



## DEVELOPMENT REVIEW BOARD

Meeting Type:.....**Regular Meeting**  
Date:.....**Thursday, October 27, 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](http://www.miltonvt.org)**

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### MEETING MINUTES

1 **1. CALL TO ORDER**

2 The Chair called the meeting to order at 7:06 p.m.  
3

4 **2. ATTENDANCE**

5 **Members Present:** Bruce Jenkins, Chair; Henry Bonges, Clerk; Bob Brisson.

6 **Members Absent:** David Conley, Vice-Chair; Julie Rutz.

7 **Staff Present:** Jeff Castle, Town Planner.

8 **Public Present:** Lawrence Rowley; Philip LeClaire; Eric Lemieux; Cheryl Zeigler; Meghann  
9 Rowley; Connor Rowley; Brian Tremback; Sidney Reynolds; Matthew Apgar; Bob Provost.

10  
11 **3. AGENDA REVIEW**

12 None.  
13

14 **4. PUBLIC FORUM**

15 None.  
16

17 **5. OLD HEARINGS/BUSINESS**

18 **5(A). Bylaw Review & Goals**

19 Unanimously TABLED until the full board is present.  
20

21 **6. NEW HEARINGS/BUSINESS**

22 **6(A). Minor Convention Subdivision Final Plan - Lake Road & Hibbard Road - Rowley**  
23 **Family Real Estate II, LLC, Owner/Connor & Meghann Rowley, Applicants.**

24  
25 The Chair read the following summary to open the hearing:  
26

27 **Rowley Family Real Estate II, LLC, Owner/Connor & Meghann Rowley, Applicants** request **Final**  
28 **Plan** approval for a proposed 2-lot **Minor Conventional Subdivision** located at Lake Road &  
29 Hibbard Road, described as Tax Map 14, Parcel 6 and SPAN #13077. A single family home is also  
30 proposed for the newly created 10-acre lot, to be served by on-site private septic and water and  
31 accessed from Hibbard Road. The subject property contains approximately 255.10 acres and is  
32 located within the "Agricultural/Rural Residential" (R5) Zoning District.  
33

34 The Chair administered the Oath to Interested Persons. Representing the Applicant(s) were Brian  
35 Tremback of Lamoureux & Dickinson Engineers, Inc., Connor Rowley and Meghann Rowley,  
36 hereafter referred to as "applicant(s)."  
37

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

- 2 1. The applicant agreed the Final Plat shall include a signature block for signature by the  
3 Chair of the DRB.
- 4 2. The applicant agreed the Final Plat shall be in compliance with SR610, and include the  
5 seal of the licensed land surveyor.
- 6 3. The applicant agreed the Surveyor will submit a letter or e-mail attesting that all corner  
7 markers have been set prior to recording the final Plat.
- 8 4. The applicant agreed that the proposed driveway shall be constructed according to  
9 ZR593 and the driveway specifications as defined in the Public Works Specifications.
- 10 5. The applicant agreed to obtain a Town Highway Access prior to the issuance of a  
11 Zoning Permit for the new driveway, per ZR594, *Highway Access Permit*.
- 12 6. The applicant requested clarification of the following, "The location of a storm water  
13 drainage easement of such width as to encompass the twenty-five (25) year flood area of  
14 the water course within the subdivision shall be included in the Final Plat application."  
15 The applicant stated there was a somewhat undefined flood plain for the brook, and that  
16 it could be hundreds of feet wide at the north end of the property, and much more  
17 defined at the southern end. The applicant explained the topography of the area and  
18 proposed that a 50-foot wide "buffer" be shown on either side of Streeter Brook on the  
19 Final Plat. The Applicant explained that the 100-year flood plain does not come  
20 anywhere near the new parcel, so the 25-year flood area obviously wouldn't either.  
21 Discussion about elevations and mound systems followed; questions were asked and  
22 answered.
- 23 7. The applicant agreed to submit draft deeds and any other associated legal instruments  
24 for all impacted lots for review and approval by the Town Attorney, that all requested  
25 revisions must be complete before the Plat may be recorded, and that only instruments  
26 approved by the Town may be recorded in the Town of Milton Land Records.
- 27 8. The applicant agreed to submit one paper or electronic .PDF version of the revised final  
28 Plat (and any associated plans) for review and approval by Staff prior to submitting the  
29 mylar. The applicant also agreed to submit one full-sized (to scale) paper Final Plat and  
30 one 11x17 paper plat depicting the requested changes, to be maintained in the Planning  
31 Office's application file.
- 32 9. The applicant agreed that the final Plat shall be submitted on mylar (18" x 24"), signed by  
33 the licensed surveyor and the Chair of the DRB, and recorded in the Town Clerk's Office  
34 within 180 days of the date of the DRB's Final Approval Decision per Subdivision  
35 Regulations Section 940. The applicant agreed that Final approval expires if not filed  
36 within 180 days, unless extended by the Zoning Administrator for pending local or state  
37 approvals, and that in the event a subdivision plat is recorded without complying with  
38 this requirement, the plat shall be considered null and void.

