



DEVELOPMENT REVIEW BOARD

Meeting Type:.....Regular
Date:.....Thursday, April 28, 2016
Time:.....7:00 p.m.
Place:.....Municipal Building Community Room
Address:.....43 Bombardier Road Milton, VT 05468
Contact:.....(802) 893-1186
Website:www.miltonvt.org

MEETING MINUTES

1 **1. CALL TO ORDER**

2 The Chair called the meeting to order at 7:05 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 **Public Present:**
9

10 **3. AGENDA REVIEW**

11 After brief discussion, the Agenda remained as-is.
12

13 **4. PUBLIC FORUM**

14 None.
15

16 **5. OLD HEARINGS**

17 None.
18

19 **6. NEW HEARINGS**

20 **6(A). Conditional Use - 304 Cold Spring Road - Justin & Betsy Wheating, Owners/Jack Milbank - Civil**
21 **Engineering Associates, Applicant.**
22

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

25 **Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant, request**
26 **Conditional Use** approval to repair and replace a failed retaining wall with a new, large stone retaining wall
27 along the shoreline at **304 Cold Spring Road**. No other changes are proposed. The subject property contains
28 approximately 1.30 acres, described as SPAN# 13769, Map 9, Parcel 13-105, and is located within the
29 "Shoreland Residential" (R6) and "Flood Hazard" (FH) Zoning Districts and the West Milton Planning Area.
30

31 The Chair administered the Oath to Interested Persons. Representing the Applicant were Jack Milbank of Civil
32 Engineering Associates and Justin Wheating, hereafter referred to as "Applicant(s)."
33

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

- 35 1. The Commissioners concurred at this time that a site visit was not needed.
- 36 2. The Applicant explained the design of the sea wall and stated that as little vegetation as possible will
37 be removed, but that providing an exact number or percentage would be difficult. Some trees will be
38 limbed and pruned, unsafe and/or dead trees will be removed, and the area will be reseeded.

3. The Applicant agreed that the trees and groundcover shall be restored such that there is no more than a 25% reduction in trees and/or ground cover within 25 feet from the shoreline. Bonges clarified that the 25% limit will be met and the Applicant agreed to this, adding that they are not intending to do any more clearing than is needed because the property owner would like to retain the trees.
4. The Applicant agreed that proper erosion and sedimentation measures and best practices will be implemented during construction.
5. Staff advised there was a typo in this item: there is no stairway proposed. The Applicant agreed, and explained the type of wall that is proposed rather than a staircase. Conley asked some questions about the access ramp, which the Applicant stated will remain accessible to the community.
6. The Applicant agreed to obtain a Project Review Sheet from the Vermont Agency of Natural Resources for this proposal and to provide a copy to the Town, before a zoning permit can be issued. The Applicant further agreed that all required State and Federal approvals shall be acquired, but stated he'd already verified that no permits are needed.
7. The Applicant agreed that -- if the proposal is approved -- the Applicant will address any comments made by the State NFIP Coordinator prior to the issuance of a Zoning Permit.
8. The Applicant agreed that a Zoning Permit is required prior to construction and an associated Certificate of Compliance is required after construction is complete (and prior to occupation/use of the new structures).
9. The DRB did not have any remaining questions or concerns concerning the Site Plan standards above.

MOTION by Conley to CONTINUE the Conditional Use Hearing for 304 Cold Spring Road to May 12, 2016, in order to conduct a Site Visit at 5:00 p.m. on the same date. SECOND by Forgan. Motion CARRIED.

6(B). Conditional Use - 690 Everest Road - Virginia & Daniel Dubois, Owners/Jack Milbank - Civil Engineering Associates, Applicants.

The Chair read the following summary to open the hearing:

Virginia & Daniel Dubois, Owners/Jack Milbank - Civil Engineering Associates, Applicant, request **Conditional Use** approval to repair and replace a failed retaining wall with a new, large stone retaining wall along the shoreline at **690 Everest Road**. The relocation and replacement of existing stairs and deck are proposed. The subject property contains approximately .60 acres, described as SPAN# 10818, Map 37, Parcel 17, and is located within the "Shoreland Residential" (R6) and "Flood Hazard" (FH) Zoning Districts and the West Milton Planning Area.

