MILTON DEVELOPMENT REVIEW BOARD
PUBLIC NOTICE OF MEETING & HEARINGS

Meeting Type: **Regular Meeting**
Date: **Thursday, December 10, 2015**
Time: **7:00 p.m.**
Place: **Fire Station Training Room**
Address: **43 Bombardier Road, Milton, Vermont 05468-3205**
Contact: **(802) 893-1186**
Website: **miltonvt.org**

Bruce Jenkins *Clayton Forgan* *David Conley* *Henry Bonges*

AGENDA

1. **Call to Order**
2. **Attendance**
3. **Agenda Review**
4. **Public Forum**

The public may attend and be heard in accordance with Vermont's Open Meeting Law (1 V.S.A. 312).

5. **Old Hearings/Business**

None

6. **New Hearings/Business**

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

6(B). Site Plan Amendment III Application - 121 Gonyeau Road – NG Advantage, Applicant/Clean Energy, Owner The Applicant requests Site Plan Amendment approval from the Development Review Board per the Milton Zoning Regulations to remove existing construction trailers and replace with a new, permanent office building consisting of approximately 209 square feet of finished floor space, with municipal water and sewer service. The Applicant proposes no access, parking, internal circulation, lighting, or electrical service changes to the site. The property is described as 121 Gonyeau Road, Tax Map 3, Parcel 8-6; SPAN #13971; contains approximately 6.3 acres and is located within the "General Industrial" (I2) Zoning District and the Catamount Planning Area.

6(C). Minor Conventional Subdivision Sketch Plan Application – Westford Road – James & Janet Harrison, Owner/Applicant. The Applicant is requesting Sketch Plan approval for a 3-lot Minor Conventional Subdivision located on Westford Road, described as SPAN #12349, Tax Map 16, Parcel 37. The lots would be accessed from Westford Road and served by on-site water and wastewater. The subject property contains a total of 328 acres and is located within the "Agricultural/Rural Residential" (R5), "Forestry/Conservation (FC), and "Flood Hazard" (FH) Zoning Districts.

7. **Other Business**

7(A). Staff Update

8. Approval of Minutes

8(A). November 12, 2015

9. Possible Deliberative Session

Private session for deliberations on applications and written decisions in accordance with 1V.S.A. 312.

9(A). Appeal from Decision of Zoning Administrator – Southerly Side of Route 7, LLC

10. Adjournment

Jeffrey Castle, Town Planner

Filed in the Town Clerk's Office. Posted in the Municipal Building Lobby, Planning & Economic Development Department, Town's Facebook page, Town's DRB webpage, Middle Road Market, Milton Beverage, & Rene's Discount Beverage. E-mailed to the Regional Planning Commission, Burlington Free Press, Milton Independent, & LCATV.

TOWN OF MILTON

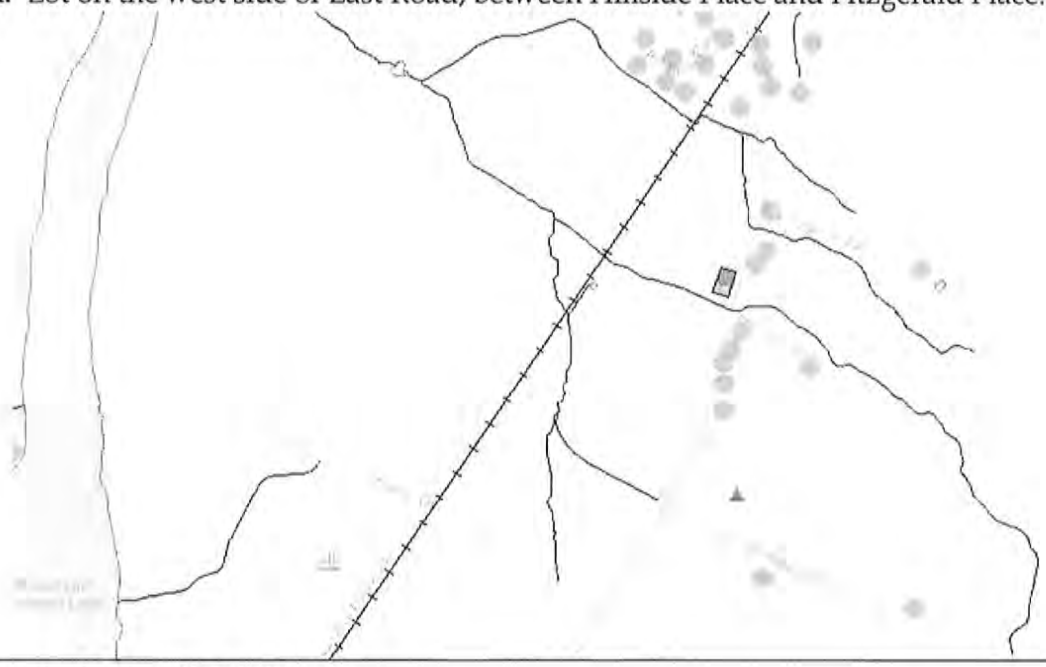
Planning & Economic Development Department

43 Bombardier Road
Milton, VT 05468-3205
(802) 893-1186
miltonvt.org

DEVELOPMENT REVIEW BOARD STAFF REPORT

Hearing Date: December 10, 2015	
Case No: DRB 2015-29	
Application(s): Variance	
Application Received: October 19, 2015	
Application Deemed Complete: October 20, 2015	
Staff Report Finalized: December 4, 2015	
Applicant(s): David LaPorte 398 North Road Milton, VT 05468 802-893-2793	**Owner(s):** Same
Engineer/License: None	**Surveyor/License:** None
E-911/Postal Address: 398 North Road	
Tax Map, Parcel(s): 15, 123	
School Parcel Account Number(s) (SPAN): 11968	
Deed(s): Book 457, Page 681	
Existing Size: 0.46 acres	
Zoning District(s): Industrial Conservation "I3"	
Comprehensive Plan Planning Area/Sub-Area: North Road Planning Area	

Location: Lot on the west side of East Road, between Hillside Place and Fitzgerald Place.



INTRODUCTION

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

Comments: Jeff Castle, Town Planner, and Jacob Hemmerick, Planning Director, herein referred to as staff, have reviewed the application, materials and plans submitted and have 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 a Variance 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 David LaPorte referred to hereafter as the "applicant".

Landowner(s): The property is owned by David LaPorte. All owners are signatories to this application.

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

Application Completion: The application was deemed complete by the Town Planner on October 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.

Variance Specific Jurisdiction: ZR1071 states: A variance from provisions of these Zoning Regulations may be granted only after appeal to the Development Review Board in accordance with the following (ZR1071 *Required Findings*) provisions.

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

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:

- Application Narrative and Proposal Sketch, received October 19, 2015

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

- Technical Advisory Committee (TAC) Public Works Review Sheet dated November 25, 2015;
- Email from Roger Hunt, Director Public Works dated November 25, 2015
- TAC School District Review Sheet dated November 24, 2015;
- TAC Police Review Sheet dated November 18, 2015;
- TAC Recreation Review Sheet dated November 17, 2015;

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: Staff finds no Violations on the subject property.

SITE, DISTRICT & AREA INFORMATION

Property Location: The subject property is located at 398 North Road and shown on Milton's Tax Map 15 as Parcel 123. The corresponding School Parcel Account Number (SPAN) is 11968.

Size/Area: According to the evidence presented, the subject parcel is approximately 0.46 acres. The Assessor's Grand List records this property as approximately 0.46 acres.

Property Deeds: The deed is recorded on in Book 155, Page 276 of the Town of Milton Land Records to David LaPorte, Grantee.

Zoning District: The site is located within the Industrial Conservation (I3) 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 ZR401 states that the purpose of this district is to "allow for an environmentally-sensitive planned industrial park, which would permit the clustering of industries and accessory uses on large lots, while providing adequate space for expansion."

Comprehensive Planning Area: The site is located within the North Road Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan. The Plan states the following goal about this area: "Encourage environmentally sensitive, high quality industrial development, which will provide greater employment opportunities and broaden the tax base."

Physical Characteristics/Natural Features: The site is sloping away from the raised road and dwelling to a lower generally flat area, contains soils of Statewide Agricultural Significance with no presumed wetlands, and drains to Lake Champlain via the Lamoille River.

Surrounding Use/Structures: The property is surrounded by agricultural and residential uses.

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.

EXISTING AND PROPOSED DEVELOPMENT

Existing Use/Structure: The property contains an existing single family dwelling. This is an existing non-conforming use in the I3 district. The existing structure is also an existing non-complying structure that does not meet current setback requirements.

Proposed Improvements: The applicant is proposing the addition of a carport on the north side of the existing single family dwelling.

ZONING REGULATIONS GENERAL PROVISIONS

ZR402 Permitted Uses: Staff finds that Single Family Dwellings are not a permitted use in the I3 Industrial Conservation District

Non-Conforming Uses: ZR510 states that the following provisions shall apply to all Non-Conforming Uses.

Non-Conforming Uses are defined as, "use of land or structure which does not comply with all use regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of these Regulations."

Staff finds that Single Family Dwellings are not a permitted use in the Industrial Conservation (I3) District, and is a non-conforming use on the property.

ZR512, Non-Conforming Expansion or Enlargement Criteria: A NON-CONFORMING USE or STRUCTURE containing a NON-CONFORMING USE may not be expanded or enlarged, except as follows:

> (5) In situations where residential uses or structures were made NON-CONFORMING as the result of a zoning amendment, such NON-CONFORMING residential uses or structures may be expanded or enlarged or used for a home occupation as a matter of right without CONDITIONAL USE approval by the Development Review Board provided that the current setback distances and building coverage requirements are met.

ZR404 Dimensional Requirements: The section states the setback distances and coverage requirements for the I3 District.

(1)	Minimum LOT AREA	200,000 sq. ft.
(2)	Minimum Road FRONTAGE	200 ft.
(3)	Minimum FRONT SETBACK	35 ft.

(4)	Minimum SIDE SETBACK	20 ft.
(5)	Minimum SIDE SETBACK for shared DRIVEWAYS and/or parking areas only	0 ft.
(6)	Minimum REAR SETBACK	20 ft.
(7)	Minimum SHORELINE SETBACK	50 ft.
(8)	Maximum LOT COVERAGE	40%
(9)	Maximum building HEIGHT	70 ft.

Staff finds that the residential use was made non-conforming as the result of a zoning amendment because the house predates the I3 Zoning District. However, the current setback requirements are not met and the residential uses or structures may not be expanded or enlarged as a matter of right.

Non-Complying Structures ZR520 states that the following provisions shall apply to all Non-complying structures.

Non Complying Structure is defined as "a structure or part thereof not in conformance with the Zoning Regulations covering building bulk, dimensions, height, area, yards, setbacks, density or off-street parking or loading requirements for the district which it is located, where such structure conformed to all applicable laws, ordinances and regulations prior to the enactment of these Regulations."

ZR520.1, Increase in Non-Complying Nature: The section states:

> Any ALTERATION, EXPANSION or change to a NON-COMPLYING STRUCTURE which does not result in any increase in the non-complying nature of the STRUCTURE (e.g., further encroachment into a SETBACK or a further increase in LOT COVERAGE) may be permitted by the Zoning Administrator provided that the proposed change does not result in an increase in floor area of the structure and that the proposed changes complies with all other provisions of these Regulations.

Staff finds that the construction of a carport within the front setback of the property results in an increase in the non-complying nature of the structure in conflict with the provisions of ZR404 and 550. Further, if the car addition were to be enclosed, this would add Gross Floor Area by definition, which includes the sum, in square, of the total horizontal areas of all floors of a building measured from the interior face of exterior walls."

ZR520.2, Increase in Non-Complying Nature or Floor Space: "Any ALTERATION, EXPANSION or change to a NON-COMPLYING STRUCTURE which does result in an increase in the non-complying nature of a STRUCTURE and/or any increase in floor space may be permitted by the Development Review Board as a variance in accordance with the provisions of Section 970 of these Regulations."

Staff finds that the Development Review Board may permit an increase in the non-complying nature of a structure as a variance.

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."

VARIANCE REVIEW

ZR1070, Variances: ZR1070 states, "A variance from provisions of these Zoning Regulations may be granted only after appeal to the Development Review Board in accordance with the following provisions [of ZR1071]."

ZR1071, Required Findings: ZR1071 states, "The DRB may grant variances, and render a decision in favor of the appellant, if all the following facts are found and the finding is specified in its decision."

ZR1071.1, Unique Physical Circumstances or Conditions Standard: ZR1071.1 states:

> That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Regulations in the neighborhood or district in which the property is located;

Staff finds that the lot size and shape does not create an unnecessary hardship. The topographical features of the site do make the location of a carport challenging, but this feature is not exceptional and does not create an unnecessary hardship.

1. The applicant shall describe any unique physical circumstances or conditions of the site that create unnecessary hardship.

ZR1071.2, Possibility of Reasonable Use Standard: ZR1071.2 states:

> That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Regulation and that the authorization of a variance is therefore necessary to enable the reasonable USE of the property;

Staff finds that the authorization of a variance is not necessary to enable the reasonable use of the property. Physical circumstances of the site do not prevent the property to be developed in strict conformity with the setback requirement.

2. The applicant shall state if the physical circumstances or conditions of the property create no possibility that the property can be developed in strict conformity with the provisions of the Zoning Regulation and that the authorization of a variance is therefore necessary to enable the reasonable USE of the property

ZR1071.3, Unnecessary Hardship Standard: ZR1071.3 states:

> That such unnecessary hardship has not been created by the appellant;.

Staff finds that no unnecessary hardship exists.

3. The applicant shall state if unnecessary hardship has been created by the appellant.

ZR, 1071.4, Alteration of Essential Character or Use Impairment Standard: ZR1071.4 states:

> That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate USE or development of adjacent property, reduce access to RENEWABLE ENERGY RESOURCES, nor be detrimental to the public welfare; and

Staff finds that the variance, if authorized, will not alter the essential character of the district, impair the appropriate use or development of adjacent property, reduce access to renewable energy resources or be detrimental to the public welfare.

ZR1071.5 Minimum Relief Standard: ZR1071.5 states:

> That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Regulations and from the *Plan*.

4. The applicant shall address any further questions from the DRB regarding the required findings.

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.

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

ADMINISTRATION & ENFORCEMENT

ZR1000 & 1010, Zoning Permit & Certificate of Occupancy: If approved,

6. A Zoning Permit is required and an associated Certificate of Occupancy/Compliance is required after construction is complete (and prior to occupation/use of the new structures).

ZR1020, Expiration of Permits:

7. A variance 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.

ZR1030, Revocation of Approvals and Permits:

8. 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

STAFF RECOMMENDATION

The Planning Staff recommends that the DRB **deny** the request for a variance for the property located at 398 North Road, described as SPAN #11968, Tax Map 15, Parcel 123.

Respectfully Submitted:

_____

Jeffrey Castle, Town Planner

ATTACHMENTS:

- Application Narrative and Proposal Sketch, received October 19, 2015
- Technical Advisory Committee (TAC) Public Works Review Sheet dated November 25, 2015;
- Email from Roger Hunt, Director Public Works dated November 25, 2015
- TAC School District Review Sheet dated November 24, 2015;
- TAC Police Review Sheet dated November 18, 2015;
- TAC Recreation Review Sheet dated November 17, 2015;

COPIES TO:

- Applicant

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.

