESE PRESENTS:

THAT I, **Lori M. Donna** of **Milton**, County of **Chittenden**, State of **Vermont**, in consideration of One Dollar (\$1.00) and other valuable considerations to be paid by the **CENTRAL VERMONT PUBLIC SERVICE CORPORATION**, a corporation duly organized under the laws of the State of Vermont, and **TELEPHONE OPERATING COMPANY OF VERMONT LLC**, a limited liability company duly organized under the laws of the State of Delaware (hereinafter together called Grantees), a receipt of which is hereby acknowledged, do hereby grant unto **Central Vermont Public Service Corporation and Telephone Operating Company of Vermont LLC**, their successors and assigns, the right to install, maintain, replace and remove one (1) anchor guy(s)/stub guy installation(s) for guying poles that will support electric and telephone wires, cables and fixtures, said poles being located along the public way adjacent to her land in the Town of **Milton**, County of **Chittenden**, State of **Vermont**, the location of said guying facilities being more particularly described as follows:

Install sidewalk anchor on south side of Pole 1 of Line 721.

Title to the foregoing lands was acquired in a deed given by David A. Donna and Lori M. Donna to Lori M. Donna dated 04/20/04, and recorded in the Land Records for Milton in Book 294 at Page 813-814.

IN WITNESS WHEREOF, Lori M. Donna has hereunto set her hand and seal this 3RD day of February, A.D. 2012

WITNESSES:

Wanda Condo
B. Condo

Lori M. Donna L.S.
Lori M. Donna L.S.

STATE OF Vermont)
COUNTY OF Chittenden)§

BE IT REMEMBERED, that on the 3rd day of February, A.D. 2012) personally appeared the above-named **Lori M. Donna**, and acknowledged this instrument to be her free act and deed.

Before me.

Joseph F. Perrot
Notary Public

SPACE BELOW THIS LINE FOR RECORD ENTRY PURPOSES ONLY AND NOT A PART OF ABOVE CONVEYANCE

Clerk's Office
Received for Record _____
_____ A. D. 20_____
_____ o'clock _____ minutes _____ M. and
recorded in Book _____ Page _____ of Land
Records.
Attest: _____, Clerk
Recorder's Fee: \$ _____

District 95
W. R. 213471
Hwy.
Line No. 721
Pole 1

SITE	LINE			SITE	SYMBOL		
	EXISTING	PROPOSED	REMOVED/ABANDONED		EXISTING	PROPOSED	REMOVED/ABANDONED
PAVED DRIVE OR ROAD				SIGN			
GRAVEL DRIVE OR ROAD				UTILITIES			
PAVED DRIVE OR ROAD WITH CURB				SEWER MANHOLE (DMM)			
TREE LINE				SEWER CLEANOUT (CO)			
TRAIL				PUMP STATION (PS)			
WETLAND LIMIT				STORM DRAINAGE MANHOLE (DMH)			
TOPOGRAPHIC CONTOURS				CATCH BASIN (CB)			
GUARD RAIL				STORM DRAINAGE CLEANOUT			
UTILITIES				OUTLET OR END SECTION			
SEWER MAIN AND SERVICES				VALVE			
SEWER FORECMAIN				CURB STOP (CS)			
WATER MAINS AND SERVICES				FIRE HYDRANT (HYD)			
STORM DRAINAGE				WATER SUPPLY WELL			
CURTAIN DRAIN				END CAP			
UNDERDRAIN				BLOWOFF			
ROOF DRAIN				UTILITY POLE			
FOOTING DRAIN				MISC. OR TRANSFORMER			
LIQUID PROPANE OR NATURAL GAS				TELEPHONE MANHOLE			
OVERHEAD POWER				TELEPHONE PEDESTAL			
UNDERGROUND POWER				LUMINAIRE			
OVERHEAD TELEPHONE				BOLLARD LIGHT			
UNDERGROUND TELEPHONE				TELEVISION PEDESTAL			
OVERHEAD POWER & TELEPHONE				FIELD			
UNDERGROUND POWER & TELEPHONE				CALCULATED POINT			
OVERHEAD POWER TELEPHONE & CABLE				OBSERVATION WELL			
UNDERGROUND POWER TELEPHONE & CABLE				PERCOLATION TEST			
CABLE TELEVISION				SOIL TEST PIT			
SURVEY				SOIL BORING			
PROPERTY LINE				BENCHMARK			
RIGHT-OF-WAY LINE				SURVEY			
EASEMENTS				IRON PIPE			
FENCE				STEEL REBAR			
STONEWALL				CONCRETE MONUMENT			
BUILDING SETBACKS				MARBLE OR STONE MONUMENT			
				IRON PIPE (P)			

LEGEND NOTE:
SOME INFORMATION MAY BE PROVIDED BY OTHERS AND COULD BE SHOWN WITH A DIFFERENT SYMBOL, NOT SHOWN ON THIS LEGEND. HOWEVER, THEY ARE LABELED ON RESPECTIVE PLANS. IN SOME CASES, A CHANGE IN SCALE OR PATTERN CAN ALTER INFORMATION TO NOT SHOW AN EXACT MATCH ON THIS LEGEND. IF ANY QUESTIONS EXIST CONTACT THE ENGINEER TO CLARIFY. ADDITIONAL LEGEND INFORMATION IS SUPPLIED SEPARATELY ON EROSION CONTROL PLANS AND SOME SURVEY PLANS.

EXISTING CONDITIONS NOTES:

- THE PURPOSE OF THE EXISTING CONDITIONS PLAN IS TO DEPICT PERTINENT EXISTING CONDITIONS BASED ON 2008 DESIGN PLANS. NO AS-BUILT SURVEY WAS DONE.
- THIS IS NOT A SURVEY. BOUNDARY INFORMATION SHOWN IS BASED ON A SURVEY ENTITLED 'SUBDIVISION PLAT, CATAMOUNT INDUSTRIAL PARK, ROUTE 7, MILTON, VT.' BY TRUDELL CONSULTING ENGINEERS (TCE), WILLISTON, VERMONT, DATED APRIL 1983, AND REVISED JULY 2008.
- THE TOPOGRAPHIC INFORMATION SHOWN IS BASED ON A FIELD SURVEY OF THE PARCEL COMPLETED ON JULY 16, 2008 USING A TOPCON GTS 3005, AND DESIGN PLANS FOR A 20,000 SQ. FT. BUILDING. ELEVATIONS ARE ASSUMED DATUM BASED ON SEWER SYSTEM INSTALLATION CONTRACTOR'S NAIL IN UTILITY POLE SET IN 2007.
- THE LOCATION OF EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS SHOWN ARE BASED ON RESEARCH, UTILITY PLANS PROVIDED BY OTHERS, AND/OR SURFACE EVIDENCE ENCOUNTERED AND WERE OBTAINED IN A MANNER CONSISTENT WITH THE ORDINARY STANDARD OF PROFESSIONAL CARE AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR THE DESIGN ENGINEER. ADDITIONAL UTILITIES NOT SHOWN MAY EXIST. ENGINEER SHALL BE NOTIFIED IF ANY DISCREPANCIES ARE ENCOUNTERED. ACTUAL LOCATION OF UNDERGROUND UTILITIES MAY VARY. DIGSAFE MUST BE CONTACTED PRIOR TO ANY EXCAVATION. CALL 1-888-DIG SAFE (344-7233).

RECORD DRAWING REQUIREMENTS:

- A CLEAN SET OF UP TO DATE RECORD DRAWINGS IS TO BE AVAILABLE FOR REVIEW ON SITE AT ALL TIMES. FOR JOBS LASTING MORE THAN 4 WEEKS A REVIEW OF THE RECORD DRAWINGS WILL BE DONE BY THE ENGINEER EVERY 2 WEEKS AND COMMENTS OR DEFICIENCIES MAY BE PROVIDED.
- TIES TO ALL BENDS, VALVES, JOINTS, CONNECTIONS AND DESIGN FEATURES SHALL BE PROVIDED. TIES SHALL BE PULLED FROM EASILY LOCATABLE PERMANENT ABOVE GROUND FEATURES THAT ARE VISIBLE YEAR AROUND SUCH AS BUILDING CORNERS, HYDRANTS, SEWER AND STORM DRAIN COVERS THAT WILL BE CLEARED WITH UTILITY POLES, ETC. REBAR FROM PROVIDING TIES WITH ACUTE ANGLES. TIES SHOULD BE PULLED AT ANGLES AS CLOSE TO 90 DEGREES AS POSSIBLE. TIES WITH ANGLE TOO ACUTE MAY BE REJECTED.
- RECORD INFORMATION NEEDS TO BE PROVIDED ON THE APPROPRIATE DESIGN PLANS ON A WEEKLY BASIS. RECORD INFORMATION REGARDING TCE DESIGN ITEMS PLACED ON INAPPROPRIATE DESIGN PLANS WILL NOT BE ACCEPTED.
- IF ENGINEERING SERVICES FOR BI-WEEKLY REVIEW OF RECORD INFORMATION HAVE NOT BEEN OBTAINED FOR THE PROJECT ALL RECORD INFORMATION FOR TCE DESIGN ITEMS SHALL BE PROVIDED TO TCE WITHIN 7 BUSINESS DAYS OF THE COMPLETION OF THE WORK.
- PLANS SUBMITTED AT THE END OF THE PROJECT SHALL BE REVIEWED FOR COMPLETENESS. ALL REQUIREMENTS LISTED ABOVE APPLY.
- IF DESIGN FEATURES WERE INSTALLED EXACTLY PER THE DESIGN PLANS, TIES TO THE FEATURE ARE STILL REQUIRED TO BE PROVIDED BY THE CONTRACTOR FOR THE OWNERS USE. ANY FEATURE NOT INDICATED AS DIFFERENT BY RED WILL BE CONSIDERED TO BE EXACTLY PER DESIGN.
- RECORD INFORMATION SHALL INCLUDE BOTH VERTICAL AND HORIZONTAL LOCATIONS. THIS INCLUDES BUT IS NOT LIMITED TO FINISHED FLOOR ELEVATIONS, RIMS AND INVERTS OF STRUCTURES AND PIPING, INVERTS AT CROSSTIES, ETC.
- ANY UTILITIES ENCOUNTERED THAT ARE NOT SHOWN ON THE PLANS SHALL BE ADDED TO THE PLANS WITH APPROPRIATE TIES.
- TIES SHALL INCLUDE ALL UTILITIES INSTALLED BY CONTRACTOR WHICH INCLUDE BUT ARE NOT LIMITED TO SEWER, WATER, STORM, ELECTRIC, CABLE, TELEPHONE, GAS, ETC.
- RECORD DRAWINGS SHALL BE SUPPLIED ON BOTH HARD COPY AND ELECTRONIC DATA. ELECTRONIC DATA SHALL BE COMPUTER-AIDED DESIGN (CAD) FILES INCLUDING NATIVE FILE FORMATS (DWG).
- THE CONTRACTOR SHALL SUBMIT ON A WEEKLY BASIS PROJECT PHOTOGRAPHS. THE INFORMATION WILL BE SUBMITTED TO THE ENGINEER IN ELECTRONIC FORMAT WITH EACH PICTURE BEING LABELED BY DATE, LOCATION AND ACTIVITY. AT A MINIMUM THE CONTRACTOR WILL SUBMIT PICTURES OF ALL THRUST BLOCKS, CONNECTIONS TO EXISTING FACILITIES AND STRUCTURES BEFORE AND AFTER BACKFILL. PROVIDE AUXILIARY LIGHTING AS REQUIRED TO PRODUCE CLEAR, WELL-LIT PHOTOGRAPHS WITHOUT OBSTRUCTING SHADOWS. THE CONTRACTOR SHALL MAINTAIN ONE CHECK SET OF PHOTOGRAPHS AT THE SITE FOR REFERENCE. UPON REQUEST, THE CONTRACTOR SHALL PROVIDE PICTURES OF VARIOUS AREAS DEEMED NECESSARY BY THE ENGINEER OR OWNER.
- CERTIFICATIONS BY THE ENGINEER AND SUCCESSFUL TEST RESULTS DO NOT RELIEVE THE CONTRACTOR OF FULL COMPLIANCE WITH THE DESIGN PLANS. SPECIFICATIONS AND PERMITS SHOULD A DEFICIENCY BE DISCOVERED AFTER SAID CERTIFICATION OF TESTING.

