



## DEVELOPMENT REVIEW BOARD

Meeting Type:..... **Special Meeting**  
Date:..... **Thursday, December 1, 2016**  
Time:..... **7:00 p.m.**  
Place:..... **Municipal Building Community Room**  
Address:..... **43 Bombardier Road Milton, VT 05468**  
Contact:..... **(802) 893-1186**  
Website:..... **www.miltonvt.org**

## PUBLIC NOTICE OF MEETING, HEARING(S) & AGENDA

*Bruce Jenkins, Chair*

*David Conley, Vice Chair*

*Henry Bonges, Clerk*

*Julie Rutz*

*Robert Brisson*

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). Minor Conventional Subdivision Sketch Plan Hearing: Bartlett & Tara Greenfield,** Owners/Applicants, request Sketch plan approval for a proposed **Minor Conventional Subdivision** located at **60 Hobbs Road**, to result in two lots. An existing single family dwelling will remain on Lot 1 and a new single family dwelling is proposed for Lot 2, both to be served by on-site wastewater systems and municipal water. The subject property is described as SPAN 13737, Tax Map 28 and Parcel 41; consists of 2.12 acres; and is located in the Beaverbrook Residential (R7) Zoning District and the Town Core Planning Area.

**6(B). Minor Conventional Subdivision Final Plan Hearing: The applicant, Joanne Duffy,** requests Final Plan approval for a proposed 2-lot **Minor Conventional Subdivision** pursuant to the Town of Milton Zoning & Subdivision Regulations. The property is described as 54, 124, and 162 Duffy Road; Tax Map 8, Parcel 24; and SPAN 14229. The property is owned by the applicant and contains approximately 578 acres within the R5 (Agricultural/Rural Residential) and FC (Forestry Conservation) Zoning Districts and the East Milton Planning Area.

**6(C). Minor Conventional Subdivision Sketch Plan Hearing: Jason Trieb, Owner/Applicant** seeks Sketch Plan approval for a proposed **Minor Conventional Subdivision** located at **12 East Road**, to result in two lots. An existing single family dwelling would remain and a new single family dwelling is proposed for the newly created lot; both are proposed to be serviced by municipal water and wastewater. The property is described as SPAN 10364, Tax Map 35, Parcel 46; consists of .86 acres; and is located within the Old Towne Residential (R1) Zoning District and Town Core Planning Area.

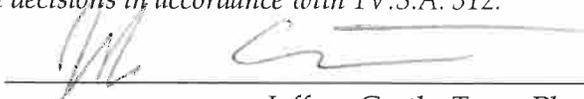
7. Other Business: Bylaw Review, Planning Staff Report

8. Minutes of October 27, 2016 & November 10, 2016

9. Possible Deliberative Session

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

10. Adjournment

  
Jeffrey Castle, Town Planner



## PLANNING DIVISION

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

### DEVELOPMENT REVIEW BOARD STAFF REPORT

<b>Hearing Date:</b> December 1, 2016	
<b>Case No:</b> DRB 2016-40	
<b>Application(s):</b> 2-lot Conventional Subdivision	
<b>Application Received:</b> October 17, 2016	
<b>Application Deemed Complete:</b> November 3, 2016	
<b>Staff Report Finalized:</b> Friday, June 5, 2015	
<b>Applicant(s):</b> Bartlett & Tara Greenfield 3 Cobble Hill Road Milton, VT 05468	<b>Owner(s):</b> Same
<b>Engineer/License:</b> Brad M. Ruderman & Associates, Inc Brad M. Ruderman/ PE#8821 LS#60854 28 US Route 5 N Windsor, VT 05489	<b>Surveyor/License:</b> Same
<b>E-911/Postal Address:</b> 60 Hobbs Road	
<b>Tax Map, Parcel(s):</b> 28, 41	
<b>School Parcel Account Number(s) (SPAN):</b> 13737	
<b>Deed(s):</b> Book 460, Page 460	
<b>Existing Size:</b> 1.3 acres	
<b>Zoning District(s):</b> Beaverbrook Residential "R7"	
<b>Comprehensive Plan Planning Area/Sub-Area:</b> Town Core Planning/ Eastern Transition Sub-Area	
<b>Location:</b> North Side of Hobbs Road between Meadow Road and Griswold Drive	

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## INTRODUCTION

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**Noticed/Warned Summary of Proposal:** Bartlett & Tara Greenfield, Owners/ Applicants, request Sketch plan approval for a proposed Minor Conventional Subdivision located at 60 Hobbs Road, to result in two lots. An existing single family dwelling will remain on Lot 1 and a new single family dwelling is proposed for Lot 2, both to be served by on-site wastewater systems and municipal water. The subject property is described as SPAN 13737, Tax Map 28 and Parcel 41; consists of 2.12 acres; and is located in the Beaverbrook Residential (R7) Zoning District and the Town Core Planning Area.

