



DEVELOPMENT REVIEW BOARD MEETING MINUTES

Meeting Type: **Regular Meeting**
Date: **Thursday, January 14, 2016**
Time: **7:00 p.m.**
Place: **Municipal Building Community 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 7:04 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 **5 (A). Variance Application - 398 North Road - David LaPorte, Owner/Applicant.**

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

19
20 The Applicant is requesting a Variance in accordance with ZR520: Non-complying Structures. The
21 proposal is to construct a lean-to style carport over an existing parking space. A Variance is
22 requested because the required minimum front setback of 35 feet will not be met. The proposed
23 structure would be attached to the existing residence and share the same, non-compliant setback.
24 The subject property is located at 398 North Road, described as SPAN #11968, Tax Map 15, Parcel
25 123. The subject property contains a total of approximately 0.46 acres and is located within the
26 "Industrial Conservation" (I3) Zoning District.

27
28 The Chair administered the Oath to Interested Persons. Representing the Applicant was David Laporte,
29 hereafter referred to as "Applicant."

30
31 In response to the following numbered items within the Staff Report:

- 32 1. The applicant was asked to describe any unique physical circumstances or conditions of the site that
33 create unnecessary hardship. The applicant stated that the current parking is not adequate. Currently
34 cars are parked in the Town right of way. The applicant would like to bring in fill and stone and create
35 more parking and would like to create a carport with no sides to protect his vehicles.
- 36 2. The applicant stated that the property drops off, and to locate the car port outside the setback would put
37 it at the back of the house.
- 38 3. The applicant stated that he is unable to locate the carport further back, and he feels wants to extend
39 parking in order to improve safety.
- 40 4. There were no further questions at that time from the DRB.

- 1 5. Staff stated the Technical Advisory Committee questioned if the residence is a duplex, and the applicant
2 stated that it is a single family home. Staff stated that Public Works had discovered a second
3 unauthorized highway access on the property that should be addressed with Public Works or removed.
- 4 6. The applicant agreed that a zoning permit is required and an associated Certificate of Occupancy is
5 required after construction is complete and prior to the use of the new structure.
- 6 7. The applicant agreed that variance approval shall expire one year from the date of issue. If the work is
7 on complete the applicant shall apply to the Zoning Administrator for an extension. The Zoning
8 Administrator may grant a single one-year extension for the identical project only.
- 9 8. The applicant agreed that in addition to any other remedies provided for by law, a Zoning Permit, sign
10 permit, variance, conditional use approval, or site plan approval may be revoked by the Zoning
11 Administrator or Development Review Board, whichever granted the permit or approval, for violation
12 of these Regulation or the terms of and conditions of the permit or approval.

13 Staff stated the opinion that this project could be completed in compliance with the Zoning Regulations.

14
15 Hearing no further questions or comments, the Chair closed the Hearing.

16 17 **6. NEW HEARINGS**

18 **6(A). Site Plan Amendment I Application - 107 Catamount Drive - Toxic Lolli LLC, Owner & Applicant.**

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

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22 The Applicant is requesting Site Plan Amendment approval for a proposed 13,530 square foot per floor,
23 2-story Research & Development building addition and associated infrastructure. Also proposed is
24 redesign of the parking area to accommodate the building addition and provide better internal
25 circulation. The existing water service would remain; the existing on-site wastewater disposal system
26 would be removed and the site would connect to the municipal sewer line. The site is located at 107
27 Catamount Drive and described as SPAN #11572, Tax Map 3, Parcel 8-7. The subject property contains a
28 total of approximately 3.12 acres and is located within the "General Industrial" (I2) Zoning District and
29 the Catamount Planning Area.

30
31 The Chair administered the Oath to Interested Persons. Representing the Applicant was Jeffrey Jimmo and
32 Peter Heil of O'Leary-Burke Civil Associates, LLC, hereafter referred to as "Applicant."

33
34 The Applicant clarified that they have received a revised water and waste water allocation approval for the
35 proposed project.

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

- 38 1. The applicant agreed that the Final Plan shall indicate the curve radius for the new access to Gonyeau
39 Road. The new access will have a curve radius of 25 feet.
- 40 2. The applicant agreed that a Town Highway Access Permit will be obtained prior to being eligible for a
41 zoning permit.
- 42 3. The applicant agreed that all new curb cuts shall be inspected by Public Works to ensure compliance
43 prior to the issuance of a Certificate of Compliance.
- 44 4. The applicant stated that the location and number of the ADA accessible parking spaces meet the
45 requirements of the ADA. Two spaces are located near the middle entrance, while one is located on the
46 opposite side of the parking lot. Staff stated that the distance of the third parking space is of concern. The
47 applicant stated that the location of the furthest space was dictated by the size and dimension of the
48 proposed parking lot.
- 49 5. The applicant requested to not put in parking lot landscaped islands. The purpose of such islands was

1 discussed. Staff explained that in the previous site plan approval, islands were not required, but the
2 ability to require islands upon future expansion was retained.

