



DEVELOPMENT REVIEW BOARD MEETING MINUTES

Meeting Type: **Regular Meeting**
Date: **Thursday, August 27, 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 7:03 p.m.
3

4 **2. ATTENDANCE**

5 **Members Present:** Bruce Jenkins, Chair; David Conley, Vice-Chair; Henry Bonges, Clerk; Clayton Forgan

6 **Members Absent:** none

7 **Staff Present:** Jacob Hemmerick, Planning Director; Jeff Castle, Town Planner
8

9 **3. AGENDA REVIEW**

10 No changes.
11

12 **4. PUBLIC FORUM**

13 None
14

15 **5. OLD HEARINGS/BUSINESS**

16 None
17

18 **6. PUBLIC HEARINGS**

19
20 **6.1 Minor Conventional Subdivision Sketch Plan & Variance - 947-951 US Route 7 South - General**
21 **Stannard House Committee, Applicant/Miller Realty Group LLP, Owner**
22

23 The Chair read the following summary to open the hearing:
24

25 The Applicant seeks a 2-lot Minor Conventional Subdivision Sketch Plan approval per Subdivision
26 Regulations Article III to place the existing Stannard House on a new, non-conforming, 68,000 square foot
27 lot with access from US Route 7; the remaining 860,374 square foot lot would contain the existing
28 Gardener's Supply distribution warehouse. The property is described as 947-951 US Route 7 South; Tax
29 Map 8, Parcel 1; SPAN #13967; contains approximately 19.75 acres; and is located within the General
30 Industrial (I-2) Zoning District and the Catamount Planning Area. The Applicant seeks a Variance
31 approval according to Section 1070 of the Zoning Regulations from Subdivision Regulations Sections 700.5
32 and 880.1 as well as Zoning Regulations Section 620 and 394.
33

34 The Chair administered the oath to Interested Persons. The Applicants were represented at the hearing by
35 Bill Kaigle, co-chair of the General Stannard House Committee; Kate Cadreact, co-chair; Terry Richards,
36 Committee Historian; and Roger Dickinson, Lamoureux and Dickinson Engineers [collectively referred to
37 hereafter as "Applicant(s)"].
38

39 Staff advised that a correction was needed; the proposed lot is 6,800 square feet, not 68,000 and the prior lot
40 size is 860,374 which includes the 6,800 square foot proposed subdivided lot. Conley asked the size of the

1 proposed lot, Applicant advised it is 68' by 100'.
2

3 The Applicant gave general background information on the General Stannard House Committee, stating the
4 group was formed in July 2014 and comprised of Milton Historical Society members and other interested
5 members of the general public. The Committee's primary goal is to save and restore the post-war home of
6 Civil War General George Stannard. Applicant stated that they have worked with the property owner, Robert
7 Miller, and he has agreed to donate the structure and a lot of land on which it sits to the Town. Applicant
8 stated that in April 2015, the Selectboard unanimously agreed to accept the donation. Applicant stated that
9 the committee will fund all repairs to the structure and hopes to operate a small museum there in the future.
10 The Committee is aggressively fundraising and has currently raised almost \$20,000.00.
11