**Comments:** Jeff Castle, Town Planner, 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.

**Hearing Process/Procedure:** Applicants and interested persons can learn more about the Development Review hearing process and procedure at <http://miltonvt.org/government/boards/drj.html>.

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## APPLICATION, JURISDICTION, NOTICE

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

**Applicant(s):** The application was submitted by Bartlett Greenfield and Tara Greenfield referred to hereafter as the "applicant".

**Landowner(s):** The property is owned by Bartlett Greenfield and Tara Greenfield. All owners are signatories to this application.

**Project Consultant(s):** Brad M. Ruderman of Brad M. Ruderman & Associates, Inc is a consultant for this project.

**Application Submission:** The application form was received by the Planning and Economic Development Department on October 17, 2016. The application was originally submitted as a Boundary Line Adjustment application under the assumption that two lots were in prior existence. Upon review of the application by Staff, evidence of the prior legal creation of two lots was not found. The applicant requested the application be reviewed as a Conventional Subdivision Sketch Plan. Unless otherwise noted, the associated exhibits were received the same day.

**Application Completion:** The application was deemed complete by the Town Planner on November 3, 2016.

**State Project Review & Act250:** The applicant has obtained a State Project Review Sheet. The applicant stated that the proposal is not subject to Act 250 jurisdiction.

**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.

**Specific Jurisdiction:** Specific subdivision jurisdiction attaches because 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.

Sketch Plan jurisdiction attaches because SR300 states:

For the purpose of classification and preliminary discussion, any subdivider of land shall, prior to submitting an application for subdivision approval, submit [ . . . ] a sketch plan of the proposed subdivision.

**Regulatory Waivers Requested:** No waivers are requested by the applicant.

**Warning/Notice of Hearing:** Public warning/notice was issued by the Department of Planning and Economic Development for the hearing according to Vermont Statutes Annotated Chapter 24 §4464. A defect in notice of the hearing occurred. The notice was posted in three public places on November 28, 2016, and did not meet the seven day hearing notice requirement. No other defect of notice occurred.

**Hearing:** The Town Planner scheduled the hearing for December 1, 2016

**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. Staff finds that site visits are always useful in visualizing the lay of the land.

1. The DRB may require that the applicant schedule a site visit prior to final plat hearing.

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## EXHIBITS

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

- Total Station Survey - Lands of Bartlett & Tara Greenfield, by Brad M. Ruderman & Associates, Inc, dated 10/12/16

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

- Technical Advisory Committee (TAC) School District Review Sheet dated 11/15/16;
- TAC Police Review Sheet dated 11/14/16;
- TAC Recreation Review Sheet dated 11/8/16;

The following Departments did not submit review sheets:

- Water/Wastewater Department;
- Highway Department; and
- Fire/Rescue Department.

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### SITE, DISTRICT & AREA INFORMATION

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**Property Location:** The subject property is located at 60 Hobbs Road and shown on Milton's Tax Map 28 as Parcel 41. The corresponding School Parcel Account Number (SPAN) is 13737.

**Size/Area:** According to the evidence presented, the subject parcel is approximately 2.28 acres or 99,068 square feet. The Assessor's Grand List records this property as approximately 2.12 acres.

**Area Within Restrictive Easements/Right-of-Ways:** The lot contains an existing 292 square foot access easement for a drilled well for the adjoining Cross property.

**Deed(s):** The deed is recorded on 10/26/2016 in Book 460, Page 460-461 of the Town of Milton Land Records to Bartlett and Tara Greenfield, Grantee.

**Zoning District(s):** The site is located within the Beaverbrook Residential (R7) 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 ZR361 states that the "purpose of this district is to allow for moderately high-density residential development in an area that is linked closely to downtown."

**Comprehensive Planning Area:** The site is located within the Town Core Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan. The site is located in the Eastern Transition Sub Area, as delineated in Figure 9.1 of the 2013 Comprehensive Plan (p.120). The Plan states the following about this area:

The vision of this sub-area is a transitional area between the Town Core and the more rural East Milton. This sub-area lies to the east of the New Downtown, Gimlet Hill, and Old Towne sub-areas. The Beaverbrook zoning district, at the southern end of this sub-area, is a large moderate density residential neighborhood that is largely built-out. This sub-area also includes larger undeveloped parcels along East Road, and newer residential neighborhoods to the north. The western boundary of this sub-area is Railroad Street. Railroad Street seems to function as the logical first line of transition from the denser Town Core to the less dense East Milton planning area, particularly because the railroad tracks and ROW creates a natural boundary.

Currently some of the existing zoning districts within this sub-area have a minimum lot area as small as 10,000 square feet (about ¼ of an acre). This does not make a very logical transition to the 10-acre zoning district within the East Milton planning area. The presence of Mallets Creek creates a limiting factor to development in this area, however dimensional standards within this sub-area should also be revised to establish an appropriate level of density that transitions between 10,000 square feet to 10-acre zoning. In addition, amenities such as sidewalks and/or bike paths should be considered to help improve linkages between the Beaverbrook sub-area and the New Downtown sub-area.