39  
40 Hearing no further questions or comments, the Chair closed the hearing at 7:25 p.m.

41  
42 **6(B). Minor Convention Subdivision Sketch Plan - 161 Westford Road - Philip LeClair,**  
43 **Owner & Applicant.**

44  
45 The Chair read the following summary to open the hearing:  
46

1 **Philip LeClaire, Owner/Applicant** requests **Minor Conventional Subdivision Sketch Plan**  
2 approval for a proposed 2-lot subdivision located at **161 Westford Road**. A pre-existing single  
3 family residence will remain on the property and a 4-bedroom single family residence is  
4 proposed for the newly created lot. The new home is proposed to be accessed off of Forest  
5 Road and serviced by on-site water and wastewater. The property is described as Tax Map 16,  
6 Parcel 54, SPAN # 12043, contains approximately 25 acres and is located in the  
7 "Agricultural/Rural Residential" (R5) Zoning District and "East Milton" Planning Area.  
8

9 The Chair administered the Oath to Interested Persons. Representing the Applicant(s) was Philip  
10 LeClaire, hereafter referred to as "applicant(s)."  
11

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

- 13 1. The applicant agreed that the DRB may require that the applicant schedule a site visit  
14 prior to final plat hearing.
- 15 2. The applicant agreed that an additional dwelling unit may not be accessed via Forest  
16 Road unless Forest Road meets the standards for a Private Road as defined in ZR592.  
17 The Chair asked the current condition of Forest Road; the applicant advised that it is a  
18 60-foot right of way constructed of gravel. Brisson asked what the requirements of  
19 ZR592 were; Staff read them aloud.
- 20 3. The applicant agreed that the DRB may waive the maximum length requirement for a  
21 private right-of-way if it is determined that the roadway proposed can provide safe  
22 access for emergency vehicles.
- 23 4. The applicant agreed that approval of a sketch plan shall not constitute approval of a  
24 subdivision plat and is merely an authorization for the applicant to file a final plan  
25 application.
- 26 5. The applicant agreed to submit -- within six (6) months of classification by the DRB of the  
27 sketch plan as a minor subdivision -- an application for approval of a subdivision plat,  
28 that the application shall contain those items set forth in Section 610 of these regulations,  
29 and shall conform to the layout shown on the sketch plan plus any recommendations  
30 made by the DRB.
- 31 6. The applicant agreed that the location of a storm water drainage easement of such width  
32 as to encompass the twenty-five (25) year flood area of the water course within the  
33 subdivision shall be included in the Final Plat application.  
34

35 Hearing no further questions or comments, the Chair closed the hearing at 7:46 p.m.  
36

37 **6(C). Subdivision Final Plat Approval - North Gardens Lane - 26 McMullen Road LLC,**  
38 **Owner & Applicant.**  
39

40 The Chair read the following summary to open the hearing:  
41

42 **26 McMullen Road LLC, Owner/Applicant,** requests **Subdivision Final Plat/Amendment**  
43 approval in order to create non-conforming footprint lots pursuant to the Vermont Common  
44 Interest Ownership Act within a previously approved Minor Conventional Subdivision. No  
45 other changes are proposed. The properties are located on **North Gardens Lane** and described  
46 as Tax Map 29, Parcels 62-5, 62-6, 62-7, 62-8 and 62-9, and SPAN numbers 14908, 14909, 14910,

1 14911, respectively. The properties are located within the Old Towne Residential (R1) Zoning  
2 District and Town Core Planning Area.