12 In response to the following numbered items in the Staff Report:
13

- 14 1. In response to Item 1, the DRB determined that a Site Visit was not necessary.
- 15 2. A) In response to Item 2A, "Within six months of classification by the DRB of the sketch plan as a
16 minor subdivision, the subdivider shall submit an application for approval of a subdivision plat. The
17 application shall contain those items set forth in Section 610 of the Zoning Regulations, and shall
18 conform to the layout shown on the sketch plan plus any recommendations made by the DRB." The
19 Applicants agreed.
20 B) At this time Staff interjected there was a numbering error on page 6 of the Staff Report and the item
21 labeled #14 should actually be item 2B. In response to Item 2B, requesting the Applicant address any
22 current concerns that the DRB may have related to SR700 and that the Final Plan include comments
23 that specifically address how the proposal meets each standard in Section 700: Conley inquired
24 whether or not anything that is there now will remain and Applicants replied yes. The back garage
25 addition and a deteriorated back dormer will be removed. Otherwise, the exterior will remain as-is.
26 The foundation is in good shape. Applicants advised they also intend to install a historically accurate
27 fence. Some discussion ensued regarding the roof and the Applicants stated they had met with the
28 Colchester Historical Society, who renovated the Colchester Log School House, and stated that project
29 had been roofed with asphalt shingles. The Applicant stated the roof is not as historically important as
30 the structure itself and that they are investigating different roofing options. Forgan inquired about the
31 Vermont Division of Historic Preservation requirements and the Applicants stated they will meet any
32 of that organization's guidelines. In 2014, Applicants contracted with the Preservation Trust of
33 Vermont and had a Conditions Assessment done, which outlines their 3-stage plan of Rehabilitation,
34 Restoration and Utilization. Contained in this plan are all the details presently being discussed, for
35 example roofing.
- 36 3. In response to Item 3, requesting that the Final Plans shall include a drainage plan, the Applicants
37 agreed.
- 38 4. In response to Item 4, requesting that the Final Plan identify proposed water and wastewater service:
39 Applicants stated there is a municipal water line across the street, US Route 7, and they are exploring
40 alternatives for wastewater disposal. Applicants stated they will have something to present at Final
41 Plan stage.
- 42 5. In response to Item 5, requesting the Final Plans label the dimensions of all new and existing
43 Easements, the Applicants agreed.
- 44 6. In response to Item 6, stating the DRB may grant a variance from SR700.5 and 880.1 as well as ZR620
45 and ZR394 in accordance with ZR1071: there was no comment.
- 46 7. In response to Item 7, requesting that the final plat application be accompanied by a certificate of title
47 showing the ownership of all property and easements to be dedicated to the Town and any proposed
48 deeds, covenants and other legal data as the DRB deems necessary, the Applicants agreed. Applicant
49 also stated the Town has already obtained a Letter of Intent for the Vermont Agency of Transportation

1 regarding the proposed driveway.
2

3 The Chair asked if anyone had any further comments or questions. The Applicant stated the existing drive
4 was determined, by VTRANS, to be too close to another entrance and therefore they have proposed an
5 alternative driveway configuration. Jenkins asked how much parking would be available on-site. The
6 Applicant responded approximately 4-5 spots maximum. Jenkins inquired if the parking area would be large
7 enough for a school bus and the Applicant acknowledged they would have to figure that out. Conley asked if
8 the site would be staffed all day; Applicant replied that they would have limited but well-publicized hours
9 and would likely be open in small chunks, perhaps 3 hours at a time and by appointment. Conley asked if
10 there would be a sign and the Applicant confirmed there would be a tasteful sign, smaller than the "Save My
11 House" banner that is currently in place. Conley also inquired about landscaping. Applicants stated they
12 may have some small plantings in mind, but their main concern is ADA compliance. Therefore they plan to
13 have sidewalks to the back and front of the house and keep the existing landscaping. Conley asked about the
14 Town's plans to extend the sidewalk; Staff advised that it isn't anticipated the sidewalk extend that far.
15

16 MOTION by Conley to APPROVE the Minor Conventional Subdivision Sketch Plan and Variance application
17 by the General Stannard House Committee. SECOND by Forgan. Unanimously APPROVED.
18

19 **6.2 Boundary Line Adjustment - 171 & 232 Cold Spring Road - Robert & Carolyn Clark and Molly M.
20 Hastings Revocable Trust c/o Brent & Molly Hastings, Owners/Applicants**
21

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

24 The Applicants are requesting Boundary Line Adjustment approval to adjust the property boundary between
25 two adjacent lots located at 171 and 232 Cold Spring Road described as SPAN #s 10522 and 12636, Tax Map
26 39, Parcels 4-3 and 4-1. The proposal would transfer a total of 0.30 acres from the Clark lot to the Hastings lot.
27 The subject properties contain a total of approximately 3.09 acres and are located within the "Shoreland
28 Residential" (R6) and "Agricultural/Rural Residential" (R5) Zoning Districts.
29

30 The Chair administered the oath to Interested Persons. The Applicants were represented at the hearing by
31 Robert Clark (referred to hereafter as "Applicant").
32

33 Staff advised that the DRB previously approved this application, but a final plat was not recorded within
34 the allowable timeframe. The Applicant stated he was not aware that it was time-sensitive.
35

36 In response to the following numbered items in the Staff Report:
37

- 38 1. Applicant agreed to include on the Final Plat a note confirming that that no further subdivision shall
39 occur.
- 40 2. Applicant agreed the plat will be in compliance with the sizing and formatting requirements of SR
41 Section 610.1
- 42 3. Applicant agreed to a Survey Pin Attestation, stating that Clark already has it.
- 43 4. Applicant agreed the Final Plat will show the location of all improvements referred to in Article VIII
44 according to SR 310.1(7).
- 45 5. The Applicant agreed to submit deeds and any other legal instruments associated with this adjustment
46 for review and approval by the Town Attorney.
- 47 6. The Applicant agreed to submit \$500 for Legal Escrow to cover the legal review of deeds and other
48 legal instruments, of which any unused balance would be refunded to the Applicant.
- 49 7. The Applicant agreed to submit one reduced version of the Final Plat for review and approval by Staff

1 prior to submitting the Final (mylar) Plat for recording.

