



DEVELOPMENT REVIEW BOARD MEETING MINUTES

Meeting Type: Regular Meeting
Date: Thursday, September 10, 2015
Time: 7:00 p.m.
Place: Fire Department Meeting 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 7:00 p.m.
3

4 **2. ATTENDANCE**

5 **Members Present:** Bruce Jenkins, Chair; Henry Bonges, Clerk; Clayton Forgan

6 **Members Absent:** David Conley, Vice-Chair

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

9 **3. AGENDA REVIEW**

10 There were no proposed changes to the Agenda.
11

12 **4. PUBLIC FORUM**

13 None.
14

15 **5. OLD HEARINGS/BUSINESS**

16 None.
17

18 **6. PUBLIC HEARINGS**

19 **6(A). Conditional Use Application – 69 McMullen Road – Robert & Shirley Paradise, Owners/Applicants.**

20 The Chair read the following summary to open the hearing:
21

22 The Applicants are requesting an after-the-fact Conditional Use approval from the Development
23 Review Board according to Sections 363 and 500 of the Town of Milton Zoning Regulations. The
24 proposal would add an accessory, agricultural use (to raise swine within an existing barn and pen) to
25 the existing principal, single family dwelling use. The proposed use has not been found to be an
26 Accepted Agricultural Practice exempt from local regulation according to Title 24 Vermont Statutes
27 Annotated, Chapter 117, Section 4413(d). The subject property is located at 69 McMullen Road,
28 described as SPAN #13147, Tax Map 29, Parcel 47-1. The property contains a total of 1.09 acres and is
29 located within the "Beaverbrook Residential" (R7) Zoning District, the Town Core Planning Area,
30 and the Eastern Transition Sub-Area.
31

32 The Chair administered the oath to Interested Persons. The Applicants represented themselves at the
33 hearing and are hereafter referred to as the Applicant(s).
34

35 Staff noted that Michael Boisjoli, a nearby property owner, submitted a written statement via email that was
36 provided to the DRB and added to the file. Jenkins replied that Boisjoli's statement would be read aloud during
37 the hearing.
38

39 In response to the following numbered items in the Staff Report:

- 40 1. The Applicant agreed to obtain any necessary Zoning Permits and associated Certificates of Compliance.

- 1 2. The Applicant agreed that the DRB may attach additional conditions and safeguards as it deems
2 necessary.
- 3 3. Discussion began regarding ZR850.7 and the Gross Floor Area involved. Staff and the Applicant
4 confirmed the dimensions of the pig pen as 1,024 square feet. Because the principal structure is listed as
5 3,536 square feet on the Assessor's Lister Card, the Applicant is in violation of this regulation. The
6 Applicant confirmed that he would have to make the pen smaller to meet this requirement and agreed to
7 this condition.
- 8 4. This numbered item pertained to noxious or offensive odor, dust, noise, smoke, gas, fumes and hazards
9 to public health and safety. Therefore Jenkins read aloud the statement submitted by Michael Boisjoli of
10 29 Birch Lane, as it contains complaints relating to these conditions. Boisjoli vehemently opposes the
11 proposed conditional use and asked that his statement be read aloud, as he was unable to attend the
12 hearing. This statement is kept on file in the Conditional Use application file in the Office of Planning &
13 Economic Development. Staff interjected that there were a couple of statements in Boisjoli's statement
14 they would like to correct: first, the Zoning Administrator has taken action and issued a Violation that
15 has been recorded in the land records. Second, in regard to an after-the-fact permit, the Fee Schedule
16 explicitly states if a formal violation notice has been issued, a violation penalty of two times the normal
17 fee will be charged. Jenkins inquired if the Applicant had received any direct complaints from neighbors
18 and the Applicant replied no. The Applicants were only made aware of the issue when they received a
19 Voluntary Compliance Letter from the Town. Furthermore, the only person that has been out to view
20 the site was David Trombley from the VT Department of Agriculture, due to Boisjoli's complaint.
21 Jenkins asked about the odor. The Applicant advised that they noticed an odor for a brief time this past
22 spring after days of heavy rain, and they were unable to immediately address it. As soon as was
23 practicable, it was cleaned up. Jenkins asked how often the pen is cleaned; the Applicants replied that
24 cleaning and application of sand and hay is done on a daily basis. Jenkins inquired as to the number of
25 animals the Applicants are keeping; the Applicants confirmed there are four pigs and eleven chickens.
- 26 5. Jenkins read the following from the Staff Report, "If approved, the Conditional Use approval shall expire
27 one year from the date of issue (unless extended by the Zoning Administrator)." Silence followed, at
28 which time Jenkins asked if anyone had any comments. At this time neighbors of the Applicants began
29 to address the DRB. The following neighbors spoke: Leslie Butler of 25 Birch Lane, Robin Perry of 4
30 Hummingbird Lane Unit 101, Laura Putnam of 4 Hummingbird Lane Unit 102, Ismet and Jennifer
31 Hasanovich of 12 Hummingbird Lane Unit 102, Chris Gillespie of 8 Hummingbird Lane Unit 101 and
32 Tom McCoy of 25 Birch Lane. All expressed nearly identical concerns and commented that the odor is
33 constant, foul, and especially bad in the morning; they cannot use their property, yards and pools; they
34 cannot have windows open; there is an extreme amount of green flies in the area and in their homes; and
35 there is a loud banging noise from the pen door slamming shut, a sound similar to a gunshot and
36 occurring at a rate of 5-6 times per minute. Those unaware that there were pigs in the area thought they
37 had septic problems because the smell was so bad, and one neighbor actually contacted the natural gas
38 company, thinking that perhaps there was a gas leak. McCoy of 25 Birch Lane stated the Zoning
39 Administrator had, in fact, visited the site and Staff clarified that the Zoning Administrator had observed
40 the site from an adjoining property in response to the complaints that had been received, in order to be
41 able to issue a Voluntary Compliance Letter. McCoy also pointed out that pigs carry diseases such as
42 MRSA, e. coli and parasitic worms. McCoy is concerned about the spread of disease especially to
43 children, particularly when runoff occurs after a rainstorm, for example. The DRB considered a site visit.
44 The Applicant, Staff and the DRB agreed on the next day, September 11, 2015 at 4 p.m. to perform a site
45 visit.

