



DEVELOPMENT REVIEW BOARD MEETING MINUTES

Meeting Type: **Regular Meeting**
Date: **Thursday, December 10, 2015**
Time: **7:00 p.m.**
Place: **Fire Station Training Room**
Address: **47 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 7:02 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
8

9 **3. AGENDA REVIEW**

10 None.
11

12 **4. PUBLIC FORUM**

13 None.
14

15 **5. OLD HEARINGS/BUSINESS**

16 None.
17

18 **6. NEW HEARINGS**

19 **6(A). Variance Application - 398 North Road - David LaPorte, Owner/Applicant.**
20

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

23 The Applicant is requesting a Variance in accordance with ZR520: Non-complying Structures. The
24 proposal is to construct a lean-to style carport over an existing parking space. A Variance is
25 requested because the required minimum front setback of 35 feet will not be met. The proposed
26 structure would be attached to the existing residence and share the same, non-compliant setback.
27 The subject property is located at 398 North Road, described as SPAN #11968, Tax Map 15, Parcel
28 123. The subject property contains a total of approximately 0.46 acres and is located within the
29 "Industrial Conservation" (I3) Zoning District.
30

31 David LaPorte, the Applicant, was not present. The Chair tabled the Hearing until the end of the meeting by
32 UNANIMOUS CONSENT.
33

34 **6(B). Site Plan Amendment III Application - 121 Gonyeau Road - NG Advantage, Applicant/Clean Energy,
35 Owner.**
36

37 The Chair read the following summary to open the hearing:
38

39 The Applicant requests Site Plan Amendment approval from the Development Review Board per the
40 Milton Zoning Regulations to remove existing construction trailers and replace with a new,

1 permanent office building consisting of approximately 209 square feet of finished floor space, with
2 municipal water and sewer service. The Applicant proposes no access, parking, internal circulation,
3 lighting, or electrical service changes to the site. The property is described as 121 Gonyeau Road, Tax
4 Map 3, Parcel 8-6; SPAN #13971; contains approximately 6.3 acres and is located within the "General
5 Industrial" (I2) Zoning District and the Catamount Planning Area.
6

7 The Chair administered the Oath to Interested Persons. Representing the Applicant was David Roy of
8 Wiemann Lamphere Architects, hereafter referred to as "Applicant."
9

10 The Applicant gave a brief overview of the proposal and noted an error in the Summary: the plans call for a
11 1,870 square foot building, not 209 square feet. The erroneous figure was actually an elevation measurement;
12 Staff apologized for the error.
13

14 In response to the following numbered items within the Staff Report:

- 15 1. The Applicant agreed to remove the existing trailers prior to being issued a Certificate of Occupancy.
- 16 2. The Applicant agreed to remove the existing trailers from the Final Plans.
- 17 3. The Applicant agreed Final Plans will indicate the location of tractor parking spaces.
- 18 4. The Applicant stated there will be no change in the number of employees due to this proposal.
- 19 5. The Applicant stated there are two existing light fixtures in the parking lot area and that there would
20 be a light over the ramp and stairs leading to the proposed office. The Applicant agreed to show
21 these on the Final Plans.
- 22 6. The Applicant agreed to obtain a Project Review Sheet from the Agency of Natural Resources and to
23 provide a copy to the Town.
- 24 7. The Applicant agreed to submit two (2) full-sized and two (2) reduced complete final plan sets
25 depicting the requested changes.
- 26 8. The Applicant agreed to obtain a Zoning Permit (prior to construction) and associated Certificate of
27 Compliance (after construction is complete).
- 28 9. The DRB had no further questions or concerns for the Applicant.
29

30 MOTION by Conley to APPROVE the Site Plan Amendment III application of NG Advantage subject to the
31 conditions agreed upon; SECOND by Forgan. Unanimously APPROVED.
32

33 **6(C). Minor Conventional Subdivision Sketch Plan Application - Westford Road - James & Janet Harrison,**
34 **Owner/Applicant.**
35

36 The Chair read the following summary to open the hearing:
37

38 The Applicant is requesting Sketch Plan approval for a 3-lot Minor Conventional Subdivision located
39 on Westford Road, described as SPAN #12349, Tax Map 16, Parcel 37. The lots would be accessed
40 from Westford Road and served by on-site water and wastewater. The subject property contains a
41 total of 328 acres and is located within the "Agricultural/Rural Residential" (R5), Forestry/
42 Conservation (FC), and "Flood Hazard" (FH) Zoning Districts.
43

44 The Chair administered the Oath to Interested Persons. The Applicant, James Harrison, was present and was
45 also represented by Pete Garceau of Cross Consulting Engineers; all are hereafter referred to as "Applicant."
46

47 In response to the following numbered items within the Staff Report:

- 48 1. The Applicant agreed that the Final Plat will include the address of the owner of record and the
49 applicant.