- **Goal 9.5.1.** Encourage public green spaces and small parks throughout this area (such as neighborhood parks as recommended in the 2007-2027 Recreation Plan).
- **Goal 9.5.2.** Dimensional standards should be reviewed in this sub-area in order to establish an appropriate level of density that transitions between 10,000 square feet to 10 acre zoning.

**Physical Characteristics/Natural Features:** The site is mostly level existing lawn and some saplings and trees.

**Topography & Drainage (Plan Map 5):** The applicant has stated that the site contains flat terrain with sandy soils and stormwater percolates into the ground. Any new impervious will infiltrate and the site contains no steep slopes.

**Streams and Shoreline (Plan Map 6):** The applicant states that there are no mapped streams or shorelines.

**Wetlands (Map 6):** The applicant states that there are no mapped wetlands on site. The project engineer is also a approved wetlands delineator and found no wetlands.

**Soil (Map 7):** The applicant states and staff finds that the site contains statewide agricultural soils. The applicant states that the proposal is consistent with existing adjacent properties and uses.

**Vegetation:** The existing vegetation is mostly lawn and grasses with scattered saplings and trees. The applicant states that minimal vegetation will be removed as needed for construction.

**Habitat/Wildlife Crossings (Map 9):** The property contains no significant habitat or wildlife crossings.

**Historic Resources:** The applicant states that there are no historic resources on the site. Staff finds that Milton’s Historic Sites and Structures Survey confirms this finding.

**Surrounding Use/Structures & Like Kind Quality:** The site is surrounded by residential uses. Staff finds that the lot is of “like kind”.

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## SITE HISTORY

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**Background:** Staff has found that the land records contain a recorded survey dated May 1979 in which 2 lots are shown on the subject property. However, this survey was not signed by the Planning Commission (the appropriate municipal panel at that time) and staff has found no evidence of subdivision review for the creation of these lots.

**Zoning Compliance:** To the applicant and staff’s knowledge, the subject property does not have any Zoning Violations recorded in the Town of Milton Records, nor unresolved zoning enforcement action.

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## EXISTING AND PROPOSED LAND DEVELOPMENT

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**Buildings:** The lot contains one single family dwelling. No alternations to the existing building is proposed. A new single family home is proposed on lot 2.

**Water/Wastewater Service:** The existing single family dwelling is served by drilled well and onsite septic. The applicant proposes new connection to municipal water service for the existing and proposed dwellings and onsite septic for the existing and proposed dwellings.

**Units:** The existing buildings are not unitized. No alternations or new unitization of buildings is proposed.

**Structures:** The lot contains a detached garage. No alternations or new structures are proposed.

**Uses:** The property contains an existing single family dwelling use. The applicant proposes an additional single family home on the newly created lot 2.

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### SUBDIVISION REVIEW REGULATIONS

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#### Article III, Sketch Plan

**SR300, Sketch Plan Application Requirements:** SR300 lists sketch plan requirements. Staff finds that these requirements have been met.

**SR320, Subdivision Classification:** This section requires that the DRB classify this application at Sketch Plan as a major or minor subdivision. A minor subdivision is defined as one containing less than seven units. *This proposal takes one lot and results in two lots, making it a minor subdivision.*

**SR330, Regulatory Conformance:** SR 330 states that 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.

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### ZONING DISTRICT CONFORMITY

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**ZR620, Reduction of Lot Size:** “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.”

**ZR 364, Dimensional Requirements:** The table below shows the required dimensional requirements for the subject property's R7 Zoning District.

LOT 1	R7 Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	40,000	99,068	47,242
Minimum Road FRONTAGE (linear ft.)	125	300	145

Minimum FRONT SETBACK (linear ft.)	20	>20	>20
Minimum SIDE SETBACK (linear ft.)	15	>15	>15
Minimum REAR SETBACK (linear ft.)	15	>15	>15
Maximum BUILDING COVERAGE (%)	40	<40	<40
Maximum LOT COVERAGE (%)	25	n/a	n/a

Staff finds that the proposed lot 1 meets the dimensional standards of the R7 district.

LOT 2	R7 Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	40,000	99,068	51,826
Minimum Road FRONTAGE (linear ft.)	125	300	155
Minimum FRONT SETBACK (linear ft.)	20	>20	>20
Minimum SIDE SETBACK (linear ft.)	15	>15	>15
Minimum REAR SETBACK (linear ft.)	15	>15	>15
Maximum BUILDING COVERAGE (%)	40	<40	<40
Maximum LOT COVERAGE (%)	25	n/a	n/a

Staff finds that the proposed lot 2 meets the dimensional standards of the R7 district.

**SR340, Effect of Sketch Plan Approval:**

- Approval of sketch plan shall not constitute approval of a subdivision plat and is merely an authorization for the applicant to file a final plan application.

**Article IV, Minor Subdivision Application,**

**SR400, Application**

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

**Article VII, Subdivision Planning Standards**

**Section 700, Standards of Evaluation:** At final the DRB must be prepared to make findings related to the standards below. Sketch plan is a good opportunity to address any questions or concerns.

