



**TOWN OF MILTON**  
**Planning & Economic Development Department**  
 43 Bombardier Road  
 Milton, VT 05468-3205  
 (802) 893-1186  
 miltonvt.org

## DEVELOPMENT REVIEW BOARD STAFF REPORT

<b>Hearing Date:</b> January 14, 2016	
<b>Case No:</b> DRB 2016-02	
<b>Application(s):</b> Site Plan	
<b>Application Received:</b> November 19, 2015	
<b>Application Deemed Complete:</b> November 20, 2015	
<b>Staff Report Finalized:</b> January 6, 2015	
<b>Applicant(s):</b> Bill Sawyer 358 Bear Trap Road Milton, VT 05468 (802) 893-3303	<b>Owner(s):</b> William R. Sawyer Revocable Trust & Sonya L Sawyer Revocable Trust 358 Bear Trap Road Milton, VT 05468
<b>Engineer/License:</b> Karl Marchessault, PE O'Leary-Burke Civil Associates, PLC 13 Corporate Drive Essex Junction, VT 05452	<b>Surveyor/License:</b> None
<b>E-911/Postal Address:</b> 358 Bear Trap Road	
<b>Tax Map, Parcel(s):</b> 6, 2-1	
<b>School Parcel Account Number(s) (SPAN):</b> 13202	
<b>Deed(s):</b> Book 433, Page 50	
<b>Existing Size:</b> 11.2 acres	
<b>Zoning District(s):</b> Agricultural Rural Residential "R5"	
<b>Comprehensive Plan Planning Area/Sub-Area:</b> West Milton Planning Area	
<b>Location:</b> East side of Bear Trap Rd between Rt 2 and Cadreact Rd	

## INTRODUCTION

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

**Comments:** Jeff Castle, Town Planner, herein referred to as staff, has reviewed the application, materials and plans submitted and has the following comments.

**Ethics Disclosure:** Staff herein notes that there is no known direct or indirect conflicts of interests between Staff and the owner, applicant, or noticed interested parties.

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## APPLICATION, JURISDICTION & NOTICE

**Application:** This matter comes before the Town of Milton Development Review Board (DRB) for Site Plan approval. The application and its associated materials are maintained by the Town in the application file and are available for public inspection

**Applicant(s):** The application was submitted by Bill Sawyer referred to hereafter as the "applicant".

**Landowner(s):** The property is owned by William R. Sawyer Revocable Trust & Sonya L. Sawyer Revocable Trust. William Sawyer is signatory to this application.

**Project Consultant(s):** Karl Morchessault, P.E. of O'Leary-Burke Civil Associates is a consultant for the project.

**Application Submission:** The application form and associated exhibits were received by the Planning and Economic Development Department on November 19, 2015.

**Application Completion:** The application was deemed complete by staff on November 20, 2015.

**General Jurisdiction:** Land development is subject to regulation by the Town of Milton pursuant to, but not limited to, the following: The Vermont Planning and Development Act (Act); The Town of Milton Zoning Regulations (ZR), effective January 5, 2015; the Town of Milton Interim Zoning Regulations (IZR) effective February 26, 2015; and The Town of Milton Subdivision Regulations (SR), effective June 28, 2010.

**Site Plan Specific Jurisdiction:** ZR110 states:

No LAND DEVELOPMENT shall be undertaken or effected except in conformance with the applicable provisions of these Regulations. No land, building or other STRUCTURE shall be used for any purpose except as provided in these Regulations."

ZR130 states:

In accordance with Section 1000 of this Ordinance, no LAND DEVELOPMENT, excavation or construction shall be started on any land parcel or STRUCTURE and no EXPANSION, ALTERATION or change of USE shall be started within any existing STRUCTURE without a Zoning Permit issued by the Zoning Administrator.

ZR170 states:

The following requirements and reviews shall be fulfilled by all applicants before a Zoning Permit is granted, unless specifically exempted in this Ordinance:

- (1) Sewage Disposal - Section 570
- (2) Roads and Drives - Section 590
- (3) Site Plan Review - Section 800

ZR800 states:

Site Plan approval, granted in accordance with this Section by the Milton Development Review Board, shall be required before a Zoning Permit is issued for any USE in any district with the exception of SINGLE FAMILY DWELLINGS, DUPLEXES, and TRIPLEX – OWNER OCCUPIED on single lots, ACCESSORY residential STRUCTURES, and all agricultural USES."

**Site Plan Review Standards & Procedures:** ZR802.2(a) prompts the DRB to consider the following in its review of a Site Plan application

- Site Circulation Safety
- Circulation, Parking, Loading Adequacy
- Transportation Impacts
- Landscaping, Screening, Lighting Adequacy
- Municipal Service Impact
- Suitability for Development
- Comprehensive Plan Consistency

**Regulatory Waivers Requested:** No waivers are requested.

**Notice of Hearing:** Public notice was issued by the Department of Planning and Economic Development for the hearing according to Vermont Statutes Annotated Chapter 24 §4464.

### **EXHIBITS**

**Application Exhibits:** The following exhibits were submitted with the application and attached to the Staff Report:

- Project Narrative prepared by Karl Marchessault, dated November 19, 2015
- Aerial Photograph of Site from Google Earth, dated April 24, 1999
- Aerial Photograph of Site from Google Earth, dated July 19, 2003
- Subdivision Plat of Littlefield Property recorded September, 22, 1997
- Site Plan dated November 16, 2015

**Staff Exhibits:** The following exhibits from staff are attached to the Staff Report.

- Photograph of work on pond underway at 358 Bear Trap, taken by Zoning Administrator on November 9, 2015
- Vermont Agency of Natural Resources Wetlands Viewer image of site showing mapped Class 2 Wetland
- Technical Advisory Committee (TAC) Public Works Review Sheet dated January 4, 2016;
- TAC Recreation Review Sheet dated December 22, 2015.

### SITE, DISTRICT & AREA INFORMATION

**Site Visit:** The DRB may schedule a site visit and recess the hearing to a subsequent meeting date if on-site observation would better inform the DRB's decision.

**Property Location:** The subject property is located at 358 Bear Trap Road and shown on Milton's Tax Map 6 as Parcel 2-1. The corresponding School Parcel Account Number (SPAN) is 13202.

**Size/Area:** According to the evidence presented, the subject parcel is approximately 11.2 acres. The Assessor's Grand List records this property as approximately 11.2 acres.

**Property Deeds:** The deed is recorded on 1/3/2013 in Book 433, Page 50 of the Town of Milton Land Records to William R Sawyer Rev Trust & Sonya L Sawyer Rev Trust, Grantee.

**Zoning District:** The site is located within the Agriculture/Rural Residential (R5) Zoning District described on the Town of Milton Zoning Map, last amended August 22, 2011, on record and display at the Municipal Offices and available on the Town's website. The ZR340 states that the purpose of this district is to, "provide for continued agriculture, forestry and open space uses together with compatible low density residential development."

**Comprehensive Planning Area:** The site is located within the West Milton Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan. The Plan states the following goals about this area:

- Goal 9.12.1. Encourage a diversity of agricultural uses.
- Goal 9.12.2. Encourage low-density, well planned residential development which enhances the character of the area.
- Goal 9.12.3. Promote the development of community activities for a range of ages.
- Goal 9.12.4. Encourage the preservation of historic sites.

**Physical Characteristics/Natural Features:** The property is generally flat, rising away from the road, contains Agricultural Soil of Statewide Significance, a pond that is mapped as a Class 2 Wetland, and a mix of open field and trees.

**Surrounding Use/Structures:** Surrounding properties contain a mix of low density residential and agricultural uses.

### SITE HISTORY

**Background:** To staff's knowledge, the subject property has never undergone development review by the DRB or Zoning Board of Adjustment or Planning Commission.

**Zoning Compliance:** The Acting Zoning Administrator, Jacob Hemmerick, issued a Voluntary Compliance Letter on November 6, 2016 after a report that work on the pond had commenced without a Zoning Permit. Possible Violation cited includes:

1. Land Development without a Zoning Permit (ZR130 & 1000);
2. Non-exempt excavation & fill without Site Plan Approval (ZR680); and
3. Watercourse & drainage alterations without Development Review Board, Vermont Agency of Natural Resources or US Army Corps of Engineers approval (720).

The applicant submitted a Site Plan application in order to bring the subject project into compliance. No Violation was recorded.

### **EXISTING AND PROPOSED USE/IMPROVEMENTS/LAND RESTRICTIONS**

**Existing Use:** Single Family Dwelling

**Proposed Use:** No proposed change of use.

**Existing Improvements:** The site contains a single family dwelling and several accessory structures.

**Proposed Improvements:** The applicant proposes the re-grading and installation of concrete blocks around the perimeter of an existing man-made pond. No other improvements are proposed.