EPSC LEGEND

	PROJECT AREA
	PHASE LIMIT
	BARRIER TAPE
	SILT FENCE
	SOIL STOCK PILE
	STONE CHECK DAM
	INLET PROTECTION
	STABILIZED CONSTRUCTION ENTRANCE
	SEDIMENT TRAP
	FIBER ROLL
	TEMPORARY VEGETATED DIVERSION SWALE

PROJECT INFORMATION:

- OWNER OF RECORD: PEJ LLC
26 CATAMOUNT DRIVE
MILTON, VERMONT 05468
- TAX PARCEL ID: 03-008-27
- PHYSICAL ADDRESS OF PROPERTY: 32 CATAMOUNT DRIVE
MILTON, VERMONT 05468
- PARCEL SIZE: 3.27 ACRES
- ZONING DISTRICT: GENERAL INDUSTRIAL (I2)

APPLICANT:

TOWN OF
ADDRESS
TOWN, VERMONT 05XXX
PHONE: (802) 879-6331

CIVIL ENGINEER:
TRUDELL CONSULTING ENGINEERS (TCE)
ATTN: JEREMY MATOSKY, PE, CPESC
47B BLAIR PARK ROAD
WILLISTON, VT 05495
PHONE: (802) 879-6331



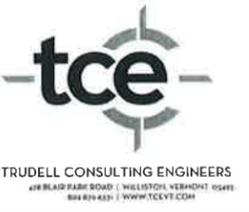
CONSTRUCTION NOTES FOR CONTRACTOR & CLIENT/OWNER:

