



DEVELOPMENT REVIEW BOARD

Meeting Type:.....Regular
Date:.....Thursday, May 12, 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 7:03 p.m.
3

4 **2. ATTENDANCE**

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

7 **Members Absent:** None

8 **Staff Present:** Jeff Castle, Town Planner

9 **Public Present:**
10

11 **3. AGENDA REVIEW**

12 None.
13

14 **4. PUBLIC FORUM**

15 None.
16

17 **5. OLD HEARINGS**

18 **5(A). Conditional Use - 304 Cold Spring Road - Justin & Betsy Wheating, Owners/Jack Milbank -**
19 **Civil Engineering Associates, Applicant.**
20

21 A site visit was conducted earlier in the day at approximately 5:00 p.m. At the meeting, the Chair read
22 the following summary to open the hearing:
23

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

31 Hearing no further questions or comments, the Chair closed the Hearing at 7:05 p.m.
32

33 **5(B). Conditional Use - 690 Everest Road - Virginia & Daniel Dubois, Owners/Jack Milbank -**
34 **Civil Engineering Associates, Applicants.**
35

1 A site visit was conducted earlier in the day at approximately 5:45 p.m. At the meeting, the Chair read
2 the following summary to open the hearing:
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4 **Virginia & Daniel Dubois, Owners/Jack Milbank - Civil Engineering Associates, Applicant,**
5 request **Conditional Use** approval to repair and replace a failed retaining wall with a new, large
6 stone retaining wall along the shoreline at **690 Everest Road**. The relocation and replacement of
7 existing stairs and deck are proposed. The subject property contains approximately .60 acres,
8 described as SPAN# 10818, Map 37, Parcel 17, and is located within the "Shoreland Residential" (R6)
9 and "Flood Hazard" (FH) Zoning Districts and the West Milton Planning Area.
10

11 Hearing no further questions or comments, the Chair closed the Hearing at 7:06 p.m.
12

13 **6. NEW HEARINGS**

14 **6(A). Major Conventional Subdivision Sketch Plan - 159 East Road - Chris Blondin/Applicant &** 15 **Sandra Martell/Owner.** 16

17 The Chair read the following summary to open the hearing:
18

19 **Chris Blondin/Applicant** and **Sandra Martell/ Owner** request **Sketch Plan** approval for a **Major**
20 **Conventional Subdivision** located at **159 East Road**. The proposal would result in eight (8) lots, to be
21 served by shared septic and wells. Also proposed is a new, looped private road within a 60' private
22 right-of-way accessed from two intersections on East Road. The site contains several existing
23 structures. The property is described as SPAN numbers 12211 & 12210, Tax Map 11, Parcel 93. The
24 subject property contains a total of 61.41 acres and is located within the "Old Towne Residential" (R1)
25 Zoning District and Town Core Planning Area.
26

27 The Chair administered the Oath to Interested Persons. Representing the applicant was Chris Blondin,
28 hereafter referred to as "applicant." The applicant gave an overview of the proposal, stating that it's
29 the same proposal the DRB heard somewhat recently, but the approval for that project had expired.
30 The applicant stated the mobile homes would be removed from the parcel and that three existing curb
31 cuts would remain.
32

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

- 34 1. The applicant agreed to clarify the total acreage, and agreed that, if approved, the
35 Preliminary Plans shall show areas and be prepared by and attested by a licensed surveyor.
36 At this time, a letter from a neighboring property owner, Marilyn Bluto, was brought up by
37 Staff. Bluto was present and expressed her concerns related to the property boundaries.
38 Bluto requested that the surveyor contact her and walk her around the property boundary,
39 showing her the survey pins; she also requested a copy of the survey. The Applicant
40 confirmed that he had Bluto's phone number and would be in contact with her to work
41 toward resolution of any issues.
- 42 2. The applicant agreed that, if approved, the Preliminary application/plans shall label all
43 existing and proposed utilities as well as existing principal uses housed in each building or

1 accessory structure and indicate if the existing uses/buildings/structures are to be retained
2 or removed.