RECEIVED
OCT 19 2015
Planning & Economic Development
Milton, Vermont

Zoning Variance Application

abutting property

span#	396-123-11656	Husky Corp
	396-123-11137	Fitzgerald
	396-123-11104	Farnsworth

398 North Road

Application for a Variance for setback from north road boundry. Request approval to install leanto/carport over existing parking space, attached to house.

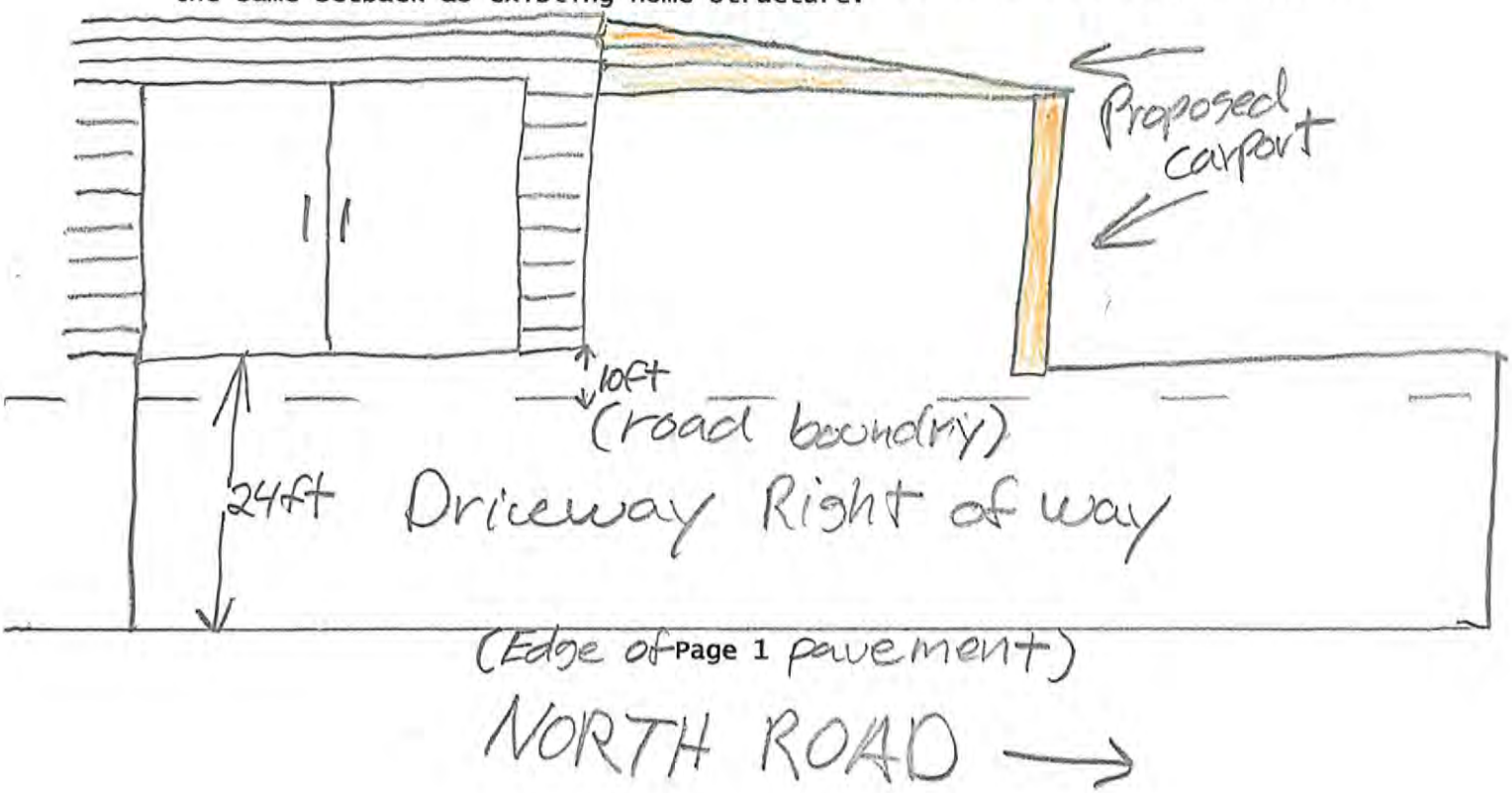
1) The existing 1800's built house structure is too close to official road boundry and is grandfathered in for zoning purposes.

2) Proposed single leanto/carport cannot be setback further from road boundry without extending parking space beyond practical reason. Would require additional fill and grading of embankment and removal of blue spuce and shubbery which provides errosion control for embankment.

3) Existing 1800's property predates present zoning regulations and north road designated boundry.

4) Simple leanto with asphalt shingles and open sides will not impare road visiblity or maintenance. Will not impact abuting property owners access or view.

5) Requesting simple variance from road setback for carport structure. Will be the same setback as existing home structure.



TOWN OF MILTON
Planning & Economic Development Department
43 Bombardier Road
Milton, Vermont 05468-3205
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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, December 10, 2015

Date of Review: 12/25/15

Department: PW

TAC Member: RFH

Variance Application - North Road 398 - David LaPorte, Owner/Applicant

SFH or Duplex?
Eliminate South side DW

Site Plan Amendment III Application - 121 Gonyeau Road - NG Advantage, Applicant/Clean Energy, Owner.

See Attached

Minor Conventional Subdivision Sketch Plan Application - Westford Road - James & Janet Harrison, Owner/Applicant.

See Attached

Roger Hunt

To: JCastle
Cc: Dustin Keelty; Nathan Lavallee (nlavallee@town.milton.vt.us)
Subject: TAC Comments for Dec. 10 DRB

Jeff,

I have reviewed the projects for the Dec. 10, 2015 DRB Meeting and have the following comments, questions & requirements.

Variance Application – 398 North Road – LaPorte

1. Verify that this is a single family home. See #2 below.

2. Per Zoning Regs Section 813 – *Driveways*, there shall not be more than one DRIVEWAY for each lot. In this case, the home has a driveway on both sides of the structure. The southern driveway looks to be a newer addition (there is no driveway apron) and shall be eliminated. The northern driveway can be widened in accordance with Public Works Specifications to accommodate the loss of the southern access.

Site Plan Amendment III Application – 121 Gonyeau Road – NG Advantage/Clean Energy

1. This amendment is similar to the original approved site plan. I have no concerns or comments.

Minor Conventional Subdivision Sketch Plan Application – Westford Road – Harrison

1. Since the Town is the de facto owner of the cemetery, it would be much cleaner to subdivide and deed the cemetery over to the Town of Milton.
2. The proposed driveway shall be constructed in accordance with VTrans Standard B-71 and the Town of Milton Public Works Specifications Sec. 1050.
    a. Specifically, the Stopping Sight Distance from the crest of the hill to the west edge of the proposed driveway shall be a minimum of 305', per PWS Sec. 1050.1.

Sincerely,

Roger F. Hunt, Director
Public Works Department
Town of Milton, Vermont
www.miltonvt.org
rhunt@town.milton.vt.us
http://miltonvt.org/m4d.html
Office - (802)893-6030
Fax - (802)893-1005

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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, December 10, 2015

Date of Review: 11/24/15

Department: School

TAC Member: Ann Bradshaw

Variance Application - North Road 398 - David LaPorte, Owner/Applicant

No comments at this time

Site Plan Amendment III Application - 121 Gonyeau Road - NG Advantage, Applicant/Clean Energy, Owner.

No comments at this time

Minor Conventional Subdivision Sketch Plan Application - Westford Road - James & Janet Harrison, Owner/Applicant.

No comments at this time

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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, December 10, 2015

Date of Review: 11.18.15

Department: Police

TAC Member: Brett Van Noordt

Variance Application – North Road 398 – David LaPorte, Owner/Applicant

NO COMMENTS or CONCERNS.

Site Plan Amendment III Application - 121 Gonyeau Road – NG Advantage, Applicant/Clean Energy, Owner.

NO COMMENTS or CONCERNS.

Minor Conventional Subdivision Sketch Plan Application – Westford Road – James & Janet Harrison, Owner/Applicant.

NO COMMENTS or CONCERNS.

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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, December 10, 2015

Date of Review: 11-17-15

Department: Recreation

TAC Member: Cyn Duchesneau

Variance Application - North Road 398 - David LaPorte, Owner/Applicant

No comments

Site Plan Amendment III Application - 121 Gonyeau Road - NG Advantage, Applicant/Clean Energy, Owner.

No comments

Minor Conventional Subdivision Sketch Plan Application - Westford Road - James & Janet Harrison, Owner/Applicant.

No comments

TOWN OF MILTON

Planning & Economic Development Department

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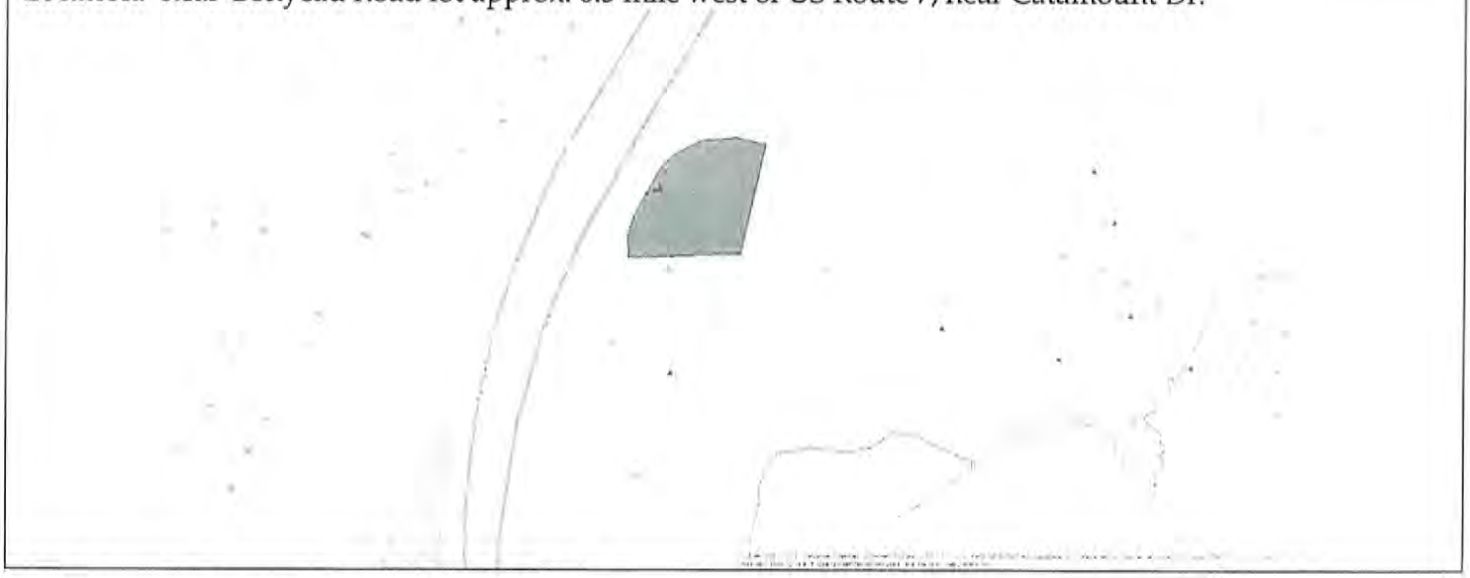
DEVELOPMENT REVIEW BOARD STAFF REPORT

Hearing Date: December 10, 2015	
Case No: 2015-30	
Application(s): Site Plan Amendment III	
Existing Use: Distributing	
Proposed Use: Distributing	
Application Received: November 6, 2015	
Application Deemed Complete: November 6, 2015	
Staff Report Finalized: December 4, 2015	
Applicant(s): NG Advantage, LLC 480 Hercules Dr., Ste. 2, Colchester, VT 05446 802.760.1167 * gmyers@ngadvantage.com	**Owner(s):** Clean Energy 4675 MacArthur St., Ste. 800, Newport Beach, CA 92660 949.437.1000 * njensen@cleanenergyfuel.com
Engineer: Green Mountain Engineering Brad Washburn, P.E. No 97588 1438 South Brownell Rd, Williston, VT 05465 802.249.4210	**Surveyor/License:** None
E-911/Postal Address: 121 Gonyeau Road	
Tax Map, Parcel(s): 3, 8-6	
School Parcel Account Number(s) (SPAN): 13971	
Deed(s): Book 189, Page 313	
Existing Size: 6.3 acres	
Zoning District(s): General Industrial I2	
Comprehensive Plan Planning Area/Sub-Area: Catamount Planning Area/None	
Location: Rear Gonyeau Road lot approx. 0.5 mile west of US Route 7, near Catamount Dr.	



SUMMARY OF PROPOSAL

Summary of Proposal: The Applicant requests Site Plan Amendment approval from the Development Review Board per the Milton Zoning Regulations to remove existing construction trailers and replace with a new, permanent office building consisting of approximately 209 square feet of finished floor space, with municipal water and sewer service. The Applicant proposes no access, parking, internal circulation, lighting, or electrical service changes to the site. The property is described as 121 Gonyeau Road, Tax Map 3, Parcel 8-6; SPAN #13971; contains approximately 6.3 acres and is located within the "General Industrial" (I2) Zoning District and the Catamount Planning Area.

Comments: Jeffrey Castle, Town Planner, and Jacob Hemmerick, Planning Director, herein referred to as staff, have reviewed the application, materials and plans submitted and have the following comments. The numbered items below requests points of clarification, frame discretionary decisions for the DRB and recommend conditions of approval.

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.

INTRODUCTION AND PROCEDURAL HISTORY

Application: This matter comes before the Town of Milton Development Review Board (DRB) for approval to amend the approved Site Plan; this is the third DRB amendment to the original site plan approval, which has also been administratively amended twice. Combining DRB and Zoning Administrator amendments, this the fifth amendment to the site plan.

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

Application Submission: The application form and associated exhibits were received by the Planning and Economic Development Department on November 6, 2015. The application and its associated materials are maintained by the Town in the application file and are available for public inspection

Application Completion: The application was deemed complete by staff on November 6, 2015.

Landowner(s): The property is owned by Clean Energy. All owners are signatories to this application.

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) 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.
- **Comprehensive Plan Consistency**: Consistency with the Comprehensive Plan.