- CONTRACT DOCUMENTS THESE PLANS WERE PREPARED BY TRUDELL CONSULTING ENGINEERS (TCE) AND ARE INTENDED TO BE USED IN CONJUNCTION WITH THE STANDARD GENERAL CONDITIONS OF THE CONSTRUCTION CONTRACT - 0700 PREPARED BY THE ENGINEERS' JOINT CONTRACT DOCUMENTS COMMITTEE (EJCDC), LATEST EDITION. COPIES ARE AVAILABLE AT WWW.EJCDC.ORG/EJCDC.
- UNDERGROUND IMPROVEMENTS: THE LOCATION OF EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS SHOWN ARE ASSUMED BASED ON RESEARCH, UTILITY PLANS PROVIDED BY OTHERS, AND/OR SURFACE EVIDENCE AVAILABLE AND WERE OBTAINED IN A MANNER CONSISTENT WITH THE ORDINARY STANDARD OF PROFESSIONAL CARE AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR THE DESIGN ENGINEER.
- DIFFERENCES: SUBSURFACE OF PHYSICAL CONDITIONS: IF CONTRACTOR BELIEVES THAT ANY SUBSURFACE OF PHYSICAL CONDITIONS AT OR CONTIGUOUS TO THE SITE THAT IS UNCOVERED OR REVEALED EITHER (1) IS OF SUCH A NATURE AS TO ESTABLISH THAT ANY TECHNICAL DATA ON WHICH CONTRACTOR RELIES IS MATERIALLY INACCURATE, OR (2) IS OF SUCH A NATURE AS TO REQUIRE A CHANGE IN THE PLANS/CONTRACT DOCUMENTS, OR (3) DIFFERS MATERIALLY FROM THAT SHOWN OR INDICATED IN THE PLANS/CONTRACT DOCUMENTS, OR (4) IS OF AN UNUSUAL NATURE AND DIFFERS MATERIALLY FROM CONDITIONS ORDINARILY ENCOUNTERED AND GENERALLY RECOGNIZED AS THRESHOLD IN WORK OF THE CHARACTER PROVIDED FOR IN THE PLANS/CONTRACT DOCUMENTS, THEN CONTRACTOR SHALL, PROMPTLY AFTER BECOMING AWARE THEREOF AND BEFORE FURTHER DIGGING THE SUBSURFACE OR PHYSICAL CONDITIONS ANY WORK IN CONNECTION THEREWITH (EXCEPT IN AN EMERGENCY) NOTIFY OWNER AND ENGINEER ABOUT SUCH CONDITIONS. CONTRACTOR SHALL NOT FURTHER DISTURB SUCH CONDITIONS OF PERFORMANCE WORK IN CONNECTION THEREWITH (EXCEPT AS AFORESAID) UNTIL RECEIVED WRITTEN ORDER TO DO SO. ALL PARTIES INVOLVED (OWNER, ENGINEER, ARCHITECT, AND MUNICIPALITY IF APPLICABLE) SHALL AGREE UPON HOW TO PROCEED AND ANY RELATED COST IMPLICATIONS.
- UTILITIES: PRIVATE AND PUBLIC UTILITIES SUCH AS ELECTRIC, TELEPHONE, GAS, CABLE, FIBER OPTIC, ETC. ARE THE RESPONSIBILITY OF THE RESPECTIVE UTILITY COMPANY. ANY INFORMATION SHOWN BY TCE SHOULD BE CONSIDERED PRELIMINARY (USUALLY TO ASSIST WITH PERMITTING). FINAL DESIGN, CONSTRUCTION AND MAINTENANCE ARE THE RESPONSIBILITY OF RESPECTIVE UTILITY COMPANIES. COMPLIANCE WITH EARTHQUAKE AND REGULATIONS (STATE AND LOCAL) ARE THE RESPONSIBILITY OF RESPECTIVE UTILITY COMPANY.
- DIGSAFE: IN ACCORDANCE WITH VERMONT STATE LAW (VERMONT TITLE 30 CHAPTER 86 AND PSB RULE 8.000) THE CONTRACTOR SHALL BE RESPONSIBLE TO CONTACT DIGSAFE SYSTEMS, INC. ("DIGSAFE") AT LEAST 48 HOURS, EXCLUDING SUNDAYS, HOLIDAYS AND LEGAL HOLIDAYS, BUT NOT MORE THAN 30 DAYS BEFORE COMMENCING EXCAVATION ACTIVITIES, EXCEPT IN AN EMERGENCY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PRE-MARKING THE SITE AND MAINTAINING DESIGNATED MARKINGS. FOR MORE INFORMATION ON DIGSAFE REGULATIONS SEE WWW.DIGSAFE.COM. THE TOWN OF ESSEX WATER AND SEWER SYSTEMS ARE CONSIDERED A PRIVATE UTILITY AND ARE NOT INCLUDED IN THE DIGSAFE SYSTEM. AS SUCH, THE CONTRACTOR SHALL CONTACT THE TOWN OF ESSEX AT LEAST 48 HOURS BEFORE COMMENCING WORK TO LOCATE ALL WATER AND SEWER UTILITIES WITHIN THE PROJECT LIMITS.
- JOBSITE SAFETY: NEITHER THE PROFESSIONAL ACTIVITIES OF TRUDELL CONSULTING ENGINEERS (TCE), NOR THE PRESENCE OF TCE OR ITS EMPLOYEES AND SUB-CONSULTANTS AT A CONSTRUCTION SITE SHALL RELIEVE THE GENERAL CONTRACTOR AND ANY OTHER ENTITY OF THEIR OBLIGATIONS, DUTIES AND RESPONSIBILITIES INCLUDING, BUT NOT LIMITED TO, CONSTRUCTION MEANS, METHODS, SEQUENCE, SCHEDULING OR PROCEDURES NECESSARY FOR PERFORMING SUPERVISING OR COORDINATING ALL PORTIONS OF THE WORK OF CONSTRUCTION IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND ANY HEALTH OR SAFETY PRECAUTIONS REQUIRED BY ANY REGULATORY AGENCIES. TCE AND ITS PERSONNEL HAVE NO AUTHORITY TO EXERCISE ANY CONTROL OVER ANY CONSTRUCTION CONTRACTOR OR OTHER ENTITY OR THEIR EMPLOYEES IN CONNECTION WITH THEIR WORK OR ANY HEALTH OR SAFETY PRECAUTIONS. THE CLIENT AGREES THAT THE GENERAL CONTRACTOR IS SOLELY RESPONSIBLE FOR JOBSITE SAFETY AND WARRANTS THAT THIS INTENT SHALL BE MADE EVIDENT IN THE CLIENT'S AGREEMENT WITH THE GENERAL CONTRACTOR. THE CLIENT ALSO AGREES THAT THE CLIENT AND TCE CONSULTANTS SHALL BE INDEMNIFIED AND SHALL BE WAIVED ADDITIONAL WORKER UNDER THE GENERAL CONTRACTOR'S GENERAL LIABILITY INSURANCE POLICY.
- CODES AND STANDARDS: COMPLIANCE: TCE SHALL EXERCISE USUAL AND CUSTOMARY PROFESSIONAL CARE IN ITS EFFORTS TO COMPLY WITH CODES, STANDARDS, REGULATIONS AND ORDINANCES IN EFFECT. THE OWNER ACKNOWLEDGES THAT SUCH REQUIREMENTS MAY BE SUBJECT TO VARIOUS AND CONTRADICTORY INTERPRETATIONS. TCE HOWEVER, WILL USE ITS REASONABLE PROFESSIONAL EFFORTS AND JUDGMENT TO INTERPRET APPLICABLE REQUIREMENTS AS THEY APPLY TO THE PROJECT. TCE HOWEVER, CANNOT AND DOES NOT WARRANT OR GUARANTEE THAT THE PROJECT WILL COMPLY WITH ALL INTERPRETATIONS OF SUCH REQUIREMENTS.
- CONSTRUCTION OBSERVATION: TCE MAY VISIT THE PROJECT AT APPROPRIATE INTERVALS DURING CONSTRUCTION TO BECOME GENERALLY FAMILIAR WITH THE PROGRESS AND QUALITY OF THE CONTRACTOR'S WORK AND TO DETERMINE IF THE WORK IS PRECEDING IN GENERAL ACCORDANCE WITH THE CONTRACT DOCUMENTS. THE OWNER HAS NOT RETAINED TCE TO MAKE DETAILED INSPECTIONS OR TO PROVIDE EMERGENCY OR CONTINGENCY RESERVE BY AND CONTRACTOR SHALL BE RESPONSIBLE FOR THE PERFORMANCE OF, AND SHALL NOT HAVE RESPONSIBILITY FOR THE ACTS OR OMISSIONS OF ANY CONTRACTOR, SUB-CONTRACTOR, SUPPLIER OR ANY OTHER ENTITY FURNISHING MATERIALS OR PERFORMING ANY WORK ON THE PROJECT. TCE SHALL NOT SUPERVISE, DIRECT OR HAVE CONTROL OVER THE CONTRACTOR'S WORK NOR HAVE ANY RESPONSIBILITY FOR THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES OF THE CONTRACTOR. IF THE OWNER DESIRES MORE EXTENSIVE PROJECT OBSERVATION OR FULL-TIME PROJECT REPRESENTATION, THE OWNER SHALL REQUEST SUCH SERVICES BE PROVIDED BY TCE AS ADDITIONAL SERVICES.
- UTILITIES SHOWN ARE APPROXIMATE AND DO NOT NECESSARILY REPRESENT ALL UTILITIES LOCATED ON OR ADJACENT TO THE AREA SURVEYED. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER.
- ALL EXISTING UTILITIES NOT INCORPORATED INTO THE FINAL DESIGN ARE TO BE REMOVED OR ABANDONED AS INDICATED ON THE PLANS.
- THE CONTRACTOR SHALL MAINTAIN AS-BUILT PLANS WITH TIES FOR ALL UNDERGROUND UTILITIES. THOSE PLANS SHALL BE SUBMITTED TO THE OWNER AT THE COMPLETION OF THE PROJECT.
- THE CONTRACTOR SHALL REPAIR/RESTORE ALL DISTURBED AREAS (ON OR OFF THE SITE) AS A DIRECT OR INDIRECT RESULT OF THE CONSTRUCTION.
- ALL GRASSED AREAS SHALL BE MAINTAINED UNTIL FULL VEGETATION IS ESTABLISHED.
- MAINTAIN ALL TREES OUTSIDE OF CONSTRUCTION LIMITS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK NECESSARY FOR COMPLETE AND OPERABLE FACILITIES AND UTILITIES.
- IN ADDITION TO THE REQUIREMENTS SET IN THESE PLANS AND SPECIFICATIONS, THE CONTRACTOR SHALL COMPLETE THE WORK IN ACCORDANCE WITH ALL PERMIT CONDITIONS, LOCAL PUBLIC WORKS STANDARDS, AND ALL CONSTRUCTION SAFETY REGULATIONS.
- ANY DEWATERING NECESSARY FOR THE COMPLETION OF THE SITEWORK SHALL BE CONSIDERED AS PART OF THE CONTRACT, AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY. IF THERE ARE ANY CONFLICTS OR INCONSISTENCIES WITH THE PLANS OR SPECIFICATIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER FOR VERIFICATION BEFORE WORK CONTINUES ON THE ITEMS IN QUESTION.
- ALL SYSTEM COMPONENTS (TANKS, PIPES, JOINTS) SHALL BE WATERTIGHT.
- CONTRACTOR TO ADJUST ANY POTABLE WATER LINE CROSSINGS AND CONSULT WITH ENGINEER TO MEET REQUIREMENTS SHOWN ON THE DETAIL SHEET WATER/SEWER CROSSING DETAIL.
- SEWER LATERAL CONNECTIONS ARE SHOWN FOR CLARITY. CONTRACTOR TO CONSULT WITH ENGINEER AND SUPPLY BENDS, CLEANOUTS, ETC. AS NECESSARY TO FACILITATE PROPER CONNECTION BETWEEN FOOTING/STEW WALL AND SEWER MAIN LINE.
- CONTRACTOR IS RESPONSIBLE FOR COORDINATION WITH ALL RELEVANT PARTIES (INCLUDING, BUT NOT LIMITED TO OWNER, ARCHITECT AND UTILITY COMPANIES) TO DETERMINE FINAL LAYOUT AND DESIGN.
- DESIGN AND CONSTRUCTION OF PEDESTRIAN WALKS, RAMPS AND DECKS BETWEEN BUILDINGS AND PARKING LOTS IS PROVIDED BY THE ARCHITECT AND INCORPORATED INTO THE BUILDING DESIGN.
- ALL CURB STOP VALVES TO BE INSTALLED WITH ACCESS COVER AT FINISHED GRADE.
- ALL WATER LINE TAPS SHALL BE LIVE TAPS. EXISTING WATER LINE MUST REMAIN IN SERVICE DURING CONNECTION, UNLESS INDICATED OTHERWISE.
- ROOF DOWNSPOUT CAN CONNECT TO ROOF DRAIN MANHOLE (RD) AS DETERMINED BY ARCHITECT AND OWNER. THIS CONNECTION PIPE IS INCLUDED AS PART OF THE DESIGN PLAN, BUT NOT SHOWN TO ALLOW FLEXIBILITY IN LOCATION AS NEEDED.
- THRUST BLOCKS FOR PRESSURE LINES NOT SHOWN FOR CLARITY. PROVIDE THRUST BLOCKS AT ALL BENDS, TEE AND REDUCES. PROJECT ENGINEER TO OBSERVE ALL THRUST BLOCKS PRIOR TO BACKFILL.
- WATER MAIN OPERATED AT HIGH PRESSURE. ALL BUILDINGS SHALL CONFIRM STATIC INTAKE PRESSURE AND PROVIDE PRESSURE-REDUCING VALVES AS DEEMED APPROPRIATE BY THE MECHANICAL ENGINEER (OR ARCHITECT).
- CONTRACTOR TO SUPPLY DAYLIGHT PIPING FOR FOOTING DRAINS WITHIN CONSTRUCTION LIMITS. THE EXACT LOCATION IS NOT CRITICAL.
- FOOTING DRAINS AROUND BUILDING MAY BE SHOWN BY OTHERS (BECAUSE IT IS WITHIN THE 5' ZONE AROUND BUILDING). FOOTING DRAINS AND PIPE TO DAYLIGHT SHALL BE INCLUDED EVEN IF NOT SHOWN. DAYLIGHT PIPE LOCATION TO SWALE IS NOT CRITICAL SO LONG AS IT DOES NOT CREATE ANY CONFLICT WITH OTHER UTILITIES OR IMPACT ENVIRONMENTALLY SENSITIVE AREAS SUCH AS WETLANDS.
- SEWER CONNECTIONS TO EXISTING MANHOLES SHALL INCLUDE WATERTIGHT CONNECTIONS, REFORMING INVERT TO PROVIDE SMOOTH FLOW STREAM AND TESTING TO ENSURE STRUCTURE IS WATERTIGHT. AN EXISTING MANHOLE FOUND NOT TO BE WATERTIGHT SHALL BE EXPANDED AND REPAIRED ON THE OUTSIDE PRIOR TO CONNECTING TO EXISTING MANHOLES. SUBMIT SHOP DRAWINGS ON CORE LOCATION, ANY REQUIRED PIPING (FOR DROP MANHOLES) AND CHANGES TO INVERT FORM.
- RIVAL BINS OF SEWER MANHOLES AND WATER VALVES SHALL BE CONFIRMED AND COORDINATED WITH FINAL SITE GRADING. MINOR ADJUSTMENTS FROM DESIGN GRADES MAY BE REQUIRED BY OWNER OR ENGINEER AND SHALL BE INCLUDED.
- ROCK REMOVAL WORK FOR Boulders UNDER 2.5 CUBIC YARDS IS INCLUDED AS PART OF EXCAVATION. ANY ROCK REMOVAL FOR 2.5 CUBIC YARDS OR GREATER SHALL BE TREATED AS LEASED REMOVAL.
- THE GENERAL CONTRACTOR IS REQUIRED TO COMPLY TO THE STRICTEST INTERPRETATION OF THE CONTRACT DRAWINGS, SPECIFICATIONS, PERMITS AND CONSTRUCTION CONTRACT. ALL EXISTING MATERIAL RECEIVED OR DISPOSED FROM OUTSIDE SOURCES SHALL COMPLY WITH APPLICABLE PERMITS AND REGULATIONS. SHOP DRAWING SUBMITTALS SHALL INCLUDE CONTRACTOR'S CERTIFICATION STATEMENT OF COMPLIANCE AND COPIES OF RELEVANT PERMITS FOR OUTSIDE SOURCES.
- CONTRACTOR SHALL PAY FOR ALL REQUIRED TESTING. THIS SHALL INCLUDE BUT IS NOT LIMITED TO: SOIL TESTING, COMPACTION TESTING, SEWE ANALYSIS, CONCRETE TESTING, ASPHALT PENETRATION TESTING, BACTERIOLOGICAL TESTING FOR WATER AND OTHER TESTING AS PART OF STANDARD PRACTICE FOR A CONSTRUCTION PROJECT OF THIS NATURE, UNLESS INDICATED OTHERWISE AND APPROVED BY THE OWNER.

CONSTRUCTION PHASE:

- LISTED BELOW IS A BRIEF SUMMARY OF CONSTRUCTION PHASE REQUIREMENTS. THIS LIST IS NOT INTENDED TO BE ALL-INCLUSIVE. CONSTRUCTION SPECIFICATIONS, PERMIT REQUIREMENTS AND SUBSEQUENT CONTRACTUAL AGREEMENTS FROM PARTIES INVOLVED SHALL PREVAIL.
- PRE-CONSTRUCTION:**
- OWNER TO ESTABLISH SCOPE OF SERVICES WITH PROJECT ENGINEER(S)
 - OWNER TO IDENTIFY WORK SCOPE AND SCHEDULE
 - UPON OWNER REQUEST, ASSIST WITH CONTRACTOR BID AND SELECTION PROCESS
 - FINAL PLANS FOR CONSTRUCTION READY INCLUDING SPECIFICATIONS
 - MEETING BETWEEN OWNER, ENGINEER(S), CONTRACTOR(S), ARCHITECT(S), REGULATORY AUTHORITIES AND OTHER PERTINENT PARTIES TO REVIEW AND DISCUSS THE WORK.
- PRE-CONSTRUCTION MEETINGS:**
- CONTRACTOR TO IDENTIFY SUBCONTRACTORS
 - CONTRACTOR TO ESTABLISH SCHEDULE
 - CONTRACTOR TO DESIGNATE RESPONSIBLE PERSONNEL
 - CONFIRM PROCEDURE FOR RFI'S, CHANGE ORDERS, EXPAS AND PAY REQUESTS
 - CONTRACTOR TO SUBMIT SHOP DRAWINGS
 - CONTRACTOR TO OBTAIN SAFETY SECURITY AND WORKING HOURS
 - CONTRACTOR OR OWNER TO IDENTIFY TESTING COMPANY
- CONSTRUCTION PHASE:**
- INITIAL CONTROL, SUPPLIED BY OWNER AND CONTRACTOR RESPONSIBLE FOR LAYOUT
 - OWNER TO PROVIDE PROJECT ENGINEER TO OBSERVE CONSTRUCTION PERIODICALLY DURING CRITICAL PHASES AND TESTING
 - WEEKLY JOB MEETINGS DURING CONSTRUCTION
 - OWNER TO PROVIDE PROJECT ENGINEER TO REVIEW AND DISCUSS PLANS, ANSWER QUESTIONS, RESPOND TO CHANGES AND OTHER BUSINESS COMMON TO CONSTRUCTION SERVICES
 - OBSERVE TESTING AND COLLECT RESULTS
 - OWNER AND CONTRACTOR TO COMPLY WITH PERMITS

SPECIAL NOTE:
FOR CLARITY, ALL ORIGINAL COLOR SHEETS MUST BE REPRODUCED IN COLOR



Revision No. Description Date By



Planning & Economic Development
Milton, Vermont

TAX MAP # 03-008-27

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2. By use of these drawings for construction on the Project, the Owner represents that they have reviewed, approved, and accepted the drawings, obtained all necessary permits, and have met with all applicable parties/disciplines, including but not limited to the Engineer and the Architect to make these plans properly coordinated including, but not limited to, contract documents, specifications, owner/contractor agreements, building and mechanical plans, private and public utilities, and other permit permits for construction.