- 3 3. The applicant agreed that the Preliminary Plans shall show the type, location and
4 approximate size of existing and proposed streets and driveways and shall indicate existing
5 access to be retained or removed. A brief discussion of lining the new intersection up with
6 Hardscrabble Road was held; it was quickly determined that this is not possible, because an
7 existing residence sits directly opposite Hardscrabble Road.
- 8 4. The applicant agreed that the Preliminary Plans shall delineate the boundaries all proposed
9 easements.
- 10 5. The applicant agreed that the Preliminary Plans shall show the current names of owners of
11 record of contiguous properties per SR300.2
- 12 6. The applicant agreed that the Preliminary Plan's application and plans shall demonstrate
13 compliance with the road and driveway standards established ZR592 & 593. The Applicant
14 stated that he was unsure if the road would be paved or not.
- 15 7. The applicant agreed to submit, within six (6) months of classification by the DRB of the
16 sketch plan as a major subdivision, an application for approval of a preliminary plat, that the
17 application shall contain those items set forth in Section 600 of these regulations, and shall
18 conform to the layout shown on the sketch plan plus any recommendations made by the
19 DRB.
- 20 8. The applicant agreed to address any current concerns that the DRB may have related to the
21 SR700 Standards above, and that the Preliminary Application shall include Section 700
22 responses specifically addressing how the proposal meets each finding above.
- 23 9. The applicant agreed that the Preliminary Plans shall show design in conformance with
24 SR800.10/ZR590. Brief discussion took place regarding a Technical Advisory Committee
25 (TAC) comment about the private road running parallel to East Road. It was agreed that this
26 is more desirable, for safety reasons, than new curb cuts on East Road.
- 27 10. The applicant agreed to provide an adequate surface storm water drainage plan for the entire
28 subdivision area with the Preliminary Plan application.
- 29 11. The applicant agreed that the Preliminary Plans shall show easements of sufficient width for
30 the proposed shared water and wastewater systems, as well as clearly delineate the
31 boundaries of the access right-of-ways.
- 32 12. The applicant agreed to address all comments by the Development Review Board Technical
33 Advisory Committee and attached to the Staff report. The parallel road and intersection
34 with Hardscrabble Road had already been discussed. A culvert requested by the TAC
35 committee was discussed, and the Chair felt this was not the Applicant's responsibility
36 because the Applicant is not crossing East Road. Adequate parking was brought up, and the
37 Applicant advised that all the lots were bigger than required, and parking should not be an
38 issue. Bluto was asked if she had any further concerns, and she asked which culvert they
39 had been talking about. Bluto stated there is a culvert running under East Road. There
40 appears to be confusion over which culvert the TAC was referring to, and Staff will follow
41 up.
- 42 13. The applicant shall respond to any remaining comments or concerns from the Development
43 Review Board.

1 Hearing no further questions or comments, the Chair closed the Hearing at 7:25 p.m.

2
3 **6(B). Commercial Planned Unit Development (PUD) Sketch Plan - 496 Route 7 South - David**
4 **Goodrich Properties, LLC/Owner & Applicant.**

5
6 The Chair read the following summary to open the hearing:

7
8 **David Goodrich Properties, LLC, Owner/Applicant** requests **Sketch Plan** approval for a proposed
9 **Commercial Planned Unit Development (PUD)** located at **496 Route 7 South**, described as SPAN
10 #12283, Tax Map 7, Parcel 15-1. The proposal is for four new structures: three single-story retail
11 structures and one two-story retail/office structure. The proposed project would be accessed from US
12 Route 7 South and Racine Road. The subject property contains approximately 10.98 acres and is
13 located within the "Checkerberry" (M4) Zoning District and Town Core Planning Area.

