



DEVELOPMENT REVIEW BOARD MEETING MINUTES

Meeting Type: **Regular Meeting**
Date: **Thursday, August 13, 2015**
Time: **7:00 p.m.**
Place: **Municipal Building Community Room**
Address: **43 Bombardier Road, Milton, Vermont 05468-3205**
Contact: **(802) 893-1186**
Website: **miltonvt.org**

1 **1. CALL TO ORDER**

2 The Chair called the meeting to order at 7:01 p.m.
3

4 **2. ATTENDANCE**

5 **Members Present:** Bruce Jenkins, Vice Chair and Acting Chair; Clayton Forgan; David Conley; Henry
6 Bonges

7 **Members Absent:** none

8 **Staff Present:** Jacob Hemmerick, Planning Director; Kristen Treanor, Planning Assistant
9

10 **3. AGENDA REVIEW**

11 **Correction:** Hemmerick noted that a correction needed to be made to Item #6, which stated that the DRB
12 last updated their bylaws March 2014 when in fact the bylaws were last updated March 2015.

13 **Additions:** Hemmerick stated that the Agenda should include an item 9(B) in order to sign the plat for the
14 Cooper Road Boundary Line Adjustment, as well as an item 10(B), to approve the meeting minutes of July
15 9, 2015.

16 The DRB unanimously CONSENTED to move Agenda items #5 and #6 (Election of Officers and Bylaw
17 Review, respectively) to the end of the meeting.
18

19 **4. PUBLIC FORUM**

20 None
21

22 **5. PUBLIC HEARINGS**

23
24 **5.1 Site Plan Amendment - 37 Centre Drive - Gordon & Margaret Gilbert, Owners/Applicants**
25

26 The Chair read the following summary to open the hearing:
27

28 **37 Centre Drive - Site Plan Application - Gordon & Margaret Gilbert, Owners/Applicants.** The
29 Applicants are requesting Site Plan approval from the Development Review Board according to the Town
30 of Milton Zoning Regulations for a proposed 5' x 60' new public warehousing (self-storage) building
31 located at 37 Centre Drive, described as SPAN# 11286, Tax Map 27, Parcel 9-14. No other site changes are
32 proposed. The property contains six existing storage buildings and a carport. The subject property
33 contains a total of 1.49 acres and is located within the "Downtown Business (DB1)" Zoning District.
34

35 The Chair administered the oath to Interested Persons. The Applicants were represented at the hearing by
36 Gordon Gilbert and Lloyd Gilbert.
37

38 Lloyd Gilbert prefaced the discussion by stating that the proposed project was approved by the Selectboard as
39 qualifying under Interim Zoning and that the only change to the existing Site Plan was the proposed addition
40 of a 5' by 60' self-storage building. Lloyd Gilbert also stated that a correction to the Staff Report was needed

1 because the site and driveway are not on Bombardier Road; they are on Centre Drive. Jenkins confirmed that
2 the correct address is 37 Centre Drive.

3
4 In response to the following numbered items in the Staff Report:

- 5
6 1. In response to Item 1, requesting that the Final Plans include building elevations as well as listing the
7 site's lot coverage per ZR489, Lloyd Gilbert stated the proposed building would be 9' at the highest
8 point and that overall lot coverage, not including the driveways, was 20% and including the driveways
9 was 36%. The proposal would add 2% to the overall square footage of the buildings. Jenkins asked
10 what the final overall lot coverage would be including the proposed new building, and Lloyd Gilbert
11 stated 38%.
- 12 2. In response to Item 2, requesting that the Applicant state whether the proposed structure would be
13 principal or accessory, Jenkins surmised that the proposed use would be principal (versus accessory),
14 and Lloyd Gilbert stated he wasn't sure how to answer that question. Jenkins asked how the Town
15 interprets this and Hemmerick responded that he sees it as principal. Conley inquired as to whether
16 or not the existing carport would be considered accessory, which led to a discussion of the carport's
17 permit status. Staff stated the carport had never received a Zoning Permit or Certificate of Occupancy;
18 Lloyd Gilbert contended that was not true. Lloyd and Gordon Gilbert reiterated that everything that
19 had been done at the site was fully permitted. Hemmerick acknowledged that he did not personally
20 verify the permit status, but the Zoning Administrator informed him that the site was not fully
21 compliant and referenced page 2 of the Staff Report for specific examples. Lloyd asserted that no
22 violations had been issued, but conceded that it was possible a Certificate of Compliance had been
23 overlooked. In turn, this led to a discussion of overall compliance issues, specifically landscaping.
24 Staff asserted that the required landscaping had not been maintained in accordance with the approved
25 site plan; Lloyd countered that they were not there to discuss the original Site Plan, only the proposed
26 addition. Lloyd noted the landscaping had been guaranteed for 3 years when initially planted 20 years
27 ago, and that some trees had died in the interim. Gordon Gilbert concurred. Jenkins and Conley
28 inquired about how long the landscaping requirements were to be upheld. Staff explained that the
29 expectation is that the landscaping be maintained as proposed and approved. Lloyd inquired as to
30 where that was stated, and Gordon asked if that might be an assumption on Staff's part, as he has not
31 seen that written down anywhere. Staff cited current Zoning Regulation 806.6 stating that sites "shall
32 be landscaped in accordance with the approved Site Plans and maintained in good appearance", but
33 conceded the 1994 Regulations may not have stated this at the time of the first site plan approval.
34 Lloyd maintained that the site is an attractive property, with well-tended trees and grass.
- 35 3. In response to Item 3, requesting that all requirements not waived by the DRB be submitted with the
36 Final Plans, the Applicants requested waivers from Zoning Regulations 803.1 through 803.9, per the
37 authority granted the DRB in 803.12, but Lloyd went on to state that he believes all the requested items
38 are on the plan regardless. Staff stated several items were not on the plan, and Jenkins explained that
39 although the requested information might be on the application and/or Staff Report, it must also be on
40 the actual Site Plan. Lloyd stated they could add the requested items to the Site Plan, but contended
41 that every time he has received an approval for this site, that Site Plan replaced the previous one. He
42 disagreed with referring to the original Site Plan and asserted that the current, valid Site Plan is the one
43 dated 2014. Bonges inquired why a waiver of Zoning Regulation 803.6 was being requested; Lloyd
44 replied it was because they do not plan on doing any landscaping, as all the landscaping requirements
45 were met with the original Site Plan. Bonges stated he does not approve waiving 803.6. Conley and
46 Lloyd discussed how many trees remain, with Lloyd stating that 14 of the original 20 remain. Conley
47 inquired whether or not the 6 absent trees could simply be replanted, and Lloyd agreed, but expressed
48 his desire to not establish a surety or do a new landscaping plan. Rather, the Applicant wished to
49 simply put the trees in the ground and be done with it. Lloyd agreed to bring the number of trees back