The Chair administered the Oath to Interested Persons. Representing the Applicants were Jack Milbank of Civil Engineering Associates and Virginia & Daniel Dubois, hereafter referred to as "Applicant(s)." Milbank gave a brief overview, stating that this proposal includes rotating an existing deck and rebuilding a set of existing stairs. He stated the design was similar to the one in the previous hearing, but that the slope failure was more extreme at this location. The goal is to stabilize the bank, maintain the large trees at the top of the slope, provide drainage, and protect the house.

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

1. The DRB scheduled a site visit for 5:45 p.m. on May 12, 2016, to better assess existing conditions.
2. The Applicant agreed that the proposed deck shall not further encroach on the shoreline setback of 50 feet or the side setback of 35 feet and shall not increase in area from the existing deck, and that the existing and proposed deck dimensions and distances to setbacks shall be indicated on the final plans.

3. The Applicant stated they would prefer to keep all the trees and that only those that must be taken down (for example, for safety reasons) will be.
4. The Applicant agreed that trees and groundcover shall be restored such that there is no more than a 25% reduction in trees and /or ground cover within 25 feet from the shoreline, adding that they will actually be increasing the vegetative slope.
5. The Applicant explain that the purpose of the lower landing is to provide terracing and that it is consistent with the Shoreline Protection Act. The ramp is necessary to reach the shore.
6. The Applicant agreed that proper erosion and sedimentation measures shall be implemented during construction.
7. The Applicant agreed that the proposed stairway will be constructed and maintained in accordance with Section VII of Appendix A, Special Flood Hazard Area. Staff clarified that this also applies to the retaining wall, which was omitted in error.
8. The Applicant agreed to obtain a Project Review Sheet from the Vermont Agency of Natural Resources for this proposal and to provide a copy to the Town before a zoning permit can be issued. The Applicant further agreed that all required State and Federal approvals shall be acquired.
9. If approved, the Applicant agreed to address any comments made by the State NFIP Coordinator prior to the issuance of a Zoning Permit.
10. The Applicant agreed that a Zoning Permit is required prior to construction and an associated Certificate of Compliance is required after construction is complete (and prior to occupation/use of the new structures).
11. The Applicant answered the DRB's remaining questions, which included some regarding the type and amount of backfill.

MOTION by Conley to CONTINUE the Conditional Use Hearing for 690 Everest Road to May 12, 2016, in order to conduct a Site Visit at 5:45 p.m. on the same date. SECOND by Forgan. Motion CARRIED.

6(C). Boundary Line Adjustment - Westford Road - H.W. Ventures, L.C., Owner/Applicant.

The Chair read the following summary to open the hearing:

H.W. Ventures, L.C., Owner/Applicant requests **Boundary Line Adjustment** approval to adjust the lot lines of Lots 1 and 7 of a property located on **Westford Road**, described as SPAN #11413, Map 16, Parcel 20. The acreage of Lot 1 is proposed as 645.9 acres and Lot 7 as 9.251 acres. The subject property contains approximately 655 acres and is located within the Agricultural/Rural Residential (R5) and Forestry/Conservation (FC) Zoning Districts and the East Milton Planning Area.

The Chair administered the Oath to Interested Persons. Representing the Applicant were Peter Garceau of Cross Consulting Engineers and Jim Harrison of H.W. Ventures, hereafter referred to as "Applicant(s)."

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

1. The Applicant acknowledged that there were some errors made on the application form, and clarified the following:

- The existing and proposed size of "Lot 1" is 645.9 acres. There is no increase or decrease.
- The existing and proposed size of "Lot 7" is 9.251 acres. There is no increase or decrease.
- The boundary line adjustment application is simply to alter the parcel line, not to change any acreage.