16
17 General discussion then ensued between the neighbors and the DRB, with the neighbors being upset that the
18 pigs could even *potentially* be allowed. Several of the neighbors commenting are new homeowners and stated
19 that they thought they were purchasing a home in a residential neighborhood, not next to a pig farm. The

1 neighbors were generally upset with the proceedings and that this is an after the fact permit, which they felt
2 should not be allowed. The neighbors asked about a variety of hypothetical situations, which the DRB did not
3 feel they could answer without further information; thus the need for a site visit. The slaughtering of the pigs
4 was brought up and Jenkins stated they were not there to discuss that, only to discuss the Conditional Use
5 application. The neighbors were generally frustrated with some commenting that a decision had already been
6 made and that they had wasted their time attending the hearing.
7

8 MOTION by Forgan to postpone a decision and continue the hearing on September 24, 2015. SECOND by
9 Bonges. Unanimously APPROVED.
10

11 7. OTHER BUSINESS

12 7(A). Staff Update

13 Staff gave a brief Staff Update on Planning and Economic Development Department activities. Work
14 continues on the Municipal Planning Grant, as well as wetland permitting. Staff has been very busy with
15 follow up on larger projects and applications. The Planning Commission is moving forward in terms of
16 policy goals. Questions were asked and answered.

17 7(B). Capital Improvement Plan Recommendations

18 Staff asked that if the DRB had any items that they thought should be included in the Capital Improvement
19 Plan. Jenkins stated he would like to see more sidewalk connections occurring in the center of Town.
20

21 8. MINUTES

22 MOTION by Bonges to approve the Minutes of August 27, 2015 as presented, SECOND by Forgan.
23 Unanimously APPROVED.
24

25 9. DELIBERATIVE SESSION

26 MOTION by Clayton to enter Deliberative session at 7:59 p.m., SECOND by Bonges. Unanimously
27 APPROVED.
28

29 Decision(s) Signed:

30 9(A). Minor Conventional Subdivision Sketch Plan & Variance -- 947- 951 US Route 7 South -- General 31 Stannard House Committee /Miller Realty Group LLP (APPROVED)

32 Bruce Jenkins, Chair yea/nay/abstain/absent/recusal
33 Dave Conley, Vice-Chair: yea/nay/abstain/absent/recusal
34 Henry Bonges, Clerk: yea/nay/abstain/absent/recusal
35 Clayton Forgan: yea/nay/abstain/absent/recusal.
36

37 9(B). Boundary Line Adjustment- Cold Spring Road 171 & 232 - Robert & Carolyn Clark and Molly M. 38 Hastings Revocable Trust c/o Brent & Molly Hastings (APPROVED)

39 Bruce Jenkins, Chair yea/nay/abstain/absent/recusal
40 Dave Conley, Vice-Chair: yea/nay/abstain/absent/recusal
41 Henry Bonges, Clerk: yea/nay/abstain/absent/recusal
42 Clayton Forgan: yea/nay/abstain/absent/recusal.
43

44 9(C). Site Plan Amendment II Application - 121 Gonyeau Road - NG Advantage /Clean Energy 45 (APPROVED)

46 Bruce Jenkins, Chair yea/nay/abstain/absent/recusal
47 Dave Conley, Vice-Chair: yea/nay/abstain/absent/recusal
48 Henry Bonges, Clerk: yea/nay/abstain/absent/recusal
49 Clayton Forgan: yea/nay/abstain/absent/recusal.
50

1 MOTION by Bonges to exit Deliberative session at 8:11 p.m., SECOND by Forgan. Unanimously
2 APPROVED.

3

4 **10. ADJOURNED**

5 MOTION by Bonges to adjourn 8:12 p.m., SECOND by Forgan. Unanimously APPROVED.

6

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

8

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10

11 _____
12 Bruce Jenkins, Vice-Chair & Acting Chair /kt

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13 Filed with the Town Clerk this 15th day of September, 2015