- 1 2. The Applicant advised that the proposal is consistent with the Comprehensive Plan because it meets
2 all Zoning requirements without any variances. The Applicant stated that the proposal is very low-
3 density, and that it would ultimately preserve open space because the purpose of the subdivision is
4 to offset the cost of maintaining over 300 acres of agricultural land. The Applicant also mentioned
5 the following points in regard to the Comprehensive Plan:
- 6 • The proposal will result in a diversity of Agricultural Uses, as 300+ acres will remain Ag
7 land.
 - 8 • The proposal will result in low-density development, as the two new lots would be
9 approximately 10 acres each.
 - 10 • The proposal promotes outdoor recreation for children and adults simply by being located
11 and sized how it is; the Applicant felt that an approximately 10 acre lot provides plenty of
12 opportunity for outdoor recreation.
 - 13 • The proposal protects and enhances a historic site, because it includes a deeded easement to
14 the Town so that the Town may continue to maintain an old, private cemetery that is located
15 on the property.

16 Staff noted that there are wetlands located on the property, which the Comprehensive Plan aims to
17 protect. The Applicant felt the proposal did provide protection, as the proposed building envelopes
18 are outside of the wetlands and the 50-foot buffer zone. The Applicant also advised that the
19 wetlands had been delineated this past summer and the proposal was made using that information.

- 20 3. Discussion was held regarding the status of the private cemetery on the site. The proposal shows a
21 property line that would bisect the cemetery, and Staff mentioned this could be of concern as the
22 Town, being the de facto caretaker of the cemetery, would then have to access two private lots in
23 order to continue doing so. There was some discussion of moving the property line to include the
24 cemetery on only 1 parcel, and it was then brought up that perhaps access to the cemetery could be
25 incorporated in to the right of way. It was generally agreed upon that this was a reasonable
26 suggestion.
- 27 4. The Applicant agreed that the Final Plans shall include all applicable application requirements.
- 28 5. The Applicant stated that the frontage for Lot 3 would be created by a proposed private road, and
29 that the label of "private driveway" on the sketch plan was an oversight.
- 30 6. The Applicant agreed to label the proposed private road as such on the Final Plans.
- 31 7. The Applicant agreed that the Final Plat and application shall demonstrate compliance with all
32 provisions of ZR592.
- 33 8. The Applicant agreed to include a table showing the maximum depth and width of each lot as
34 specified in the Staff Report.
- 35 9. The Applicant agreed to state if any grading is proposed that would require Site Plan approval.
- 36 10. The Applicant stated that no vegetative clearing that would be in conflict with ZR691 is proposed,
37 and that the proposed building envelopes are currently cleared.
- 38 11. The Applicant stated that none of the proposed driveways or private roads would alter water
39 courses.
- 40 12. The Applicant agreed to submit a Final application for approval of a subdivision plat within six (6)
41 months of classification by the Development Review Board (DRB) of the Sketch plan as a minor
42 subdivision.
- 43 13. The Applicant agreed that the final plat shall include all items listed in Subdivision Regulations 610.
- 44 14. The Applicant agreed that the Final application shall included Section 700 responses submitted by e-
45 mail to the Town Planner.
- 46 15. The Applicant agreed to submit \$500 with the Final Application to cover legal costs the Town may
47 incur in reviewing the deeds and any other required legal instruments.
- 48 16. The Applicant agreed to submit draft deeds and any other associated legal instruments for all
49 impacted lots for review and approval by the Town Attorney.