- 1 up to 20.
- 2 4. In response to Item 4, requesting that the Final Plans label each building with a unique identifier and
3 show the location and dimensions of the office, regarding the numbering of buildings, Lloyd
4 remarked that the numbers/letters are on the buildings themselves and Bonges replied that they must
5 also be shown on the documentation (referring to the Site Plan).
- 6 5. In response to Item 5, requesting that the Final Plan show street trees located five feet from the front
7 property boundary:, Jenkins and Conley found that the 6 trees the Applicants already agreed to re-
8 plant would meet this recommendation.
- 9 6. In response to Item 6, requesting the Final Plans show existing landscaping and that the site is
10 screened by plantings on a year-round basis and include all originally approved landscaping, Lloyd
11 asserted that screening of the property is not necessary as the surrounding buildings effectively screen
12 the site. Conley inquired of Staff what the landscaping requirements are of the abutting Site (owned
13 by Handy) and Staff stated that the Site Plan indicates the abutting property will be required to plant
14 63 Arbor Vitae along the western boundary of the subject property.
- 15 7. In response to Item 7, requesting a performance bond or other form of security to guarantee the
16 landscaping, Lloyd desires to plant the trees rather than establish a Landscaping Surety, and further
17 stated that the Surety Bond should be his word. Jenkins stated that this would not be consistent with
18 Town policy. Lloyd stated he received a \$60,000.00 tax bill that day. The surety process and the
19 reasoning for it were explained by Staff. Lloyd declared that he believes they have fulfilled the
20 landscaping requirements of the original plan. He added that he will add the 6 trees previously
21 discussed, but does not want to tie up money in a surety.
- 22 8. In response to Item 8, requesting the site's landscaping be maintained in good appearance in
23 compliance with ZR806.6, Bonges inquired about the maintenance of the landscaping, and Jenkins
24 asked if any efforts had been made to replace the 6 trees when they died. Lloyd answered they were
25 somewhat glad that the trees died, as it made mowing the lawn easier. Bonges remarked the
26 Applicants were more comfortable with the trees gone and Lloyd confirmed this. Lloyd reiterated that
27 the site is well maintained. Conley asked if a potential surety would be required for all of the
28 landscaping or just the 6 trees that are to be replanted. Staff recommended a surety for the 6 new trees.
- 29 9. In response to Item 9, requesting Final Plans show the location of all lighting and parking in
30 accordance with ZR806.7, Lloyd claimed that all lighting and parking has been approved in the past
31 and was on all previous plans; Staff countered that no lighting has been depicted on a plan. Bonges
32 asserted that lighting was not depicted on either of the plans he had in front of him. Lloyd
33 acknowledged it might not be on these particular plans and Bonges pointed out that Lloyd should
34 therefore not claim that lighting is shown on all plans when it is not. Jenkins spoke about adding the
35 lighting to the plan and Bonges remarked that having a complete, accurate and up-to-date Site Plan is
36 not too much to ask.
- 37 10. In response to Item 10, requesting the Final Plans state the number of employees and show parking in
38 compliance with ZR812, Jenkins confirmed with the Applicant that there are no employees, with
39 Gordon Gilbert remarking that they are a "mom and pop" operation. Jenkins inquired and Lloyd
40 confirmed that the parking will remain the same. Staff advised that the parking spots in questions
41 were amended away in 2012. Lloyd countered that they are shown on the 12/2014 Site Plan, and this
42 was confirmed. Staff noted that the proposed amendment eliminates the parking on the 12/2014 plan.
- 43 11. In response to Item 11, requesting the Final Plans show ADA parking per ZR812.3, Gordon Gilbert
44 asked what good a handicapped parking sign would be, as most patrons park in front of their
45 particular unit, but agreed to put one up if the DRB wants one. Staff noted that this requirement is the
46 law.. Gordon Gilbert agreed to designate a handicapped parking spot with a sign.
- 47 12. In response to Item 12, addressing stormwater drainage in compliance with ZR812.6, Lloyd explained
48 how he believes the water will drain from the site. Bonges remarked that many of the requirements
49 and issues being discussed all go back to the fact that they are not shown on the Site Plan, that the Site

1 Plan has been amended repeatedly and at this time it is important to get a current and complete Site
2 Plan, including stormwater drainage facilities.

- 3 13. In response to Item 13, requesting that the Final Plans show the driveway in the configuration shown
4 in the original 1994 approval, Gordon Gilbert stated that the highway access/driveway has never
5 been changed from the original 1994 approval. Staff countered that it has, in fact, migrated east and
6 will be in direct conflict with another approved Site Plan for a neighboring property (Handy's multi-
7 family housing), because a sidewalk will be running down the center of it. Gordon Gilbert asserted
8 that this is not a situation he created, nor should he be responsible for fixing it. Staff conceded that
9 Gordon has a point and explained that the DRB has approved 2 conflicting Site Plans. A general
10 determination was made that the driveway, because it has never been moved, was likely constructed
11 out of compliance with the original 1994 Site Plan and later formalized, but nonetheless a Certificate of
12 Compliance was issued as well as subsequent approvals of Site Plans amendments that depict the
13 driveway in its actual, current location. Lloyd contended that no matter where the driveway is, it will
14 cross a sidewalk.
- 15 14. Applicant agreed to install a bicycle rack for bicycle parking.
- 16 15. Applicant agreed to obtain a Zoning Permit and associated Certificate of Compliance for the project.
- 17 16. Applicant agreed to submit 2 full-sized and 2 reduced complete final plan sets depicting the requested
18 changes.
- 19 17. Lloyd advised that he has been in contact with Jeff McMahon at the Agency of Natural Resources and
20 therefore the Project Review Sheet is in process.
- 21 18. In response to Item 18, requesting the Applicant address any remaining concerns from the DRB, Lloyd
22 asserted that this is a minor change to the Site Plan and they will complete any of the changes that they
23 have agreed to. Conley explained that with any Site Plan review there is an opportunity to accomplish
24 things that weren't done before or to do things differently. Lloyd argued that it's essentially a way to
25 get something done at someone else's expense. The DRB had no further questions at this time.