**Existing Restrictions or Covenants:** No restrictions or covenants were reported by the applicant.

### **ZONING REGULATIONS GENERAL PROVISIONS**

**ZR680, Excavation and Fill:** ZR680(4) states, " Excavation and fill are exempt from Site Plan approval and Zoning Permit requirements providing the grading action still satisfies all of the following criteria:  
(4) The grading action is not within Shoreline, Floodplain, Wetland and Streams"

1. The applicant shall state the extent of grading action associated with the proposed project.

Staff finds that the re-grading and installation of concrete blocks is located within a Class II wetland as indicated on the Vermont Agency of Natural Resources Wetland Inventory Map (see attachment). Due to the grading action within a mapped wetland, any excavation or fill is not exempt from Site Plan approval and Zoning Permit requirements.

**ZR720, Watercourse & Drainage Areas:** No natural water course, drainage area or wetland shall be piped, dammed, filled, dredged, or altered in any way without the written approval of the Milton Development Review Board and, where applicable, the State Department of Water Resources and Army Corps of Engineers. The Development Review Board may require review of all proposals by a professional engineer at the expense of the applicant. The floor carrying capacity within any altered or relocated portion of a water course shall be maintained.

Staff finds that grading and installation of concrete blocks within a mapped Class II wetland requires written approval of the Milton Development Review Board as well as the State Department of Conservation Watershed Management Division and the Army Corp of Engineers.

2. The applicant shall submit written approval from the State Department of Conservation, Watershed Management Division and the Army Corp of Engineers prior to the issuance of a Zoning Permit.

### SITE PLAN APPLICATION REQUIREMENTS

Staff finds that the following application requirements were not included in the application. No waivers were requested by the applicant.

#### ZR803.6, Landscaping Plan

The applicant states that no further landscaping is proposed. Staff finds that no new landscaping is proposed.

#### ZR803.7, Building Elevations

The applicant states that building elevations are not applicable to this application. Staff finds that the height of existing structures is not relevant to the proposed improvements.

#### ZR803.8, Outdoor Lighting

The applicant states that outdoor lighting is not applicable to this application. Staff finds that no new outdoor lighting is proposed.

#### ZR803.9, Utility Plan

The applicant states that no changes to utilities are proposed as part of the application. Staff finds that no changes to utilities are proposed.

#### ZR803.10, Traffic Generation

The applicant states that traffic is not applicable to this application and no change is proposed. Staff finds that no changes to traffic generation are expected.

ZR803.12, Application Waiver: The Development Review Board may waive any of the above requirements of Site Plan Review.

Staff finds that the above requirements are not relevant to the proposed improvements and recommends that the DRB waive the above requirements.

3. The Development Review Board may waive any of the above requirements of Site Plan Review.

### SITE PLAN STANDARDS

ZR802.1, Appropriate Conditions: The DRB may impose appropriate conditions and safeguards to meet the standards of this section.

Site Plan Review Standards & Procedures: ZR802.2(a) states that the DRB "may consider the following in its review of a Site Plan application.

- **Site Circulation Safety:** Maximum safety of vehicular and pedestrian circulation on site, between the site and adjacent roads and sidewalks, and between the site and adjacent land uses
- **Circulation, Parking, Loading Adequacy:** Adequacy of traffic circulation, parking, and loading facilities.
- **Transportation Impacts:** Impacts on capacity of roadways and other transportation facilities in the vicinity.
- **Landscaping, Screening, Lighting Adequacy:** Adequacy of landscaping, screening, and outdoor lighting.
- **Municipal Service Impact:** Impacts on the Town's ability to provide adequate sewer, water, fire,

police, or other municipal services and facilities.

- **Suitability for Development:** Suitability of the site for the proposed scope of development, including due regard for the preservation of existing natural and historical resources.

Staff finds that the proposed development directly impacts a pond mapped as a Class 2 Wetland. The applicant has stated that the pond is man-made and was constructed in approximately 2001. Staff finds that this date of construction is consistent with aerial photographs of the site taken prior to and post construction.

4. The DRB shall consider the suitability of the site for the proposed improvements, including due regard for the preservation of existing natural and historical resources.

- **Comprehensive Plan Consistency:** Consistency with the Comprehensive Plan. Chapter 8 of the *Plan* outlines resource use and protection goals.

Unless otherwise stated herein, staff finds that the standards above have been met.

### TECHNICAL REVIEW COMMITTEE

#### Technical Advisory Committee:

5. All comments by the Development Review Board Technical Advisory Committee and attached to the Staff report shall be addressed.

### ADMINISTRATION & ENFORCEMENT

**State Project Review Zoning Permit:** Per 24 VSA4449 "Any application for an approval or permit and any approval or permit issued under this section shall include a statement, in content and form approved by the Secretary of Natural Resources, that State permits may be required and that the permittee should contact State agencies to determine what permits must be obtained before any construction may commence."

6. The Applicant shall obtain a Project Review Sheet from the Permit Specialist in the District 4 Regional Office of the Agency of Natural Resources by calling (802) 477-2241, provide a copy to the Town, and obtain all required State permits and approvals prior to construction.

#### Final Plan Submission:

7. The Applicant shall submit two (2) full-sized (to scale) and two (2) reduced (11 x 17) complete final plan sets depicting the requested changes. The revised plans must be deemed Final by the Town Planner prior to being eligible for a Zoning Permit from the Zoning Administrator. *The Applicant is advised to submit ONE plan set for staff review prior to submitting all the copies of the Final Plan sets.*

#### ZR1000/ZR1010, Zoning Permits/Certificate of Compliance/Occupancy:

8. 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).

**ZR1030, Maintenance of Approvals and Permits:** A Zoning Permit, variance or CONDITIONAL USE approval shall expire one year from the date of issue. If the work has not been completed, the applicant shall apply to the Zoning Administrator for an extension. The Zoning Administrator may grant a single one-year extension for the identical project only. In addition to any other remedies provided for by law, a Zoning Permit, Sign Permit, variance, CONDITIONAL USE approval, or Site Plan approval may be revoked by the Zoning Administrator or Development Review Board, whichever granted the permit or approval, for violation of these Regulations or the terms and conditions of the permit or approval. Omission or misstatement of any material fact by the applicant or agent on the application or at any hearing which would have warranted refusing the permit or approval shall be grounds for revoking the permit or approval at any time

**Completion, Operation, Maintenance, Amendment:** This project shall be completed, operated, and maintained as set forth in the plans and exhibits as approved by the Development Review Board and on file in the Department of Planning and Economic Development, and in accordance with the conditions of this approval. No changes, erasures, modifications, or revisions, other than those required by this Decision, shall be made on the plan after approval unless a revised plan is first submitted to the Department of Planning and Economic Development for approval.

#### STAFF RECOMMENDATION

The Planning Staff recommends that the DRB **approve** the site plan for the property located at 358 Bear Trap Road, described as SPAN #13202, Tax Map 6, Parcel 2-1 to install a concrete block retaining wall and conduct non-exempt excavation/fill within an existing, constructed pond and mapped wetland, subject to the conditions above.

Respectfully Submitted:



Jeffrey Castle, Town Planner

#### ATTACHMENTS:

- Project Narrative prepared by Karl Marchessault, dated November 19, 2015
- Aerial Photograph of Site from Google Earth, dated April 24, 1999
- Aerial Photograph of Site from Google Earth, dated July 19, 2003
- Subdivision Plat of Littlefield Property recorded September, 22, 1997
- Site Plan dated November 16, 2015
- Photograph of work on pond underway at 358 Bear Trap, taken by Zoning Administrator on November 9, 2015
- Vermont Agency of Natural Resources Wetlands Viewer image of site showing mapped Class 2 Wetland
- Technical Advisory Committee (TAC) Public Works Review Sheet dated January 4, 2016;
- TAC Recreation Review Sheet dated December 22, 2015;

**COPIES TO:**

- Applicant(s)
- Owners(s)
- Engineer/Surveyor

**WHAT'S NEXT?**

**Decision:** The DRB has 45 days from the close of the hearing to issue a written decision. The DRB aims to finalize decisions at the next available DRB meeting, but there are times when this is not possible and additional time is needed. The Applicant will receive a copy of the Decision by United States Postal Service Certified Mail; the official date of issuance is the date the Decision is mailed Certified. All other interested person who signed in on the hearing sign in sheet will also be mailed a copy of the Decision via USPS First Class Mail.

**Decision Conditions:** Approvals by the DRB almost always include conditions of approval that detail the next actions you must take to finalize the project. It's important that you read and understand the decision.

**Appeal Rights:** The DRB's decision can be appealed to the Environmental Division of the Vermont Superior Court by interested persons within **30 days** of issuance (10 VSA §8504).

**Revocations:** In addition to any other remedies provided for by law, approvals from the Development Review Board, whichever granted the permit or approval, for violation of these Regulations or the terms and conditions of the permit or approval. Omission or misstatement of any material fact by the applicant or agent on the application or at any hearing which would have warranted refusing the permit or approval shall be grounds for revoking the permit or approval at any time.



## O'Leary-Burke Civil Associates, PLC

CIVIL ENGINEERING | REGULATORY AND PERMIT PREPARATION | LAND SURVEYING | CONSTRUCTION SERVICES | LAND USE PLANNING

November 19, 2015

Jacob Hemmerick  
Acting Zoning Administrator  
Town of Milton  
43 Bombardier Road  
Milton, VT 05468

RE: 358 Bear Trap Road, Milton, VT  
Concrete Block Installation around existing pond

Dear Jacob:

Per our conversation last week, we are writing on behalf of Bill Sawyer to provide a site plan and application for the above referenced project. Based on the attached maps and discussions with the owner, the pond was constructed by the owner approximately in 2001.