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

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

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

EXHIBITS

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

- Proposed Office Building Site Plan by Green Mountain Engineering dated 7/27/2015
- First Floor Plan by Ritz-Craft Corporation dated 10/20/2015
- ADA Ramp and Stairs Plan by Wiemann Lamphere dated 10/26/2015
- Office Building Elevations by Ritz-Craft Corporation dated 10/20/2015

Staff Exhibits:

- Original site plan approval: Proposed Site Grading & Utility Plan dated 6/18/2012

- Technical Advisory Committee (TAC) Public Works Review Sheet dated November 25, 2015;
- Email from Roger Hunt, Director Public Works dated November 25, 2015
- TAC School District Review Sheet dated November 24, 2015;
- TAC Police Review Sheet dated November 18, 2015;
- TAC Recreation Review Sheet dated November 17, 2015;

SITE HISTORY

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

- DRB's original Site Plan approval dated 8/9/2012
- Zoning Permit 2012-184A approval for the site's original development.
- Certificate of Occupancy/Compliance 2012-184A issuance on 3/5/2013.
- DRB Site Plan Amendment I dated 6/13/2013 to remove office headquarter building in lieu of a 12 x 60 foot office trailer.
- Administrative Site Plan Amendment I of 2/10/ 2014 to add an 8 x 32 foot office trailer.
- Administrative Site Plan Amendment II of 10/10/2014 to add 2 compressors and expand equipment area.
- Zoning Permit 2014-180 denial for 8x32 office trailer and 12x60 office trailer.
- Zoning Permit 2014-190 approval to add 2 compressors and expand equipment area.
- Zoning Permit 2015-5 approval to add 8x32 office trailer and 12x60 office trailer.
- Certificate of Occupancy/Compliance 2015-5 on 3/4/2015.
- DRB Site Plan Amendment II dated 9/10/2015 to reconfigure and expand the natural gas production and fueling equipment.
- Zoning Permit 2015-159 approval to expand existing natural gas intermodal station.

Zoning Compliance: Staff located no enforcement action in Planning Department records.

SITE, DISTRICT & AREA INFORMATION

Property Location: The subject property is located at 121 Gonyeau Road and shown on Milton's Tax Map 3 as Parcel 8-6. The corresponding School Parcel Account Number (SPAN) is 13971.

Size/Area: The subject parcel is approximately 6.3 acres.

Property Deeds: A Deed of ownership is recorded in Book 189, Page 313 of the Town of Milton Land Records.

Zoning District: The site is located within the General Industrial I2 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 ZR391 states that the purpose of this district is to:

> Provide adequate space for industrial uses, specified large scale retail uses which require room for EXPANSION, and space for OUTDOOR STORAGE. These areas are not intended for businesses that will create a high level of retail traffic. PLANNED UNIT DEVELOPMENTS will be encouraged to CLUSTER development in order to preserve and maintain agriculture, open space, natural areas, and FORESTRY lands, and maintain separation from residential neighborhoods.

Comprehensive Planning Area: The site is located within the Catamount 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 for this area (p.122):

> **9.2. Catamount Area Goals**
> There are two primary future land uses recommended for this section of Milton: low density clustered residential development and industrial development. The proposed uses in the Catamount Area are not intended to compete with the services and land uses planned for the Town Core Area. The Zoning Regulations were amended in 2010 to allow for certain retail uses. Only large-scale retail uses such as garden centers, construction and agricultural equipment sales, home supplies, and retail associated with manufacturing establishments are permitted so that they do not compete with the services and land uses planned for the Town Core Area.
>
> There are three recently developed large parcels in the Catamount Area: the new Gardner's Supply distribution facility and the Highview Estates residential development on the west side of Route 7, and the Charlebois Company and Premier Coach on the east side of Route 7, adjacent to Colchester. This area is close to the Vermont Agency of Transportation maintenance facility and the Colchester Park and Ride; therefore it would be useful to establish a bike/multi-use path within this area.
>
> **Goal 9.7.1.** Encourage high quality industrial development in a sub-regional growth center, which will provide greater employment opportunities and broaden the tax base.
>
> **Objective 9.7.1.a.** Develop standards to enhance the appearance and quality of development in this major gateway into the Town of Milton.
>
> **Objective 9.7.1.b.** Maintain buffer zones to prevent encroachment of industrial and commercial uses into the residential areas.
>
> **Goal 9.7.2.** Ensure an aesthetically pleasing approach into Milton.
>
> **Objective 9.7.2.a.** Develop a plan to work towards enhancing the character of Route 7.
>
> **Objective 9.7.2.b.** Encourage high quality planned unit developments to cluster new housing in a way that minimizes visual impacts from Route 7.
>
> **Goal 9.7.3.** Enhance multi-modal transportation opportunities.

Staff finds that the proposal is consistent with the goals of the area.

Physical Characteristics/Natural Features: The site is developed and relatively flat near the road with a rear embankment (resulting from fill and grading) and sheet flow primarily directed towards the rear corner of the property. The entire parcel contains agricultural soil of statewide significance. The site drains to Lake Champlain via Allen Brook and contains no presumed wetlands or habitat crossings of importance. The plans show that the site is landscaped with no wooded area.

Existing Use: The principal use is "distributing" and a conforming use. No change in use is proposed.

Existing Improvements to be Retained: The applicant proposes no access, parking, internal circulation, landscaping, or stormwater changes to the site.

Proposed Improvements: The applicant proposes to remove existing construction trailers and replace with a new, permanent office building consisting of approximately 209 square feet of finished floor space with municipal water and sewer service.

Existing Access: The site is accessed from two curb cuts on Gonyeau Road. No changes are proposed to these highway accesses.

Existing Utilities: The site is served by municipal water and sewer, natural gas, underground electric, underground telephone.

Waivers Requested: None

Existing Restrictions or Covenants: The lot is bisected by a Vermont Gas Right of Way, and is Lot 6 of the Catamount Industrial Park, and therefore subject to their covenants.

Proposed Restrictions or Covenants: No new easements are shown.

Surrounding Use/Structures: The lot is bordered by I-89 to the West, single family residential dwellings to the south, and industrial facilities to the south east and north.

ZR150, Applicability of Dimensional Requirements: The section states:

> Every USE involving the construction, reconstruction, conversion, structural ALTERATION, relocation or enlargement of a STRUCTURE must comply with the minimum LOT AREA, FRONTAGE, SETBACK areas and all other requirements specified in these Regulations for the district in which the USE occurs. A summary district dimensional table is located immediately following Articles III and IV, District Regulations.

Staff finds that the proposed structure would comply with the dimensional requirements for the I2 Zoning District, as listed in ZR294.

GENERAL PROVISIONS

ZR530, Required Frontage & Approved Access: Staff finds that the site is conforming and has frontage meeting the requirements of this section.

ZR540, Number of Structures on Lots: The section states, "There shall be only one PRINCIPAL STRUCTURE and its approved ACCESSORY STRUCTURES on a LOT. The following are exceptions: ACCESSORY farm DWELLINGS in accordance with Section 872 "ACCESSORY Dwelling"; DUPLEXES, TRIPLEXES and MULTIFAMILY DWELLINGS in accordance with the provisions of the District Regulations (Articles III and IV), and PLANNED UNIT DEVELOPMENTS in accordance with Section 850 "PLANNED UNIT DEVELOPMENTS". PRINCIPAL STRUCTURE is defined as:

> A STRUCTURE having significant or primary USE and justifying its own utilization (such as a dwelling or office building) as contrasted to ACCESSORY STRUCTURES which are incidental or subordinate to primary STRUCTURES and do not alone justify their utilization (such as a tool shed or auto garage used in conjunction with a dwelling). Certain STRUCTURES may be either principal or ACCESSORY

depending upon utilization, such as a parking garage as an ACCESSORY STRUCTURE to a high-rise apartment or as a PRINCIPAL STRUCTURE when operated commercially in a business area.

Staff interprets the primary structure to be the largest building housing the indoor functions of the use. Upon the completion of the construction of the proposed office building and the removal of the trailers, staff finds the proposed office building to be the principal structure with all other structures being accessory.

ZR550, Use of Setback Areas: The section states, "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 the proposed office to be compliance with the use of setback areas.

ZR560, Height Restrictions: "No STRUCTURE shall exceed thirty-five (35) feet in HEIGHT above ground level except as noted in Articles III and IV for specific zoning districts and as noted below."

Staff finds the proposed office building to be in compliance with the height restriction.

ZR570, Sewage Disposal: The applicant proposes to connect the office to current water and wastewater service.

ZR580, Accessory Structures & Uses: Staff finds that all structures serve the principal use and that the proposed changes meet all requirements of ZR580.

ZR590, Roads and Drives: The section states, "All roads and drives shall conform to the requirements of this Section " No roads, driveway, or highway access are proposed or changes to internal circulation proposed.

ZR650, Temporary Structures and Construction Officers or Trailers: The section states, "During the period of construction, temporary STRUCTURES, construction offices, and construction trailers used in conjunction with construction work are permitted. Such STRUCTURES as are permitted under this Section shall not be used as dwellings. Zoning Permits for such STRUCTURES shall be issued for a maximum six month period and may be renewed for an additional six months upon request."

1. The applicant shall remove existing trailers prior to the issuance of the Certificate of Occupancy for the proposed improvements.

2. Two existing trailers shall be removed from the final plans.

ZR710, Prohibited Uses: The applicant should keep the following in mind, since this is a automobile-dependent use.

ZR710.1, Prohibition of Outdoor Storage of Unregistered, Uninspected Vehicles
The OUTDOOR STORAGE of more than one (1) vehicle on the same property without a valid Vermont State Inspection Sticker and a valid Registration is specifically prohibited in all districts. All such pre-existing USES shall be required to conform to these Regulations and all applicable State and local regulations.

ZR710.2, Prohibition of Noxious and Offensive Uses
No USES shall be permitted which are noxious or offensive by reason of emission of odor, dust, noise, smoke, gas, fumes, or which present a hazard to public health and safety. This Section shall not be interpreted to prohibit agricultural USES in ZONING DISTRICTS in which AGRICULTURE is a permitted USE.

SITE PLAN REVIEW

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

ZR802.2(c) Adequacy of Traffic Circulation, Parking, and Loading Facilities: Staff finds that the original approved site plan indicated trailer parking for 4 trailers in the location of the current construction trailers that have been removed from subsequent site plan amendments.

3. Final plans shall indicate the location of trailer parking spaces.

ZR806, Landscape Plan Requirements: No changes are proposed to the approved landscaping. Staff finds that no additional changes are merited.

ZR810, Parking, Loading and Driveway Requirements: No additional parking is proposed. The regulations require 2 spaces for each 3 employees.

4. The applicant shall state how many people are currently employed on site and if the proposal will result in additional employees.

ZR812.3, ADA Parking: Staff finds that the proposed plan meets the requirements of ZR812.3

ZR817, Pedestrian Circulation: The section states, "The DRB may require pedestrian walkways to facilitate pedestrian movements to shopping, schools and recreation areas." Staff does not recommend any pedestrian amenities on this site. The pathway planned to connect the Park-and-Ride with W. Milton road along I-89 is best placed on the west side of Gonyeau Road, on the other side of the street from this site.

ZR820, Outdoor Lighting: No changes to lighting are proposed.

5. If any outdoor lighting is to be located on the office building, it shall be shown on the plans; the fixture shall be compliant with ZR820.

ADMINISTRATION

Technical Advisory Committee: The committee either had no comments or concerns.

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, 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.

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.

9. 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 application to remove existing construction trailers and replace with a new, permanent office building consisting of approximately 209 square feet of finished floor space, with municipal water and sewer service for the site described as 121 Gonyeau Road, Tax Map 3, Parcel 8-6; SPAN #13971, subject to the conditions above.

Respectfully Submitted:

Jeffrey Castle, Town Planner

ATTACHMENTS:

- Proposed Office Building Site Plan by Green Mountain Engineering dated 7/27/2015
- First Floor Plan by Ritz-Craft Corporation dated 10/20/2015
- ADA Ramp and Stairs Plan by Wiemann Lamphere dated 10/26/2015
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- TAC School District Review Sheet dated November 24, 2015;
- TAC Police Review Sheet dated November 18, 2015;
- TAC Recreation Review Sheet dated November 17, 2015;

COPIES TO:

1. Applicant(s)
2. Owners(s)
3. Engineer/Surveyor

TYPICAL TRENCH DETAIL
BURIED WATER & SEWER PIPE

SCALE: NONE

NOTES:

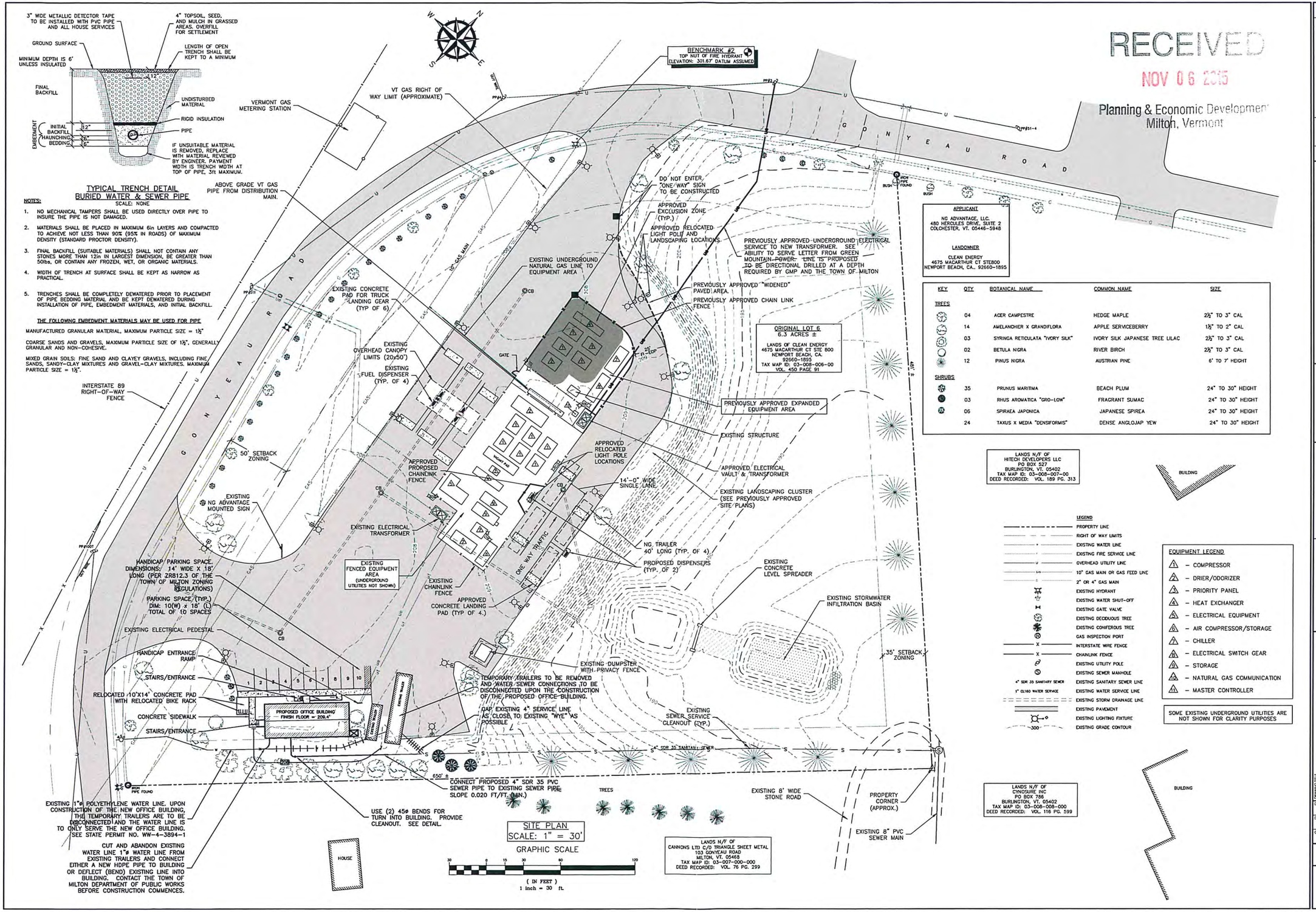
1. NO MECHANICAL TAMPERS SHALL BE USED DIRECTLY OVER PIPE TO INSURE THE PIPE IS NOT DAMAGED.
2. MATERIALS SHALL BE PLACED IN MAXIMUM 6in LAYERS AND COMPACTED TO ACHIEVE NOT LESS THAN 90% (95% IN ROADS) OF MAXIMUM DENSITY (STANDARD PROCTOR DENSITY).
3. FINAL BACKFILL (SUITABLE MATERIALS) SHALL NOT CONTAIN ANY STONES MORE THAN 12in IN LARGEST DIMENSION, BE GREATER THAN 50lbs. OR CONTAIN ANY FROZEN, WET, OR ORGANIC MATERIALS.
4. WIDTH OF TRENCH AT SURFACE SHALL BE KEPT AS NARROW AS PRACTICAL.
5. TRENCHES SHALL BE COMPLETELY DEWATERED PRIOR TO PLACEMENT OF PIPE BEDDING MATERIAL AND BE KEPT DEWATERED DURING INSTALLATION OF PIPE, EMBEDMENT MATERIALS, AND INITIAL BACKFILL.