3  
4 The Chair administered the Oath to Interested Persons. Representing the Applicant was Bob  
5 Provost, hereafter referred to as "applicant(s)."

6  
7 Staff advised that there is a slight defect in the Warning, where it states, "No other changes are  
8 proposed." In fact, Lots 4 and 5 are proposed to be merged. This was clarified.

9  
10 The applicant gave a summary of the situation that brought him to this point, talking about the  
11 Common Ownership Act, State regulations and Act 250, mortgage financing, etc. This is a new  
12 process for both the applicant and the Town. Staff advised that due diligence had been done by  
13 researching the issue and reaching out to neighboring communities to determine how they handle  
14 this type of application.

15  
16 In response to the following numbered items within the Staff Report:

- 17 1. The applicant agreed that all previous approvals and conditions of this subdivision shall  
18 remain in full effect except as amended herein.
- 19 2. The applicant agreed that, for the purposes of the Town of Milton Zoning Regulation,  
20 the four (4) footprint lots proposed in this subdivision shall be considered two (2) lots  
21 (Lot 6, containing footprint lot unit 101 and 102, and Lot 3, containing footprint lot unit  
22 301 and 302) as approved previously. The applicant further agreed to record a "Notice  
23 of Condition" to this effect which has been approved by the Town Attorney prior to  
24 recording the final plat.
- 25 3. The applicant agreed that the project shall be completed as shown on the plat submitted  
26 by the applicant and on file in the Town of Milton Planning Office.
- 27 4. The applicant agreed that the Final Plat shall be revised to show the changes below per  
28 ZR610:
  - 29 a. The license number, seal and signature of a licensed land surveyor.
  - 30 b. Space shall be reserved thereon for endorsement by all appropriate agencies,  
31 including a signature block for the Chair of the DRB.
- 32 5. The applicant agreed to submit any associated legal instruments for all impacted lots for  
33 review and approval by the Town Attorney, that all requested revisions must be  
34 complete before the Plat may be recorded, and that only instruments approved by the  
35 Town may be recorded in the Town of Milton Land Records.
- 36 6. The applicant agreed to submit one paper or electronic .PDF version of the revised final  
37 Plat (and any associated plans) for review and approval by Staff prior to submitting the  
38 mylar, and also to submit one full-sized (to scale) paper Final Plat (18x24) and one 11x17  
39 paper plat depicting the requested changes, to be maintained in the Planning Office's  
40 application file.
- 41 7. The applicant agreed that the final Plat shall be submitted on mylar (18" x 24"), signed by  
42 the licensed surveyor and the Chair of the DRB, and recorded in the Town Clerk's Office  
43 within 180 days of the date of the DRB's Final Approval Decision per Subdivision  
44 Regulations Section 940. The applicant agreed that Final approval expires if not filed  
45 within 180 days, unless extended by the Zoning Administrator (an additional 90 days)  
46 for pending local or State approvals, and that in the event a subdivision plat is recorded

1 without complying with this requirement, the plat shall be considered null and void and  
2 in violation.

3  
4 Hearing no further questions or comments, the Chair closed the hearing at 8:03 p.m.  
5

6 **7. OTHER BUSINESS/ PLANNING STAFF REPORT**

7 Staff inquired about the DRB meeting scheduled for Thanksgiving Day. The group discussed  
8 the options and agreed to cancel that meeting. Additionally, they agreed to move their  
9 December 2016 meetings up by one week. The December 2016 DRB meetings will be held on  
10 the first and third (rather than second and fourth) Thursdays of the month: December 1, 2016  
11 and December 15, 2016.  
12

13 Staff then shared a brief update of upcoming DRB Hearings and applications that have been  
14 submitted.  
15

16 **8. MINUTES**

17 **8(A). Minutes of October 13, 2016**

18 MOTION by Bonges to APPROVE the Minutes of October 13, 2016 as written; SECOND by  
19 Brisson. Unanimously APPROVED.  
20

21 **9. ADJOURNED**

22 MOTION by Bonges to adjourn at 8:15 p.m.; SECOND by Brisson. 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 1<sup>st</sup> day of November, 2016.  
30

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