14
15 The Chair administered the Oath to Interested Persons. Representing the Applicant was David
16 Goodrich, hereafter referred to as "applicant(s)." The applicant gave an overview, stating that he had
17 previously proposed a mixed-use PUD but, with Interim Zoning in place and new residential units
18 restricted in this district, this new proposal does not include any residential units. The applicant stated
19 the plan was to build the structures and then, as the units are leased, to finish out the interior to suit.
20 The building footprint would remain the same, but individual unit sizes could change depending on
21 what the client needs. The applicant advised the exterior aesthetics would remain the same across all
22 of the buildings. The applicant also spoke about green space, stating didn't agree with a
23 recommendation in the Staff Report that recommended the green space be moved up toward Route 7.
24 The applicant envisions more of a gathering space/community green, and does not think that people
25 will congregate on a green along Route 7.

26
27 In response to the following numbered items within the Staff Report:

- 28 1. The applicant agreed that, if approved, the Preliminary/Final application shall include the
29 location of all existing and proposed restrictions and covenants on the property, and to
30 present plans consistent with all encumbrances to remain. At this time, the owner of a
31 neighboring parcel located at 484 Route 7 South spoke about her traffic concerns. She also
32 asked about the Route 7 improvements that have been discussed and wondered if this
33 proposal fits in to those plans. The Chair advised that the Route 7 improvements do not
34 concern the DRB, but the DRB is concerned with traffic impacts. The Applicant replied that
35 she is very concerned about the safety of her customers and thinks the proposal will add an
36 undue amount of traffic entering and exiting Route 7. Next, Diane Greenough spoke on
37 behalf of Ivy Lane Condominium Association, with the following questions:
- 38 • Regarding the entrance on Racine Road: does that have to be directly opposite the
39 road used to enter the condos?
 - 40 • Does the stormwater have to be contained on-site? Greenough stated that they
41 already have problems from other neighboring lots, and want it noted that this
42 problem exists.

- Is a traffic light being considered for the corner of Racine and Route 7? Todd Greenough reiterated that the main entrance is across from condos' entrance, and does not think this is safe or desirable.

Hannah Fanton, a resident of the condominiums, expressed similar concerns regarding safety, traffic and stormwater runoff. The Applicant assured the neighboring property owners that all stormwater management plans will have to be approved and permitted, and that those permits will have to be in place before the proposal can move forward.

2. The applicant and the DRB agreed that this item has already been discussed, and the applicant does not plan to relocate the structures closer to Route 7.
3. The applicant and the DRB agreed that this item has already been discussed, and the applicant does not plan to relocate the green space closer to Route 7.
4. The applicant agreed that, if approved, Preliminary/Final Plans shall show the proposed road extending to the Eastern property boundary connects to the existing Clifford Drive right-of-way. Some discussion of the road commenced, and in response to questions from the Chair, the Applicant confirmed that he will build a corner section of it, connecting to Clifford Drive.
5. The applicant agreed that, if approved, Preliminary/Final plans shall indicate the location of streetlights, street trees, signage, and all public spaces. The Applicant agreed to place a stop sign at Racine Road.
6. The applicant agreed that, if approved, the applicant must submit a Preliminary/Final Application including all elements listed in Subdivision Regulations Section 600.
7. The applicant agreed that, if approved, the applicant must submit Site Plans including all items listed in Zoning Regulations Section 803.
8. The applicant stated that the proposal will remain in single ownership.
9. The applicant agreed to submit, if approved, metes and bound survey with the Preliminary/Final Application.
10. The applicant agreed that, if approved, Preliminary/Final Plans shall show all features required by ZR851.3.
11. The applicant agreed that, if approved, Preliminary/Final Plans shall show all features required by ZR851.4.
12. The applicant agreed that, if approved, Preliminary/Final Plans shall show all features required by ZR851.5
13. The applicant agreed that, if approved, the Preliminary/Final Plans shall include a narrative response as required by ZR851.6
14. The Chair and the DRB agreed that a site visit had already been done, and also agreed that if any changes are made another site visit may be conducted by the DRB, and if necessary the applicant shall place temporary markers on the lands in order to enable the DRB to readily locate and appraise the basic layout of the proposed PUD prior to any Preliminary hearing. A couple of neighbors spoke at this time about traffic, a traffic light, and buffer zones.
15. The applicant is unable to state the total number of units the PUD will contain, as it depends on how much square footage any given tenant wants. At this time, the applicant clarified that, although he'd previously stated the property would remain in single ownership, it is

possible in the future that any given building might be sold, but the units within that building would remain in single ownership.