THE FOLLOWING EMBEDMENT MATERIALS MAY BE USED FOR PIPE

MANUFACTURED GRANULAR MATERIAL, MAXIMUM PARTICLE SIZE = 1½"

COARSE SANDS AND GRAVELS, MAXIMUM PARTICLE SIZE OF 1½", GENERALLY GRANULAR AND NON-COHESIVE.

MIXED GRAIN SOILS: FINE SAND AND CLAYEY GRAVELS, INCLUDING FINE SANDS, SANDY-CLAY MIXTURES AND GRAVEL-CLAY MIXTURES. MAXIMUM PARTICLE SIZE = 1½".



KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE
TREES				
	04	ACER CAMPESTRE	HEDGE MAPLE	2½" TO 3" CAL
	14	AMELANCHIER X GRANDIFLORA	APPLE SERVICEBERRY	1½" TO 2" CAL
	03	SYRINGA RETICULATA "IVORY SILK"	IVORY SILK JAPANESE TREE LILAC	2½" TO 3" CAL
	02	BETULA NIGRA	RIVER BIRCH	2½" TO 3" CAL
	12	PINUS NIGRA	AUSTRIAN PINE	6' TO 7' HEIGHT
SHRUBS				
	35	PRUNUS MARITIMA	BEACH PLUM	24" TO 30" HEIGHT
	03	RHUS AROMATICA "GRO-LOW"	FRAGRANT SUMAC	24" TO 30" HEIGHT
	06	SPIRAEA JAPONICA	JAPANESE SPIREA	24" TO 30" HEIGHT
	24	TAXUS X MEDIA "DENSIFORMIS"	DENSE ANGLOJAP YEW	24" TO 30" HEIGHT

LEGEND

- PROPERTY LINE
- RIGHT OF WAY LIMITS
- EXISTING WATER LINE
- EXISTING FIRE SERVICE LINE
- OVERHEAD UTILITY LINE
- 10" GAS MAIN OR GAS FEED LINE
- 2" OR 4" GAS MAIN
- EXISTING HYDRANT
- EXISTING WATER SHUT-OFF
- EXISTING GATE VALVE
- EXISTING DECIDUOUS TREE
- EXISTING CONIFEROUS TREE
- GAS INSPECTION PORT
- INTERSTATE WIRE FENCE
- CHAINLINK FENCE
- EXISTING UTILITY POLE
- EXISTING SEWER MANHOLE
- 4" SDR 35 SANITARY SEWER — EXISTING SANITARY SEWER LINE
- 1" CL160 WATER SERVICE — EXISTING WATER SERVICE LINE
- EXISTING STORM DRAINAGE LINE
- EXISTING PAVEMENT
- EXISTING LIGHTING FIXTURE
- 300 — EXISTING GRADE CONTOUR

EQUIPMENT LEGEND

- 1 – COMPRESSOR
- 2 – DRIER/ODORIZER
- 3 – PRIORITY PANEL
- 4 – HEAT EXCHANGER
- 5 – ELECTRICAL EQUIPMENT
- 6 – AIR COMPRESSOR/STORAGE
- 7 – CHILLER
- 8 – ELECTRICAL SWITCH GEAR
- 9 – STORAGE
- 10 – NATURAL GAS COMMUNICATION
- 11 – MASTER CONTROLLER

SOME EXISTING UNDERGROUND UTILITIES ARE NOT SHOWN FOR CLARITY PURPOSES

REV.	DATE	DESCRIPTION	BY
1	11/06/15	ADDED OFFICE BUILDING, UTILITIES	BMW
2	09/21/15	PER TOWN OF MILTON DRB REVIEW	BMW

1438 SOUTH BROWNELL ROAD
WILLISTON, VERMONT 05495
PHONE: (802)862-2030
FAX: (802)862-7598
GREEN MOUNTAIN ENGINEERING
CIVIL WATER WASTEWATER

NOT FOR CONSTRUCTION

DRAWING TITLE: PROPOSED OFFICE BUILDING SITE PLAN

PROJECT: INTERMODAL STATION IMPROVEMENTS

CLIENT: NG ADVANTAGE, LLC. CATAMOUNT INDUSTRIAL PARK 121 GONYEAU ROAD, MILTON, VT.

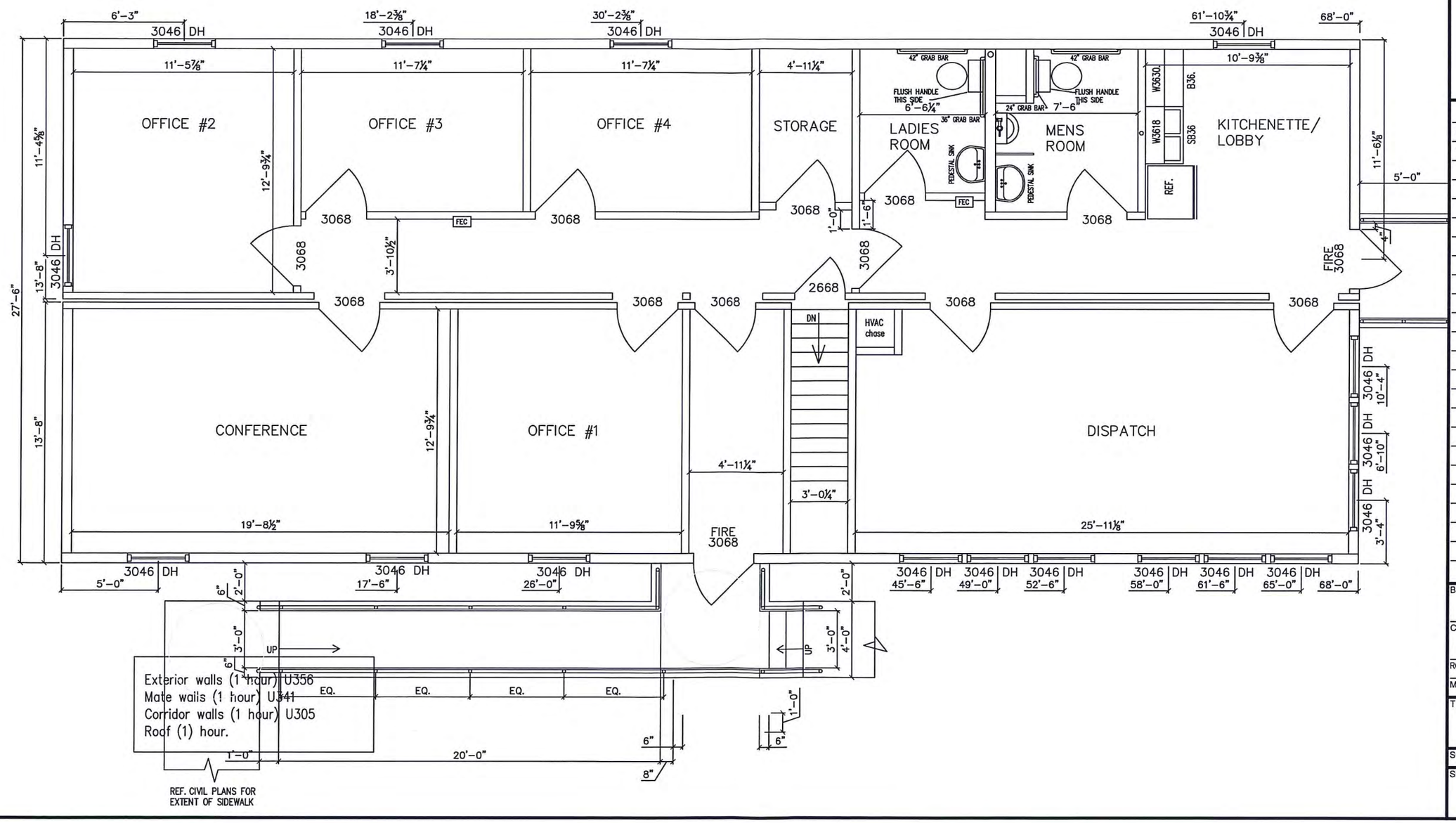
DESIGNED: BMW	PLOT DATE: 11/06/15
DRAWN: BMW	SCALE: 1" = 30'
CHECKED:	DATE: NOV. 2015

PROJECT NO. 22-006.60

DRAWING NO. 1

SHEET 01 OF 01

RECEIVED
NOV 06 2015
Planning & Economic Development
Milton, Vermont



CO#: 2205215
SN: ----

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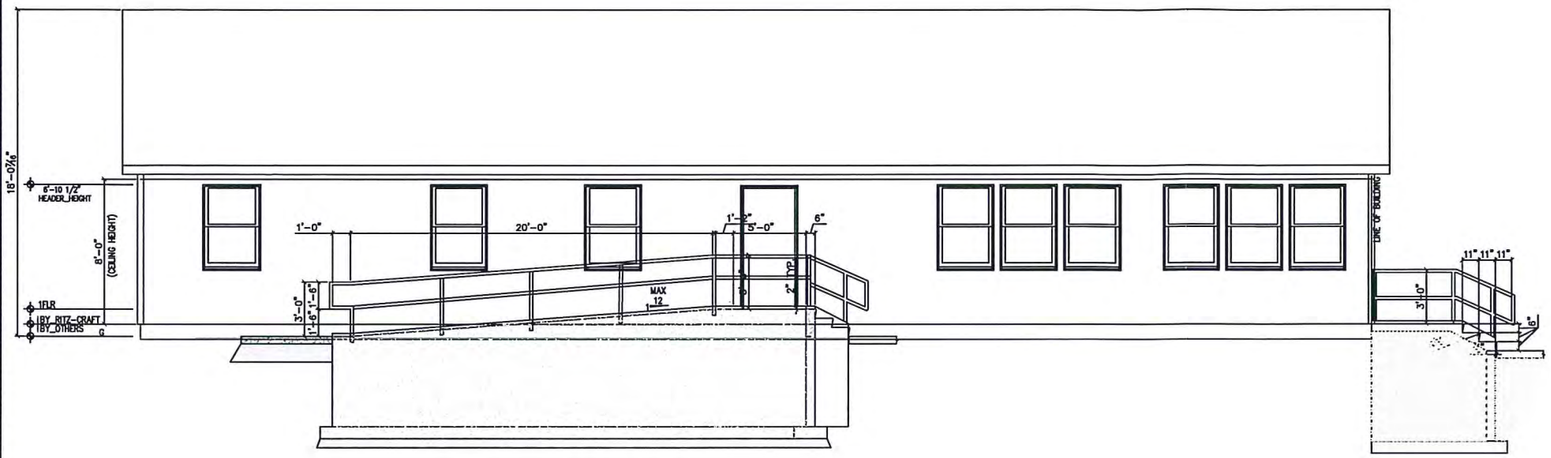
PROFESSIONAL ENGINEER SEAL

DATE	DESCRIPTION	BY
10/13/15	Rev. per comments dated 10/6/15	RLB
10/20/15	Rev. per comments dated 10/19/15	RLB

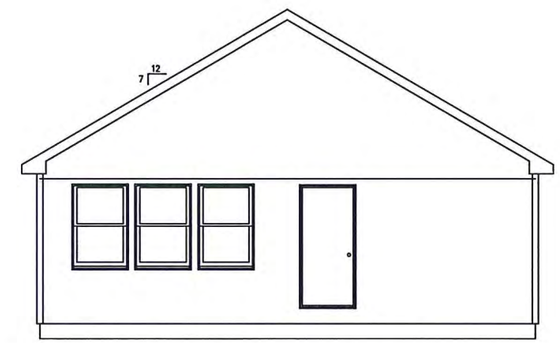
BUILDER: Fecteau Homes
CUSTOMER: Barre Office, Barre, Vermont
RC ACT. MGR: Zack John
MODEL: Office
TITLE: 1ST FLOOR PLAN
SCALE: 3/16"=1'-0"
SHEET: FP1

Y:\2015 PROJECTS\2015063 NG ADVANTAGE\AUTOCAD DRAWINGS\CONSTRUCTION DRAWINGS\NG - CAD 2205215 _WLA ENTRANCE STAIRS.DWG, Plot Date: 11/6/2015 12:10 PM by: Matthew Reed

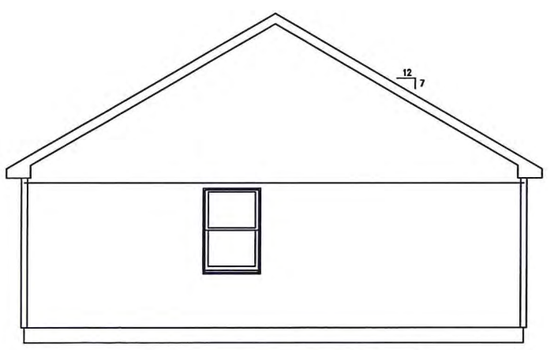
Y:\2015 PROJECTS\2015063 NG ADVANTAGE\AUTOCAD DRAWINGS\CONSTRUCTION DRAWINGS\NG - CAD 2205215 _WLA ENTRANCE STAIRS.DWG, Plot Date: 11/6/2015 12:11 PM by: Matthew Reed



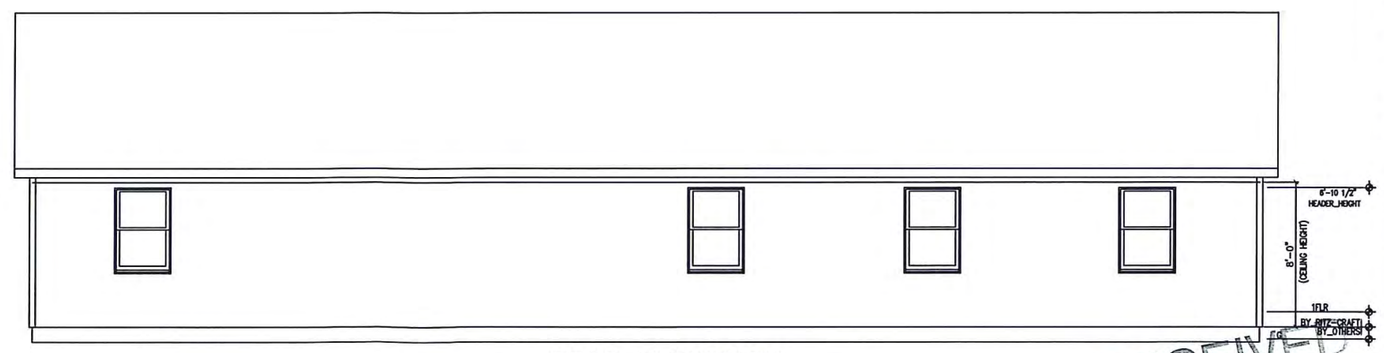
FRONT ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION

RECEIVED
NOV 06 2015
Planning & Economic Development
Milton, Vermont

CO#: 2205215
SN: ----

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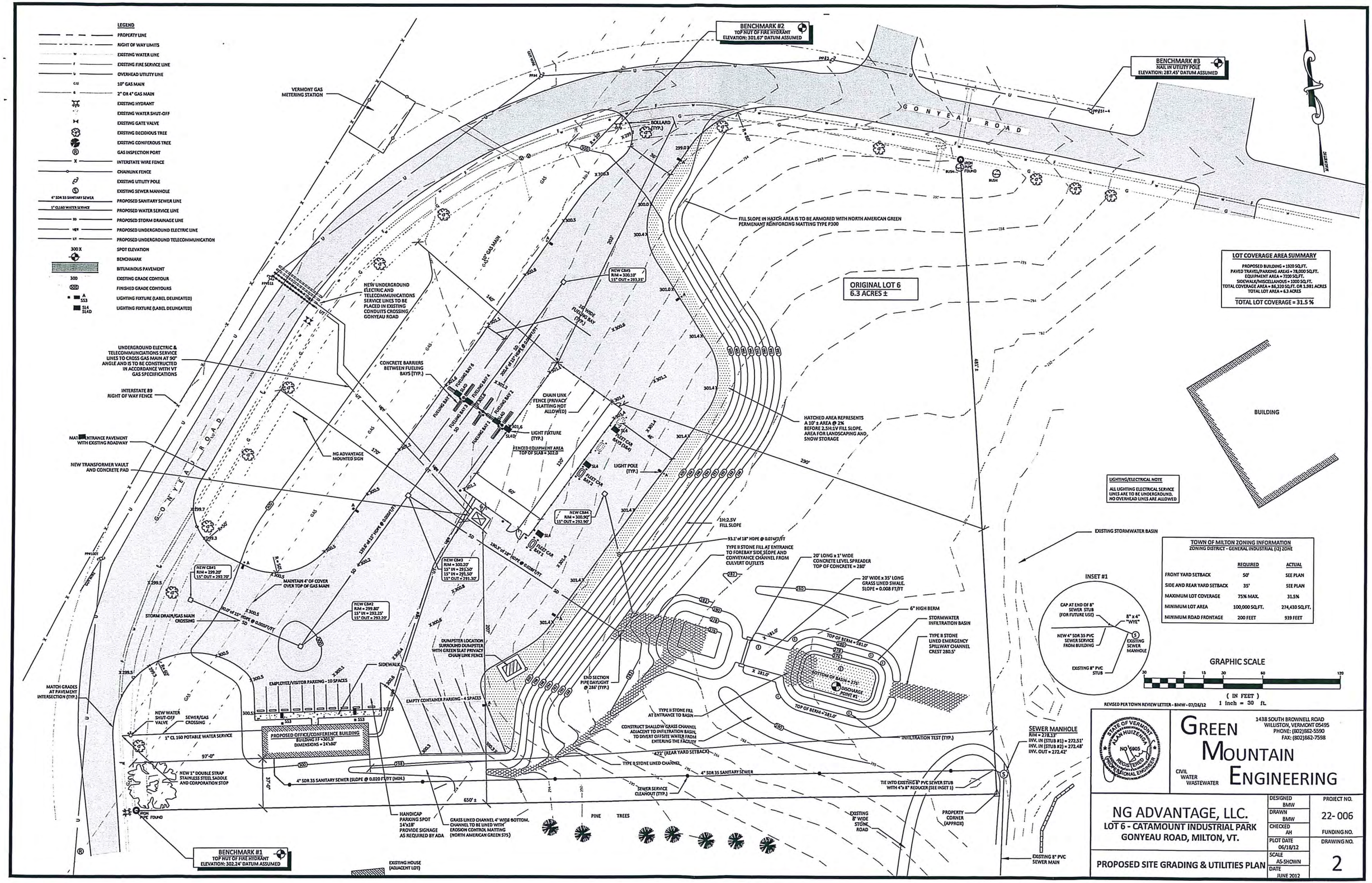
BUILDER: Fecteau Homes
CUSTOMER: Barre Office, Barre, Vermont
RC ACT. MGR: Zack John
MODEL: Office
TITLE: ELEVATIONS
SCALE: 1/8" = 1'-0"
SHEET: ELV1


LEGEND
PROPERTY LINE
RIGHT OF WAY LIMITS
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EXISTING FIRE SERVICE LINE
OVERHEAD UTILITY LINE
10" GAS MAIN
2" OR 4" GAS MAIN
EXISTING HYDRANT
EXISTING WATER SHUT-OFF
EXISTING GATE VALVE
EXISTING DECIDIOUS TREE
EXISTING CONIFEROUS TREE
GAS INSPECTION PORT
INTERSTATE WIRE FENCE
CHAINLINK FENCE
EXISTING UTILITY POLE
EXISTING SEWER MANHOLE
4" SCH 35 SANITARY SEWER
PROPOSED SANITARY SEWER LINE
1" CL160 WATER SERVICE
PROPOSED WATER SERVICE LINE
PROPOSED STORM DRAINAGE LINE
PROPOSED UNDERGROUND ELECTRIC LINE
PROPOSED UNDERGROUND TELECOMMUNICATION
SPOT ELEVATION
BENCHMARK
BITUMINOUS PAVEMENT
EXISTING GRADE CONTOUR
FINISHED GRADE CONTOURS
LIGHTING FIXTURE (LABEL DELINEATED)
LIGHTING FIXTURE (LABEL DELINEATED)
BENCHMARK #2
TOP NUT OF FIRE HYDRANT
ELEVATION: 301.67' DATUM ASSUMED
BENCHMARK #3
NAIL IN UTILITY POLE
ELEVATION: 287.45' DATUM ASSUMED
VERMONT GAS METERING STATION
GONYEAU ROAD
BOLLARD (TYP.)
IRON PIPE FOUND
FILL SLOPE IN HATCH AREA IS TO BE ARMORED WITH NORTH AMERICAN GREEN PERMENANT REINFORCING MATTING TYPE P300
ORIGINAL LOT 6
6.3 ACRES ±
LOT COVERAGE AREA SUMMARY
PROPOSED BUILDING = 1920 SQ.FT.
PAVED TRAVEL/PARKING AREAS = 78,000 SQ.FT.
EQUIPMENT AREA = 7200 SQ.FT.
SIDEWALK/MISCELLANOUS = 1000 SQ.FT.
TOTAL COVERAGE AREA = 86,320 SQ.FT. OR 1.981 ACRES
TOTAL LOT AREA = 6.3 ACRES
TOTAL LOT COVERAGE = 31.5 %
NEW UNDERGROUND ELECTRIC AND TELECOMMUNICATIONS SERVICE LINES TO BE PLACED IN EXISTING CONDUITS CROSSING GONYEAU ROAD
NEW CB#5
RIM = 300.10'
15" OUT = 293.35'
6" GAS MAIN
UNDERGROUND ELECTRIC & TELECOMMUNICATIONS SERVICE LINES TO CROSS GAS MAIN AT 90° ANGLE AND IS TO BE CONSTRUCTED IN ACCORDANCE WITH VT GAS SPECIFICATIONS
CONCRETE BARRIERS BETWEEN FUELING BAYS (TYP.)
FUELING BAYS
INTERSTATE 89 RIGHT OF WAY FENCE
CHAIN LINK FENCE (PRIVACY SLATTING NOT ALLOWED)
LIGHT FIXTURE (TYP.)
FENCED EQUIPMENT AREA TOP OF SLAB = 302.0
HATCHED AREA REPRESENTS A 10' ± AREA @ 2% BEFORE 2.5H:1V FILL SLOPE. AREA FOR LANDSCAPING AND SNOW STORAGE
MATCH ENTRANCE PAVEMENT WITH EXISTING ROADWAY
NG ADVANTAGE MOUNTED SIGN
NEW TRANSFORMER VAULT AND CONCRETE PAD
LIGHT POLE (TYP.)
BUILDING
LIGHTING/ELECTRICAL NOTE
ALL LIGHTING ELECTRICAL SERVICE LINES ARE TO BE UNDERGROUND. NO OVERHEAD LINES ARE ALLOWED
1H:2.5V FILL SLOPE
EXISTING STORMWATER BASIN
TOWN OF MILTON ZONING INFORMATION
ZONING DISTRICT - GENERAL INDUSTRIAL (I2) ZONE
REQUIRED ACTUAL
FRONT YARD SETBACK 50' SEE PLAN
SIDE AND REAR YARD SETBACK 35' SEE PLAN
MAXIMUM LOT COVERAGE 75% MAX. 31.5%
MINIMUM LOT AREA 100,000 SQ.FT. 274,430 SQ.FT.
MINIMUM ROAD FRONTAGE 200 FEET 939 FEET
93.1' of 18" HDPE @ 0.0747 FT/FT
TYPE II STONE FILL AT ENTRANCE TO FOREBAY SIDE SLOPE AND CONVEYANCE CHANNEL FROM CULVERT OUTLETS
20' LONG x 1' WIDE CONCRETE LEVEL SPREADER TOP OF CONCRETE = 280'
20' WIDE x 35' LONG GRASS LINED SWALE. SLOPE = 0.008 FT/FT
NEW CB#1
RIM = 299.20'
15" IN = 292.70'
15" OUT = 292.70'
MAINTAIN 4' OF COVER OVER TOP OF GAS MAIN
NEW CB#3
RIM = 300.20'
15" IN = 291.50'
15" IN = 291.50'
15" OUT = 291.30'
NEW CB#4
RIM = 300.90'
15" OUT = 292.90'
NEW CB#2
RIM = 299.80'
15" IN = 292.25'
15" OUT = 292.20'
STORM DRAIN/GAS MAIN CROSSING
6" HIGH BERM
STORMWATER INFILTRATION BASIN
TYPE II STONE LINED EMERGENCY SPILLWAY CHANNEL CREST 280.5'
TOP OF BERM = 281.0'
BOTTOM OF BASIN = 275'
DISCHARGE POINT #1
INSET #1
CAP AT END OF 8" SEWER STUB (FOR FUTURE USE)
8" x 4" "WYE"
NEW 4" SDR 35 PVC SEWER SERVICE FROM BUILDING
EXISTING SEWER MANHOLE
EXISTING 8" PVC STUB
GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.
DUMPSTER LOCATION SURROUNDED DUMPSTER WITH GREEN SLAT PRIVACY CHAIN LINK FENCE
SIDEWALK
END SECTION PIPE DAYLIGHT @ 286' (TYP.)
EMPLOYEE/VISITOR PARKING - 10 SPACES
EMPTY CONTAINER PARKING - 4 SPACES
MATCH GRADES AT PAVEMENT INTERSECTION (TYP.)
NEW WATER SHUT-OFF VALVE
SEWER/GAS CROSSING
1" CL 160 POTABLE WATER SERVICE
PROPOSED OFFICE/CONFERENCE BUILDING
BUILDING FF = 301.5'
DIMENSIONS = 24'x80'
TYPE II STONE FILL AT ENTRANCE TO BASIN
CONSTRUCT SHALLOW GRASS CHANNEL ADJACENT TO INFILTRATION BASIN, TO DIVERT OFFSITE WATER FROM ENTERING THE FACILITY
INFILTRATION TEST (TYP.)
472' (REAR YARD SETBACK)
TYPE II STONE LINED CHANNEL
4" SDR 35 SANITARY SEWER
4" SDR 35 SANITARY SEWER (SLOPE @ 0.020 FT/FT (MIN.)
SEWER SERVICE CLEANOUT (TYP.)
TIE INTO EXISTING 8" PVC SEWER STUB WITH 4"x 8" REDUCER (SEE INSET 1)
SEWER MANHOLE
RIM = 278.13'
INV. IN (STUB #1) = 272.51'
INV. IN (STUB #2) = 272.48'
INV. OUT = 272.42'
NEW 1" DOUBLE STRAP STAINLESS STEEL SADDLE AND CORPORATION STOP
IRON PIPE FOUND
HANDICAP PARKING SPOT 14'x18' PROVIDE SIGNAGE AS REQUIRED BY ADA
GRASS LINED CHANNEL 4' WIDE BOTTOM. CHANNEL TO BE LINED WITH EROSION CONTROL MATTING (NORTH AMERICAN GREEN S75)
PINE TREES
EXISTING 8' WIDE STONE ROAD
PROPERTY CORNER (APPROX)
EXISTING 8" PVC SEWER MAIN
BENCHMARK #1
TOP NUT OF FIRE HYDRANT
ELEVATION: 300.24' DATUM ASSUMED
EXISTING HOUSE (ADJACENT LOT)
REVISED PER TOWN REVIEW LETTER - BMW - 07/18/12
STATE OF VERMONT ALAN HUIZENGA NO. 6903 REGISTERED PROFESSIONAL ENGINEER
GREEN MOUNTAIN ENGINEERING
CIVIL WATER WASTEWATER
1438 SOUTH BROWNELL ROAD
WILLISTON, VERMONT 05495
PHONE: (802)862-5590
FAX: (802)862-7598
NG ADVANTAGE, LLC.
LOT 6 - CATAMOUNT INDUSTRIAL PARK
GONYEAU ROAD, MILTON, VT.
PROPOSED SITE GRADING & UTILITIES PLAN
DESIGNED BMW
DRAWN BMW
CHECKED AH
PLOT DATE 06/18/12
SCALE AS-SHOWN
DATE JUNE 2012
PROJECT NO. 22-006
FUNDING NO.
DRAWING NO. 2

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, December 10, 2015

Date of Review: 12/25/15

Department: PW

TAC Member: RFH

Variance Application - North Road 398 - David LaPorte, Owner/Applicant

SFH or Duplex?
Eliminate South side DW

Site Plan Amendment III Application - 121 Gonyeau Road - NG Advantage, Applicant/Clean Energy, Owner.

See Attached

Minor Conventional Subdivision Sketch Plan Application - Westford Road - James & Janet Harrison, Owner/Applicant.

See Attached

Roger Hunt

To: JCastle
Cc: Dustin Keelty; Nathan Lavallee (nlavallee@town.milton.vt.us)
Subject: TAC Comments for Dec. 10 DRB

Jeff,

I have reviewed the projects for the Dec. 10, 2015 DRB Meeting and have the following comments, questions & requirements.