In order to maintain the edge, the owner installed concrete blocks around the perimeter. As of late, muskrats were digging holes around the perimeter of the pond making it difficult to mow / maintain and causing damage to the mowing equipment. No import or export of material occurred in conjunction with this work. The owner re-graded the perimeter of the pond with an excavator and installed the blocks.

Please find the following information as it relates to the application:

*803.1 Project title and site address. Name and address of the Applicant, the property owner of record, and adjoining landowners. Name and address of the person or firm preparing the map. Scale of the map, north point and date.*

358 Bear Trap, Milton, VT and noted information on plan

*803.2 Deed reference(s), Lister's tax map and parcel number, and copies of any deed restrictions or covenants.*

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13 CORPORATE DRIVE ESSEX JUNCTION VERMONT 05452  
TEL 802 878 9990 | FAX 802 878 9989 | obca@olearyburke.com

Planning & Economic Development  
Milton, Vermont

The property deed reference is Book 433, Page 50 and is on tax map 6, parcel 2-1.

803.3 *All existing features, including but not limited to, boundaries, total area of the lot, contours, drainage patterns and storm drainage systems, structures and land uses, trees, shrubs, and other vegetation, wetlands, floodplains, rock outcroppings, streets (public and private) and the associated rights of way, driveways, outdoor lighting, signage, sidewalks, alternate transportation paths, easements and rights of way.*

The existing features are as shown on the attached site plan.

803.4 *A survey of the entire property is required.*

A copy of the survey is provided.

803.5 *All proposed improvements, including but not limited to, structures, driveways, contours depicting site grading, off street parking and loading spaces, circulation, sidewalks, alternative transportation paths and signs.*

No further improvements are proposed on the subject parcel.

803.6 *A landscaping plan showing locations of all existing and proposed plantings, a plant list with species, size and quantity. A written cost estimate of all landscaping prepared by a professional landscape architect or landscape contractor.*

No further landscaping is proposed for this residential parcel.

803.7 *Building elevations indicating location and HEIGHT of all existing and proposed structures.*

Building elevations are not applicable to this application.

803.8 *An outdoor lighting plan showing locations and designs of existing and proposed outdoor lighting. This shall include all flood and/or security lights, building mounted lights, and parking and streetlights. At a minimum, outdoor lighting*

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Planning & Economic Development  
Milton, Vermont

*specifications shall be provided showing photometric data, types of fixtures and lamps, and mounting height of fixtures.*

Outdoor lighting is not applicable to this application.

803.9 *A utility plan showing existing and proposed public water and sewer, private sewage disposal systems, wells, storm drainage facilities and fire protection details.*

No changes to utilities are proposed as part of this application.

803.10 *Estimate of daily and peak hour traffic generation and a report on traffic impacts at project access points, major intersections nearby and other locations.*

Traffic is not applicable to this application-no change.

803.11 *Any other data or information that the Development Review Board shall view as necessary in applying the Site Plan review standards.*

Data pertinent to this application is as noted on plan and supporting information provided in this package.

Please find the following attached information:

- 1) Site Plan Application with fee of \$320.00 (\$300 base fee + \$2.00/abutter x 5 abutters + \$10 recording fee;
- 2) Copy of survey, images from google maps;
- 3) Abutters List;
- 3) Four (4) full size and fifteen (15) 11"x17" copies of Site Plan;

If you have any questions or need additional information, please do not hesitate to call.

Sincerely,



Karl Marchessault, P.E.

Enclosure  
cc: Bill Sawyer

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Planning & Economic Development  
Milton, Vermont

**TOWN OF MILTON**  
**DEVELOPMENT REVIEW BOARD APPLICATION**

Site Plan, Site Plan Amendment, Administrative Review

**Property Address:**

358 Bear Trap Road

**Lister's Tax Map Reference:**

SPAN# 396-123-13202

Map # 6 Parcel # 2-1

**Zoning District:**

Agricultural / Rural Residential (R5)

**Deed Reference:**

Book # 433 Page # 50

**Proposed Use:**

**Owner(s):**

Bill Sawyer

**Mailing Address:**

358 Bear Trap Road

**Email Address:**

wrsinvest@hotmail.com

**Telephone:**

(802) 893-3303

**Signature(s):**



**Date:**

11/19/15

**Applicant(s):**

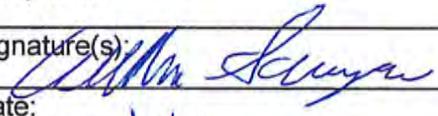
same

**Mailing Address:**

**Email Address:**

**Telephone:**

**Signature(s):**



**Date:**

11/19/15

Site Plan approval, granted by the Milton Development Review Board (DRB) in accordance with the Milton Zoning Regulations, is required before a Zoning Permit may be issued for any use in any Zoning District with the exception of single family dwellings, duplexes, and owner-occupied triplexes on single lots, accessory residential structures, and all agricultural uses. A Minor amendment to Site Plans may be approved by the Zoning Administrator/ Acting Zoning Administrator if the amendment meets the criteria in Section 801.2.

**Applications for Site Plan approval must be accompanied by four (4) sets of plans drawn to scale with fifteen (15) reductions of the plans (11" x 17" or 8.5" x 11") and supporting written materials. All Site Plans shall include the following information:**

- 803.1 Project title and site address. Name and address of the Applicant, the property owner of record, and adjoining landowners. Name and address of the person or firm preparing the map. Scale of the map, north point and date.
- 803.2 Deed reference(s), Lister's tax map and parcel number, and copies of any deed restrictions or covenants.
- 803.3 All existing features, including but not limited to, boundaries, total area of the lot, contours, drainage patterns and storm drainage systems, structures and land uses, trees, shrubs, and other vegetation, wetlands, floodplains, rock outcroppings, streets (public and private) and the associated rights of way, driveways, outdoor lighting, signage, sidewalks, alternate transportation paths, easements and rights of way.
- 803.4 A survey of the entire property is required.
- 803.5 All proposed improvements, including but not limited to, structures, driveways, contours depicting site grading, off street parking and loading spaces, circulation, sidewalks, alternative transportation paths and signs.

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- 803.6 A landscaping plan showing locations of all existing and proposed plantings, a plant list with species, size and quantity. A written cost estimate of all landscaping prepared by a professional landscape architect or landscape contractor.
- 803.7 Building elevations indicating location and HEIGHT of all existing and proposed structures.
- 803.8 An outdoor lighting plan showing locations and designs of existing and proposed outdoor lighting. This shall include all flood and/or security lights, building mounted lights, and parking and streetlights. At a minimum, outdoor lighting specifications shall be provided showing photometric data, types of fixtures and lamps, and mounting height of fixtures.
- 803.9 A utility plan showing existing and proposed public water and sewer, private sewage disposal systems, wells, storm drainage facilities and fire protection details.
- 803.10 Estimate of daily and peak hour traffic generation and a report on traffic impacts at project access points, major intersections nearby and other locations.
- 803.11 Any other data or information that the Development Review Board shall view as necessary in applying the Site Plan review standards.

**Note:** Section 803.12 of the Zoning Regulations authorizes the Development Review Board to waive any of the above requirements of Site Plan review. All requests for waivers must be submitted in writing. Although this application is intended to convey the intent of Site Plan review, it does not list all requirements of the Milton Zoning Regulations, Public Works Specifications, Comprehensive Plan, or any State or Federal requirements.

#### **Landscaping Plan Requirements:**

For a complete description of the Town's landscaping requirements, please refer to Section 806 of the Zoning Regulations.

#### **Parking and Loading Requirements:**

Details regarding the Town's parking and loading requirements can be found in Section 810 of the Zoning Regulations.

#### **Outdoor Lighting Requirements:**

Details regarding the Town's outdoor lighting requirements are provided in Section 820 of the Zoning Regulations.

#### **Sign Requirements:**

The Town's sign requirements are listed in Section 830 of the Zoning Regulations.

#### **Special Provisions Applicable to the M1, M2, M3, & M4, DB1 Zoning Districts:**

If your property is located in the M1, M2, M4, or DB1 Zoning District, please see Section 804 of the Zoning Regulations for special provisions that apply to your application. If your property is located in the M3 Zoning District, please see Section 805 of the Zoning Regulations.

#### **State Highway Requirements:**

Whenever a proposed site plan involves access to a State highway, the application for site plan approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the section 1111 permit.