3. Owner and Architect are responsible for final design and location of buildings shown, including an area measured a minimum five (5) feet around any building and coordinating final utility connections shown on these plans.

4. Prior to using these plans for construction layout, the user shall contact TCE to ensure the plan contains the most current revisions.

5. These Drawings are specific to the Project and are not transferable. As instruments of service, these drawings, and copies thereof, furnished by TCE are its exclusive property. Changes to the drawings may only be made by TCE. If errors or omissions are discovered, they shall be brought to the attention of TCE immediately.

6. It is the user's responsibility to ensure this copy contains the most current revisions. If unsure, please contact TCE.



Project File: **Rennline, Inc.**
Lot 26
32 Catamount Drive
Milton, Vt.

Sheet Title: **Legend and Notes**

Legend and Notes

Date:	06/01/2015
Scale:	N/A
Project Number:	08-056
Drawn By:	EMF
Project Engineer:	AAD
Approved By:	
Field Book:	

C1-00



14B
N/F
HEARTHSTONE
QUALITY HOME
HEATING
PRODUCTS, INC.
v.211, p.382
03-008-145

20
N/F
GFA REALTY, INC.
v.332 p.396
03-008-20



Revision No. Description Date By

RECEIVED

JUN 01 2015

Planning & Economic Development
Milton, Vermont

TAX MAP 4 03 008 27
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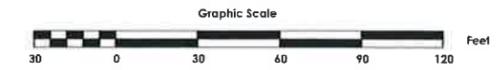
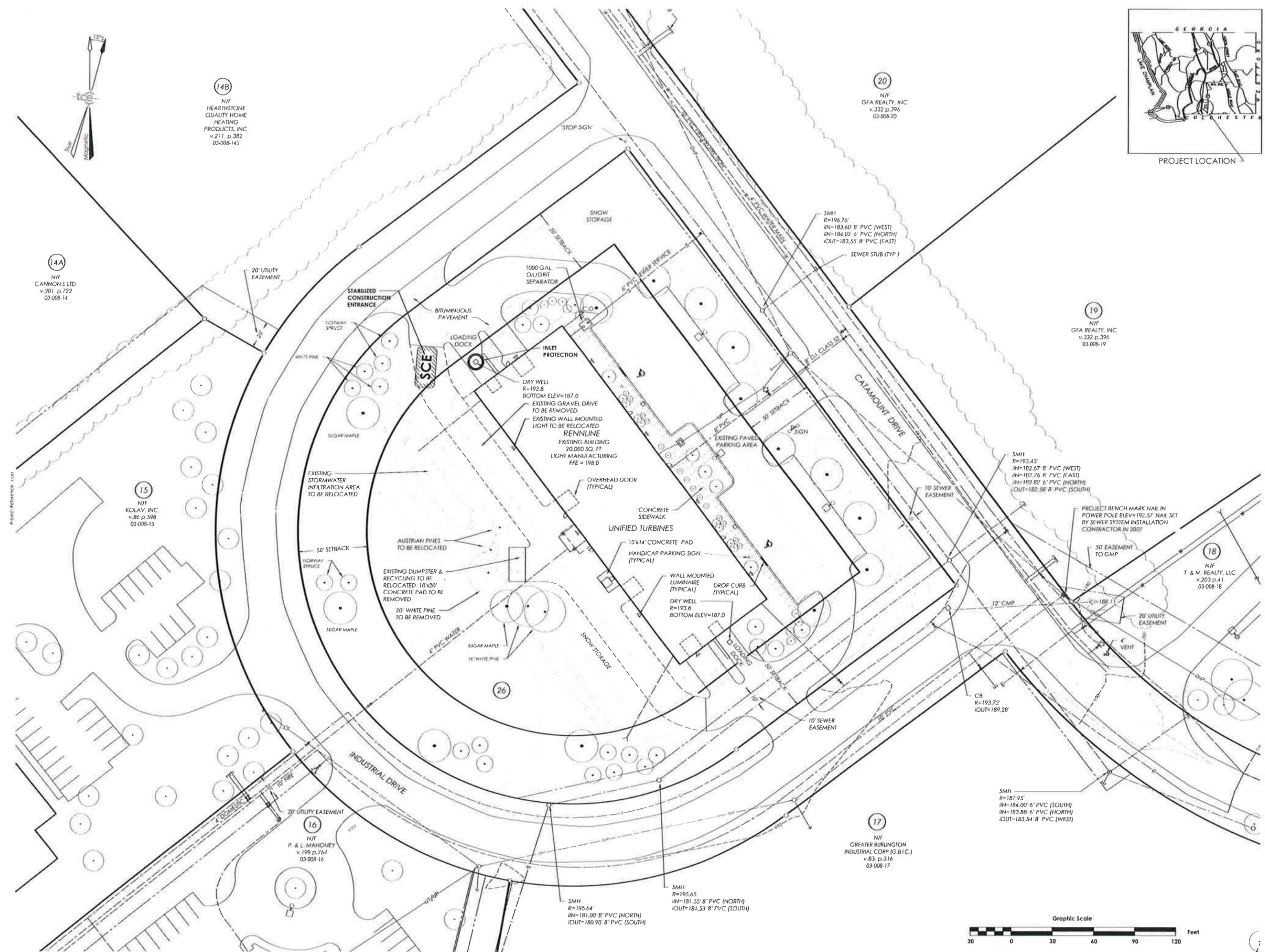
Project Title

Rennline, Inc.
Lot 26
32 Catamount Drive
Milton, VT.

Sheet Title
**Existing Conditions,
Demolition & Erosion
Control Plan**

Date:	06/01/2015
Scale:	1" = 30'
Project Number:	08-056
Drawn By:	BJP
Project Engineer:	AAD
Approved By:	
Field Book:	

C1-01



14A
N/F
CANNON S LTD
v.301, p.722
03-008-14

15
N/F
KOLAV, INC.
v.86 p.398
03-008-15

16
N/F
P & L MAHONEY
v.199 p.754
03-008-16

17
N/F
GREATER BURLINGTON
INDUSTRIAL CORP (G.B.I.C.)
v.83, p.316
03-008-17

19
N/F
GFA REALTY, INC.
v.332 p.396
03-008-19

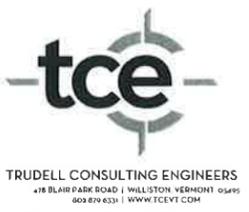
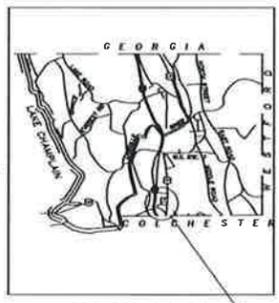
18
N/F
T & M REALTY, LLC
v.203 p.41
03-008-18

Project Reference: 8400



14B
N/F
HEARTHSTONE
QUALITY HOME
HEATING
PRODUCTS, INC.
v.211, p.382
03-008-145

20
N/F
GFA REALTY, INC.
v.332 p.396
03-008-20



Rev: 01
By: Description Date By

RECEIVED

JUN 01 2015

Planning & Economic Development
Milton, Vermont

TAX MAP # 03-008-27
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Project File

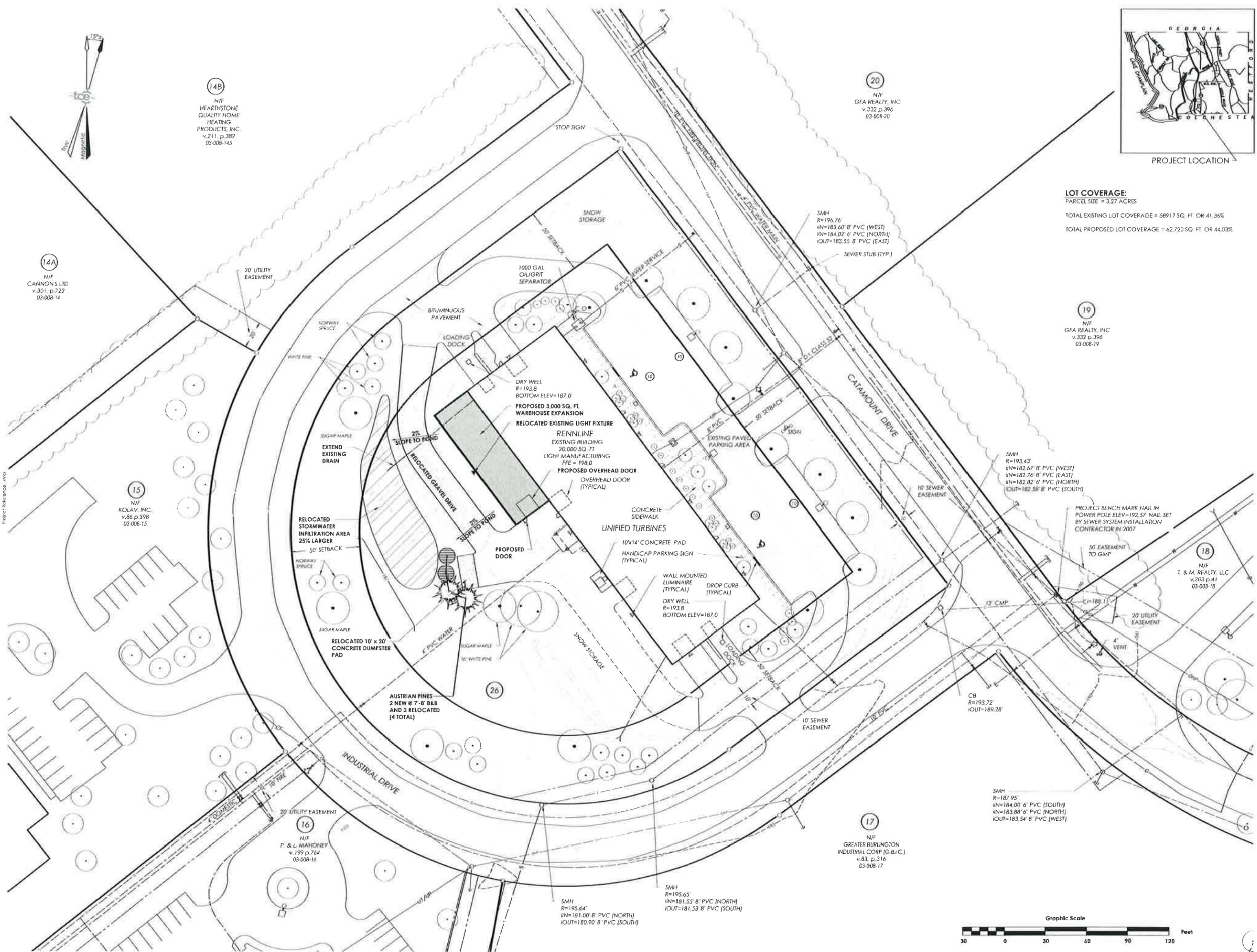
Rennline, Inc.
Lot 26
32 Catamount Drive
Milton, VT.