Variance Application – 398 North Road – LaPorte

1. Verify that this is a single family home. See #2 below.

2. Per Zoning Regs Section 813 – *Driveways*, there shall not be more than one DRIVEWAY for each lot. In this case, the home has a driveway on both sides of the structure. The southern driveway looks to be a newer addition (there is no driveway apron) and shall be eliminated. The northern driveway can be widened in accordance with Public Works Specifications to accommodate the loss of the southern access.

Site Plan Amendment III Application – 121 Gonyeau Road – NG Advantage/Clean Energy

1. This amendment is similar to the original approved site plan. I have no concerns or comments.

Minor Conventional Subdivision Sketch Plan Application – Westford Road – Harrison

1. Since the Town is the de facto owner of the cemetery, it would be much cleaner to subdivide and deed the cemetery over to the Town of Milton.
2. The proposed driveway shall be constructed in accordance with VTrans Standard B-71 and the Town of Milton Public Works Specifications Sec. 1050.
    a. Specifically, the Stopping Sight Distance from the crest of the hill to the west edge of the proposed driveway shall be a minimum of 305', per PWS Sec. 1050.1.

Sincerely,

Roger F. Hunt, Director
Public Works Department
Town of Milton, Vermont
www.miltonvt.org
rhunt@town.milton.vt.us
http://miltonvt.org/m4d.html
Office - (802)893-6030
Fax - (802)893-1005

TOWN OF MILTON
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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, December 10, 2015

Date of Review: 11/24/15

Department: School

TAC Member: Ann Bradshaw

Variance Application - North Road 398 - David LaPorte, Owner/Applicant

No comments at this time

Site Plan Amendment III Application - 121 Gonyeau Road - NG Advantage, Applicant/Clean Energy, Owner.

No comments at this time

Minor Conventional Subdivision Sketch Plan Application - Westford Road - James & Janet Harrison, Owner/Applicant.

No comments at this time

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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, December 10, 2015

Date of Review: 11.18.15

Department: Police

TAC Member: Brett Van Noordt

Variance Application – North Road 398 – David LaPorte, Owner/Applicant

NO COMMENTS or CONCERNS.

Site Plan Amendment III Application - 121 Gonyeau Road – NG Advantage, Applicant/Clean Energy, Owner.

NO COMMENTS or CONCERNS.

Minor Conventional Subdivision Sketch Plan Application – Westford Road – James & Janet Harrison, Owner/Applicant.

NO COMMENTS or CONCERNS.

TOWN OF MILTON
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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, December 10, 2015

Date of Review: 11-17-15

Department: Recreation

TAC Member: Kym Duchesneau

Variance Application - North Road 398 - David LaPorte, Owner/Applicant

No comments

Site Plan Amendment III Application - 121 Gonyeau Road - NG Advantage, Applicant/Clean Energy, Owner.

No comments

Minor Conventional Subdivision Sketch Plan Application - Westford Road - James & Janet Harrison, Owner/Applicant.

No comments

TOWN OF MILTON

Planning & Economic Development Department

43 Bombardier Road
Milton, VT 05468-3205
(802) 893-1186
miltonvt.org

DEVELOPMENT REVIEW BOARD STAFF REPORT

Hearing Date: December 10, 2015	
Case No: DRB 2015-31	
Application(s): Minor Conventional Subdivision Sketch Plan (3-lot)	
Application Received: November 09, 2015	
Application Deemed Complete: November 09, 2015	
Staff Report Finalized: December 4, 2015	
Applicant(s): James and Janet Harrison PO Box 2098 Georgia, VT 05468	**Owner(s):**
Engineer/License: Peter Mazurak Cross Consulting Engineers, PC 103 Fairfax Road St. Albans, VT 05478	**Surveyor/License:** None
E-911/Postal Address: None	
Tax Map, Parcel(s): 16, 37	
School Parcel Account Number(s) (SPAN): 12349	
Deed(s): Book 452, Page 101-102	
Existing Size: 328 acres	
Zoning District(s): Agricultural Rural Residential "R5", Forest Conservation "FC", Flood Hazard "FH"	
Comprehensive Plan Planning Area/Sub-Area: East Milton Planning Area	
Location: North Side of Westford Road at Milton-Westford boundary.	

P\DRB\Subdivision\Minor\westford\mCS.sketch.2015-31.srp

INTRODUCTION

Noticed/Warned Summary of Proposal: The Applicant is requesting Sketch Plan approval for a 3-lot Minor Conventional Subdivision located on Westford Road, described as SPAN #12349, Tax Map 16, Parcel 37. The lots would be accessed from Westford Road and served by on-site water and wastewater. The subject property contains a total of 328 acres and is located within the "Agricultural/Rural Residential" (R5), "Forestry/Conservation (FC), and "Flood Hazard" (FH) Zoning Districts.

Comments: Jeff Castle, Town Planner, and Jacob Hemmerick, Planning Director, herein referred to as staff, have reviewed the application, materials and plans submitted and have the following comments.

Ethical 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 Sketch Plan approval for a 3-lot Minor Conventional Subdivision. 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 James and Janet Harrison referred to hereafter as the "applicant".

Landowner(s): The property is owned by James and Janet Harrison. All owners are signatories to this application.

Project Consultant(s): Peter Mazurak of Cross Consulting Engineers, PC

Application Submission: The application form and associated exhibits were received by the Planning and Economic Development Department on November 9, 2015.

Application Completion: The application was deemed complete by Staff on November 12, 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.

Minor/Major Conventional Subdivision Sketch/Preliminary/Final Specific Jurisdiction:
SR130 states:

> These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the Town of Milton. No land shall be subdivided within the Town of Milton until the subdivider shall obtain final approval of the proposed subdivision from the Development Review Board (DRB) and the final approved subdivision plat is recorded in the Milton Land Records.

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: Sheet C-1 Partial Site Plan.

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

- Technical Advisory Committee (TAC) Public Works Review Sheet dated November 25, 2015;
- Email from Roger Hunt, Director Public Works dated November 25, 2015
- TAC School District Review Sheet dated November 24, 2015;
- TAC Police Review Sheet dated November 18, 2015;
- TAC Recreation Review Sheet dated November 17, 2015;

SITE HISTORY

Background: The subject property has undergone the following development review by the DRB that Staff has found relevant to this application:

- Sketch Plan application for a 5-lot Minor Conventional Subdivision heard on March 26, 2015 was **denied.**

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

SITE, DISTRICT & AREA INFORMATION

Property Location: The subject property is located at an unaddressed property on Westford Road and shown on Milton's Tax Map 16 as Parcel 7. The corresponding School Parcel Account Number (SPAN) is 12349.

Size/Area: According to the evidence presented, the subject parcel is approximately 328 acres or 14,287,680 square feet.

Property Deeds: The deed was recorded on 1/5/2015 in Book 452, Page 101 of the Town of Milton Land Records to James and Janet Harrison, Grantee.

Zoning District: The site is located within the Agricultural/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 ZR341 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 East Milton Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan.

Physical Characteristics/Natural Features: The property is host to significant natural resources including extensive woods, wetlands, floodplain, a stream, and statewide agricultural soil. A historic cemetery is

located on the site. Water drains from the site to the Lamoille River. The area has been designated as a significant wildlife crossing of importance.

Surrounding Use/Structures: Surrounding properties contain single family dwellings and agricultural lands.

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

EXISTING AND PROPOSED DEVELOPMENT

Existing Use: The property currently hosts two principal uses: a cemetery and presumed agriculture/forestry.

Proposed Use: The applicant proposes 3 lots, respectively containing a single family dwelling, a single family dwelling, and agriculture/forestry (Lot 1).
Existing Improvements to be Retained: The property contains no existing structures and contains a cemetery with no access from Westford Rd.

Existing Improvements to be Removed: None

Proposed Improvements: The applicant proposes three lots accessed via an existing roadbed and a new proposed drive. The new proposed driveway would serve lots 2 and 3. Lots 1 and 2 would have frontage on Westford Road. Lot 3 would have frontage on a proposed private road. Lots 2 and 3 would bisect the existing cemetery. Homes are shown on lots 2 and 3 within the R5 zoning district and are proposed to be built on statewide agricultural soil.

Regulatory Waivers Requested: No waivers have been requested.

Existing Restrictions or Covenants: the application states that there are no known restrictions or covenants.

Proposed Restrictions or Covenants: The plan proposes the following restrictions:

- A 100 foot access Right-of-Way to access the cemetery across lots 2 and 3 and a portion of lot 1.
- And easement for the cemetery.

SUBDIVISION REVIEW

Applicability, SR130: Milton's subdivision regulations apply to all subdivisions of land located within the Town of Milton. No land shall be subdivided within the Town of Milton until the subdivider shall obtain final approval of the proposed subdivision from the Development Review Board (DRB) and the final approved subdivision plat is recorded in the Milton Land Records.

Sketch Plan Application Requirements, SR300: This section requires that the Sketch Plan show several details on the plan. The plan is not compliant with the following.

1. The Final Plat shall include the address of the owner of record and applicant, per SR300.1.

Minor Subdivision Classification SR320: The DRB shall classify the sketch plan at the meeting as either a minor subdivision or a major subdivision. SR 200.7 defines a minor subdivision as, " Any subdivision containing less than seven lots; any planned residential development or planned unit development containing less than seven units." With three lots proposed, the proposal is a minor subdivision.

Regulatory Conformance, SR330: The DRB shall study the sketch plan to determine whether or not it conforms to, or would be in conflict with the Plan, the Zoning Regulations and any other By-laws then in effect, and shall where it deems necessary, make specific recommendations for changes in subsequent submissions. The DRB may also require where necessary for the protection of the public health, safety, and welfare that a minor subdivision comply with all or some of the requirements specified in these regulations for major subdivisions.

COMPREHENSIVE PLAN REVIEW

Comprehensive Plan Goals for East Milton Planning Area:
The Subject Property is located in the East Milton Planning area as defined by the Comprehensive Plan.
9.13. East Milton Area Goals
This area has the highest potential for resource utilization and the highest concentration of natural resources in need of protection. The Georgia Wind Company began construction on wind towers in 2012, with completion proposed for 2013. The most prevalent resource utilization land use in Milton is agriculture. Once dominated by dairy farming, Milton still supports an agricultural economy. It is recommended to encourage agricultural uses, especially diversification in agricultural uses. Other resource utilization activities include forestry, mineral extraction, and recreation. Natural resource protection is of particular concern in this area. Natural resources addressed in this Plan include: mountains and ridgelines, lakes and rivers, floodplains, wetlands, high elevation areas, deer yards, endangered species habitats, and other unique natural areas. It is the intent of this area that mostly low intensity planned unit residential developments occur in this area, taking into account the need to provide for resource utilization activities and to protect natural resources. The encouragement of cluster developments and the purchase of development rights through land trusts are important.

- **Goal 9.13.1.** Encourage a diversity of agricultural uses.
- **Goal 9.13.2.** Encourage low density, well planned unit residential development which enhances the character of the area.
    - **Objective 9.13.2.a.** Develop standards and encourage low density, well planned unit residential developments that work with the natural features of the landscape.
- **Goal 9.13.3.** Promote the development of community activities for a range of ages.
    - **Objective 9.13.3.a.** Encourage the creation of outdoor recreation facilities for children and adults.
- **Goal 9.13.4.** Encourage the preservation of historic sites.

Other Goals:
Goal 5.1.2 The Town shall also continue to encourage the use of clustering, which is encouraged even in the more rural parts of Town, to help reduce energy costs associated with building roads and utilities.
Goal 6.2.5 Planned Unit Residential Developments shall be encouraged to conserve appropriate open space.
Goal 8.1 Continue protection of existing natural resources identified by the Plan.

Staff finds that the proposal for conventional development (instead of a clustered PUD) with houses on statewide agricultural soil and adjacent to flood hazard zoning and wetlands and lots that bisect a historic site is not consistent with the goals the community has adopted for this area. Map 7 of the CP show's Milton's finite Prime and Statewide Agricultural soils.

2. The applicant shall state how the proposal is consistent with the Comprehensive Plan goals stated above.

3. The Town is currently responsible for the maintenance of the cemetery which is proposed to be bisected by two lots. Public Works Director, Roger Hunt stated in his TAC comments "Since the Town is the de facto owner of the cemetery, it would be much cleaner to subdivide and deed the cemetery over to the Town of Milton." While this would serve to enhance the Towns ability to preserve historic sites as outlined in the Comprehensive Plan goals, this would require a variance for the cemetery lot and possible layout revisions to the other proposed lots to maintain their conformity. Further, this would require that the applicant provide deed and certificate of title legal data (SR920), make the Town party to a private road association, and be subject to acceptance by the Selectboard (SR960). This would be a substantial revision to the proposal.

ZONING REGULATIONS REVIEW

Applicability of Dimensional Requirements, ZR 150: Every USE involving the construction, reconstruction, conversion, structural ALTERATION, relocation or enlargement of a STRUCTURE must comply with the minimum LOT AREA, FRONTAGE, SETBACK areas and all other requirements specified in these Regulations for the district in which the USE occurs.

Zoning Districts: The subject property is located within three Zoning Districts: R5, FC, and FH. FH only addresses development within the FH District. The plans show no development within the FC or FH Districts.

Additional FC Application Requirements, ZR486: This section has specific requirements for property located within the FC Zoning District. The application does not meet the requirements, including:

(a) Topographic Survey
(b) Natural Resources Survey
(c) Roadway Profile
(d) Elevations
(e) Letter from Certified Engineer
(f) Septic Design

Staff found that these can be considered further at Final.

4. The Final Plans shall include all (applicable) application requirements listed in ZR486.

Lots in Two Zones, ZR671: This section details how to handle lots in the R5 and FC. When a parcel of land occurs in both the Forestry/Conservation/Scenic Ridgeline District and the Agricultural/Rural Residential District, the portion of the lot occurring in the Forestry/Conservation/Scenic Ridgeline District can be used to satisfy LOT AREA requirements of the Agricultural/Rural Residential District. *The minimum area of that lot must satisfy the area requirements of the Agricultural/Rural Residential District.*

At least two ACRES of land must occur within the Agricultural/Rural Residential District. The bulk of the site is located in the R5.

Lot 1 is the only lot that is proposed to include a portion of FC. Lots 2 and 3, are located within the R5 and FH. The FH serves as an overlay, all lots are therefore subject to the minimum R5 Dimensional Requirements, which differ for residential and non-residential uses. The non-residential standards apply to lot 1 and are less restrictive than the residential standards.

Zoning District Purpose, ZR341: The purpose of the R5 Zoning District is to provide for continued AGRICULTURE, FORESTRY and open space USES together with compatible low density residential development. Large portions of the Town have been included in this area because of a combination of circumstances, including high agricultural potential, distance from community facilities, often severe limitations to development, and natural patterns of dispersed development.

District Dimensional Requirements, ZR334:
The table below shows the required dimensional requirement for the subject property's applicable Zoning District and proposed compliance.