**700.1, Suitability for Development:** The DRB must find that “The land is suitable for subdivision or development. In making this determination it shall at least consider flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.”

**700.2, Preservation of Aesthetic Features:** The DRB must find that, “the proposal includes due regard for the preservation and protection of existing aesthetic features such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources and historical resources.”

**700.3, Sufficient Open Space for Recreation:** The DRB must find that, “The proposal includes sufficient open space for recreation.”

**700.4, Run-off and Erosion Control During & After Construction:** The DRB must find that “The proposal includes adequate provision for control of runoff and erosion during and after construction.”

**700.5, Compliance with Comprehensive Plan, Regulations & Bylaws:** The DRB must find that “The proposed development is in compliance with the Milton Comprehensive Plan, Zoning Regulations and other By-Laws then in effect.” Staff has highlighted the Plan goals for this area above.

**700.6, Undue Water or Air Pollution:** The DRB must find that “The proposed development will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of the soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of stream for disposal of effluents; and the applicable health and Vermont Department of Water Resources regulations.”

**700.7, Compatibility with Surroundings:** The DRB must find that “The proposed development is compatible with surrounding properties.”

**700.8, Suitability for Proposed Density:** The DRB must find that “The site is suitable for the proposed density.”

**700.9, Pedestrian Safety:** The DRB must find that “The proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.”

**700.10, Municipal Service Burden:** The DRB must find that “The proposed development will not place an unreasonable burden on the ability of local governmental units to provide municipal, educational, or governmental services and facilities.”

**700.11, Sufficient Water/Wastewater:** The DRB must find that “There is sufficient water available for the reasonably foreseeable needs of the proposed development.”

**700.12, Highway Congestion:** The DRB must find that “The proposed development will not cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.”

### Article VIII, Required Improvements And Design Standards

**SR800, Streets:** The proposal includes no new streets.

**SR810, Curbs, Sidewalks, and Pedestrian Access:** The proposal includes no new curbs, sidewalks or pedestrian access. Staff finds that sidewalks currently exist at the site.

**SR820, Outdoor Lighting:** Lighting is not proposed. Staff does not recommend any lighting.

**SR830, Shade Trees:** The section states that "the DRB may require that suitable shade trees (such as Sugar Maple, Norway Maple, Red Maple, Ash or Oak) be planted along streets where trees do not exist at intervals of forty (40) feet or less."

Staff finds that some shade trees are present on the subject property along Hobbs Road. A gap in the trees along the front of the property is predominantly located on the proposed lot 2. Staff further finds that this request is constant with Comprehensive Plan **Goal 9.1.2.** for the Town Core Planning area, which is to "Enhance streetscape elements by incorporating streetlights, **street trees**, and signage."

4. The DRB may require that street trees be planted along Hobbs Road in accordance with SR830 and consistent with Goal 9.1.2 of the Comprehensive Plan.
5. If required, the final plan application shall include the location of street trees along Hobbs Road pursuant to SR830.

**SR840, Drainage:** The applicant proposes no new grading action outside what is necessary for the construction of a single family home on lot 2. No additional drainage plan has been provided.

**SR850, Water System & SR860, Sewage Disposal:** The applicant is proposing connection to the municipal water system for both lot 1 and lot 2. Individual septic systems are proposed for lot 1 and 2. The applicant has an existing State water/wastewater permit WW-4-4700.

**SR870, Utilities:** Staff recommends no utility easements at this time. The property contains an existing well easement benefiting the adjoining Cross property.

**SR880, Layout:** Staff finds that the lots generally conform to the standards established by this section.

**Technical Advisory Committee:** The TAC had no comments or concerns.

### STAFF RECOMMENDATION

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Staff recommends **approval** of this application subject to the conditions above.

Respectfully Submitted:



**Jeffrey Castle, Town Planner**

**COPIES TO:**

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

**WHAT'S NEXT?**

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

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

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

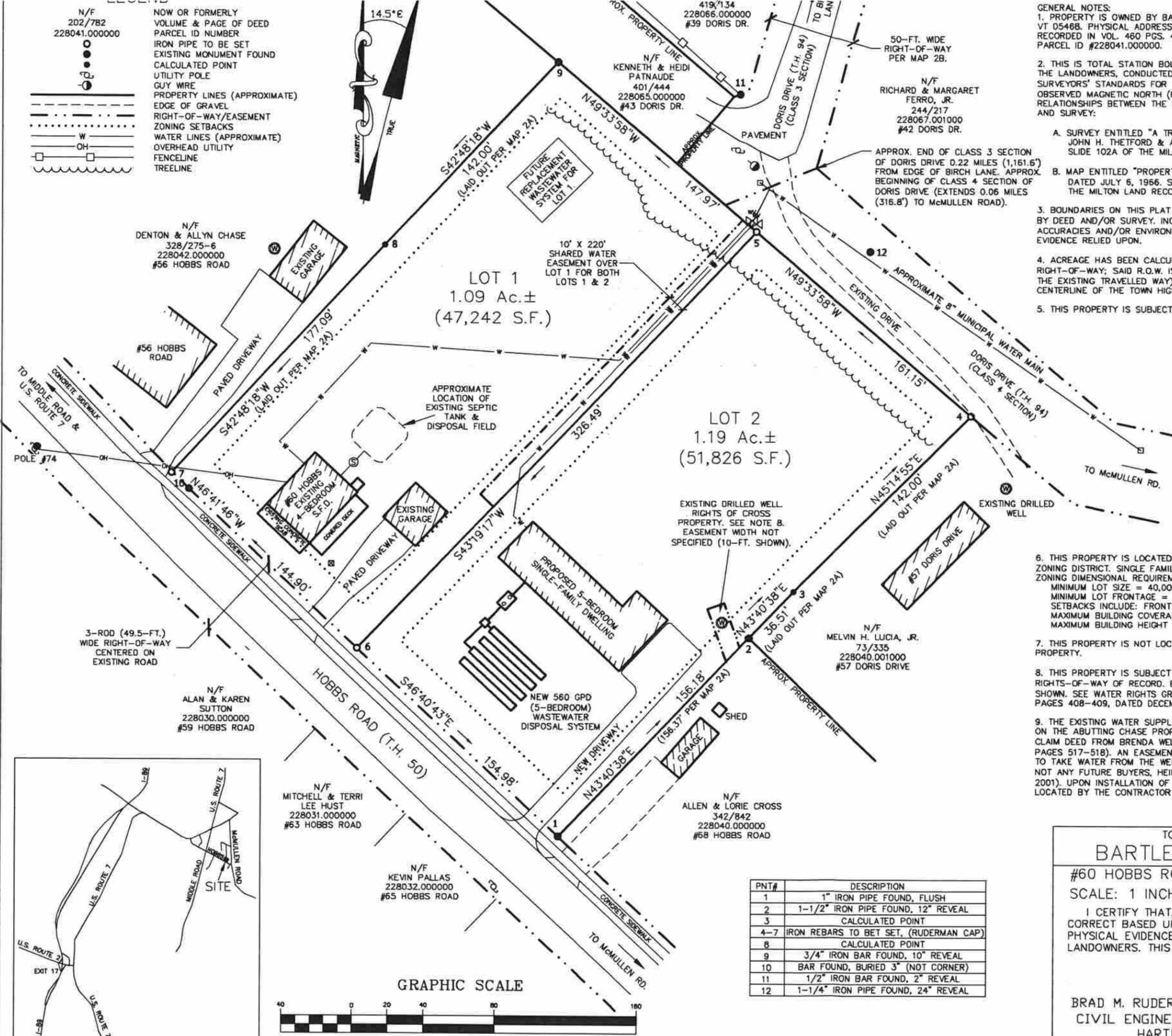
**Revocations:** In addition to any other remedies provided for by law, approvals from the Development Review Board, whichever granted the permit or approval, for violation of these Regulations or the terms and conditions of the permit or approval. Omission or misstatement of any material fact by the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

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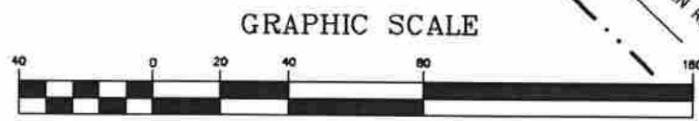
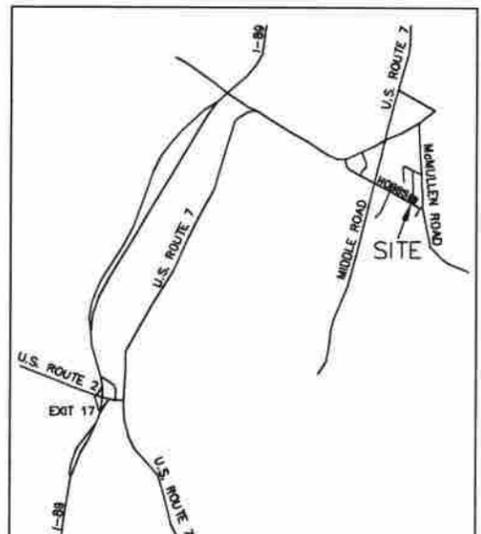
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CALCULATED POINT  
UTILITY POLE  
GUY WIRE  
PROPERTY LINES (APPROXIMATE)  
EDGE OF GRAVEL  
RIGHT-OF-WAY/EASEMENT  
ZONING SETBACKS  
WATER LINES (APPROXIMATE)  
OVERHEAD UTILITY  
FENCELINE  
TREELINE