Sheet File

Site Plan

Date	06/01/2015
Scale	1" = 30'
Project Number	09-056
Drawn By	BMP
Project Engineer	AAD
Approved By	
Field Book	

C2-01



LOT COVERAGE:
PARCEL SIZE = 3.27 ACRES
TOTAL EXISTING LOT COVERAGE = 58917 SQ. FT. OR 41.36%
TOTAL PROPOSED LOT COVERAGE = 62,720 SQ. FT. OR 44.03%

19
N/F
GFA REALTY, INC.
v.332 p.396
03-008-19

SMH
R=193.43'
IN=182.67' 8" PVC (WEST)
IN=182.76' 8" PVC (EAST)
IN=182.82' 6" PVC (NORTH)
OUT=182.58' 8" PVC (SOUTH)

18
N/F
T & M REALTY, LLC
v.203 p.41
03-008-18

SMH
R=187.95'
IN=184.00' 6" PVC (SOUTH)
IN=183.89' 6" PVC (NORTH)
OUT=183.54' 8" PVC (WEST)

17
N/F
GREATER BURLINGTON
INDUSTRIAL CORP (G.E.I.C.)
v.63, p.316
03-008-17

SMH
R=195.65'
IN=181.55' 8" PVC (NORTH)
OUT=181.53' 8" PVC (SOUTH)

15
N/F
KOLAV, INC.
v.86 p.598
03-008-15

14A
N/F
CANNON'S LTD
v.301, p.722
03-008-14



TOWN OF MILTON

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

43 Bombardier Road
Milton, Vermont 05468-3205
www.miltonvt.org
(802) 893-1186



STAFF UPDATE MEMO

TO: Development Review Board
Planning Commission
Economic Development Commission
Conservation Commission
Technical Advisory Committee
Regional Planning Commissioner

FROM: Planning Staff

CC: Town Manager

DATE: Finalized on Friday, June 19, 2015

RE: PLANNING DEPARTMENT STAFF UPDATE (6/8-6/19)

We welcome any questions you may have.

BOARD/COMMISSION ACTIVITY

Selectboard (Planning/Development Items)

- ▶ Agendas and minutes are available [online](#).
- ▶ **Met on 6/15**
 - Approved Capital Improvement Plan
 - Conducting Development Review Interim Zoning Hearing for Self-Storage Expansion, which was recessed to allow an advisory opinion from the Planning Commission.
 - Appointed Hemmerick Acting Zoning Administrator in the event of an extended Zoning Administrator absence.
 - Appointed Hemmerick to the [CCRPC PAC Committee](#).
- ▶ **Will meet next on 7/6**

Planning Commission

- ▶ Agendas and minutes are available [online](#).
- ▶ **Met on 6/15**
 - Held [Public Forum on Interim Zoning](#) to discuss future development.
 - Reviewed proposal for technical assistance.
- ▶ **Will meet next on 6/30**

Regional Planning Commission

- ▶ Agendas and minutes are available [online](#).
- ▶ **Met on 6/17 to conduct Annual Meeting**
 - Elected officers.
 - Warned Public Hearing for FY16-19 Transportation Improvement Program.
 - Made appointments to Active Transportation Plan Committee.
 - Heard Committee and Liaison Reports
 - Heard Presentation by New Secretary of Transportation Sue Minter

Economic Development Commission

- ▶ Agendas and minutes are available [online](#).
- ▶ **Met on 6/10**

- No quorum.

Conservation Commission

- ▶ Agendas and minutes are available [online](#).
- ▶ **Met on 6/6**
 - Conducted trail marking work day at Eagle Mtn.
- ▶ **Will next meet on 6/23**

Development Review Board

- ▶ Agendas, meeting materials and minutes are available [online](#).
- ▶ **Met on 6/11:**
 - ▶ Hearings Conducted: 860 East Road, 3-lot mCS Sketch, Blondin
 - ▶ Decision(s) Signed: 78 Precast, BLA and PUD-I Final Plan, Camp Precast LLC (APPROVED)
 - ▶ Plat(s) Signed: None

DRB Cases in Deliberation or Pending Written Decision

- US Route 7 South, Site Plan for Public Warehousing (Self-Storage), A. Turner

DRB Vacancies

▶ Three unexpired terms for vacant alternate seats are available. Alternates relieve pressure from full members by filling in during absences or conflict of interest recusals.

DRB 6/25 Meeting, Upcoming Applications

- ▶ Green Field Way Development - Variance - Green Field Homeowners Association.
- ▶ Catamount 32 - Site Plan for Admin PUD - Rennfield Inc. / PEJ LLC

DRB 7/9 Meeting, Upcoming Applications

- ▶ 159 East Road, 7-lot MCS Sketch, Martell/Blondin
- ▶ Catamount Lot 14B, Site Plan for Trucking Distribution, T. Chase Investments LLC

DRB 7/23 Meeting, Upcoming Applications

None

Pending Environmental Division of the Superior Court Appeals

▶ **Route 7 South 368, PUD-M Final Plan Amendment XIII, Southerberry Phase III, Southerly Side of US Route 7 LLC/Sawyer**

Mediation with Town was conducted on 4/21 and continued to July. If mediation is not successful a trial hearing is scheduled for 9/15 and 9/16.

▶ **297 McMullen, CU & SP for Earth and Mineral Excavation, J&M Sand**

Received Appellants statement of questions on 6/5, filed with the Court on 5/12. Court hearing held on 6/8. Adjoining property owner filed an appearance. Court scheduled another status conference mid-July.

CITIZEN PLANNER TRAINING & DEVELOPMENT

General information and training opportunities are shown below. If you're interested in attending any of the events below, please contact Staff, so we can put in a purchase order request and arrange registration (if approved). If you register yourself, the Town will not be able to reimburse you. In order to leverage the Town's investment and build a culture of knowledge sharing, we encourage attendees to write up a short summary of key takeaways from the event to share with stakeholders.

▶ **Renewable Energy Vermont Conference and Expo: October 8-9**

This year's conference, *Leading the Energy REvolution*, will be held at the Sheraton in Burlington on October 8th and 9th. [\[Learn More\]](#)

▶ **Absent Member Participation in Continued Hearing**

ATTACHED is a short article on when an absent member may participate in a continued DRB hearing.

▶ **Governing Article on Infrastructure Investment**

ATTACHED is a short article from *Governing Magazine* about transportation spending and the ability of governments to sustain maintenance costs. The main subject of the article is also a speaker at the Congress of New Urbanism's meeting next Wednesday in Boston, where they are discussing how New England's small

and medium-sized cities and towns best leverage infrastructure investment to support economic growth and resilience. This policy trend seems to be gaining attention/traction and could influence regional transportation funding. Please note that this is not an endorsement of these ideas, but something worth keeping an eye on -- whichever side you land on.

GENERAL NEWS

▶ **Organizational Meetings**

Boards and Commissions will need to hold organizational meetings after appointments have been made to elect officers for the next year. This is typically done in July.

▶ **The Milton Pedestrian and Bicycle Scoping Study**

RPC Study is final and available online:

https://ccrpcvt-public.sharepoint.com/Studies%20and%20Reports/Final_Milton_Ped_Bike_reduced.pdf

▶ **State Comprehensive Energy Plan**

The Public Service Department has finalized plans for four half-day expert/stakeholder workshops on the 2015 Comprehensive Energy Plan later this month. Please review these descriptions and, if you would like to participate, email PSD.ComprehensiveEnergyPlan@state.vt.us by June 12 with your meeting choice(s).

▶ **Energy efficiency**

June 24, 8:30am-noon

Noble Hall, VCFA, Montpelier

The session will address energy efficiency in stationary applications, including electric power, building heat, and industrial process heat. Discussion topics will include identification of market barriers, economic development opportunities, program design, funding, financing, and codes and standards.

▶ **The electric grid and utility issues**

June 24, 1:00pm-4:30pm

Noble Hall, VCFA, Montpelier

The session will address issues specific to the electric sector, including grid infrastructure, utility planning and regulation. Discussion topics will include advancing integrated utility planning in a context of increasing distributed energy resources, utility rate and regulatory structures, least cost infrastructure planning, and how to best take advantage of the smart grid to advance energy, environmental, and economic objectives.

▶ **Energy supply resources**

June 30, 8:30am-noon

Capitol Plaza, Montpelier

The session will address energy supply resources across all sectors, including electric, heat, and transportation. Discussions will focus on energy resources (including wind, solar, solid biomass, biofuels, biogas/digesters, natural gas, and petroleum). For each resource, discussions will identify the current state of the market, future potential, challenges/barriers, and potential strategies for best use of the resource to meet Vermont's energy needs. (While land use for energy supply *will* be addressed here, the PSD expects to primarily solicit input for the CEP regarding siting for electric generation through the concurrent siting task force process required by H.40.)

▶ **Transportation**

June 30, 1:00pm-4:30pm

Capitol Plaza, Montpelier

The session will address energy use in transportation, including the demand for mobility and vehicle/fuel choice. Discussion topics will include policies addressing land use/smart growth; the availability of different modes (bike, ped, transit, carpool, rail, etc.); interaction of energy policies with transportation revenue policies; electric vehicles; and liquid biofuels and other options for heavy duty transport.

▶ **Solid Waste Changes**

▶ **Landfill ban on untreated wood:** In Chittenden County, any wood that has not been treated with any chemical, stain, preservative, paint, oil, or adhesive will be banned from landfill disposal. This includes [natural wood](#), such as branches and logs, as well as [lumber, pallets, etc.](#) CSWD is enacting its untreated wood ban a year earlier than the Act 148 statewide mandate because local companies have succeeded in finding reliable markets for reusing the material and are providing ways to collect and deliver that material to those markets.

► **Statewide landfill ban on mandatory recyclables:** Certain recyclable materials and items have been banned from the landfill in Chittenden County since 1993. Now Act 148 stretches most of that ban across the entire state of Vermont! Click here for a list of Chittenden County's [mandatory recyclables](#).

► **Wayfinding Webinar**

In the last update, Hemmerick mentioned that he attended a webinar on Wayfinding. Since a picture is worth a thousand words, see some examples below done by a firm for Holland, Michigan. The signage helps provide community identity and information to aid visitors and residents in discovering the local assets. Wayfinding signage was a recommendation by the Improvements Committee. On a related note, the SLB approved the acceptance of a \$10,000 gift to complete new signage (to match what was installed last year) at the Municipal Building (Police, Fire, Rescue).



► **ADA 25th Anniversary Celebration: July 10**

On July 10 the United States is celebrating the 25th anniversary of the Americans with Disabilities Act. For those of you with personal or family experience of a disability, the significant is certainly not lost -- particularly for the built environment.