16. The Chair stated that the applicant is not subdividing; Staff advised that the Regulations require any PUD to be considered under the subdivision regulations. The DRB will discuss in Deliberative Session.
17. The applicant agreed that the preliminary application shall also include a site plan application, including all requirements listed in ZR800.
18. The Chair confirmed with the Applicant that at this time no footprint lots are proposed.
19. The applicant agreed to include the location and design of the proposed sewage disposal system with the Preliminary/Final application. The applicant stated the project will be connected to Town sewer.
20. The applicant agreed to include the location and design of the proposed water system with the Preliminary/Final application, adding that the project will be served by municipal water.
21. The applicant agreed that, if approved, the applicant shall show all roads and driveways in accordance with ZR590 and ZR800.
22. The applicant agreed that if approved, a letter of intent from the Vermont Agency of Transportation in regards to access to Route 7 shall be included with the Preliminary/Final application.
23. The applicant agreed to submit traffic generation data and provide Staff with a narrative or outline showing how the traffic generation data was calculated at the Preliminary/Final Plan review.
24. The applicant agreed that if approved, a traffic study must be submitted with the Preliminary/Final Plan application that should address traffic impacts at project access points, major intersections and other nearby locations, to include potential traffic impacts upon Route 7 South, Racine Road, Forbes Road and, if applicable, Clifford Drive.
25. The applicant agreed that the Site Plan shall include information concerning all infrastructure improvements within the PUD and with Public Roads.
26. The applicant agreed that if approved, the Preliminary/Final plans shall include buildable envelopes, per ZR854.1.
27. The applicant agreed that the Preliminary application shall include narrative responses to the standards of SR700.
28. The applicant agreed that within six (6) months of classification by the DRB of the sketch plan as a minor subdivision, the subdivider shall submit an application for approval of a subdivision plat. The application shall contain those items set forth in Section 610 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the DRB.
29. The applicant agreed that if approved, all draft legal documents associated with the development must be submitted with the Preliminary/Final application for review by the Town Attorney. These documents must be revised to his satisfaction if necessary. The Chair asked if this was necessary under single ownership. Staff stated that if it remains in single ownership, deed review would not be necessary but other legal documents (such as easements) would need to be reviewed.
30. The applicant agreed to submit \$500.00 with the preliminary/final application to be held in escrow by the Town to cover the costs of legal review by the Town Attorney, that any funds not

1 expended on this proposal's legal review shall be refunded to the Applicant, and that any funds
2 expended in excess of \$500 shall be paid for by the Applicant.

- 3 31. The applicant agreed to obtain a Project Review Sheet from the Permit Specialist in the District
4 4 Regional Office of the Agency of Natural Resources, provide a copy to the Town, and ensure
5 that all the necessary State permits are obtained.
- 6 32. The applicant agreed that all comments by the Development Review Board Technical Advisory
7 Committee (TAC) and attached to the Staff report shall be addressed. The Chair read
8 through the TAC comments, and felt they had been mostly discussed already. The
9 comments of the Fire Department were reviewed and the Applicant agreed they would be
10 addressed.
- 11 33. The applicant responded to the few remaining comments from the Development Review
12 Board.

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14 Hearing no further questions or comments, the Chair closed the Hearing at 8:41 p.m.

15
16 **6(C). Conditional Use & Variance - 13 Rainbow Place - Mike Crete/Owner & Rick
17 LeClair/Applicant.**

18
19 The Chair read the following summary to open the hearing:

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21 **Mike Crete, Owner/Rick LeClair, Applicant request Conditional Use and Variance** approval for
22 an addition of approximately 12' x 24' and to elevate the existing residence located in the Flood
23 Hazard Zone. The proposal also requires a Variance in order to expand a non-complying structure
24 per ZR520.2. The property is located at **13 Rainbow Place** and described as SPAN# 13654; Tax Map
25 2, Parcel 28 . The subject property contains .50 acres and is located within the "Flood Hazard" (FH)
26 Zoning District and West Milton Planning Area.