- 1 2. The Applicant stated the correct book and page deed references are Book 185, Page 144.
- 2 3. The Applicant agreed that the final plat shall show all adjoining properties as they exist in the Town
3 of Milton Land Records.
- 4 4. The Applicant agreed that all conditions of the DRB Approval of December 12, 2013 are in full force
5 and effect except as further amended herein.
- 6 5. The Applicant agreed to verify that no improvements shown on the exhibits are changing from the
7 prior subdivision approval.
- 8 6. The Applicant agreed that the final plat shall show all existing and proposed easements, indicating
9 which easements are to be retained and which are to be dissolved.
- 10 7. The Applicant agreed to submit, with the final plat, draft legal instruments necessary to establish and
11 alter and dissolve easements.
- 12 8. The Applicant agreed that the final plat shall clearly indicate to whom or which lot all easements
13 benefit, and that if any easement has an associated instrument recorded in the land records it shall
14 include a recording reference.
- 15 9. The Applicant confirmed the accuracy of the dimensional tables as calculated by staff, with the
16 exception that the Existing Size of Lot 1 should be 645.9 acres.
- 17 10. The Applicant agreed that the final plans shall show the existing and proposed boundaries according
18 to Milton's requirements and shall meet the requirements for a Final Subdivision Plat per SR610 to be
19 eligible for signature.
- 20 11. The Applicant agreed that the final plat's legend shall also include explanations for all symbols and
21 lines shown on the plans and vice versa.
- 22 12. The Applicant stated that they submitted \$500 with their application to cover the legal review of the
23 revised deeds and any other required legal instruments by the Town Attorney.
- 24 13. The Applicant agreed to submit deeds and any other associated legal instruments for all impacted
25 lots for review and approval by the Town Attorney, that all requested revisions must be complete
26 before the Plat may be recorded, and that only instruments approved by the Town may be recorded
27 in the Town of Milton Land Records.
- 28 14. The Applicant agreed to submit one paper or electronic .PDF version of the revised final Plat (and
29 any associated plans) for review and approval by Staff prior to submitting the mylar, and further
30 agreed to submit one full-sized (to scale) paper Final Plat and one 11x17 paper plat depicting the
31 requested changes, to be maintained in the Planning Office's application file.
- 32 15. The Applicant agreed that the final Plat shall be submitted on 18" x 24" mylar, signed by the licensed
33 surveyor and the Chair of the DRB, and recorded in the Town Clerk's Office within 180 days of the
34 date of the DRB's Final Approval Decision per Subdivision Regulations Section 940. The Applicant
35 understood that Final approval expires if not filed within 180 days, unless extended by the Zoning
36 Administrator for pending local or state approvals, and that in the event a subdivision plat is
37 recorded without complying with this requirement, the plat shall be considered null and void.
- 38 16. The Applicant agreed that no changes, erasures, modifications, or revisions, other than those
39 required by the Decision, shall be made on the Plat after approval unless a revised Plat is first
40 submitted to the Department of Planning and Economic Development, and that in the event the
41 subdivision plat is recorded without complying with this requirement, the Plat shall be considered null
42 and void.
- 43 17. The Applicant agreed to obtain a Project Review Sheet from the Permit Specialist in the District 4
44 Regional Office of the Agency of Natural Resources, provide a copy to the Town, and obtain all
45 required State permits and approvals.
- 46

1 Cross addressed a note in the Staff Report which indicated a waiver may be necessary regarding Minimum
2 Lot Width to Depth Ratio: the lot dimensions were proposed as it is in order to maximize the Agricultural
3 Use of the surrounding land.

4
5 Hearing no further questions or comments, the Chair closed the Hearing at 8:00 p.m.