Lot 1: R5, FC, FH	R5 Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	400,000	14,287,680	13,477,464
Minimum Road FRONTAGE (linear ft.)	200	1,019	507
Minimum FRONT SETBACK (linear ft.)	35	n/a	n/a
Minimum SIDE SETBACK (linear ft.)	35	n/a	n/a
Minimum REAR SETBACK (linear ft.)	35	n/a	n/a
Maximum BUILDING COVERAGE (%)	40	0	0

Lot 2: R5, FH	R5 Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	400,000	14,287,680	409,464
Minimum Road FRONTAGE (linear ft.)	400	1,019	500
Minimum FRONT SETBACK (linear ft.)	35	n/a	35
Minimum SIDE SETBACK (linear ft.)	50	n/a	50
Minimum REAR SETBACK (linear ft.)	50	n/a	50
Maximum BUILDING COVERAGE (%)	40	0	<40

Lot 3:R5, FH	R5 Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	400,000	14,287,680	400,752
Minimum Road FRONTAGE (linear ft.)	400	1,019	404
Minimum FRONT SETBACK (linear ft.)	35	n/a	35
Minimum SIDE SETBACK (linear ft.)	50	n/a	50

Minimum REAR SETBACK (linear ft.)	50	n/a	50
Maximum BUILDING COVERAGE (%)	40	0	<40

Staff finds that the lots meet the dimensional requirements for the R5 district. Lot 3 does not have frontage along Westford Road, but rather along what is labeled a "proposed driveway."

Required Frontage and Approved Access, ZR530: Land development shall only be permitted on lots having frontage on public waters, lots having access on a PUBLIC ROAD meeting Class 1, 2, or 3 state standards, or, with the approval of the Development Review Board, lots having access to a PUBLIC ROAD meeting Class 1, 2, or 3 state standards over a permanent, private easement or private right-of-way at least 60-feet wide. No Zoning Permit shall be issued for construction or development of any kind on a lot without FRONTAGE on a PUBLIC ROAD or waters until a permanent easement or right-of-way has been approved by the Development Review Board, in accordance with their right-of-way policy.

ZR1110 defines FRONTAGE as:

> That portion of a lot, required by Section 530, which abuts on a public STREET, public waters, approved private STREET, or approved public right-of-way. The minimum required FRONTAGE for a lot, as prescribed in Articles III and IV, shall be provided along a continuous front property line of a lot and shall be maintained for a depth of at least one hundred (100) feet. CORNER LOTS, which abut STREETS intersecting at an angle of less than 120 degrees, shall provide the required FRONTAGE and FRONT SETBACK along each STREET. SHORELINE FRONTAGE shall be measured from the ordinary high water mark of a lake or pond.

ZR1110 defines STREET as, "A public or properly approved private thoroughfare for vehicular traffic which serves as the principal means of access to more than three DWELLING UNITS."

SR200.12 defines STREET as, "Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used by the public for vehicular traffic."

While the Regulations use many roadway terms that require consultation of definitions (STREET, PRIVATE ROAD, PUBLIC ROAD, PRIVATE RIGHT-OF-WAY), the regulations make one thing clear, a DRIVEWAY -- even if it serves three or fewer residences, is not a private-right-of way and cannot be used to meet frontage requirements.

ZR1110 defines DRIVEWAY as:

> A private roadway providing access to a PUBLIC ROAD or PRIVATE RIGHT-OF-WAY from a maximum of three lots and no more than three DWELLING UNITS. The Town of Milton shall not responsible for the maintenance and repair of DRIVEWAYS.

In the DRB's prior review of this site it concluded that a "driveway" is -- by Milton's definition -- not a "private right-of-way" (even when established within one or shared) and rejects the notion that a driveway can establish lot frontage, a conclusion consistent with traditional notions of American zoning throughout the country. Driveways, in other words, can provide access to a "private right-of-way" but are not "private right-of-ways", by definition. Private-right-of-ways must therefore meet the policy standards established for private roads as stated in ZR592.

Staff finds that the frontage for Lot 3 must be created with a private road to meet the district dimensional requirements.

5. The applicant shall state if the frontage for Lot 3 is being created by a proposed private road.

6. Final Plans shall label "proposed driveway" as a proposed private road.

Private Roads, ZR592: This section outlines private road standards, many of which cannot be evaluated based on the information provided on the plans.

7. Final Plat and application shall demonstrate compliance with all provisions of ZR592 by providing all required details for TAC to evaluate compliance.

Reduction of Lot Size, ZR620: No lot shall be so reduced in area so that the total area, SETBACK areas, lot width, FRONTAGE, coverage, or other requirements of these Regulations shall be other than herein prescribed for the district in which the lot is located. The proposal is not incompliance due to frontage.

Minimum Lot Width to Depth Ratio, ZR640: The width of any new lot shall not be less than one-third (1/3) of the depth of the lot. This requirement may be waived by the Development Review Board for any lot occurring within the Forestry/Conservation/Scenic Ridgeline District.

8. The Final application shall include a table showing the depth of each lot at its longest measure between the front and rear property boundary, and the width of each lot at its widest measure between side boundaries.

Fill, ZR680: The applicant should remain aware that in any district, dumping of refuse and waste (rubbish) material for FILL is prohibited, except in a State approved sanitary landfill. Routine maintenance and landscaping of existing property that does not cause changes in runoff onto an adjacent property is exempt from this regulation. Excavation and fill are exempt from Site Plan approval and Zoning Permit requirements providing the grading action still satisfies all of the following criteria:

(1) Grading action of less than 100 cubic yards.
(2) Cut, fill or excavation less than 5' in vertical dimension that will maintain a 2' horizontal dimension to 1' vertical dimension slope ratio.
(3) The existing ground slope does not exceed a 2' horizontal to a 1' vertical slope ratio.
(4) The grading action is not within Shoreline, Floodplain, Wetland and Streams.
(5) Complies with zoning setbacks for structure.
(6) Is the only exempt grading action to occur within a 5-year period on an individual lot or series of lots in contiguous ownership.

9. The applicant shall state if any grading is proposed that would require Site Plan approval according to ZR680.

Distance from Surface Waters, ZR691: The applicant should remain aware existing trees and ground cover along any SHORELINE, body of water or fully carrying spring flood waters shall be maintained for a distance of 25 feet from the SHORELINE or body of water to protect against erosion.

10. The applicant shall state if any vegetative clearing is proposed.

Watercourse & Drainage Alteration, ZR720: The applicant should remain aware that "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 U.S. 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 flood carrying capacity within any altered or relocated portion of a water course shall be maintained."

11. The applicant shall state if any of the proposed driveways or private roads would alter water courses or require piping.

RETURN TO SUBDIVISION REVIEW

Effect of Sketch Plan Approval, SR340: Approval of a sketch plan shall not constitute the approval of a subdivision plat and is merely an authorization for the applicant to file a preliminary plan or final plan application

Final Application, SR400:

12. Within six (6) months of classification by the DRB of the sketch plan as a minor subdivision, the subdivider shall submit a Final application for approval of a subdivision plat. The application shall contain those items set forth in Section 610 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the DRB.

Final Application Content SR610:

13. The final plat application shall include all items listed in Subdivision Regulations 610, including a survey of all lots resulting from the proposed subdivision.

Subdivision Standards of Evaluation, Section 700:
Final approval of any subdivision shall be based on a finding by the DRB that the subdivision is in accord with the following standards:

700.1 Suitability for Development
700.2 Preservation of Aesthetic Features
700.3 Sufficient Open Space for Recreation
700.4 Run-off and Erosion Control During & After Construction
700.5 Compliance with Comprehensive Plan, Regulations & Bylaws
700.6 Undue Water or Air Pollution
700.7 Compatibility with Surroundings
700.8 Suitability for Proposed Density
700.9 Pedestrian Safety
700.10 Municipal Service Burden
700.11 Sufficient Water
700.12 Highway Congestion

Staff encourages the DRB and applicant to read through the specifics of SR700, since it appears there could be several issues that could emerge at Final, if approved.

14. The Final application shall include Section 700 responses, submitted by e-mail in Microsoft .DOC format to the Town Planner.

Legal Escrow, SR910:

15. The Applicant shall submit $500 with the Final application to cover the legal review of the deeds and any other required legal instruments by the Town Attorney. Any funds not expended on the legal review will be refunded to the Applicant

Legal Review, SR920:

16. The applicant shall submit draft deeds and any other associated legal instruments for all impacted lots for review and approval by the Town Attorney. All requested revisions must be complete before the Plat may be recorded. Only instruments approved by the Town may be recorded in the Town of Milton Land Records.

TECHNICAL REVIEW COMMITTEE

TAC: All comments by the Development Review Board Technical Advisory Committee and attached to the Staff report shall be addressed. Specifically comments from Roger Hunt, Director of Public Works state "Since the Town is the de facto owner of the cemetery, it would be much cleaner to subdivide and deed the cemetery over to the Town of Milton." And "the Stopping Sight Distance from the crest of the hill to the west edge of the proposed driveway shall be a minimum of 305', per PWS Sec. 1050.1."

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

STAFF RECOMMENDATION

Staff finds that this application is:

- Not consistent with the Comprehensive Plan;
- Does not show due regard for the preservation and protection of existing features such as natural and historic resources; and
- Does not meet the dimensional frontage requirements established by Milton's Regulations.

The Planning Staff recommends that the DRB **deny** the application for Sketch Plan approval for a 3-lot Minor Conventional Subdivision located on Westford Road, described as SPAN #12349, Tax Map 16, Parcel 37.

Respectfully Submitted:

Jeffrey Castle, Town Planner
Town of Milton

ATTACHMENTS:

- Sheet C-1 Partial Site Plan
- Technical Advisory Committee (TAC) Public Works Review Sheet dated November 25, 2015;
- Email from Roger Hunt, Director Public Works dated November 25, 2015
- TAC School District Review Sheet dated November 24, 2015;
- TAC Police Review Sheet dated November 18, 2015;
- TAC Recreation Review Sheet dated November 17, 2015.

COPIES TO:

- Applicant(s)
- Engineer

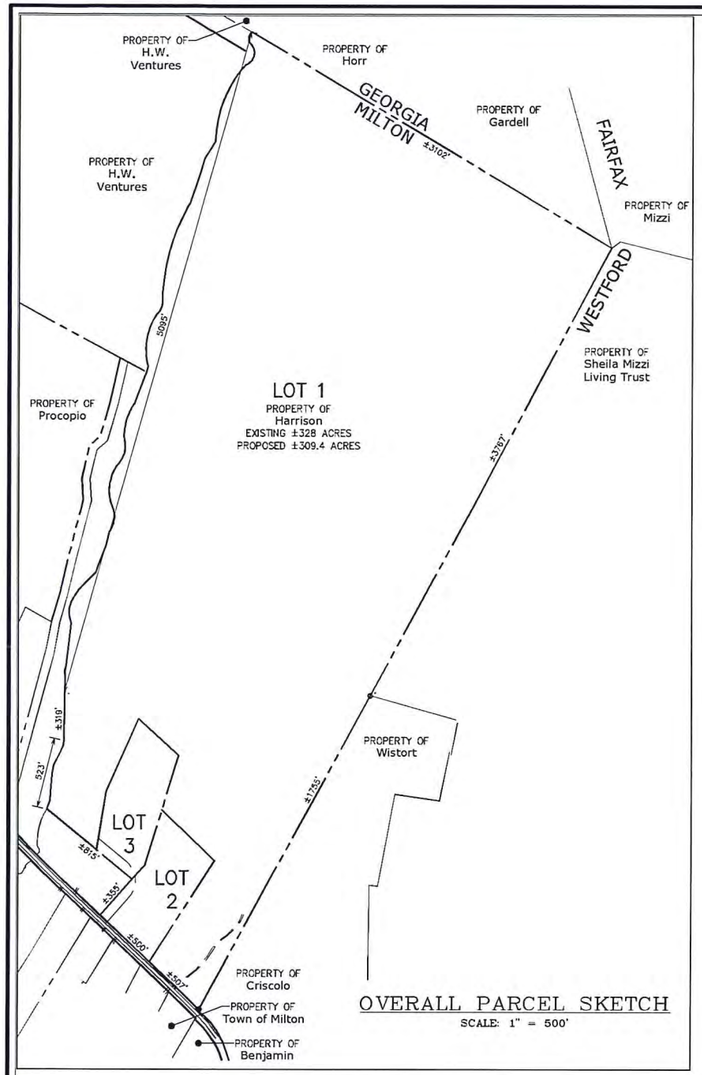
WHAT'S NEXT?

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.

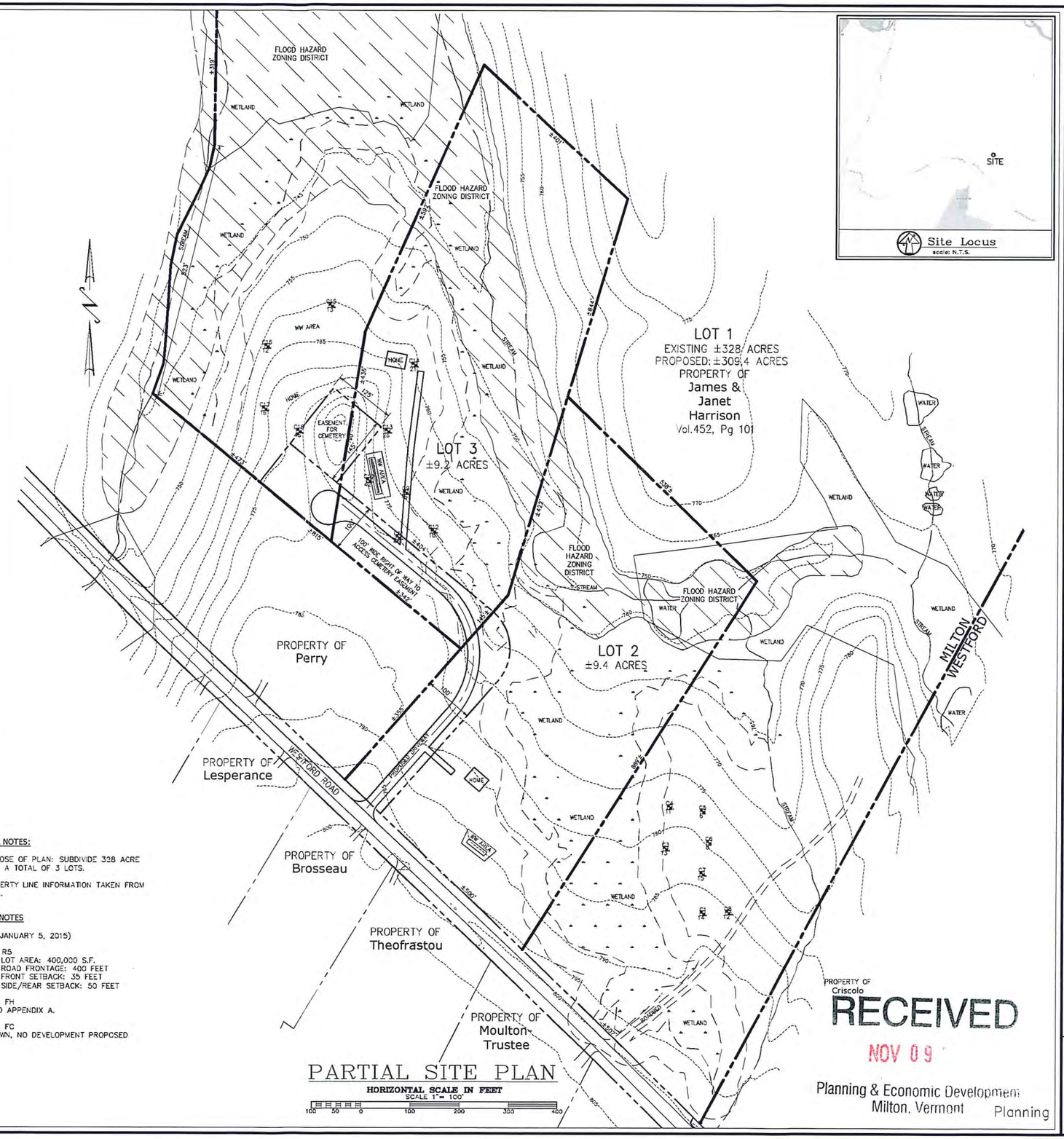
Appeal Rights: The DRB's decision can be appealed to the Environmental Division of the Vermont Superior Court by interested persons within **30 days** of issuance (10 VSA §8504).