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Abutters List to Subject Parcel 358 Bear Trap – William Sawyer

Channon & Jonathan Winterbottom  
358 Bear Trap Road  
Milton, VT 05468

338 Bear Trap Road, LLC  
c/o Bill Sawyer  
358 Bear Trap Road  
Milton, VT 05468

Michael Daigle  
370 Bear Trap Road  
Milton, VT 05468

David Carpenter  
394 Bear Trap Road  
Milton, VT 05468

State of Vermont  
Fish & Wildlife Department  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3702

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Milton, Vermont



Google earth

feet  
meters

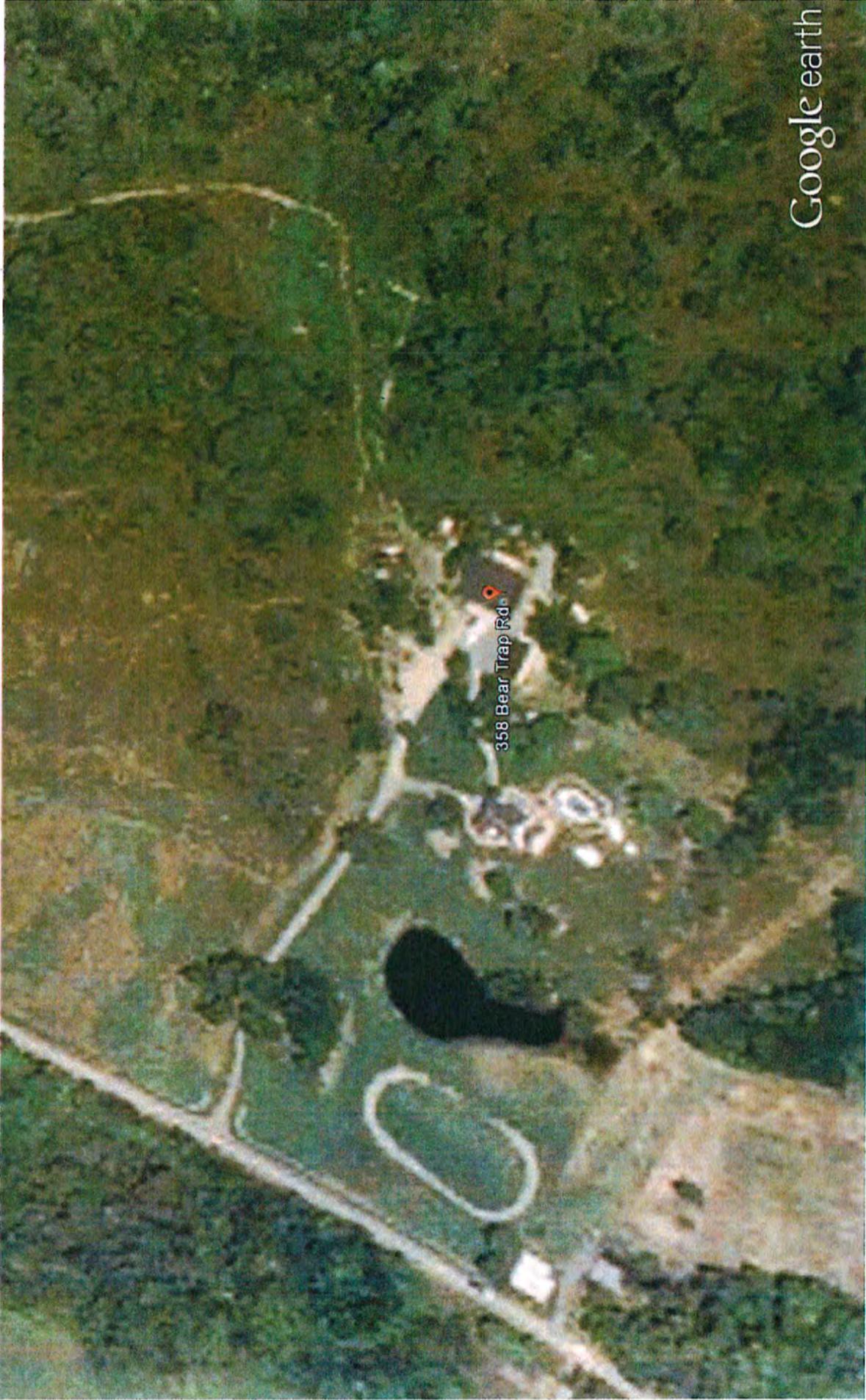


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Planning & Economic Development  
State of Vermont

4/24/1989



Google earth

feet  
meters

1000  
300



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Planning & Economic Development  
Milton, Vermont

7/19/2003





SEE 60  
SCALE INSET  
VIEW BELOW

**Zoning Information**  
 PARCEL SIZE: 10 ACRES - TAX MAP 6, PARCEL 2-1  
 ZONED: AGRICULTURAL / RURAL RESIDENTIAL (RS)  
 DIMENSIONAL REQUIREMENTS  
 MINIMUM LOT AREA: 400,000 SF - ACTUAL 112 AC. - 487,872 SF  
 SETBACKS:  
 FRONT: 35 FT  
 SIDE: 50 FT  
 REAR: 50 FT



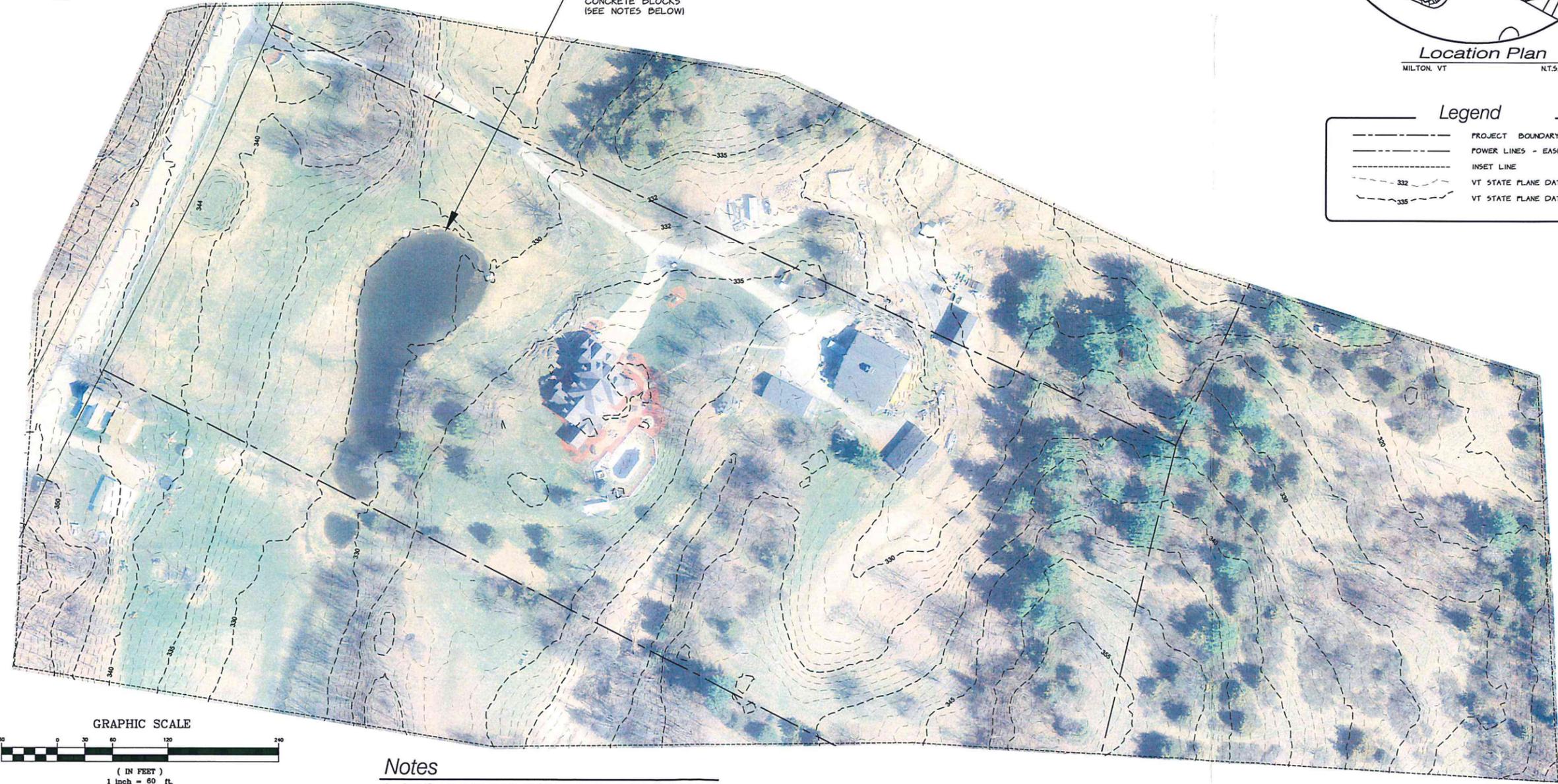
**Location Plan**  
MILTON, VT N.T.S.