- 2 8. The Applicant agreed to submit a mylar Final Plat, signed by the licensed surveyor and the Chair of
3 the DRB, and recorded in the Town Clerk's Office within 180 days of the date of decision per SR
4 Section 940. The Applicant also agreed to submit one full-sized (to scale) paper Final Plat depicting the
5 requested changes to be maintained in the Planning Office's application file.
6

7 MOTION by Bonges to APPROVE the Boundary Line Adjustment application. SECOND by Conley.
8 Unanimously APPROVED.
9

10 **6.3 Site Plan Amendment II - 121 Gonyeau Road - NG Advantage, Applicant/Clean Energy, Owner**
11

12 The Chair read the following summary to open the hearing:
13

14 The Applicant requests Site Plan Amendment approval from the Development Review Board per the
15 Milton Zoning Regulations to reconfigure and expand the natural gas production and fueling equipment.
16 The proposal would reconfigure internal circulation, lighting, electrical service as well as add 4 electrical
17 compressors, 2 fuel dispensers, and other associated equipment and fencing. The Applicant proposes no
18 building, access, parking or water/wastewater changes to the site. The property is described as 121
19 Gonyeau Road, Tax Map 3, Parcel 8-6; SPAN #13971; contains approximately 6.3 acres and is located
20 within the "General Industrial" (I2) Zoning District and the Catamount Planning Area.
21

22 The Chair administered the oath to Interested Persons. The Applicant was represented at the hearing by
23 Jerry Myers and Steve Palmer, both of NG Advantage. Also in attendance was their contractor from Green
24 Mountain Engineering.
25

26 Staff advised that an additional TAC comment was received, after the issuance of the Staff Report, by Chris
27 Poirier of the Milton Fire Department.
28

29 In response to the following numbered items in the Staff Report:
30

- 31 1. The Applicant stated none of the violations noted in the Compliance section of the report were
32 intentional. Specifically, there are trailers located within the property set-backs, but at least one has
33 received a Certificate of Compliance and the Applicants were not aware of the issue until recent
34 weeks. If not for the fact that the trailers are plumbed and connected to Town water and wastewater,
35 they could be easily moved. However, because they are connected, relocating these trailers by 7' will
36 cost \$10,000-\$15,000. Applicant went on to advise that there will be a third Site Plan Amendment
37 submitted to the Planning Office in mid-October, in which they will propose the addition of a new
38 building. The Applicant would rather put the money in to that new building, and fully remove the
39 trailers in question in May 2016 upon completion of the new building, rather than sink money in to
40 their plumbing when they will ultimately be removed. However, the Applicant was clear that if the
41 DRB requires them to do so, they will. Discussion ensued regarding different ways to bring the project
42 in to compliance, with reclassification of the trailers to "construction trailers" being the most popular.
43 This would allow for the trailers to remain where they are temporarily, until the permanent building
44 can be built in early 2016.
- 45 2. Regarding the non-compliant outdoor storage and unpermitted structure (a 20' steel "box"): the
46 Applicant stated they simply ran out of room and will be happy to comply; it was also stated that most
47 of the items will be removed within seven days.
- 48 3. The Applicant agreed to submit a Final Plan showing all elements previously approved in the Site Plan
49 and that only those items specifically labeled as site changes may be altered through this proposal.

1 The Applicant added that some existing, desirable features were omitted from the Site Plan and would
2 be included on the Final Plan; for example there is some landscaping in place already and their trash is
3 currently screened from view.