6
7 **6(D). Minor Conventional Subdivision Final Plan - 114 Poor Farm Road - Poor Farm Acres, LLC,**
8 **Owner/Applicant.**

9
10 The Chair read the following summary to open the hearing:

11
12 **Poor Farm Acres, LLC, Owner/Applicant** is requesting **Final Plan** approval for a proposed 2-lot **Minor**
13 **Conventional Subdivision** located at **114 Poor Farm Road**, described as Tax Map 15, Parcel 55 and SPAN
14 #11180. The applicant proposes access to Lot 1 via Poor Farm Road and Lot 2 via Highland Avenue. The
15 properties are proposed to be served by on-site water and wastewater. The subject property contains
16 approximately 2.00 acres and is located within the "Medium Density Residential" (R2) Zoning District and
17 Arrowhead Lake Planning Area.

18
19 The Chair administered the Oath to Interested Persons. Representing the Applicant was Karl Marchessault of
20 O'Leary Burke, hereafter referred to as "Applicant(s)."

21
22 In response to the following numbered items within the Staff Report:

- 23 1. The Applicant agreed that, if final subdivision is approved, the existing zoning permit for a single
24 family home on the existing lot will be amended to reflect the change of the property boundaries.
- 25 2. The Applicant agreed that the Final Plat shall be in compliance with SR610, and include all
26 improvements referred to in Article VIII of the Subdivision Regulations, including but not limited to
27 the proposed locations of water and sewage disposal systems.
- 28 3. The Applicant agreed to submit draft deeds and any other associated legal instruments for all
29 impacted lots for review and approval by the Town Attorney, that all requested revisions must be
30 complete before the Plat may be recorded, and that only instruments approved by the Town may be
31 recorded in the Town of Milton Land Records.
- 32 4. The Applicant agreed to submit one paper or electronic .PDF version of the revised final Plat (and
33 any associated plans) for review and approval by Staff prior to submitting the mylar. The Applicant
34 further agreed to submit one full-sized (to scale) paper Final Plat and one 11x17 paper plat depicting
35 the requested changes, to be maintained in the Planning Office's application file.
- 36 5. The Applicant agreed that the final Plat shall be submitted on 18" x 24" mylar, signed by the licensed
37 surveyor and the Chair of the DRB, and recorded in the Town Clerk's Office within 180 days of the
38 date of the DRB's Final Approval Decision per Subdivision Regulations Section 940, and that Final
39 approval expires if not filed within 180 days, unless extended by the Zoning Administrator for
40 pending local or state approvals. The Applicant agreed that in the event a subdivision plat is
41 recorded without complying with this requirement, the plat shall be considered null and void.
- 42 6. The Applicant agreed to obtain all required State permits and approvals.

43
44 Bonges had some questions regarding a right-of-way and former easements to common land, and a waiver
45 to the minimum frontage requirement. There was brief discussion and Staff answered the questions that
46 were posed.

47
48 MOTION by Conley to APPROVE the Minor Conventional Subdivision Final Plan for 114 Poor Farm Road,

1 subject to the conditions discussed above; SECOND by Forgan. UNANIMOUSLY APPROVED.
2

3 **7. OTHER BUSINESS**

4 **7(A). Staff Update**

5 Staff presented the DRB with draft versions of a revised Zoning Permit application that the Zoning
6 Administrator has been working on, for their review and comments. Staff briefed the Commissioners on the
7 upcoming May 12, 2016 and May 26, 2016 meetings.
8

9 **8. MINUTES**

10 **8(A). Minutes of April 14, 2016**

11 MOTION by Bonges to APPROVE the Minutes of April 14, 2016 as written; SECOND by Conley.
12 Unanimously APPROVED.
13

14 **9. DELIBERATIVE SESSION**

15 MOTION by Conley to enter Deliberative Session at 8:17 p.m.; SECOND by Forgan. Unanimously
16 APPROVED.
17

18 MOTION by Conley to exit Deliberative Session at 9:03 p.m.; SECOND by Forgan. Unanimously
19 APPROVED.
20

21 **10. ADJOURNED**

22 MOTION by Conley to adjourn at 9:04 p.m.; SECOND by Forgan. Unanimously APPROVED.
23

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

26 _____
27 Bruce Jenkins, Chair /kt
28

29 Draft filed with the Town Clerk this 5th day of May, 2016.
30

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