**GRAPHIC SCALE**  
 ( IN FEET )  
 1 inch = 300 ft.

PERIMETER OF POND  
DELINEATED WITH  
CONCRETE BLOCKS  
(SEE NOTES BELOW)

**Legend**

- PROJECT BOUNDARY
- POWER LINES - EASEMENT
- INSET LINE
- - - 332 VT STATE PLANE DATUM - 1' CONTOUR
- - - 335 VT STATE PLANE DATUM - 5' CONTOUR



**GRAPHIC SCALE**  
 ( IN FEET )  
 1 inch = 60 ft.

**Owner & Applicant**  
 BILL SAWYER  
 358 BEAR TRAP ROAD  
 MILTON, VT 05468

**Notes**

1. BASED ON REVIEW OF OLDER MAPS, THE POND AS SHOWN HEREON WAS CONSTRUCTED BY THE OWNER IN 2001.
2. A 2013 VCGI ORTHO BASED DRAWING AS SHOWN HEREON SHOWS THE POND MORE OR LESS AS IT EXISTS TODAY.
3. DURING THE EARLY PARTS OF NOVEMBER, 2015, CONCRETE BLOCKS WERE PLACED AROUND THE PERIMETER OF THE POND. THE OWNER STATES THAT HE HAD MUSKRATS DIGGING HOLES AROUND THE PERIMETER AND HE COULD NO LONGER SAFELY MOW / MAINTAIN THE POND TO THE EDGE. FOR THIS REASON WITHOUT IMPORT OR EXPORT OF MATERIAL, BLOCKS WERE INSTALLED WITH AN EXCAVATOR TO BETTER DEFINE THE EDGE FOR CONTINUED MOWING / MAINTENANCE OF THE MAN-MADE POND.

THE CONTRACTOR SHALL NOTIFY "DIGSAFE" AT 1-888-DIG-SAFE PRIOR TO ANY EXCAVATION.



DATE	BY
SURVEY	DATE
OTHERS	11/10/15
DESIGN	2015-106
OTHERS	2015-106-51
DRAWN	PLAN SHEET #
KGM	1
CHECKED	
EDWB/PJJO	
SCALE	
AS SHOWN	

<input type="checkbox"/> RECORDED DRAWING	<input type="checkbox"/> PRELIMINARY
<input type="checkbox"/> FINAL	<input type="checkbox"/> SKETCH/CONCEPT

<b>O'LEARY-BURKE CIVIL ASSOCIATES, PLC</b>	
13 CORPORATE DRIVE	ESSEX, VT 05732
PHONE: 878-8890	FAX: 878-8889
E-MAIL: oob@olearyburke.com	

<b>SAWYER RESIDENCE</b>	
358 BEAR TRAP ROAD	MILTON, VT
<b>SITE PLAN</b>	

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DIRECTION  
142 deg(T)

44.62251°N 73.19962°W

ACCURACY 5 m  
DATUM WGS84

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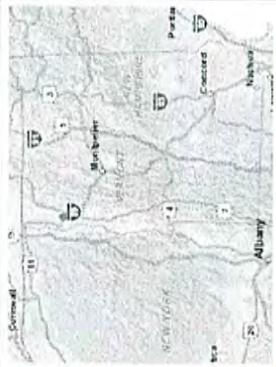
2015-11-09  
13:32:21-05:00



1: 1,580  
 December 21, 2015

80.0 Meters 80.0 Meters 40.00 0  
 WSS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
 1" = 132 FL 1cm = 16 Meters  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION  
 © Vermont Agency of Natural Resources

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



**LEGEND**

Wetland  
 Wetlands - VSWI  
 Class 1 Wetland  
 Class 2 Wetland

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**IMPORTANT!** The Wetlands Viewer is designed to help the public research wetland locations and features. Only a qualified wetland scientist may determine the absence or presence of a wetland and the boundaries. Not all wetlands are mapped. Wetlands not mapped on the Vermont Significant Wetland Inventory may still be considered significant.



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Milton, Vermont

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, January 14, 2015

Date of Review: 01/04/2016

Department: Public Works

TAC Member: Roger Hunt

(HEARING CONTINUED) Variance Application - North Road 398 - David LaPorte, Owner/Applicant  
No Comment

Site Plan Amendment I Application - 107 Catamount Drive - Toxic Lolli LLC, Owner & Applicant.

Highway Access - The plan does not show the curve radius for the new access to Gonyeau Road.

Water/Wastewater - Project has W/WW Allocation. The new sewer service force main shall cross the existing water services as close as possible to perpendicular and maintain at least 18" of separation.

The building does have an existing Fire Department Connect. A fire hydrant is required within 100' of the FDC (Water ordinance, Sec 4.C.7.d). The Fire Department may waive this condition provided they have clear access from an existing hydrant to the FDC. They may want to consider another hydrant at the rear of the structure.

Landscaping - Remove the arborvitas within the ROW adjacent to Fire Hydrant #AA-20 on Gonyeau Road.

Site Plan Application - 358 Bear Trap Rd. - William R. Sawyer Revocable Trust & Sonya L. Sawyer Revocable Trust, Owners/Bill Sawyer, Applicant.

Did/does the State require any stream or wetlands permits?

Site Plan Amendment - 167 US Route 7 South - Milton Pizza Company LLC, Owner & Applicant

Because they are adding a new structure the applicant will be required to connect to the municipal wastewater collection system. See the Wastewater Ordinance, Section 3.A.6. A portion of the connection fee, \$2,500 was paid on 11/19/2012, however that was in conjunction with the Village Core Sewer Expansion connection incentive program. That program has now expired and the full amount is now required, the additional cost is \$1,664.00. The approval could be conditioned that they connect by November 15, 2016. There are approved plans and specifications for the connection.



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RECREATION DEPARTMENT  
MILTON, VERMONT

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, January 14, 2015

Date of Review: 12-22-15

Department: Recreation

TAC Member: Kim Duchesneau, Recreation Coordinator

(HEARING CONTINUED) Variance Application - North Road 398 - David LaPorte, Owner/Applicant

No comments

Site Plan Amendment I Application - 107 Catamount Drive - Toxic Lolli LLC, Owner & Applicant.

No comments

Site Plan Application - 358 Bear Trap Rd. - William R. Sawyer Revocable Trust & Sonya L. Sawyer Revocable Trust, Owners/Bill Sawyer, Applicant.

No comments

Site Plan Amendment - 167 US Route 7 South - Milton Pizza Company LLC, Owner & Applicant

No comments



**TOWN OF MILTON**  
**Planning & Economic Development Department**  
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 Milton, VT 05468-3205  
 (802) 893-1186  
 miltonvt.org

## DEVELOPMENT REVIEW BOARD STAFF REPORT

<b>Hearing Date:</b> January 14, 2015	
<b>Case No:</b> DRB 2016-03	
<b>Application(s):</b> Site Plan Amendment	
<b>Application Received:</b> October 27, 2015	
<b>Application Deemed Complete:</b> December 8, 2015	
<b>Staff Report Finalized:</b> January 11, 2016	
<b>Applicant(s):</b> Milton Pizza, LLC PO Box 946 Colchester, VT 05446 802-355-6348 RC7082@yahoo.com	<b>Owner(s):</b> Same
<b>Engineer/License:</b> Benjamin D. Heath / No.104153 Donald L. Hamlin Consulting Engineers, Inc. 136 Pearl Street Essex Junction, VT	<b>Surveyor/License:</b> None
<b>E-911/Postal Address:</b> 167 Route 7 South	
<b>Tax Map, Parcel(s):</b> 29, 7	
<b>School Parcel Account Number(s) (SPAN):</b> 10826	
<b>Deed(s):</b> Book 453, Page 776	
<b>Existing Size:</b> 0.32	
<b>Zoning District(s):</b> Downtown Business District "DB"	
<b>Comprehensive Plan Planning Area/Sub-Area:</b> Town Core Planning Area / New Downtown	
<b>Location:</b>	

## INTRODUCTION

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

**Comments:** Jeff Castle, Town Planner, herein referred to as staff, has reviewed the application, materials and plans submitted and has the following comments.

**Ethics Disclosure:** Staff herein notes that there is no known direct or indirect conflicts of interests between Staff and the owner, applicant, or noticed interested parties.

---

## APPLICATION, JURISDICTION & NOTICE

**Application:** This matter comes before the Town of Milton Development Review Board (DRB) for Site Plan Amendment approval. The application and its associated materials are maintained by the Town in the application file and are available for public inspection

**Applicant(s):** The application was submitted by Milton Pizza, LLC referred to hereafter as the "applicant".

**Applicant's Legal Formation:** Corporation

**Landowner(s):** The property is owned by Milton Pizza, LLC. All owners are signatories to this application.

**Project Consultant(s):** Site Plan was prepared by Benjamin D. Heath of Donald L. Hamlin Consulting Engineers.

**Application Submission:** The application form and associated exhibits were received by the Planning and Economic Development Department on October 27, 2015. The application was deemed incomplete by staff on October 29, 2015. Additional application materials were submitted on December 8, 2015.

**Application Completion:** The application was deemed complete by staff on December 8, 2015.

**General Jurisdiction:** Land development is subject to regulation by the Town of Milton pursuant to, but not limited to, the following: The Vermont Planning and Development Act (Act); The Town of Milton Zoning Regulations (ZR), effective January 5, 2015; the Town of Milton Interim Zoning Regulations (IZR) effective February 26, 2015; and The Town of Milton Subdivision Regulations (SR), effective June 28, 2010.