1 17. The Applicant agreed to address any comments made by the DRB or Technical Advisory Committee
2 (TAC). Bonges questioned whether or not a way-finding sign to the cemetery should be erected; the
3 Applicant replied that was up to the town. An unidentified speaker mentioned that she would
4 rather not have a sign because it could encourage after-hours access and parking, a situation she
5 stated has been occurring at the Town Forest. A neighbor of the Town Forest confirmed this. The
6 Chair advised that in the DRB's Decision regarding the 2010 Site Plan Application for the Town
7 Forest, a condition was included that, should after-hours parking become an issue, the Town may
8 install a locking gate.
9

10 Several members of the public were present to speak. Christine Legler expressed frustration regarding
11 Agricultural Exemptions, stating that the exemption is like a protective umbrella under which the Applicants
12 can do anything they want. Legler pointed out the wetlands on the map, and commented on the cemetery's
13 historical significance. Legler stated that the Applicants have already cleared a lot of trees and are not re-
14 planting them. Legler is also concerned about the frequency of trips to the area, adding that the big rigs rattle
15 the windows in her house and that one window has already had to be replaced. Finally, Legler questioned the
16 Applicants' statement that no vegetative clearing would occur. Questions were asked and answered.
17

18 An unidentified neighbor asked whether or not every square foot of Vermont should be developed, and
19 admired the beauty of Westford Road as-is. Another neighbor found it interesting that at the beginning of the
20 Hearing the Applicant stated they wished to subdivide for monetary purposes. Another neighbor worried that
21 a situation similar to the one at the Town Forest may be created by people sitting in their cars at night in the
22 proposed cul-de-sac. The Chair advised that financial concerns would not to be considered by the Board, and
23 that issues at the Town Forest were not applicable to the Hearing at hand.
24

25 Bonnie Pease of 431 Westford Road spoke, stating she and her husband have 110 acres that abut the Town
26 Forest, and that she is a Conservation Commissioner. Pease felt that conservation, in general, was not being
27 considered. Pease quoted sections of the Comprehensive Plan and reiterated the concerns of other neighbors
28 that the proposal is in wetland and Flood Hazard areas. Pease specified that the areas shown on Map 8 of the
29 proposal are not suitable for septic systems, and noted the area was specified in the Comprehensive Plan as an
30 area that needed protection. Pease mentioned that the houses will not be contributing to any Agriculture Use of
31 the land, nor did she think they would contribute to outdoor recreation.
32

33 Nikki Criscolo, an abutting property owner, mentioned a recent beaver dam break, and wondered how close the
34 waters from that event got to Lot #3. The Applicant advised that flood elevations were examined, and that the
35 house was proposed to be situated above that level.
36

37 Hearing no further questions or comments, the Chair closed the Hearing at 8:00 p.m.
38

39 7. OTHER BUSINESS

40 7(A). Staff Update

41 Staff advised that applications are rolling in steadily, with a full Agenda planned for the Board's January
42 meeting, adding that a decision has yet to be made on the Interim Zoning application that was recently heard
43 by the Selectboard and that, if approved, that application would also be headed to the DRB. Staff also
44 mentioned the vacancies on the board, and asked anyone interested in serving on the DRB to contact the
45 Office of Planning & Economic Development.
46

47 MOTION by Conley to continue the hearing of the Variance application submitted by David LaPorte of 398
48 North Road to January 14, 2016; SECOND by Forgan. Unanimously APPROVED.
49

1 **8. MINUTES**

2 **8(A). Minutes of November 12, 2015**

3 MOTION by Bonges to APPROVE the Minutes of November 12, 2015 as written; SECOND by Conley.
4 Unanimously APPROVED.

6 **9. DELIBERATIVE SESSION**

7 MOTION by Forgan to enter Deliberative Session at 8:13 p.m.; SECOND by Conley. Unanimously
8 APPROVED.

10 Decision(s) Signed:

11 **9(A). Appeal from Decision of Zoning Administrator - Southerly Side of Route 7, LLC, Owner &
12 Appellant (APPROVED/Administrator's Decision Overturned)**

13 Bruce Jenkins, Chair YEA/nay/abstain/absent/recusal

14 Dave Conley, Vice-Chair: YEA/nay/abstain/absent/recusal

15 Henry Bonges, Clerk: YEA/nay/abstain/absent/recusal

16 Clayton Forgan: YEA/nay/abstain/absent/recusal

18 MOTION by Bonges to exit Deliberative Session at 8:31 p.m.; SECOND by Conley. Unanimously
19 APPROVED.

21 **10. ADJOURNED**

22 MOTION by Forgan to adjourn at 8:32 p.m., SECOND by Bonges. Unanimously APPROVED.

25 Minutes approved by the Commission this _____ day of _____, 2016.

29 _____
Bruce Jenkins, Chair /kt

31 Draft filed with the Town Clerk this 15th day of December, 2015.

33 Filed with the Town Clerk this _____ day of _____, 2016.