PLANNING DIRECTOR ACTIVITIES

- 6/8, Conducted Planning Department's weekly staff meeting to prioritize projects.
- 6/8, Reviewed itinerary for Town Manager candidates visits on Thursday.
- 6/8, Met with Joey Blondin about incomplete Sketch Plan Application, he returned with a complete application.
- 6/8, Met with Dave Burke and Jeff Jimmo regarding and expansion to 107 Catamount. Answered follow-up on whether another unit triggers PUD review.
- 6/8, Responded to Public Information Request for J&M Sand Court Information from the *Milton Independent*.
- 6/8, Reviewed Selectboard Agenda for Planning item additions.
- 6/8, Replied to inquiry from Stannard House Committee about subdivision application.
- 6/8, Replied to Interested Person to the J&M CU and SP for Earth and Mineral Excavation inquiring about the Town's legal representation.
- 6/8, Revised the DRB's Agenda for re-warning for location change.
- 6/8, Met with Cathedral Square's Team, Fire Dept, and Public Works to address SP Decision landscaping conditions. The street trees will be moved out of the right-of-way but the Fire Dept. found that the proposed trees beside the building may stay.
- 6/8, Conducted TAC meeting in preparation for 6/25 DRB.
- 6/9, Vacation Day

6/10, Replied to an e-mail forwarded by Planning Commissioner Micklus from property-owner Jamie Parent about possible economic fee waiver incentives. Explained language of Impact Fee Ordinance, Water/Wastewater Ordinances, and Sidewalk Program. Mr. Parent objected to the Town's development fee schedule as onerous.

6/10, Edited EDC's July Agenda for speakers proposed by the Interim Manager.

6/10, Took call from Gail Henderson King of White and Burke LLC inquiring into the availability of data on the number of dwelling units in Milton by typology. Also requested copy of last Staff Update, which I provided.

6/10, Fielded call from Bernie O'Rourke to talk about Blackberry Commons Landscaping Plans.

6/10, Replied to inquiry from Cross Consulting Engineers on abutters notices and DRB deadlines. They have a BLA and mCS Sketch that they would like to be heard at the same meeting, but as separate hearings.

6/10, Fielded call from Town's Attorney in regard to Environmental Court Appeal.

6/10, Fielded a call from Mark Bove about the Manufacturing Site Plan approval and economic development incentives.

6/10, Assisted a title searcher on a property with an irregular subdivision history.

6/10, Followed up with an interested person about an environmental court appeal.

6/10, E-mailed Paul Jacques regarding 32 Catamount SP Application and Water Allocation related to new machinery, added conversation between Jacques and Public Works to file. Concluded that if SP approval is successful, contract secured, and machinery installed, the Applicant will have to amend his State Permit and local allocation to meet the machinery's needs.

6/10, Filed Sidewalk Scoping Study Report.

6/10, Filed Conservation Commission Trial Color Standards drafted by Commissioner Pease and discussed a Milton Pond Dam Study report with Commissioner Pease.

6/10, Had a long meeting with Scott Levy, business-owner of North Country Saloon, to talk about Site Plan compliance and possible amendment.

6/10, Spoke with Curt Carter, Vice-President at GBIC, who dropped off revised plat for Lot 11 of Catamount, for a small revision to an easement noted in the Decision. A prior Plat has already been recorded. Sent attorney inquiry on 6/10 to see how to ensure that the minor change is done in a manner to make the title clear.

6/10, Spoke with former Planning Director Regina Mahoney about upcoming Interim Zoning Forum and a possible RPC study that would evaluate the relationship between transportation costs and housing affordability. I'm getting more details prior to bringing this to the PC for consideration.

6/10, Sent counsel question about the applicability of the Site Plan Review Standards and the General Provisions of the Zoning Regulations for administrative Site Plan Amendments. Waiting to hear back.

6/10, Sent follow-up response to Jeff Jimmo and Dave Burke regarding and expansion to 107 Catamount, investigating whether unitizing the existing structure would require the establishment of a PUD. My interpretation of the PUD language is that a three-unit building, even with each unit containing the same principal use (light industrial) and within a single principal structure or building in singular ownership, would have to be established as a PUD.

6/10, Spoke with Commissioner Lindsay about Spring Planning & Zoning Forum takeaways.

6/11, Wrote Staff Report analyzing Interim Bylaw Conditional Use Application for the Selectboard's 6/15 Hearing.

6/11, Held two informal meet and greets with Town Manager Candidates.

6/11, Drafted Powerpoint for Planning Commission Public Forum on Interim Zoning. Met with Planning Commission Chair to finalize presentation.

6/11, Staffed DRB meeting.

6/13, Vacation Day

6/15, Conducted Project Review

6/15, Reviewed & Approved Department's Time Sheets

6/15, Signed Planning Director Letter of Hire and Personnel Action Form

6/15, Learned that the I-3 Husky Parcel west of the Lamoille is for sale. Without water/wastewater, industrial development appears unlikely, leaving predominantly outdoor recreation uses with primo access to Arrowhead Lake. I spoke with Mike Fraysier of VT FPR about the State Lands Acquisition Committee to learn more about private/public partnerships and State interests. He said it's unlikely that the State would have any interest in the land unless Arrowhead Mtn. came into play for a conservation easement.

6/15, Prepared Interview Questions for Planning Assistant interview.

6/15, Prepared PC Agenda.

6/15, Reviewed PC Minutes of 6/2 for packet.

6/15, Met with HR Coordinator to review status PA and TP hiring process.

6/15, Researched landscaping plan for Lost Tree Condos Association Member Jodi Adams on Checkerberry Square, regarding tree replacement.

6/15, At the DRB's request, contacted PW Director about adequacy of safety signage at East Road approaching railroad underpass. Pending response.

6/15, Had discussion with ZA on whether the FH District is an overlay and its relationship with the R6 language on and stairway/dock permitting.

6/15, Reviewed DRB's draft minutes of 6/11 drafted by Assistant.

6/15, Met with Town Manager about economic incentives programs/possibilities.

6/15, Took some time to prepare for that evening's hearing by reviewing staff report and creating interested person sign-in sheet.

6/15, Made edits requested by Commissioners and finalized Planning Commission's Powerpoint for the 6/16 hearing. Posted online.

6/15, Attended Selectboard Meeting to represent Interim Zoning Application.

6/16, Reviewed Clapper Road PUD Final Site Plans with Zoning Administrator. Decision conditions have not been met. Sent message to Engineer about required changes.

6/16, Contacted VTRANS regarding Clapper Road entrance saying that the plans are compliant as they concern the highway access.

6/16, Held Planning Dept. weekly staff meeting to discuss ongoing projects.

6/16, Discussed Greenfield Way Variance Application with adjoining property owner concerned about the proposal.

6/16, Met with TM and phoned a developer to discuss project status.

6/16, Fielded call from Town Attorney about Catamount 11 easement and desire to change the recorded Plat; followed up with GBIC's Curt Carter saying that the application would have to go back before the DRB (per the SR950) to make the desired change to the Plat, but he noted that the change isn't really necessary given the clarity in the Deed's language, which would be clearly interpreted to say that the easement benefits 11A.

6/16, Fielded call from citizen about Interim Zoning Forum who had general questions.

6/16, Engineer dropped off Mackey Street mCS Plat for DRB signature. ZA and I reviewed Decision to ensure that the condition addressing the non-conformity is adequately met.

6/16, Reviewed and edited 7/9 DRB project summaries for TAC Memo and DRB Agenda.

6/16, Contacted DRB Acting Chair to ask availability about signing last-minute Plat submission.

6/16, Investigated Wagner Woods PRD Approval for Brock Rouse and Brad Dousevicz to answer question about elevations.

6/16, Spoke with a potential buyer in Beaverbrook interested in Subdivision opportunities.

6/16, Briefly met with PC Chair to discuss that night's forum; prepared maps and handouts for forum.

6/16, Staffed PC's Public Forum.

6/17, Replied to Regina Mahoney's inquiry about Milton's interest in a study for which the RPC and VNRC is seeking participants. I've asked for more information to bring to the PC.

6/17, Wrote to Supt. of Schools to inquire about the status of the School Board's appointment to the Impact Fee Appeals Board. This will be on a June Agenda.

6/17, Contacted the TM to note the PC's endorsement of the potential Planning Consultant's Work Plan proposal. TM and I called consultant to discuss terms.

6/17, Updated Commission activities in this memo.

6/17, Attended Department Head Meeting to share interdepartmental updates.

6/17, Replied to inquiry from a resident's interest about appointment to the EDC and the Town's policies on Conflicts of Interest.

6/17, Planning Consultant Saxton called to see if a reschedule of the PC's 6/30 meeting is possible. Sent out query to PC to see if a move is possible.

6/17, Fielded call from Lamoureux and Dickinson (Brian Tremback) about SR and a possible subdivision on Hibbard and Lake.

6/17, Fielded another call from Lamoureux and Dickinson (Chris Day) with question about Catamount 14B hearing date.

6/17, Posted Town Planner job ad on Zoning Administrator's Listserve and Vermont Planning Association Listserve.

6/17, Requested that Finance add a contracted service budget line to Planning's budget for Westaff and Consulting billing. Finance noted that we were billing to the wrong account.

6/17, Deemed a BLA application from Harrison incomplete because it was missing approximately 10 items listed on the Application's checklist as well as the substantive requirement that a draft survey be submitted.

Deemed the associated mCS application complete. Sent letter to Harrison and placed in file.
6/17, Reviewed neighboring communities DRB forms to undertake a form update to improve customer service and clearly communicate expectations.
6/17, Answered a question from Richmond's Planner about temporary planning assistance as she prepares for maternity leave.
6/17, Responded to public information request from *Milton Independent* on J&M Sand appeal to Superior Court.
6/18, Sent counsel a question on PC's review of the SLB's Interim Zoning Application and if any testimony could be taken at the meeting during which they review the application. She replied by phone. The meeting must be Open but it should not be conducted as a hearing. I provided a summary for the PC.
6/18, Wrote Decision for US Route 7 South, Site Plan for Public Warehousing (Self-Storage), A. Turner
6/18, Orchestrated reschedule of PC Meeting from 6/30 to 6/29 to accommodate shifting availabilities.
6/18, Replied to inquiry from RPC and VNRC about an affordability study. Kate McCarthy will send over more information.
6/18, Spoke with Planning Commissioner Lindsay about a research project to reconstruct a timeline of major planning initiatives in Milton.
6/18, Met with Developer Bud McCormick and his daughter Sue Oliviera to discuss their 2010 PUD approval. Will follow-up with information on traffic light installation requirements.
6/18, DRB Acting Chair Jenkins stopped by to sign a time-sensitive Plat for Mackey Street.
6/18, Briefly met with Tom Chase about his Site Plan application scheduled for hearing on 7/23.
6/19, Filed the executed contract for Brandy Saxton of [PlaceSense](#) who will be providing technical assistance to the PC to develop solutions to address the goals of the Interim Zoning Bylaw.
6/19, Replied to e-mail from Director of Vermont Recreation and Parks Association about presenting at the fall conference on effective cooperation between Planning & Recreation Departments and planning tools available to support recreation. I committed for September 2016.
6/19, Prepared CC Agenda and packets, confirming presenter's attendance, and inquiring on Eagle Mtn. kiosk status with Lake Champlain Land Trust Director.
6/19, Discussed landscape surety Letter of Credit terms with Mark Bove for his Catamount Site Plan.
6/19, Finalized Decision for US Route 7 South, Site Plan for Public Warehousing (Self-Storage), A. Turner
6/19, Prepared Staff Report for Greenfield Way Variance Application.
6/19, Met with Human Resources Coordinator to further prepare for the search and hiring process.
6/19, Prepared 6/25 DRB packets.