**Site Plan Specific Jurisdiction:** ZR110 states:

No LAND DEVELOPMENT shall be undertaken or effected except in conformance with the applicable provisions of these Regulations. No land, building or other STRUCTURE shall be used for any purpose except as provided in these Regulations."

ZR130 states:

In accordance with Section 1000 of this Ordinance, no LAND DEVELOPMENT, excavation or construction shall be started on any land parcel or STRUCTURE and no EXPANSION, ALTERATION or change of USE shall be started within any existing STRUCTURE without a Zoning Permit issued by the Zoning Administrator.

ZR170 states:

The following requirements and reviews shall be fulfilled by all applicants before a Zoning Permit is granted, unless specifically exempted in this Ordinance:

- (1) Sewage Disposal - Section 570
- (2) Roads and Drives - Section 590
- (3) Site Plan Review - Section 800

ZR800 states:

Site Plan approval, granted in accordance with this Section by the Milton Development Review Board, shall be required before a Zoning Permit is issued for any USE in any district with the exception of SINGLE FAMILY DWELLINGS, DUPLEXES, and TRIPLEX - OWNER OCCUPIED on single lots, ACCESSORY residential STRUCTURES, and all agricultural USES."

**Site Plan Review Standards & Procedures:** ZR802.2(a) prompts the DRB to consider the following in its review of a Site Plan application

- Site Circulation Safety
- Circulation, Parking, Loading Adequacy
- Transportation Impacts
- Landscaping, Screening, Lighting Adequacy
- Municipal Service Impact
- Suitability for Development
- Comprehensive Plan Consistency

**Regulatory Waivers Requested:** No waivers are requested.

**Notice of Hearing:** Public notice was issued by the Department of Planning and Economic Development for the hearing according to Vermont Statutes Annotated Chapter 24 §4464.

### EXHIBITS

**Application Exhibits:** The following exhibits were submitted with the application and attached to the Staff Report:

- Site Plan, dated December 2, 2015

**Staff Exhibits:** The following exhibits from staff are attached to the Staff Report.

- Technical Advisory Committee (TAC) Public Works Review Sheet dated January 4, 2016
- Copy of Town of Milton Municipal Wastewater Ordinance Section 3.A.6

- TAC Recreation Review Sheet dated December 22, 2015;

### SITE, DISTRICT & AREA INFORMATION

**Site Visit:** The DRB may schedule a site visit and recess the hearing to a subsequent meeting date if on-site observation would better inform the DRB's decision.

**Property Location:** The subject property is located at 167 Route 7 South, and shown on Milton's Tax Map 29 as Parcel 7. The corresponding School Parcel Account Number (SPAN) is 10826.

**Size/Area:** The Assessor's Grand List records this property as approximately 0.32 acres.

**Property Deeds:** The deed is recorded on 3/13/2015 in Book 453, Page 776 of the Town of Milton Land Records to Milton Pizza LLC, Grantee.

**Zoning District:** The site is located within the Downtown Business (DB1) Zoning District described on the Town of Milton Zoning Map, last amended August 22, 2011, on record and display at the Municipal Offices and available on the Town's website. The ZR466 states that the purpose of this district is to encourage and enhance the development of Town Core areas with the tallest buildings, highest density, and greatest diversity of commercial and light industrial uses.

**Comprehensive Planning Area:** The site is located within the Town Core Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan. The site is located in the New Downtown Sub Area, as delineated in Figure 9.1 of the 2013 Comprehensive Plan (p.112). The Plan states the following goals about this area:

- Goal 9.1.1. Encourage structures be placed to improve aesthetics and enhance pedestrian connections.
- Goal 9.1.2. Enhance streetscape elements by incorporating streetlights, street trees, and signage.
- Goal 9.1.3. Encourage commercial development including retail, restaurants, professional services, offices, hotels, and incubator spaces in the Downtown Business district. Residential uses should be encouraged in the New Downtown Center and New Downtown West district.
- Goal 9.1.4. Develop a multi-modal transit station to incorporate pedestrians, bicycles and bus service.
- Goal 9.1.5. Promote the development of community activities for a range of ages.

**Physical Characteristics/Natural Features:** The site is flat, contains agricultural soils of Statewide Significance, and drains to Lake Champlain via the Lamoille River.

**Surrounding Use/Structures:** The site is surrounded by a bank to the south, a chiropractic office to the north, a commercial plaza to the east and Milton High School to the west.

### SITE HISTORY

**Background:** The subject property has the following approvals that Staff has found relevant to this application:

- Administrative Site Plan Amendment, approved February, 2011 for the change of use to a restaurant and the addition of a handicapped ramp.

- Administrative Site Plan Amendment, approved February 23, 2012 for the relocation of the handicapped ramp and the addition of a building mounted sign.

**Zoning Compliance:** The subject property has no known violations.

### EXISTING AND PROPOSED USE/IMPROVEMENTS/LAND RESTRICTIONS

**Existing Use:** The property's existing use is a restaurant, and currently stands unoccupied. There is no proposed change of use, and will be occupied by a Domino's Pizza restaurant.

**Existing Improvements:** The site contains an existing restaurant building. The building is served by municipal water, on site wastewater system, and gas. Access is via a curb cut on Route 7. The site contains 15 parking spaces, including 1 ADA parking space.

**Existing Improvements to be Removed:** An existing free standing sign is to be removed and replaced by a illuminated, double sided, 15' tall pole mounted, 18 square foot business sign.

**Proposed Improvements:** A 153 square foot addition is proposed on the south side of the existing building to be used for a new walk-in cooler. An illuminated, double sided, 15' tall pole mounted, 18 square foot business sign is to replace existing free standing sign.

**Existing Restrictions or Covenants:** The property is served by an existing sewer easement on the adjoining property to the north.

### ZONING REGULATIONS GENERAL PROVISIONS

#### **ZR550, Use of Setback Areas**

No STRUCTURE or portion of a STRUCTURE shall project into any minimum front, side, or REAR SETBACK area, except as provided by Sections 551 and 580. This regulation shall apply whether the STRUCTURE is ATTACHED to the principal structure or not and whether the STRUCTURE is open or ENCLOSED.

Staff finds that the proposed addition to be in compliance with the use of setback areas.

**ZR 570, Sewage Disposal:** No building or STRUCTURE shall be erected or altered unless an appropriate sewage disposal system is provided in compliance with all applicable regulations of the State of Vermont, or other governmental authorities.

Staff finds that the site has received municipal water and sewer allocation.

The Town of Milton Wastewater Ordinance Section 3.A.6. states, "The use of the Public Wastewater System is required for all new houses, replacement structures, buildings, Planned Residential (PRD) of Planned Unit Developments (PUD), Developments, of other structures used for human occupancy, employment, industry, recreation, or business, situated within an approved Wastewater Service Area, approved for construction after the adoption of this ordinance. New connections shall be at the owner's expense."

Staff finds that the property is in the Wastewater Service Area, and the addition of structure used for business activates this requirement. According to Roger Hunt, Public Works Director, plans and specifications for the connection have already been approved and a portion of the connection fee has been paid.

1. The applicant shall connect to the municipal wastewater collection system by November 15, 2016.

### SITE PLAN STANDARDS

**ZR802.1, Appropriate Conditions:** The section states, "The DRB may impose appropriate conditions and safeguards to meet the standards of this section."

**Site Plan Review Standards & Procedures:** ZR802.2(a) states that the DRB "may consider the following in its review of a Site Plan application.

- **Site Circulation Safety:** Maximum safety of vehicular and pedestrian circulation on site, between the site and adjacent roads and sidewalks, and between the site and adjacent land uses
- **Circulation, Parking, Loading Adequacy:** Adequacy of traffic circulation, parking, and loading facilities.

Staff finds that the site has limited space for parking and internal circulation on site. There are concerns for how deliveries by tractor trailer will be accommodated on site, and potential impact on the traffic circulation of Route 7.

2. The applicant shall state how often supply deliveries are expected, and how they will be accommodated.

Staff finds that the scheduling of deliveries during non-peak traffic hours would help ease potential traffic impacts on Route 7. Staff also notes the close proximity to Milton High School, and the arrival of school buses around the hours of 7 AM and 2:30 PM.

3. Supply deliveries shall take place prior to 7 AM, between the hours of 10 AM - 2 PM, or after 6 PM.

- **Transportation Impacts:** Impacts on capacity of roadways and other transportation facilities in the vicinity.
- **Landscaping, Screening, Lighting Adequacy:** Adequacy of landscaping, screening, and outdoor lighting.
- **Municipal Service Impact:** Impacts on the Town's ability to provide adequate sewer, water, fire, police, or other municipal services and facilities.
- **Suitability for Development:** Suitability of the site for the proposed scope of development, including due regard for the preservation of existing natural and historical resources.
- **Comprehensive Plan Consistency:** Consistency with the Comprehensive Plan.

**ZR803, Site Plan Application Requirements:** ZR803 states application requirements for site plan approval. The following items were not included in the applicant's submittal. No waivers were requested.

ZR803.2: The plan does not include Deed references, Lister's tax map and parcel number.

