



DEVELOPMENT REVIEW BOARD MEETING MINUTES

Meeting Type: **Regular Meeting**
Date: **Thursday, November 12, 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 7:00 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:** Jeff Castle, Town Planner; Jacob Hemmerick, Acting Zoning Administrator and Planning
8 Director
9

10 **3. AGENDA REVIEW**

11 No changes to the Agenda.
12

13 **4. PUBLIC FORUM**

14 None.
15

16 **5. OLD HEARINGS/BUSINESS**

17 **5(A). Appeal from Decision of Zoning Administrator - Southerly Side of Route 7, LLC, Owner &**
18 **Appellant.**
19

20 The Chair read the following summary to re-open the hearing continued from October 22, 2015:
21

22 The Appellant is appealing a Notice of Violation dated September 3, 2015, and reissued September 10,
23 2015, which states Appellant has not complied with the approved Southerberry PUD Site Plans for Phase
24 I, Phase II and Phase IIIA, marked Final 5/24/13, 4/23/10 and 8/16/13, respectively. The Appellant
25 maintains that the violations do not constitute a change or expansion of Use, per ZR§130(1). The subject
26 property is located at 368 Route 7 South; described as SPAN# 13341, Tax Map 7, Parcel 14-1, contains
27 18.56 acres, and is located within the "Checkerberry" (M4) Zoning District.
28

29 The Chair administered the Oath to Interested Persons. Representing the Owner & Appellant were William
30 Towle, legal counsel and Registered Agent for Southerly Side of US Route 7, LLC; and William Sawyer, owner
31 of Southerly Side of Route 7. They are hereafter referred to as "Applicant" and/or "Appellant."
32

33 The Chair asked the Appellant if they had brought an "as-built" plan with them, as had been mentioned at the
34 previous hearing. The Appellant confirmed they had brought this document and submitted to the Board the as-
35 built plan as well as pictures of various improvements that had been made since the close of the last hearing,
36 such as the installation of street signs and a picnic table. At this time a review of the numbered items within the
37 Staff Report commenced.
38

39 In response to the following numbered items:

- 40 1. The Appellant confirmed outdoor seating had been installed.

- 1 2. Staff recommended dismissal of this Violation; no discussion was held.
- 2 3. The Appellant felt that this was covered by a Certificate of Occupancy (hereafter referred to as a CO).
- 3 4. The Appellant felt that this was covered by a CO.
- 4 5. The Appellant confirmed that the ice machine is not present. The Appellant stated the ice machine
- 5 had been put on the approved plan in order to avoid going through a Site Plan Amendment to install
- 6 it at a later date, but that the intent had always been to install the ice machine as part of the finishing
- 7 touches to the development.
- 8 6. Staff recommended dismissal of this Violation; no discussion was held.
- 9 7. Staff recommended dismissal of this Violation; no discussion was held.
- 10 8. Staff recommended dismissal of this Violation; no discussion was held.
- 11 9. Staff recommended dismissal of this Violation; no discussion was held.
- 12 10. The Appellant stated the top coat of pavement would be done in May.
- 13 11. The Appellant stated that in May, when doing the top coat of pavement, the parking space striping
- 14 would be redone. The Chair asked if the number of spaces in front of Ace Hardware would be
- 15 changed, and the Appellant stated they would not due to space constraints. The Appellant's counsel
- 16 stated that they strongly felt that all parking areas received COs when the accompanying building
- 17 received its CO, referencing case law to support their position. Staff felt that the comparison was not
- 18 valid, as the case law to which the Appellant referred involved a CO for an entirely completed
- 19 project, unlike Southerberry, which was not entirely complete at the time of any given CO. Staff felt
- 20 that the infrastructure for each Phase belongs to that Phase, not to the footprint buildings, and
- 21 therefore was not effectively CO'd when the building was. Staff strongly feels that a CO issued to
- 22 any given building does not apply to the shared parking surrounding that building, and the
- 23 Appellant strongly disagrees.