TOWN PLANNER REPORT

Job opening posted.

ZONING ADMINISTRATOR, HEALTH OFFICER & E-911 COORDINATOR REPORT

Zoning/Development Review Consultations

- ▶ Consulted with owner at 698 Everest Road regarding Conditional Use application for stairs/landing down to shoreline. Submitted application 6/19.
- ▶ Doing research regarding previously approved subdivisions on Petty Brook Road and 23 Riverside Drive for realtor.
- ▶ Confirmed with two realtors that there are two pre-existing dwelling units at 155-171 McMullen Road.

Zoning Permits Issued/Denied

- ▶ 9 Zoning Permits approved:
 - 5 residential alterations
 - 1 residential amendments
 - 1 residential renewal
 - 1 new single family home

Certificates of Compliance Issued/Denied

- ▶ 8 CO's issued – residential

Administrative Site Plan Amendments

▶ None.

Zoning Voluntary Compliance Letters/Violations Issued

- ▶ Still in correspondence with the owner of North Country Saloon regarding the outdoor seating area. Owner has moved the fence out of the right-of-way. Owner is putting up a gate to delineate the outdoor seating area. Will be doing inspection for CO once gate is installed.
- ▶ Spoke with owner of 679 Everest Road regarding the existing violation of a retaining wall without Conditional Use approval on the access easement held by Dave Goodrich. Received notice that stairs were added to the location, viewed additional violation on 6/17. Spoke with Goodrich on 6/18 and he will be moving portable stairs to the top of the grassed area. Contacted and received update from Kevin Burke at the Watershed Division that he has performed multiple inspections and they are unsure if the work will result in a violation from the state. Property owner and Goodrich are in continued litigation.
- ▶ Issued VCL for 4 Cherry Street, CP Auto – Unpermitted sign, not parking according to site plan, exceeding approval of site plan, junk vehicles.

Litter Voluntary Compliance Letters/Violations Issued

- ▶ 11 Watkins Road Violation Letter sent.
- ▶ 379 Route 7 South Litter Violation now recorded.
- ▶ Spoke with owner of Advance Auto regarding VCL that was issued. Junk and vehicles will be removed, and will be parking according to Site Plan. Will be following up on June 25, 2015 for a site inspection.

Intent to Issue a Health Order/Health Orders Issued

- ▶ Waiting on confirmation times for inspections to be performed for possible Rental Housing Code violations.

E-911 Addresses Assigned

- ▶ 199 Duffy Road.

GLOSSARY

BLA	Boundary Line Adjustment
CC	Conservation Commission
CO	Certificate of Occupancy/Compliance
CP	Comprehensive Plan
CU	Conditional Use
DRB	Development Review Board
EDC	Economic Development Commission
HO	Health Order
mCS	Minor Conventional Subdivision
MCS	Major Conventional Subdivision
PC	Planning Commission
PWS	Public Works Specifications
PUD-M//C/R	Planned Unit Development <u>M</u> ixed-Use / <u>I</u> ndustrial / <u>C</u> ommercial / <u>R</u> esidential
SLB	Selectboard
SP	Site Plan
SR	Subdivision Regulations
TAC	Technical Advisory Committee: Police, Fire/Rescue, Public Works, School, Recreation
TM	Town Manager
VCL	Voluntary Compliance Letter
ZA	Zoning Administrator
ZP	Zoning Permit
ZR	Zoning Regulations

Disclaimer:

While the Town of Milton strives to be accurate in all communications, any comments made in this informative courtesy memo do not constitute final decisions of the Town or its officers and should not be relied on as definitive statements as to the interpretation or application of land use laws and development regulations.

By Alan Ehrenhalt



Pavement Enslavement

The message from a “pariah”—stop building new highways—is gaining traction.



JOHN CONNELLY PHOTOGRAPHY

It would be easy to dismiss Charles Marohn as a crank. At a time when half of Washington is batting around numbers that purport to reveal how much money Congress should spend to save the nation’s troubled transportation system, Marohn is suggesting the simplest number of all: zero. What the system needs, Marohn says, isn’t a big infusion of cash, but a thorough examination of what it ought to be doing in the first place. Barring such an examination, he wouldn’t give the transportation system a dime.

Marohn is an unrepentant iconoclast, but he is no crank. He is a soft-spoken civil engineer from small-town Minnesota who spent most of two decades giving local governments conventional advice on how to build and repair roads, sidewalks and bridges. His solutions came straight out of the *Green Book*, published by the American Association of State Highway and Transportation Officials, the bible that engineers all over the country use in dealing with transportation issues. But eventually he decided that his advice wasn’t worth much. He was telling com-

munities to build high-speed streets and highways that were neither attractive nor safe. What the local residents really needed, Marohn came to believe, was less-intrusive, lower-speed infrastructure that fostered human-scale street life and a safe pedestrian presence.

So Marohn put aside his *Green Book* and became an activist. He started the blog *Strong Towns* and began putting his dissenting ideas into print. He followed up by developing a presentation of these ideas, called the Curbside Chat, and taking it to audiences around the country. He found himself attracting good-sized crowds and coverage in the local media.

Five years and 200 Curbside Chats later, Marohn has made himself a stealthy presence in the current debate over federal transportation law. Some of the players in Washington have barely heard of him. But if you ask local leaders in Sarasota, Fla., or Sandpoint, Idaho, or York, Pa., you will find many who not only know about him but also pay attention to him. “There’s a groundswell that we’re giving voice to,” he insists. “Our strength is talking to normal people.”

I spoke with Marohn by phone recently as he drove to Palm Beach, Fla., to give a Curbside Chat presentation before flying to La Crosse, Wis., to give another one the next night. He reiterated his view that the country can survive a while longer without a sweeping new federal transportation bill. Doing nothing, he said, “is preferable to throwing a lot of money at the current approach.”

The gospel according to Marohn is simple enough to put into a few words: We have built too many highways. We have built them in places that didn’t need them. We have built them in places that can’t afford to maintain them. That’s why the federal Transportation Trust Fund is going broke. And if Congress approves a new transportation bill under the old rules, we’ll just build more unneeded roads and force the communities that host them into a further cycle of debt.

Marohn isn’t against spending federal dollars to repair the infrastructure we have. He’s against handing more money over to transportation planners who will always be able to find an excuse to build something new. “The present system is overbuilt and is going to contract,” Marohn recently wrote. “We have so much transportation infrastructure that every level of government is now choking on maintenance costs. I’m tired of seeing bridges fall down and expensive roads go bad while we spend billions on new stuff we will never be able to maintain.”

Marohn identifies himself as a conservative Republican, a stance that seems compromised in some ways by his close ties to the New Urbanist movement, most of whose leaders are liberal Democrats. But in keeping with his Republican roots, Marohn makes his arguments against highway building from a fiscal perspective. He doesn’t talk much about climate

change, aesthetics or social justice. He talks about wasting the taxpayers' money.

Marohn tells his Curbside audiences that highway building and suburban sprawl are essentially a Ponzi scheme. A new interchange or bypass connected to an interstate highway brings a community a much-appreciated windfall as residential and commercial development takes place near the highway, and the homeowners and commercial tenants begin contributing property taxes to the local treasury. For a few years, everyone is happy. But in the long run, property taxes aren't sufficient to meet the costs that the development creates: additional sewers, road repair, and the creation of new parks and public schools to cater to the families that move in.

The local government can cover these bills by attracting more growth, and this is what many of them do. The new round of growth pays for the previous one—this is why Marohn calls it a Ponzi scheme. But the opportunities for growth are ultimately finite, and eventually most communities are forced into debt to pay for all the growth they have cheerfully approved. "Few cities," Marohn says, "have any clue of the scale of their commitment for infrastructure maintenance."

Marohn's is a coherent theory of how governments got themselves into the predicament that now befalls them. There are plenty of others. The federal gas tax hasn't been increased by Congress since 1993. Given a sufficient boost, it might come close to supporting the nation's infrastructure needs in 2015. Marohn argues that even if this is true, the gas tax hike that would be required now for catch-up purposes would be so large as to be politically impossible. On this score, he is probably right.

Free-market conservatives say that had the Highway Trust Fund not been "raided" during the Reagan administration to include money for mass transit, it would be much closer to solvency than it is today. This may be true as well. But the

trust fund was broadened to include transit as a way of attracting urban and some suburban votes; those votes are likely to be as crucial now as they were in the 1980s.

Defunding new highways altogether is not an idea that Congress is likely to take seriously as it debates a long-term transportation policy. Republicans have flirted with it, though. Earlier this year, two GOP lawmakers, Sen. Mike Lee of Utah and Rep. Tom Graves of Georgia, proposed what they call the Transportation Empowerment Act, which would reduce the gas tax from its current 18.4 cents a gallon to 3.7 cents over five years and turn almost all responsibility for the federal highway system to the states. The modest amount of money left in the trust fund would be used only for maintenance of existing highways. Any state that wanted a new highway within its borders would have to finance the project with its own tax money.

This idea is a nonstarter for congressional Democrats and the Obama administration, and for a significant number of Republicans as well. It has no chance of being enacted into law. But it attracted an angry blast from the engineering and road-building establishment, whose leaders argue that in the antitax environment that prevails across much of the country, most states would not replace the federal money they were losing. Crucial infrastructure needs would go unmet. Marohn, unpredictable as usual, responded that the Republican idea might be worth listening to. At first, he wrote recently, "I wasn't an advocate of the Transportation Empowerment Act. If you are defined by your enemies, however, having hysteric members of the infrastructure cult line up against it makes me think it deserves a lot more attention."

In fact, it's not so certain that states would simply turn their backs on infrastructure responsibilities if the federal gas tax went away. As the highly respected transportation blogger Kenneth Orski has carefully documented, states have actually been quite busy on the transportation front while Congress

has made little progress. Orski reports that 23 states, many of them solidly Republican, have considered measures to raise transportation revenue this year. Several have gone for increases in their state gas taxes. Georgia, no bastion of free-spending fiscal policy, raised its fuel tax to 21.7 cents and indexed it to inflation. Maine Gov. Paul LePage, as cranky an antitax zealot as there is in the country, has proposed a new \$2 billion plan to rehabilitate state infrastructure.

So it's at least plausible that quite a few states would put serious money into infrastructure if the federal trust fund went away. That would give Marohn a sort of moral victory over the highway construction lobby, his arch-enemy. But it wouldn't really satisfy him, because for the most part the states have been as fixated on new construction as the feds are. A true victory for Marohnism would require not just a shift in transportation dollars but also a shift in transportation thinking. That doesn't seem to be on the immediate horizon.

Still, there are small signs of change even at the policymaking level. President Obama's six-year transportation proposal, while no more likely to be approved intact than the Republican plan, does include some touches friendly to Marohn and his mavericks. One provision would make it possible for states to charge tolls on more interstate highways. Another term would encourage more experiments in congestion pricing.