ZR803.7: Plan does not include building elevations indicating height of all existing and proposed structures.

ZR803.10, Traffic Generation: The application does not include an estimate of daily and peak hour traffic generation.

4. The Final Plans shall include Deed references, Lister's tax map and parcel number.
5. The Final Plans shall include building elevations indicating height of all existing and proposed structures.
6. The applicant shall state an estimate of daily traffic generation, including local food deliveries, and supply deliveries.

**ZR806, Landscape Plan Requirements:** No changes are proposed to the existing landscaping.

**ZR810, Parking, Loading and Driveway Requirements:** No changes are proposed to the existing parking.

**ZR812.2, Parking Quantity:** Staff finds that no change of use is proposed. For a restaurant, ZR812.2 requires 1 parking space per 4 seats plus 1 per employee. The number of seats and employees were not included in the application.

7. The applicant shall state the number of seats the restaurant is to contain and the number of employees.

**ZR812.3, ADA Parking:** ZR812.3 states that parking spaces for the disabled shall be "identified with signs for use by individuals with physical disabilities"

8. The applicant shall install a sign indentifying the ADA parking space and include the sign on the Final Site Plan.

**ZR819, Bicycle Parking Space:** At least one bicycle parking or storage facility shall be provided for all uses subject to Site Plan Review. Additional such facilities may be required as deemed necessary by the Development Review Board.

9. The applicant shall install at least one bicycle parking or storage facility and show the location on the Final Plans

**ZR830, Signs:** It is the purpose of this Section to permit the USE of SIGNS for both identification and limited advertisement. No SIGN, billboard or exterior graphic display shall be permitted except as provided in this Section.

10. Any proposed business sign shall meet the sign standards of ZR830.

### TECHNICAL REVIEW COMMITTEE

**Technical Advisory Committee:** All comments by the Development Review Board Technical Advisory Committee and attached to the Staff report shall be addressed.

Assistant Fire Chief, Chris Poirier, commented to staff that a Fire Department Key Box shall be installed on the building and the location be shown on the site plan.

11. A Fire Department Key Box shall be installed on the building and the location shall be shown on the Final Site Plan.
12. All comments by the Development Review Board Technical Advisory Committee and attached to the Staff report shall be addressed.

### ADMINISTRATION & ENFORCEMENT

**State Project Review Zoning Permit:** Per 24 VSA4449 "Any application for an approval or permit and any approval or permit issued under this section shall include a statement, in content and form approved by the Secretary of Natural Resources, that State permits may be required and that the permittee should contact State agencies to determine what permits must be obtained before any construction may commence."

13. The Applicant shall obtain a Project Review Sheet from the Permit Specialist in the District 4 Regional Office of the Agency of Natural Resources, provide a copy to the Town, and obtain all required State permits and approvals prior to construction.

#### Final Plan Submission:

14. The Applicant shall submit two (2) full-sized (to scale) and two (2) reduced (11 x 17) complete final plan sets depicting the requested changes. The revised plans must be deemed Final by the Town Planner prior to being eligible for a Zoning Permit from the Zoning Administrator. *The Applicant is advised to submit ONE plan set for staff review prior to submitting all the copies of the Final Plan sets.*

#### ZR1000/ZR1010, Zoning Permits/Certificate of Compliance/Occupancy:

15. 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).

**ZR1030, Maintenance of Approvals and Permits:** A Zoning Permit, variance or CONDITIONAL USE approval shall expire one year from the date of issue. If the work has not been completed, the applicant shall apply to the Zoning Administrator for an extension. The Zoning Administrator may grant a single one-year extension for the identical project only. In addition to any other remedies provided for by law, a Zoning Permit, Sign Permit, variance, CONDITIONAL USE approval, or Site Plan approval may be revoked by the Zoning Administrator or Development Review Board, whichever granted the permit or approval, for violation of these Regulations or the terms and conditions of the permit or approval. Omission or misstatement of any material fact by the applicant or agent on the application or at any

hearing which would have warranted refusing the permit or approval shall be grounds for revoking the permit or approval at any time

**Completion, Operation, Maintenance, Amendment:** This project shall be completed, operated, and maintained as set forth in the plans and exhibits as approved by the Development Review Board and on file in the Department of Planning and Economic Development, and in accordance with the conditions of this approval. No changes, erasures, modifications, or revisions, other than those required by this Decision, shall be made on the plan after approval unless a revised plan is first submitted to the Department of Planning and Economic Development for approval.

### **CONCLUDING REVIEW**

- **Site Circulation Safety:** Maximum safety of vehicular and pedestrian circulation on site, between the site and adjacent roads and sidewalks, and between the site and adjacent land uses
- **Circulation, Parking, Loading Adequacy:** Adequacy of traffic circulation, parking, and loading facilities.
- **Transportation Impacts:** Impacts on capacity of roadways and other transportation facilities in the vicinity.
- **Landscaping, Screening, Lighting Adequacy:** Adequacy of landscaping, screening, and outdoor lighting.
- **Municipal Service Impact:** Impacts on the Town's ability to provide adequate sewer, water, fire, police, or other municipal services and facilities.
- **Suitability for Development:** Suitability of the site for the proposed scope of development, including due regard for the preservation of existing natural and historical resources.
- **Comprehensive Plan Consistency:** Consistency with the Comprehensive Plan.

16. The applicant shall respond to any remaining questions or concerns from the DRB related to the standards above.

### **STAFF RECOMMENDATION**

The Planning Staff recommends that the DRB **approve** the site plan amendment for the property located for the property located at 167 US Route 7 South, described as SPAN #10826, Tax Map 29, Parcel 7, subject to the conditions above.

**Respectfully Submitted:**



\_\_\_\_\_  
Jeffrey Castle, Town Planner

### **ATTACHMENTS:**

- Site Plan, dated December 2, 2015
- Technical Advisory Committee (TAC) Public Works Review Sheet dated January 4, 2016
- Copy of Town of Milton Municipal Wastewater Ordinance Section 3.A.6
- TAC Recreation Review Sheet dated December 22, 2015;

**COPIES TO:**

- Applicant(s)
- Owners(s)
- Engineer/Surveyor

**WHAT'S NEXT?**

**Decision:** The DRB has 45 days from the close of the hearing to issue a written decision. The DRB aims to finalize decisions at the next available DRB meeting, but there are times when this is not possible and additional time is needed. The Applicant will receive a copy of the Decision by United States Postal Service Certified Mail; the official date of issuance is the date the Decision is mailed Certified. All other interested person who signed in on the hearing sign in sheet will also be mailed a copy of the Decision via USPS First Class Mail.

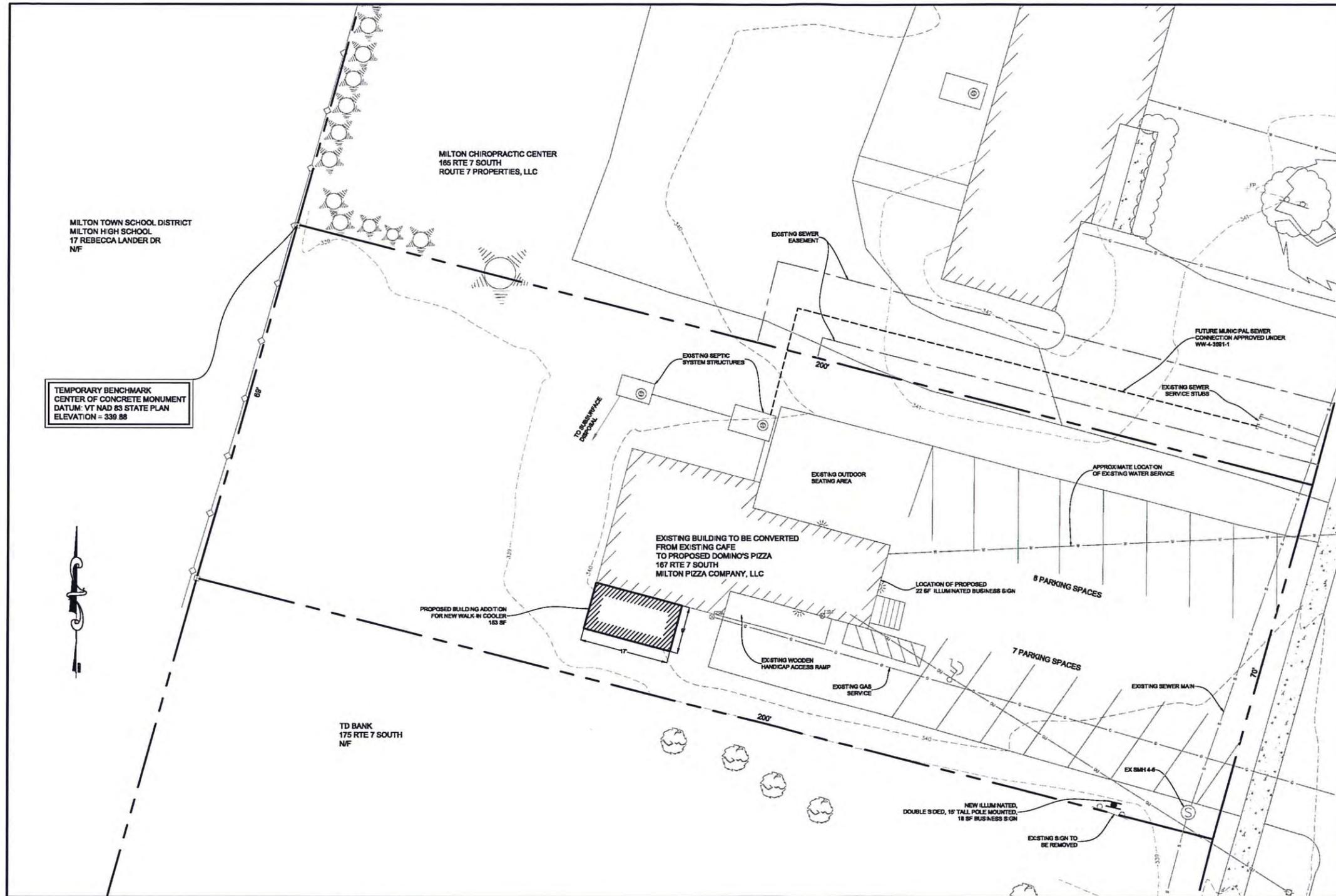
**Decision Conditions:** Approvals by the DRB almost always include conditions of approval that detail the next actions you must take to finalize the project. It's important that you read and understand the decision.