- 3 6. The applicant agreed to meet the sign standards of ZR830. A picture of an existing sign that will closely
4 resemble the proposed sign was shown.
- 5 7. The applicant agreed that if multiple units are to be created in the proposed building, a site plan
6 amendment and the establishment of a Planned Unit Development shall be required. Staff explained the
7 necessity to establish a PUD in an existing building when being unitized.
- 8 8. The staff pointed out the comments from the TAC listed in the following numbered items
- 9 9. The applicant agreed to show the curve radius for the new access to Gonyeau Road.
- 10 10. The applicant explained that they are planning to connect the force main to the existing sewer stub
11 which already crosses the water service.
- 12 11. The applicant explained that two hydrants already exist along Catamount and Gonyeau Road and that
13 no changes are proposed. The applicant agreed to speak with the Fire Department in order to gain
14 approval that the existing fire hydrant placements are adequate.
- 15 12. The applicant agreed to remove arborvitaes within the Right of Way adjacent to Fire Hydrant #AA-20 on
16 Gonyeau road in order to improve access to the hydrant.
- 17 13. The Applicant agreed that the final plans shall clearly indicate the location of the Fire Department
18 Connection.
- 19 14. The Applicant agreed to install and maintain a Fire Department Key Box and indicate its location on the
20 Final Plans.
- 21 15. The Applicant agreed to provide a copy of the Project Review Sheet from the Permit Specialist of the
22 Agency of Natural Resources and obtain all required State permits and approvals prior to construction.
- 23 16. The Applicant agreed to submit two full-sized and two reduced complete final plan sets depicting the
24 requested changes.
- 25 17. The applicant agreed to obtain a Zoning Permit prior to construction and an associated Certificate of
26 Compliance after construction is complete.
- 27 18. Remaining questions were asked from the DRB.

28
29 Bonges requested that the Electric Vehicle conduit be moved over two spots from the last parking space in order
30 to allow for multiple vehicles to utilize the plug. The applicant agreed. The DRB inquired if the applicant would
31 be willing to put additional landscaping adjacent to the parking lot as a condition of not having landscaped
32 islands. The applicant agreed that some low landscaping at the end of the parking lot would be acceptable.
33

34 Hearing no further questions or comments, the Chair closed the Hearing at 7:39 p.m.
35

36 **6(B). Site Plan Application – 358 Bear Trap Rd. - William R. Sawyer Revocable Trust & Sonya L. Sawyer**
37 **Revocable Trust, Owners/Bill Sawyer, Applicant.**
38

39 The Chair read the following summary to open the hearing:
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41 The Applicant is requesting Site Plan approval for a property located at 358 Bear Trap Road, described as Tax
42 Map 6, Parcel 2-1. The Applicant seeks after-the-fact approval to install a concrete block retaining wall and
43 conduct non-exempt excavation/fill within an existing, constructed pond and mapped wetland, requiring DRB
44 Site Plan approval per ZR680 and ZR720. The subject property contains a total of 11.20 acres and is located
45 within the "Agricultural/Rural Residential (R5)" Zoning District.
46

47 The Chair administered the Oath to Interested Persons. Representing the Applicant was William Sawyer and
48 Karl Marchessault of O'Leary-Burke Civil Associates, LLC, hereafter referred to as "Applicant."
49

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

- 2 1. The applicant stated that no new material, other than the concrete blocks, were brought in. All
3 excavation, fill and grading involved material around the edge of the pond. The applicant explained that
4 the pond was constructed in 2001. Staff explained that the pond is mapped as a class 2 wetland by the
5 State, and any excavation, fill or grading taking place within a wetland requires approval from the DRB,
6 a the State, and the Army Corps of Engineers. The applicant explained that when they were informed
7 that they needed approval from the Town, the work on the pond was being completed. The Army
8 Corps of Engineers has been contacted about the case, and a copy of the email exchange was provided.
9 The State would like to visit the site in the spring.
- 10 2. The applicant agreed to submit written approval from the Army Corp of Engineers and the State
11 Watershed Management Division.
- 12 3. The DRB waived additional Site Plan requirements due to the nature of the project.
- 13 4. The DRB considered the suitability of the site and the due regard for the man-made wetland.
- 14 5. Comments from the Technical Advisory Committee had been address.
- 15 6. The Applicant agreed to obtain a project review sheet from the Agency of Natural Resources Permit
16 Specialist and provide a copy to the Town and obtain all required State Permits and approvals.
- 17 7. The Applicant agreed to submit 2 full-sized and 2 reduced plan sets depicting any requested changes for
18 approval by the Town Planner prior to being eligible for a Zoning Permit.
- 19 8. The Applicant agreed that a Zoning permit is required and an associated Certificate of Compliance is
20 required after construction is complete.

21
22 The applicant inquired if continued related leveling of the property and the construction of a bridge would
23 require a permit. Staff recommended that a permit application be submitted that shows all work the applicant is
24 planning to complete related to this project.

25
26 Hearing no further questions or comments, the Chair closed the Hearing at 8:00 p.m.