Meanwhile, in Ohio, the cities of Cleveland and Akron told the Department of Transportation recently that they wanted to divert some of their state money away from construction of new roads and into maintaining the existing ones: a "fix it first" policy. The state turned them down. For those who share Marohn's attitude toward transportation policy, however, what those cities wanted to do could be seen as a straw in the wind. "I'm a pariah," Marohn admits. "But I'm making progress." **G**

Email aehrenhalt@governing.com



Questions asked by VLCT members and answered by the League's legal and research staff

ASK THE LEAGUE

ABSENT MEMBER PARTICIPATION IN CONTINUED HEARING; EX-OFFICIO MEMBERS; SERVICE ANIMALS IN MUNICIPAL BUILDINGS; HOW ARE "SPECIAL" TOWN MEETINGS NOTICED?

A member of our PC/ZBA/DRB missed the first hearing for an application for development review. The hearing was continued. Can that absent member participate in the second part of the hearing?

The answer depends on whether this issue is addressed in the rules of procedure for

that Appropriate Municipal Panel (AMP, or planning commission, zoning board of adjustment, or development review board performing development review), whether an alternate has already been assigned to the pending case, and/or whether the town has adopted the Municipal Administrative Procedures Act (MAPA).

If an alternate has already been utilized, then that alternate will serve in that member's stead for the duration of the hearing including the conclusion of the hearing, its deliberative session, and issuance of the decision as a full voting member. If the town has adopted MAPA, then "(m)embers who have not attended every session of the board in a contested hearing may participate in the decision if they have listened to the recording of the testimony they have missed (or read transcripts of this testimony) and reviewed all exhibits and other evidence, prior to deliberation." 24 V.S.A § 1208(b). If an alternate has not been assigned, the town has not adopted MAPA and the rules of procedure do not address the situation, then the AMP could contact the applicant, explain the situation, and ask if he or she would agree to have the absent member listen to any audiotapes, if available, and review the minutes and written evidence submitted during the course of the proceedings in order for that member to participate in the future. Because the due process rights of interested persons are also implicated, we would also recommend that the AMP have the interested persons assent in writing before it moves forward.

*Garrett Baxter, Senior Staff Attorney
VLCT Municipal Assistance Center*

What does it mean to be an ex-officio member of a planning commission?

The term "ex officio" means "because of the office." An ex officio member of a body is a member of that body merely by virtue of holding another office.

Twenty four V.S.A. § 4322 provides "the selectmen [sic] of a rural town, or not more

(continued on next page)

UPCOMING MUNICIPAL ASSISTANCE CENTER WORKSHOPS

MUNICIPAL EMPLOYMENT LAW AND HUMAN RESOURCES WORKSHOP

Wednesday, June 3, Capitol Plaza Hotel and Conference Center, Montpelier

Vital for municipal managers, selectboard members, and all who supervise employees, this workshop teaches the fundamentals of personnel administration, including key aspects that are unique to the municipal setting. It will focus on the major state and federal employment laws and cases, including emerging employment issues, which affect municipalities as employers.

SPRING PLANNING AND ZONING FORUM

Wednesday, June 10, Lake Morey Resort, Fairlee

This workshop is designed for all local officials involved in the local planning and development review process. Zoning administrators, planning commissioners, development review board and zoning board of adjustment members, town administrators and managers, municipal planners, and regional planning commission staff are all encouraged to attend.

GOVERNMENTAL ACCOUNTING AND AUDITING SYMPOSIUM

Tuesday, June 16, Capitol Plaza Hotel and Conference Center, Montpelier

This annual symposium comprises a series of comprehensive educational sessions about governmental accounting and auditing presented by certified public accountants (CPAs) and state and local government officials. Continuing professional education hours are available for CPAs who attend.

*For registration, agendas, and other information, please visit
www.vlct.org/eventscalendar, call 800-649-7915, or email info@vlct.org.*

1 **TOWN OF MILTON DEVELOPMENT REVIEW BOARD**
2 **REGULAR MEETING MINUTES**
3 **Thursday, June 11, 2015**

4 Municipal Building Community Room
5 43 Bombardier Road ♦ Milton, VT 05468
6 802.893.1186 ♦ www.miltonvt.org

7
8 **Members Present:** Bruce Jenkins, Vice-Chair & Acting Chair; David Conley, Clayton Forgan,
9 and Henry Bonges.

10 **Members Absent:** Thomas Cole, Clerk

11 **Staff Present:** Jacob Hemmerick, Planning Director

12 **Others Present:** Joey Blondin, Chris Blondin, Lisa Marshall and Russell Baker.

13
14 **CALL TO ORDER**

15 Mr. Jenkins called the meeting to order at 7:00 p.m.

16
17 **ADDITIONS TO/DELETIONS FROM THE AGENDA**

18 None.

19
20 **PUBLIC FORUM**

21 None.

22
23 **PUBLIC HEARINGS ON APPLICATIONS**

24 The DRB opened the following hearing at 7:00 p.m.

25
26 **Sketch Plan Application, Minor Conventional Subdivision – Joan Blondin, Owner and Joey**
27 **Blondin, Applicant.** The Applicant requested Sketch Plan approval for a proposed 3-lot Minor
28 Conventional Subdivision located at 860 East Road, described as SPAN# 12711, Tax Map 4,
29 Parcel 31. Lot 1 contains an existing single family home and garage and is accessed via an
30 existing driveway off of East Road. Access to Lots 2 and 3 is proposed via a 40' right-of-way off of
31 Mars Hollow Road. All lots will be served by on-site wastewater systems and drilled wells. The
32 subject property contains a total of 33.8 acres and is located within the "Agricultural/Rural
33 Residential" (R5) Zoning District.

34
35 Joey Blondin and Chris Blondin were present for this hearing.

36
37 Mr. Jenkins administered the oath to interested persons.

38
39 In response to item number:

- 40 1. The Applicant stated that the building envelopes were put in place to protect privacy and
41 stated that they would be written into the deeds.
- 42 2. The Applicant agreed that the Final Plans shall clearly label all existing and proposed
43 easements and all lines shown on the plans shall have a corresponding explanation on
44 the legend.
- 45 3. The Applicant agreed that the Final Plan shall include a tax map and parcel reference.
- 46 4. The Applicant agreed that the Final Plan Application shall include responses
47 demonstrating accordance with Subdivision Regulations Section 700 standards.
- 48 5. The Applicant agreed that the Final Plan Application must be submitted within 6 months
49 of sketch plan approval, and contain those items in Subdivision Regulations Section 610
50 and so forth.

- 51 6. The Applicant agreed that the Final Plans shall show a stormwater easement and
52 ensure that property drainage facilities are constructed to ensure that public roads are
53 not impacted.
- 54 7. The Applicant agreed that the Final Plan Application shall show exact dimensional
55 standard for existing development to be retained, explaining that they do not intend to
56 demolish any structures.
- 57 8. The Applicant agreed that the Final Plan application shall label the exact proposed road
58 frontages for all lots.
- 59 9. The Applicant agreed to show a 60-foot private right-of-way per Zoning Regulations
60 Section 530, meeting the private road standards of ZR592, with at least 400 feet of
61 frontage along Lots 2 and 3.
- 62 10. The Applicant agreed that the roads shall be built to private road specifications defined
63 in the Public Works Specifications. Conley asked if the road has been started. The
64 Applicant stated that it is an old logging road.
- 65 11. The Applicant agreed that the DRB may waive the 1,000 foot maximum. The DRB and
66 Applicant discussed the length of the road. The Applicant stated that it is roughly 760
67 feet to the hammerhead.
- 68 12. The Applicant agreed to provide a private right-of-way and roadway profile as well as a
69 letter from Milton's public safety personnel that each unit can be safely accessed.
- 70 13. The Applicant agreed to revise the layout for Lot 1 to meet the width to depth ratio.
71 Jenkins asked if the railroad could meet the frontage requirement. Staff estimated that
72 frontage could only be created along a public or private road or public waters.
- 73 14. The Applicant agreed to address TAC comments; however the Applicant stated that they
74 wish to retain highway access to East Road. The DRB and Applicant discussed the
75 safety of East Road approaching the railroad underpass, and safety signage.

76
77 The hearing was closed at 7:19 p.m.

78
79 **OTHER BUSINESS**

80 **Staff Update**

81 Mr. Hemmerick gave an overview of news included in the bi-monthly Planning Department
82 Update.

83
84 **APPROVAL OF MINUTES**

85 **MOTION** by David Conley, **SECOND** by Clayton Forgan to approve the minutes of **May 28,**
86 **2015.** Discussion: None. Vote: Jenkins: yea; Conley: yea; Forgan: yea; Bonges: abstention.
87 **PASSED.**

88
89 **ENTER DELIBERATIVE SESSION**

90 **MOTION** by Thomas Cole, **SECOND** by Clayton Forgan, to enter Deliberative Session at 7:29
91 p.m. to finalize and review written decisions. Discussion: None. Vote: Jenkins: yea; Forgan:
92 yea; Conley: yea. Bonges; yea. **PASSED.**

93
94 **DECISIONS SIGNED IN DELIBERATIVE SESSION**

95 **Final Plan Application, Planned Unit Development (PUD) Industrial, Boundary Line**
96 **Adjustment & Site Plan Application – Precast Road 78 & 59 Catamount Drive – Camp**
97 **Precast, LLC, Owner/Applicant, Bellavance Properties, LLC, Owner.**

- 98 Bruce Jenkins, Vice-Chair: yea/nay/abstain/absent/recusal
- 99 Thomas Cole, Clerk: yea/nay/abstain/absent/recusal
- 100 Clayton Forgan: yea/nay/abstain/absent/recusal
- 101 David Conley: yea/nay/abstain/absent/recusal

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RETURN TO PUBLIC SESSION

MOTION by David Conley, **SECOND** by Clayton Forgan to re-enter Public Session 7:36 p.m.
Discussion: None. Vote: Jenkins: yea;; Forgan; yea, Mr. Conley: yea; Bonges, yea. **PASSED.**

ADJOURNMENT359717

MOTION by Bruce Jenkins **SECOND** by Henry Bonges to adjourn the meeting at 7:37 p.m.
Discussion: None. Vote: Jenkins: yea; Forgan: yea; Conley: yea; Bonges: yea. **PASSED.**

Respectfully submitted,

Bruce Jenkins
Vice-Chair and Acting Chair

Jacob Hemmerick
Planning Director

Date Approved: _____

MEETING SIGN-IN SHEET - Milton Development Review Board

Date: Thursday, June 11, 2015

NAME (PRINT)	SIGNATURE	MAILING ADDRESS	PHONE #
Lisa Marshall		924 East Rd Milton VT 05468	893-4424
Russell Baker		924 East Road Milton, VT 05468	893-4424
Joey Blumh		810 East Rd Milton VT 05468	316-847
Chellis Blomberg		3 Athens Dr Essex Jct	343-3942

NOTE: THOSE WISHING TO GAIN INTERESTED PERSON STATUS AND TESTIFY ON AN APPLICATION MUST ALSO SIGN-IN ON THE HEARING SIGN-IN SHEET.