**Appeal Rights:** The DRB's decision can be appealed to the Environmental Division of the Vermont Superior Court by interested persons within **30 days** of issuance (10 VSA §8504).

**Revocations:** In addition to any other remedies provided for by law, approvals from the Development Review Board, whichever granted the permit or approval, for violation of these Regulations or the terms and conditions of the permit or approval. Omission or misstatement of any material fact by the applicant or agent on the application or at any hearing which would have warranted refusing the permit or approval shall be grounds for revoking the permit or approval at any time.

THE CONTRACTOR SHALL NOTIFY "DIGSAFE" AT 1-888-344-7233 PRIOR TO ANY EXCAVATION AT LOCATIONS WHICH MAY BE IN THE IMMEDIATE VICINITY OF UNDERGROUND UTILITIES

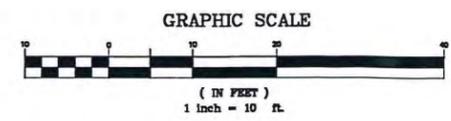
WARNING: FATALLY TOXIC GASES MAY BE PRESENT IN UNDERGROUND PIPING SYSTEMS AND WASTE SYSTEM STRUCTURES



TEMPORARY BENCHMARK  
CENTER OF CONCRETE MONUMENT  
DATUM: VT NAD 83 STATE PLAN  
ELEVATION = 339.88



- LEGEND**
- EXISTING EASEMENT LINE
  - EXISTING PROPERTY LINE
  - EXISTING WATER LINE
  - EXISTING SEWER LINE
  - EXISTING GAS LINE
  - EXISTING OVERHEAD UTILITY
  - EXISTING BITUMINOUS CONCRETE
  - EXISTING CEMENT CONCRETE WALK
  - EXISTING GRAVEL SURFACE
  - ⊙ EXISTING SEWER MANHOLE
  - ⊠ EXISTING UTILITY POLE
  - ⊠ EXISTING CONCRETE MONUMENT
  - ⊠ EXISTING BUILDING MOUNTED LIGHT
  - ⊠ EXISTING HARDWOOD TREE
  - ⊠ EXISTING SOFTWOOD TREE
  - ⊠ EXISTING GAS METER
  - ⊠ EXISTING ELECTRIC METER



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Planning & Economic Development  
Milton, Vermont

DATE	REVISION	BY
CLIENT <b>MILTON PIZZA COMPANY, LLC</b> P.O. BOX 948 COLCHESTER, VT 05446		

PROJECT TITLE  
**ADDITION TO EXISTING STRUCTURE**

DRAWING TITLE  
**SITE PLAN**

Survey	BDH / MLD	<p><b>Donald L. Hamlin</b> Consulting Engineers, Inc. 136 Pearl Street Essex Junction, Vermont</p>	Scale	1" = 10'
Design	BDH		Date	12/2/15
Drawn	BDH		Sheet	15-410
Checked	RFH		File	
Date	12/2/15		Drawing	1



**TOWN OF MILTON**

**Planning & Economic Development Department**

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Planning & Economic Development  
Milton, Vermont

---

## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, January 14, 2015

Date of Review: 01/04/2016

Department: Public Works

TAC Member: Roger Hunt

(HEARING CONTINUED) Variance Application - North Road 398 - David LaPorte, Owner/Applicant  
No Comment

### Site Plan Amendment I Application - 107 Catamount Drive - Toxic Lolli LLC, Owner & Applicant.

Highway Access - The plan does not show the curve radius for the new access to Gonyeau Road.

Water/Wastewater - Project has W/WW Allocation. The new sewer service force main shall cross the existing water services as close as possible to perpendicular and maintain at least 18" of separation.

The building does have an existing Fire Department Connect. A fire hydrant is required within 100' of the FDC (Water ordinance, Sec 4.C.7.d). The Fire Department may waive this condition provided they have clear access from an existing hydrant to the FDC. They may want to consider another hydrant at the rear of the structure.

Landscaping - Remove the arborvitaes within the ROW adjacent to Fire Hydrant #AA-20 on Gonyeau Road.

### Site Plan Application - 358 Bear Trap Rd. - William R. Sawyer Revocable Trust & Sonya L. Sawyer Revocable Trust, Owners/Bill Sawyer, Applicant.

Did/does the State require any stream or wetlands permits?

### Site Plan Amendment - 167 US Route 7 South - Milton Pizza Company LLC, Owner & Applicant

Because they are adding a new structure the applicant will be required to connect to the municipal wastewater collection system. See the Wastewater Ordinance, Section 3.A.6. A portion of the connection fee, \$2,500 was paid on 11/19/2012, however that was in conjunction with the Village Core Sewer Expansion connection incentive program. That program has now expired and the full amount is now required, the additional cost is \$1,664.00. The approval could be conditioned that they connect by November 15, 2016. There are approved plans and specifications for the connection.

5. Responsibility for maintenance and repair of connections to public wastewater collection lines is the responsibility of the property owner. In the event that wastewater connection repairs or maintenance are required within the public right-of-way, the Town may perform the necessary repairs or maintenance. All costs arising from such repairs or maintenance shall be reimbursed to the Town by the responsible property owner.
6. The use of the Public Wastewater System is required for all new houses, replacement structures, buildings, Planned Residential (PRD) or Planned Unit Developments (PUD), Developments, or other structures used for human occupancy, employment, industry, recreation or business, situated within an approved Wastewater Service Area, approved for construction after the adoption of this ordinance. New connections shall be at the owner's expense.
  - a. New connections within an approved Wastewater Service Area may be exempt from mandatory connections to the wastewater collection system only if the proposed connection is not fronted by or adjacent to a municipal sewer collection main.
  - b. This condition may be waived by the Selectboard if sufficient reserve hydraulic wastewater treatment capacity is not available at the time that a site plan, sketch plan, or preliminary request is submitted to the Town to construct said structures.

**B. Private Wastewater Disposal**

1. Where a public sanitary sewer is not available under the provisions of Section 3.A, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Ordinance.
2. The type, capacities, location and layout of a private wastewater disposal system shall comply with all mandates of the State of Vermont, Agency of Natural Resources, including but not limited to, those regarding waste water treatment and disposal by individual on-site systems, and all other applicable Federal, State and local regulations. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
3. At such time as a property served by a private wastewater disposal system is approved for connection to the public wastewater works, a direct connection shall be made to the public wastewater collection line in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be pumped out, abandoned and filled with suitable material or removed.
4. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.
5. No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by the State of Vermont or the Town's Health Officer.



TOWN OF MILTON  
Planning & Economic Development Department  
43 Bombardier Road  
Milton, Vermont 05468-3205  
802.893.1186  
miltonvt.org

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RECREATION DEPARTMENT  
MILTON, VERMONT

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, January 14, 2015

Date of Review: 12-22-15

Department: Recreation

TAC Member: Kim Buckenham, Recreation Coordinator

(HEARING CONTINUED) Variance Application - North Road 398 - David LaPorte, Owner/Applicant

No comments

Site Plan Amendment I Application - 107 Catamount Drive - Toxic Lolli LLC, Owner & Applicant.

No comments

Site Plan Application - 358 Bear Trap Rd. - William R. Sawyer Revocable Trust & Sonya L. Sawyer Revocable Trust, Owners/Bill Sawyer, Applicant.

No comments

Site Plan Amendment - 167 US Route 7 South - Milton Pizza Company LLC, Owner & Applicant

No comments



## 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,  
41

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.

9  
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

17  
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.

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

26  
27  
28  
29 \_\_\_\_\_  
30 Bruce Jenkins, Chair /kt

31 Draft filed with the Town Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

32  
33 Filed with the Town Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 2016.