27
28 The Chair administered the Oath to Interested Persons. Representing the applicant was Rick LeClair,
29 hereafter referred to as "applicant." The Applicant stated the proposal is to construct an addition
30 facing Rainbow Place, and this requires elevating the entire structure by approximately three feet.
31 Bonges asked if the addition itself makes the property more non-conforming and the applicant stated
32 that it does not. However, the stairs necessary to access the newly-elevated deck would encroach
33 upon the setback. The applicant stated he would be willing to move the stairs to the side of the deck.
34 Conley asked if the camp is to remain seasonal; the Applicant confirmed it was.

35
36 In response to the following numbered items within the Staff Report:

- 37 1. The DRB felt that no site visit was necessary.
- 38 2. The applicant and the DRB agreed that all proposed additions and alterations to the
39 structure including decks and stairs had been discussed. The stairs were discussed again,
40 and the applicant stated again that he is willing to move the stairs to the south side of the
41 deck.
- 42 3. The DRB and applicant felt this item (any unique physical circumstances or conditions of the
43 site that create unnecessary hardship) had already been discussed.

- 1 4. As the structure is an existing non-conformity, the Variance and Conditional Use are
2 necessary. The DRB had no further questions regarding this point.
- 3 5. The group briefly discussed whether or not the unnecessary hardship has been created by the
4 appellant.
- 5 6. The Chair clarified that the stairs are only being added to make the existing deck accessible
6 once it is raised.
- 7 7. The DRB did not have any further questions regarding the Variance required findings.
- 8 8. The applicant agreed that proper erosion and sedimentation measures shall be implemented
9 during construction.
- 10 9. The applicant agreed that the DRB may attach such additional reasonable conditions and
11 safeguards as it may deem necessary to implement the provisions and intentions of the
12 Regulations and the Milton *Comprehensive Plan*.
- 13 10. The applicant agreed to construct and maintain the proposed addition in accordance with
14 Section VII of Appendix A, Special Flood Hazard Area.
- 15 11. The applicant agreed that the proposed improvements shall be located such that the lowest
16 floor is at least one (1) foot above the base flood elevation, and that this must be documented
17 in as-build condition with a FEMA Elevation Certificate.
- 18 12. The applicant stated this was no applicable. A Project Review Sheet has already been
19 obtained, which Staff confirmed.
- 20 13. The applicant stated he has already spoken with the State NFIP Coordinator.
- 21 14. The applicant agreed that a Zoning Permit is required prior to construction and an
22 associated Certificate of Compliance is required after construction is complete (and prior to
23 occupation/use of the new structures).
- 24 15. The DRB did not have any remaining questions or concerns.

25
26 Hearing no further questions or comments, the Chair closed the Hearing at 9:03 p.m.

27 28 **7. OTHER BUSINESS**

29 **7(A). Staff Update**

30 Staff gave a quick update on the scheduled hearings for the DRB's next meetings.

31 32 **8. MINUTES**

33 **8(A). Minutes of April 28, 2016**

34 MOTION by Forgan to APPROVE the Minutes of April 28, 2016 as written; SECOND by Conley.
35 Unanimously APPROVED.

36 37 **9. DELIBERATIVE SESSION**

38 MOTION by Conley to enter Deliberative Session at 9:05 p.m.; SECOND by Forgan. Unanimously
39 APPROVED.

40 41 **10. ADJOURNED**

42 MOTION by Conley to adjourn at 9:06 p.m.; SECOND by Forgan. Unanimously APPROVED.
43
44

1 Minutes approved by the Commission this _____ day of _____, 2016.
2
3

4 Bruce Jenkins, Chair _____ /kt
5

6 Draft filed with the Town Clerk this 17th day of May, 2016.
7

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

DRAFT