26
27 The Chair closed the hearing at 7:57 p.m.

28 29 **6. OTHER BUSINESS**

30
31 6.1 Staff gave an update on Planning and Economic Development Department activities, as detailed in a
32 Memo. The DRB was briefed on what projects are headed their way in upcoming meetings. Vacancies on
33 the DRB were touched upon. Training and development opportunities were also discussed, with Bonges
34 commenting that last year he attended the "When Governments Cooperate" workshop and found it to be
35 informative and helpful. There was some discussion of what constitutes a complete Site Plan. Questions
36 were asked and answered.

37
38 A Final Plat for Cooper Road Boundary Line Adjustment, approved by the DRB on May 28, 2015, was
39 signed.

40 41 **7. MINUTES**

42 MOTION by Bonges to approve the Minutes of July 9, 2015, SECOND by Forgan. Motion APPROVED;
43 Conley abstained. MOTION by Forgan to approve Minutes of July 23, 2015 as presented, SECOND by
44 Conley. Motion APPROVED; Bonges abstained.

45 46 **8. BYLAW REVIEW**

47 General review of the existing bylaws commenced. Conley asked how often they are required to review
48 the Bylaws and Staff stated that it was not required, but thought it was best practice to review them

1 annually to keep everyone fresh and help train new members. No amendments to the Bylaws were
2 proposed.

3
4 **9. ELECTION OF OFFICERS**

5 MOTION by Conley to elect Bruce Jenkins as Chair, SECOND by Bonges. Unanimously APPROVED.

6 MOTION by Forgan to elect Conley as Vice-Chair, SECOND by Jenkins. Unanimously APPROVED.

7 MOTION by Jenkins to elect Bonges as Clerk, SECOND by Conley. Unanimously APPROVED.

8
9 **10. DELIBERATIVE SESSION**

10 MOTION by Conley to enter Deliberative session at 8:34 p.m., SECOND by Jenkins. Unanimously
11 APPROVED.

12
13 MOTION by Jenkins to exit Deliberative session at 9:25 p.m., SECOND by Forgan. Unanimously
14 APPROVED.

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16 **11. DECISIONS SIGNED**

17 **Variance Applicatio, Green Field Way ,Green Field Homeowners Inc., Owners/Applicants.**

18 Bruce Jenkins, Chair yea/ **nay**/ abstain/ absent/ recusal

19 Dave Conley, Vice-Chair: yea/ **nay**/ abstain/ absent/ recusal

20 Henry Bonges, Clerk: yea/ **nay**/ abstain/absent/ recusal

21 Clayton Forgan: yea/ **nay**/ abstain/ absent/ recusal

22 Vacant Seat: yea/ nay/ abstain/ absent/ recusal

23
24 **Major Conventional Subidivision, 159 East Road, Blondin/Martell**

25 Vacant, Chair yea/ nay/ abstain/ absent/ recusal

26 Bruce Jenkins, Vice-Chair: **yea**/ nay/ abstain/ absent/ recusal

27 Thomas Cole, Clerk: **yea**/ nay/ abstain/absent/ recusal

28 Henry Bonges: **yea**/ nay/ abstain/ absent/ recusal

29 Clayton Forgan: **yea**/ nay/ abstain/ absent/ recusal

30 David Conley: yea/ nay/ abstain/ **absent**/ recusal

31
32 **Conditional Use, 698 Everest Road, Mattos/Cavitt**

33 Vacant, Chair yea/ nay/ abstain/ absent/ recusal

34 Bruce Jenkins, Vice-Chair: **yea**/ nay/ abstain/ absent/ recusal

35 Henry Bonges: yea/ nay/ abstain/ **absent**/ recusal

36 Clayton Forgan: **yea**/ nay/ abstain/ absent/ recusal

37 David Conley: **yea**/ nay/ abstain/ absent/ recusal

38
39 **12. ADJOURNED**

40 MOTION by Bonges to adjourn 9:26 p.m., SECOND by Forgan. Unanimously APPROVED.

41
42 Minutes approved by the Commission this 27th day of August, 2015.

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44 

45
46 Bruce Jenkins, ~~Vice-Chair & Acting~~ Chair

/kt

47
48 Filed with the Town Clerk this 28th day of August, 2015