GENERAL NOTES:  
1. PROPERTY IS OWNED BY BARTLETT J. & TARA M. GREENFIELD, #3 COBBLE HILL ROAD, MILTON, VT 05468. PHYSICAL ADDRESS OF SUBJECT PROPERTY IS #60 HOBBS ROAD, MILTON, VT. DEED IS RECORDED IN VOL. 460 PGS. 460-461 OF THE MILTON LAND RECORDS, DATED OCTOBER 26, 2015. PARCEL ID #228041.000000.  
2. THIS IS TOTAL STATION BOUNDARY LINE ADJUSTMENT SURVEY PERFORMED AT THE REQUEST OF THE LANDOWNERS, CONDUCTED IN ACCORDANCE WITH THE RULES OF THE BOARD OF LAND SURVEYORS' STANDARDS FOR THE PRACTICE OF LAND SURVEYING. BEARINGS SHOWN REFER TO OBSERVED MAGNETIC NORTH (FEBRUARY 2016) AND SERVE ONLY TO DEFINE ANGULAR RELATIONSHIPS BETWEEN THE COURSES SHOWN. REFERENCE IS MADE TO THE FOLLOWING MAPS AND SURVEY:  
A. SURVEY ENTITLED "A TRANSIT & TAPE SURVEY RONALD D. & BRENDA J. WELLS", by JOHN H. THETFORD & ASSOCIATES, INC., DATED MAY 1979. PLAT IS RECORDED IN SLIDE 102A OF THE MILTON LAND RECORDS.  
B. MAP ENTITLED "PROPERTY OF CLIFFORD TURNER, MILTON, VERMONT", by F.A. REED, DATED JULY 6, 1966. SAID MAP IS RECORDED IN VOLUME 1 (MAPS), PAGE 34 OF THE MILTON LAND RECORDS.  
3. BOUNDARIES ON THIS PLAT REPRESENT THE RETRACEMENT OF THOSE PREVIOUSLY DESCRIBED BY DEED AND/OR SURVEY. INCONSISTENCIES MAY BE DUE IN PART TO DIFFERENT SURVEY ACCURACIES AND/OR ENVIRONMENTAL IMPACTS AND HUMAN ACTIVITIES AFFECTING PHYSICAL EVIDENCE RELIED UPON.  
4. ACREAGE HAS BEEN CALCULATED TO THE EDGE OF THE TOWN HIGHWAY #50 (HOBBS ROAD) RIGHT-OF-WAY; SAID R.O.W. IS SHOWN AS BEING 3 RODS WIDE (24.75 FEET OFF CENTERLINE OF THE EXISTING TRAVELLED WAY) PER STATE STATUTE. TITLE TO PROPERTY MAY EXTEND TO THE CENTERLINE OF THE TOWN HIGHWAY; NO RECORD OF FEE TITLE WAS FOUND.  
5. THIS PROPERTY IS SUBJECT TO STATE PERMIT #WW-4-4700, DATED SEPTEMBER 30, 2016.

THIS FINAL PLAT HAS BEEN APPROVED BY RESOLUTION OF THE DEVELOPMENT REVIEW BOARD OF THE TOWN OF MILTON, VERMONT.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
SUBJECT TO THE REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION.  
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

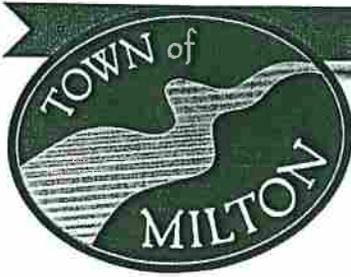
6. THIS PROPERTY IS LOCATED WITHIN THE TOWN OF MILTON'S BEAVERBROOK RESIDENTIAL (R7) ZONING DISTRICT. SINGLE FAMILY DWELLINGS AND DUPLEX'S ARE PERMITTED IN THIS DISTRICT. ZONING DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS:  
MINIMUM LOT SIZE = 40,000 S.F.  
MINIMUM LOT FRONTAGE = 125 FT.  
SETBACKS INCLUDE: FRONT YARD = 20 FT.; SIDE & REAR YARDS = 15 FT.  
MAXIMUM BUILDING COVERAGE = 40%  
MAXIMUM BUILDING HEIGHT = 35 FT.  
7. THIS PROPERTY IS NOT LOCATED WITHIN A FLOODPLAIN. NO WETLANDS EXIST ON OR NEAR THE PROPERTY.  
8. THIS PROPERTY IS SUBJECT TO AND/OR BENEFITED BY ALL EXISTING EASEMENTS AND RIGHTS-OF-WAY OF RECORD. BURIED STRUCTURES AND/OR UTILITY LINES MAY NOT ALL BE SHOWN. SEE WATER RIGHTS GRANTED FROM WELLS (NOW GREENFIELD) TO CROSS, VOL. 156, PAGES 408-409, DATED DECEMBER 27, 1993.  
9. THE EXISTING WATER SUPPLY FOR THE SUBJECT PROPERTY IS FROM A DRILLED WELL LOCATED ON THE ADJUTING CHASE PROPERTY. SAID RIGHTS TO THE WELL WERE RELINQUISHED VIA QUIT CLAIM DEED FROM BRENDA WELLS TO STEPHEN BERARD ON JUNE 27, 2001 (SEE VOL. 222, PAGES 517-518). AN EASEMENT WAS SUBSEQUENTLY GRANTED TO BRENDA WELLS FOR THE RIGHT TO TAKE WATER FROM THE WELL, HOWEVER, SAID RIGHTS ONLY AFFECTED BRENDA WELLS AND NOT ANY FUTURE BUYERS, HEIRS OR ASSIGNS (SEE VOL. 222, PAGES 519-520, DATED JUNE 27, 2001). UPON INSTALLATION OF THE NEW WATER SERVICE LINE, THE EXISTING LINE SHALL BE LOCATED BY THE CONTRACTOR AND DISCONNECTED OUTSIDE OF THE HOME.