24
25 At this time the discussion strayed from the numbered items in the Staff Report and various topics were
26 discussed. Questions were asked and answered about the processes used in the past to CO phased projects.
27 The appropriateness of accepting revised site plans at an Appeal hearing was discussed. The Chair asked what
28 remained to be discussed if all the buildings and parking had received COs. Staff brought up outdoor storage;
29 the Appellant maintained that the site is an active construction site and, as such, construction materials need to
30 be left on-site, and also expressed confusion over what can and cannot be kept on the land. Staff noted several
31 items not considered as construction materials, such as discarded planters and tires piled in what is supposed to
32 be protected open space. The Appellant stated that the open space in which they are located is the open space
33 for Phase III which has yet to be constructed. Regarding the box trailer noted in the Violation, the Appellant
34 stated again that, as an active construction site, the trailer is necessary. Staff maintained that an unregistered
35 trailer with an attached deck and staircase is a structure requiring a permit. The Appellant stated the deck and
36 staircase were there to be able to get in to the trailer. The Chair verified with Staff that one unregistered vehicle
37 was allowed per property, and Staff clarified that the problem was not that the trailer was unregistered, but
38 rather that the trailer with attached deck and stairs constitutes an unpermitted structure on the property. Staff
39 and Acting Zoning Administrator Hemmerick both expressed a desire to work with the Appellant in a positive
40 manner, with Hemmerick acknowledging all that the Appellant brings to the Town.

41
42 The Chair closed the Hearing at 7:35 p.m.

43 6. NEW HEARINGS

44 **6(A). Site Plan Amendment I Application – 8 Catamount Drive -- Greater Burlington Industrial Corp.,**
45 **Owners; Rick & Mark Bove, Applicants.**

46
47
48 The Chair read the following summary to open the hearing:

1 The Applicants are requesting Site Plan Amendment approval to reduce the building footprint by
2 approx. 35%, reduce impervious surface areas, and make minor adjustments to the site layout in
3 accordance with the reduction of overall size. Also proposed is the relocation of the loading area to the
4 west side of the building, and improved drainage of stormwater on the northern boundary. The site is
5 located at 8 Catamount Drive and described as SPAN #13974, Tax Map 3, Parcel 817. The subject
6 property contains a total of approximately 6.82 acres and is located within the "General Industrial" (I2)
7 Zoning District.
8

9 The Chair administered the Oath to Interested Persons. Representing the Applicants were Mark Bove,
10 Applicant, and Luke Willey of Ruggiano Engineering, both hereafter referred to as "Applicant."
11

12 The Applicant gave an introduction to the Site Plan Amendment, briefly touching upon the following proposals:

- 13 • Overall the site was tightened up and scaled down a bit.
- 14 • The building size was reduced to 14,500 square feet.
- 15 • The location of the building remains mostly the same, but southern parts of the original building were
16 omitted.
- 17 • The loading area and driveway on the south side have been redesigned as a result of the building
18 revision.
- 19 • The parking area is reduced but still compliant.
- 20 • Because of the overall reduction in scale, the Applicant proposes one fire hydrant instead of two.
- 21 • Landscaping changes.
- 22 • Minor changes to utilities such as the addition of a storm drain.

23
24 In response to the following numbered items within the Staff Report:

- 25 1. The Applicant agreed to submit an up-to-date landscaping estimate and stated they had it in-hand.
- 26 2. The Applicant proposed eliminating the US Route 7 street trees to increase visibility for the building.
27 However, the overall number of trees would remain the same, as would the amount of the
28 Landscaping Surety. The Applicant is opposed to requiring street trees along Route 7, because trees
29 would limit the factory's exposure and visibility from US Route 7. Questions were asked and
30 answered regarding the original landscaping plan versus the new proposal, as well as the possibility
31 of using shrubs rather than trees to line the street.
- 32 3. The Applicant agreed Final Plans will show the screening of dumpsters.
- 33 4. The Applicant agreed to obtain a Project Review Sheet from the State of Vermont.
- 34 5. The Applicant agreed to submit the required number and size of Final Plan sets.
- 35 6. The Applicant agreed to obtain a Zoning Permit and associated Certificate of Compliance.
- 36 7. The DRB had no further questions or concerns for the Applicant.

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38 The Chair closed the Hearing at 8:06 p.m.
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40 7. OTHER BUSINESS

41 Staff advised that applications are rolling in steadily, with a full Agenda planned for the Board's December
42 meeting. Zoning Administrator Amanda Pitts will return to work part-time beginning November 16, 2015.
43

44 8. MINUTES

45 8(A). Minutes of October 22, 2015

46 Motion by Conley to APPROVE the Minutes of October 22, 2015 as written; SECOND by Forgan.
47 Unanimously APPROVED.
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49 9. DELIBERATIVE SESSION

1 Motion by Conley to enter Deliberative Session at 8:10 p.m.; SECOND by Forgan. Unanimously
2 APPROVED.

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10. ADJOURNED

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

10 _____
Bruce Jenkins, Chair /kt

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12 Filed with the Town Clerk this 17th day of November, 2015