27
28 **6(C). Site Plan Amendment - 167 US Route 7 South - Milton Pizza Company LLC, Owner & Applicant.**

29
30 The Chair read the following summary to open the hearing:

31
32 The Applicant is requesting Site Plan Amendment approval pursuant to Zoning Regulations Section
33 800 for a property located at 167 US Route 7 South, described as SPAN #10826, Tax Map 29, Parcel 7.
34 The Applicant seeks approval to add approximately 153 sq. ft. to the existing building to
35 accommodate a walk-in cooler. The subject property contains a total of 0.32 acres and is located
36 within the "Downtown Business (DB1)" Zoning District and the Town Core Planning Area.

37
38 The Chair administered the Oath to Interested Persons. Representing the Applicant was Richard Collins and
39 Timothy Jarus, hereafter referred to as "Applicant."

40
41 In response to the following numbered items within the Staff Report:

- 42 1. The Applicant agreed to connect to the municipal wastewater collection system by November 15, 2016.
- 43 2. The Applicant stated that supplies are delivered by tractor trailer twice a week, generally overnight.
- 44 3. Staff stated that there are concerns about impacts to traffic on Route 7 while a tractor trailer is
45 maneuvering into the parking lot. The applicant stated that delivery drivers are very accommodating to
46 required delivery windows. The Applicant agreed that supply deliveries shall take place prior to 7 AM,
47 between the hours of 10 AM - 2 PM, or after 6 PM.
- 48 4. The Applicant agreed that the Final Plans shall include deed references, Lister's tax map and parcel
49 number.

- 1 5. The Applicant agreed that the Final Plans shall include building elevations indicating height of all
- 2 existing and proposed structures.
- 3 6. The Applicant stated that there are an average of 60 trips in and out, including customers and deliveries.
- 4 There will be approximately 4 stool seating area inside, and outdoor seating on picnic tables during
- 5 good weather.
- 6 7. The applicant stated that at most 12 employees may be working at one time on a very busy day, but
- 7 generally around 7 employees on a weekend dinner shift. Many employees do not drive to work, so the
- 8 max number of employee vehicles present is generally 5.
- 9 8. The applicant agreed to install a sign identifying the ADA parking space.
- 10 9. The Applicant agreed to install at least one bicycle parking or storage facility and show the location on
- 11 the Final Plans.
- 12 10. The Applicant agreed that any proposed business sign shall meet the sign standards of ZR830.
- 13 11. The Applicant agreed to install a Fire Department key box on the building and show the location on the
- 14 Final Site Plan.
- 15 12. All comments from the Technical Advisory Committee had been previously addressed.
- 16 13. The Applicant agreed to obtain a Project Review Sheet from the Permit Specialist at the Agency of
- 17 Natural Resources, and obtain all required State permits and approvals prior to construction.
- 18 14. The Applicant agreed to submit two full-sized and two reduced complete final plan sets depicting the
- 19 requested changes.
- 20 15. The applicant agreed to obtain a Zoning Permit prior to construction and an associated Certificate of
- 21 Compliance after construction is complete.
- 22 16. The DRB were given the opportunity to ask remaining questions.

23 The DRB asked about creating a Vermont style pizza with local ingredients. The applicant explained that

24 Dominos must be consistent across franchises, but liked the idea.

25

26 Hearing no further questions or comments, the Chair closed the Hearing at 8:15 p.m.

27

28 **7. OTHER BUSINESS**

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

30 Castle shared that applications are coming in steadily with a conditional use hearing planned for next

31 meeting and a full agenda for the first meeting of February. The Zoning Administrator has been less busy

32 with new permits and is following up with violations. The Planning Director has been working with the

33 Planning Commission on regulation updates. The Economic Development Commission has been

34 reactivated.

35

36 **8. MINUTES**

37 **8(A). Minutes of December 10, 2015**

38 MOTION by Bonges to APPROVE the Minutes of December 10, 2015 as written; SECOND by Forgan.

39 Unanimously APPROVED.

40

41 **9. DELIBERATIVE SESSION**

42 MOTION by Conley to enter Deliberative Session at 8:20 p.m.; SECOND by Forgan. Unanimously

43 APPROVED.

44

45 Decision(s) Signed:

46 **9(A). Site Plan Amendment III Application - 121 Gonyeau Road - NG Advantage, Applicant/Clean**

47 **Energy, Owner.**

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

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

1 Henry Bonges, Clerk: YEA/nay/abstain/absent/recusal
2 Clayton Forgan: YEA/nay/abstain/absent/recusal

3
4 MOTION by Conley to exit Deliberative Session at 9:07 p.m.; SECOND by Forgan. Unanimously
5 APPROVED.

6
7 **10. ADJOURNED**

8 MOTION by Conley to adjourn at 9:08 p.m., SECOND by Forgan. Unanimously APPROVED.

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

12
13
14
15 **Bruce Jenkins, Chair** _____ /jwc

16
17 **Draft filed with the Town Clerk this 19th day of January, 2016.**

18
19 **Filed with the Town Clerk this _____ day of _____, 2016.**