PNT#	DESCRIPTION
1	1" IRON PIPE FOUND, FLUSH
2	1-1/2" IRON PIPE FOUND, 12" REVEAL
3	CALCULATED POINT
4-7	IRON REBARS TO BET SET, (RUDERMAN CAP)
8	CALCULATED POINT
9	3/4" IRON BAR FOUND, 10" REVEAL
10	BAR FOUND, BURIED 3" (NOT CORNER)
11	1/2" IRON BAR FOUND, 2" REVEAL
12	1-1/4" IRON PIPE FOUND, 24" REVEAL

TOTAL STATION SURVEY - LANDS OF  
**BARTLETT & TARA GREENFIELD**  
#60 HOBBS ROAD MILTON, VT  
SCALE: 1 INCH = 40 FT. SHEET 1 OF 1  
I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, THIS SURVEY IS CORRECT BASED UPON DEED RESEARCH, PREVIOUS MAPS NOTED, PHYSICAL EVIDENCE FOUND AND SUBDIVIDED AS DIRECTED BY THE LANDOWNERS. THIS PLAT CONFORMS WITH 27 V.S.A. SEC. 1403.  
BRAD M. RUDERMAN & ASSOCIATES, INC.  
CIVIL ENGINEERS • LAND SURVEYORS  
HARTLAND, VERMONT

RECEIVED



## TECHNICAL ADVISORY COMMITTEE

Time:..... 3:30 p.m.  
Place:..... Municipal Building Planning Department  
Address:..... 43 Bombardier Road Milton, VT 05468  
Contact:..... (802) 893-1186  
Website: ..... www.miltonvt.org

### TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, December 1, 2016

Date of Review: 11-14-16

Department: Police

TAC Member: BRETT VAN NOORDT

Minor Conventional Subdivision Sketch Plan - 60 Hobbs Road - Bartlett & Tara Greenfield, Owners & Applicants

NO COMMENTS or CONCERNS.

Minor Conventional Subdivision Final Plan - 12 East Road - Joanne Duffy, Owner & Applicant

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NOV 16 2015

Planning & Economic Development  
Milton, Vermont

NO COMMENTS or CONCERNS.

Minor Conventional Subdivision Sketch Plan - 54, 124 & 162 Duffy Road - Joanne Duffy, Owner & Applicant

NO COMMENTS or CONCERNS.



**TECHNICAL ADVISORY COMMITTEE**

Time:..... 3:30 p.m.  
Place:..... Municipal Building Planning Department  
Address:..... 43 Bombardier Road Milton, VT 05468  
Contact:..... (802) 893-1186  
Website: ..... www.miltonvt.org

**TECHNICAL ADVISORY COMMITTEE REVIEW SHEET**

Development Review Board Meeting of Thursday, December 1, 2016

Date of Review: 11/15/16

Department: School

TAC Member: Ann Bradshaw

Minor Conventional Subdivision Sketch Plan - 60 Hobbs Road - Bartlett & Tara Greenfield, Owners & Applicants

*No concerns*

Minor Conventional Subdivision Final Plan - 12 East Road - Joanne Duffy, Owner & Applicant

*No concerns*

Minor Conventional Subdivision Sketch Plan - 54, 124 & 162 Duffy Road - Joanne Duffy, Owner & Applicant

*No concerns*

**RECEIVED**

**NOV 16 2016**

Planning & Economic Development  
Milton, Vermont



# TECHNICAL ADVISORY COMMITTEE

Time:..... 3:30 p.m.  
Place:..... Municipal Building Planning Department  
Address:..... 43 Bombardier Road Milton, VT 05468  
Contact:..... (802) 893-1186  
Website: ..... www.miltonvt.org

## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, December 1, 2016

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Date of Review: \_\_\_\_\_

11-8-16

NOV - 8 2016

Department: \_\_\_\_\_

Recreation

RECREATION DEPARTMENT  
MILTON, VERMONT

TAC Member: \_\_\_\_\_

Kyan Dechesnodre

Minor Conventional Subdivision Sketch Plan - 60 Hobbs Road - Bartlett & Tara Greenfield, Owners & Applicants