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.



OVERALL PARCEL SKETCH

SCALE: 1" = 500'



PARTIAL SITE PLAN

HORIZONTAL SCALE IN FEET
SCALE 1" = 100'

100 50 0 100 200 300 400

GENERAL NOTES:

1.) PURPOSE OF PLAN: SUBDIVIDE 328 ACRE LOT INTO A TOTAL OF 3 LOTS.

2.) PROPERTY LINE INFORMATION TAKEN FROM GIS DATA.

ZONING NOTES

MILTON (JANUARY 5, 2015)

ZONE: R5
MINIMUM LOT AREA: 400,000 S.F.
MINIMUM ROAD FRONTAGE: 400 FEET
MINIMUM FRONT SETBACK: 35 FEET
MINIMUM SIDE/REAR SETBACK: 50 FEET

ZONE: FH
REFER TO APPENDIX A.

ZONE: FC
NOT SHOWN, NO DEVELOPMENT PROPOSED

LEGEND

WELL	
UTILITY POLE	
ELEVATION BENCHMARK	
SOIL TEST PIT	
PERCOLATION TEST	
PROPERTY LINE	
RIGHT-OF-WAY	
CULVERT - STORMDRAIN	
GRAVITY SANITARY SEWER	SS
WATER MAIN/SERVICE	W
OVERHEAD UTILITY	OU
UNDERGROUND ELECTRIC	UE
STREAM/DRAINAGE SWALE	
EXISTING WATER LINE	W
PROPOSED GRAVITY SEWER	SS
PROPOSED PRESSURE SEWER	PS
EDGE OF WOODS	
CONTOUR - EXISTING	450
CONTOUR - PROPOSED	450

RECEIVED
NOV 09
Planning & Economic Development
Milton, Vermont
Planning

PROJECT: 14088
DATE: 2015-11-05
DESIGN: PM
DRAWN: PM, RHW
CHECKED: PHC
APPROVED: PHC

CCE CROSS CONSULTING ENGINEERS, P.C.
103 Fields Rd
St. Albans, Vermont 05478
TEL 802-524-2113
FAX 802-524-9831

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Cross Consulting Engineers, P.C.

Partial Site Plan

James & Janet Harrison
Subdivision
Westford Road
Georgia, VT
Milton, VT

CIVIL

C-1

SHEET C-1 OF 1

Q:\2014 Drawings\14088 Merculion\Current\C-1.dwg Plotted: 11/6/2015 12:55:37 PM

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, December 10, 2015

Date of Review: 12/25/15

Department: PW

TAC Member: RFH

Variance Application – North Road 398 – David LaPorte, Owner/Applicant

SFH or Duplex?
Eliminate South side DW

Site Plan Amendment III Application - 121 Gonyeau Road – NG Advantage, Applicant/Clean Energy, Owner.

See Attached

Minor Conventional Subdivision Sketch Plan Application – Westford Road – James & Janet Harrison, Owner/Applicant.

See Attached

JCastle

From: Roger Hunt
Sent: Wednesday, November 25, 2015 10:43 AM
To: JCastle
Cc: Dustin Keelty; Nathan Lavallee; Kristen Treanor
Subject: TAC Comments for Dec. 10 DRB

Jeff,

I have reviewed the projects for the Dec. 10, 2015 DRB Meeting and have the following comments, questions & requirements.

Variance Application – 398 North Road – LaPorte

1. Verify that this is a single family home. See #2 below.

2. Per Zoning Regs Section 813 – *Driveways*, there shall not be more than one DRIVEWAY for each lot. In this case, the home has a driveway on both sides of the structure. The southern driveway looks to be a newer addition (there is no driveway apron) and shall be eliminated. The northern driveway can be widened in accordance with Public Works Specifications to accommodate the loss of the southern access.

Site Plan Amendment III Application – 121 Gonyeau Road – NG Advantage/Clean Energy

1. This amendment is similar to the original approved site plan. I have no concerns or comments.

Minor Conventional Subdivision Sketch Plan Application – Westford Road – Harrison

1. Since the Town is the de facto owner of the cemetery, it would be much cleaner to subdivide and deed the cemetery over to the Town of Milton.
2. The proposed driveway shall be constructed in accordance with VTrans Standard B-71 and the Town of Milton Public Works Specifications Sec. 1050.
    a. Specifically, the Stopping Sight Distance from the crest of the hill to the west edge of the proposed driveway shall be a minimum of 305', per PWS Sec. 1050.1.

Sincerely,

Roger F. Hunt, Director
Public Works Department
Town of Milton, Vermont
www.miltonvt.org
rhunt@town.milton.vt.us
http://miltonvt.org/m4d.html
Office - (802)893-6030
Fax - (802)893-1005

TOWN OF MILTON
Planning & Economic Development Department
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miltonvt.org

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, December 10, 2015

Date of Review: 11/24/15

Department: School

TAC Member: Ann Bradshaw

Variance Application - North Road 398 - David LaPorte, Owner/Applicant

No comments at this time

Site Plan Amendment III Application - 121 Gonyeau Road - NG Advantage, Applicant/Clean Energy, Owner.

No comments at this time

Minor Conventional Subdivision Sketch Plan Application - Westford Road - James & Janet Harrison, Owner/Applicant.

No comments at this time

TOWN OF MILTON
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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, December 10, 2015

Date of Review: 11.18.15

Department: Police

TAC Member: Brett Van Nootor

Variance Application - North Road 398 - David LaPorte, Owner/Applicant

NO COMMENTS OF CONCERNS.

Site Plan Amendment III Application - 121 Gonyeau Road - NG Advantage, Applicant/Clean Energy, Owner.

NO COMMENTS OF CONCERNS.

Minor Conventional Subdivision Sketch Plan Application - Westford Road - James & Janet Harrison, Owner/Applicant.

NO COMMENTS OF CONCERNS.

TOWN OF MILTON
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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, December 10, 2015

Date of Review: 11-17-15

Department: Recreation

TAC Member: Kym Duchesneau

Variance Application - North Road 398 - David LaPorte, Owner/Applicant

No comments

Site Plan Amendment III Application - 121 Gonyeau Road - NG Advantage, Applicant/Clean Energy, Owner.

No comments

Minor Conventional Subdivision Sketch Plan Application - Westford Road - James & Janet Harrison, Owner/Applicant.

No comments

DEVELOPMENT REVIEW BOARD
MEETING MINUTES

Meeting Type: **Regular Meeting**
Date: **Thursday, November 12, 2015**
Time: **7:00 p.m.**
Place: **Municipal Building Community Room**
Address: **43 Bombardier Road, Milton, Vermont 05468-3205**
Contact: **802.893.1186**
Website: **miltonvt.org**

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1. CALL TO ORDER
The Chair called the meeting to order at 7:00 p.m.

2. ATTENDANCE
Members Present: Bruce Jenkins, Chair; David Conley, Vice-Chair; Henry Bonges, Clerk; Clayton Forgan
Members Absent: None
Staff Present: Jeff Castle, Town Planner; Jacob Hemmerick, Acting Zoning Administrator and Planning Director

3. AGENDA REVIEW
No changes to the Agenda.

4. PUBLIC FORUM
None.

5. OLD HEARINGS/BUSINESS
5(A). Appeal from Decision of Zoning Administrator – Southerly Side of Route 7, LLC, Owner & Appellant.

The Chair read the following summary to re-open the hearing continued from October 22, 2015:

> The Appellant is appealing a Notice of Violation dated September 3, 2015, and reissued September 10, 2015, which states Appellant has not complied with the approved Southerberry PUD Site Plans for Phase I, Phase II and Phase IIIA, marked Final 5/24/13, 4/23/10 and 8/16/13, respectively. The Appellant maintains that the violations do not constitute a change or expansion of Use, per ZR§130(1). The subject property is located at 368 Route 7 South; described as SPAN# 13341, Tax Map 7, Parcel 14-1, contains 18.56 acres, and is located within the "Checkerberry" (M4) Zoning District.

The Chair administered the Oath to Interested Persons. Representing the Owner & Appellant were William Towle, legal counsel and Registered Agent for Southerly Side of US Route 7, LLC; and William Sawyer, owner of Southerly Side of Route 7. They are hereafter referred to as "Applicant" and/or "Appellant."

The Chair asked the Appellant if they had brought an "as-built" plan with them, as had been mentioned at the previous hearing. The Appellant confirmed they had brought this document and submitted to the Board the as-built plan as well as pictures of various improvements that had been made since the close of the last hearing, such as the installation of street signs and a picnic table. At this time a review of the numbered items within the Staff Report commenced.

In response to the following numbered items:

1. The Appellant confirmed outdoor seating had been installed.

2. Staff recommended dismissal of this Violation; no discussion was held.
3. The Appellant felt that this was covered by a Certificate of Occupancy (hereafter referred to as a CO).
4. The Appellant felt that this was covered by a CO.
5. The Appellant confirmed that the ice machine is not present. The Appellant stated the ice machine had been put on the approved plan in order to avoid going through a Site Plan Amendment to install it at a later date, but that the intent had always been to install the ice machine as part of the finishing touches to the development.
6. Staff recommended dismissal of this Violation; no discussion was held.
7. Staff recommended dismissal of this Violation; no discussion was held.
8. Staff recommended dismissal of this Violation; no discussion was held.
9. Staff recommended dismissal of this Violation; no discussion was held.
10. The Appellant stated the top coat of pavement would be done in May.
11. The Appellant stated that in May, when doing the top coat of pavement, the parking space striping would be redone. The Chair asked if the number of spaces in front of Ace Hardware would be changed, and the Appellant stated they would not due to space constraints. The Appellant's counsel stated that they strongly felt that all parking areas received COs when the accompanying building received its CO, referencing case law to support their position. Staff felt that the comparison was not valid, as the case law to which the Appellant referred involved a CO for an entirely completed project, unlike Southerberry, which was not entirely complete at the time of any given CO. Staff felt that the infrastructure for each Phase belongs to that Phase, not to the footprint buildings, and therefore was not effectively CO'd when the building was. Staff strongly feels that a CO issued to any given building does not apply to the shared parking surrounding that building, and the Appellant strongly disagrees.

At this time the discussion strayed from the numbered items in the Staff Report and various topics were discussed. Questions were asked and answered about the processes used in the past to CO phased projects. The appropriateness of accepting revised site plans at an Appeal hearing was discussed. The Chair asked what remained to be discussed if all the buildings and parking had received COs. Staff brought up outdoor storage; the Appellant maintained that the site is an active construction site and, as such, construction materials need to be left on-site, and also expressed confusion over what can and cannot be kept on the land. Staff noted several items not considered as construction materials, such as discarded planters and tires piled in what is supposed to be protected open space. The Appellant stated that the open space in which they are located is the open space for Phase III which has yet to be constructed. Regarding the box trailer noted in the Violation, the Appellant stated again that, as an active construction site, the trailer is necessary. Staff maintained that an unregistered trailer with an attached deck and staircase is a structure requiring a permit. The Appellant stated the deck and staircase were there to be able to get in to the trailer. The Chair verified with Staff that one unregistered vehicle was allowed per property, and Staff clarified that the problem was not that the trailer was unregistered, but rather that the trailer with attached deck and stairs constitutes an unpermitted structure on the property. Staff and Acting Zoning Administrator Hemmerick both expressed a desire to work with the Appellant in a positive manner, with Hemmerick acknowledging all that the Appellant brings to the Town.

The Chair closed the Hearing at 7:35 p.m.

6. NEW HEARINGS

6(A). Site Plan Amendment I Application – 8 Catamount Drive – Greater Burlington Industrial Corp., Owners; Rick & Mark Bove, Applicants.

The Chair read the following summary to open the hearing:

The Applicants are requesting Site Plan Amendment approval to reduce the building footprint by approx. 35%, reduce impervious surface areas, and make minor adjustments to the site layout in accordance with the reduction of overall size. Also proposed is the relocation of the loading area to the west side of the building, and improved drainage of stormwater on the northern boundary. The site is located at 8 Catamount Drive and described as SPAN #13974, Tax Map 3, Parcel 817. The subject property contains a total of approximately 6.82 acres and is located within the "General Industrial" (I2) Zoning District.

The Chair administered the Oath to Interested Persons. Representing the Applicants were Mark Bove, Applicant, and Luke Willey of Ruggiano Engineering, both hereafter referred to as "Applicant."

The Applicant gave an introduction to the Site Plan Amendment, briefly touching upon the following proposals:

- Overall the site was tightened up and scaled down a bit.
- The building size was reduced to 14,500 square feet.
- The location of the building remains mostly the same, but southern parts of the original building were omitted.
- The loading area and driveway on the south side have been redesigned as a result of the building revision.
- The parking area is reduced but still compliant.
- Because of the overall reduction in scale, the Applicant proposes one fire hydrant instead of two.
- Landscaping changes.
- Minor changes to utilities such as the addition of a storm drain.

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

1. The Applicant agreed to submit an up-to-date landscaping estimate and stated they had it in-hand.
2. The Applicant proposed eliminating the US Route 7 street trees to increase visibility for the building. However, the overall number of trees would remain the same, as would the amount of the Landscaping Surety. The Applicant is opposed to requiring street trees along Route 7, because trees would limit the factory's exposure and visibility from US Route 7. Questions were asked and answered regarding the original landscaping plan versus the new proposal, as well as the possibility of using shrubs rather than trees to line the street.
3. The Applicant agreed Final Plans will show the screening of dumpsters.
4. The Applicant agreed to obtain a Project Review Sheet from the State of Vermont.
5. The Applicant agreed to submit the required number and size of Final Plan sets.
6. The Applicant agreed to obtain a Zoning Permit and associated Certificate of Compliance.
7. The DRB had no further questions or concerns for the Applicant.

The Chair closed the Hearing at 8:06 p.m.

7. OTHER BUSINESS

Staff advised that applications are rolling in steadily, with a full Agenda planned for the Board's December meeting. Zoning Administrator Amanda Pitts will return to work part-time beginning November 16, 2015.

8. MINUTES

8(A). Minutes of October 22, 2015

Motion by Conley to APPROVE the Minutes of October 22, 2015 as written; SECOND by Forgan. Unanimously APPROVED.

9. DELIBERATIVE SESSION

Motion by Conley to enter Deliberative Session at 8:10 p.m.; SECOND by Forgan. Unanimously APPROVED.

10. ADJOURNED

Minutes approved by the Commission this _____ day of _____, 2015.

_____

Bruce Jenkins, Chair /kt

Filed with the Town Clerk this 17th **day of** November, **2015**