- 4 4. The Applicant agreed that the height of all proposed structures shall be compliant with ZR560. The
5 Applicant stated that they are in compliance currently, that all lighting fixtures are no more than 16' in
6 height and that the tallest structure on the site is the canopy over the fueling stations, measuring at 20'.
- 7 5. The Applicant stated they have been in discussion with Assistant Fire Chief Poirier, adding that the
8 Chief was included on those emails, and that they have an approved plan in place to be in compliance
9 no later than October 15, 2015. They will also be conducting a demonstration for the Fire Department.
- 10 6. The Applicant stated that no additional employees will be needed due to this proposal and that
11 currently there are 17 employees with a maximum of 7 employees on-site at any given time; therefore
12 the 10 existing parking spaces are adequate.
- 13 7. The Applicant agreed to delineate 10 parking spaces and include a note showing the dimensions on
14 the Final Plan. It was also clarified that car parking is separate from trailer parking.
- 15 8. The Applicant agreed the Final Plans shall designate a handicapped parking space.
- 16 9. The Applicant agreed the site's northern highway access egress shall be painted with egress arrows
17 and that two "Do Not Enter" signs will be erected on each side of the entrance in compliance with
18 ZR551, 815 and 830.
- 19 10. The Applicant agreed the Final Plans will show a bike rack.
- 20 11. The Applicant agreed that if any light fixture must be replaced, the replacement fixture shall be in
21 compliance with ZR820. The Applicant noted, however, that this is not really applicable as they will
22 only be relocating, not replacing, lighting fixtures.
- 23 12. The Applicant agreed to obtain a Project Review Sheet from the Agency of Natural Resources and
24 obtain all necessary state permits, adding that they already have Act 250 approval.
- 25 13. The Applicant agreed to submit two full-sized and two reduced Final Plan sets depicting the requested
26 changes, which must be deemed Final by the Town Planner prior to the issuance of a Zoning Permit.
- 27 14. The Applicant agreed to obtain a Zoning Permit prior to construction and a Certificate of Compliance
28 upon completion of construction and before use or occupancy of the new structure.
- 29 15. The Applicant agreed to respond to any further questions the DRB has. Conley asked how often the
30 gas burn-off happens. The Applicant replied that it occurs 6-8 times per year, perhaps 10-12 times as
31 the business grows. The Applicant explained the nature of their business and cautioned against
32 thinking of the gas as a liquid. The gas is always lighter than air, therefore a "spill" in the traditional
33 sense is not possible. If there is any leak, the gas always goes up in to the air. The DRB had no other
34 questions.

35
36 MOTION by Conley to APPROVE the Site Plan Amendment II application. SECOND by Bonges.
37 Unanimously APPROVED.

38 39 7. OTHER BUSINESS

40
41 7(A). Staff presented the DRB's Fiscal Year 2016 meeting schedule and asked the DRB to review the
42 schedule. There is a conflict with Thanksgiving 2015 and 2016, and Christmas Eve 2015. Jenkins
43 mentioned that in the past when resolving these types of conflicts the meetings have been advanced one
44 week, or cancelled if there are no hearings scheduled. Conley, in reviewing the schedule, advised that
45 there may be a couple meetings he will be unable to attend but that he would let everyone know ahead of
46 time.

47
48 Staff briefed the DRB regarding the Planning Commission's August 18, 2015 meeting and the Economic
49 Development Commission's upcoming September 9, 2015 meeting. There was discussion regarding the

1 vacancies on the Economic Development Commission. Town Planner Jeff Castle is looking in to the cost of
2 wetland permitting which appears to be significant, approximately \$5,000. The DRB was advised that
3 there is one application scheduled for their next meeting and currently none for the following meeting on
4 September 24, 2015. Training and development opportunities were also discussed. The new Town
5 Planner, Jeff Castle, was welcomed aboard.

6
7 **8. MINUTES**

8 MOTION by Bonges to approve the Minutes of August 13, 2015 as written, SECOND by Conley.
9 Unanimously APPROVED.

10
11
12 **10. DELIBERATIVE SESSION**

13 MOTION by Conley to enter Deliberative session at 8:27 p.m., SECOND by Bonges. Unanimously
14 APPROVED.

15
16 MOTION by Conley to exit Deliberative session at 8:37 p.m., SECOND by Forgan. Unanimously
17 APPROVED.

18
19 **11. ADJOURNED**

20 MOTION by Conley to adjourn 8:38 p.m., SECOND by Bonges. Unanimously APPROVED.

21
22 Minutes approved by the Commission this _____ day of _____, 2015.

23
24
25
26 _____
27 Bruce Jenkins, Chair

/kt

28 Filed with the Town Clerk this 1st day of September, 2015