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NOV 08 2016

No comments

Planning & Economic Development  
Milton, Vermont

Minor Conventional Subdivision Final Plan - 12 East Road - Joanne Duffy, Owner & Applicant

No comments

Minor Conventional Subdivision Sketch Plan - 54, 124 & 162 Duffy Road - Joanne Duffy, Owner & Applicant

No comments



## INTRODUCTION

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**Noticed/Warned Summary of Proposal:** The applicant, Joanne Duffy, requests Sketch Plan approval for a proposed 2-lot Minor Conventional Subdivision pursuant to the Town of Milton Zoning & Subdivision Regulations. The property is described as 54, 124, and 162 Duffy Road; Tax Map 8, Parcel 24; and SPAN 14229. The property is owned by the applicant and contains approximately 578 acres within the R5 (Agricultural/Rural Residential) and FC (Forestry Conservation) Zoning Districts and the East Milton Planning Area.

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

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

**Hearing Process/Procedure:** Applicants and interested persons can arrive prepared by learning more about the Development Review hearing process and procedures at <http://miltonvt.org/government/boards/dr.html>.

## APPLICATION, JURISDICTION, NOTICE

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**Application:** This matter comes before the Town of Milton Development Review Board (DRB) for Minor Conventional Subdivision Final Plan review. 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 Joanne Duffy referred to hereafter as the "applicant".

**Applicant's Legal Interest in Land:** is stated as ownership in simple fee.

**Landowner(s):** The property is owned by Joanne Duffy, an individual/natural person. Ms. Duffy is signatory to this application.

**Project Consultant(s):** Mark Day, Surveyor (LS#732) and Stephen Tetreault of TDH Surveying and Design are consultants for this project.

**Application Submission:** The application form was received by the Planning and Economic Development Department on November 2, 2016.

**Application Completion:** The application was deemed complete by Staff.

**General Jurisdiction:** General jurisdiction attaches because 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 Conventional Subdivision 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.

**State Project Review:** The applicant has not obtained a State Project Review Sheet (PRS) from the State of Vermont because “no construction has been proposed.” The applicant stated at the Sketch hearing that he’d forwarded an email from Jeff McMahon, Permit Specialist for the State of Vermont, to the Town Planner which stated no Project Review Sheet (PRS) was necessary because no construction is currently proposed. Staff confirmed receipt of the email.

**Regulatory Waivers Requested:** No waivers are requested by the applicant.

**Warning/Notice of Hearing:** Public warning/notice was issued by the Department of Planning and Economic Development for the hearing according to Vermont Statutes Annotated Chapter 24 §4464. A list of adjoining property owners notified is maintained in the application’s file.

**Hearing:** The Planning Director scheduled the hearing for October 13, 2016.

**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. Staff finds that site visits are always useful in visualizing the lay of the land.

1. The DRB may require that the applicant schedule a site visit prior to final plat approval.

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## EXHIBITS

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

- Application submission letter from Stephen Tetreault, LD, dated November 1, 2016
- 2 Lot Subdivision Plat by TDH Surveying & Design LLC Dated 7/5/16, revised 10/20/16.

**Staff Exhibits:** In addition to this staff report, the following exhibits from staff are attached to the Staff Report.

- Sketch Plan Approval Decision, case DRB 2016-32, dated October 27, 2016
- Technical Advisory Committee (TAC) School District Review Sheet dated 11/15/16;
- TAC Police Review Sheet dated 11/14/16;
- TAC Recreation Review Sheet dated 11/8/16;

The following Departments did not submit review sheets:

- Water/Wastewater Department;
- Highway Department; and
- Fire/Rescue Department.

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## SITE, DISTRICT & AREA INFORMATION

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**Property Description:** The subject property is located at 54, 124, and 162 East Road and shown on Milton's Tax Map 8 as Parcel 24. The corresponding School Parcel Account Number (SPAN) is 396-123-14229. After the notice of this application, Staff also found that SPAN #11021 is associated with the property. Normally, property in contiguous ownership has a single SPAN unless a mobile home is on the lot.

**Size/Area:** According to the evidence presented, the subject parcel is approximately 577.6 acres or 25,153,305 square feet. The Assessor's Grand List records this property as approximately 578 acres.

**Area Within Restrictive Easements/Right-of-Ways:** The applicant stated that there is encumbered land held by CVPS recorded in vol. 25/p. 30, vol. 47/p.216, vol. 90, p.28. The easement is shown on the Final Plat.

**Deed(s):** The property deed was recorded on November 20, 2009 in Volume 385, Page 6 of the Town of Milton Land Records to Patrick R. and Joanne R. Duffy.

**Survey Status:** The application states that a survey has never been recorded in the Town of Milton land records.

**Zoning District(s):** The site is located partially within the R5, Agricultural Rural Zoning District and partially located within the FC Forestry/Conservation 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 the R5 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.

ZR481 states that the purpose of the FC district is to:

The purpose of this district is to preserve open space; to protect soils, water, and other natural resources; to protect scenic ridgeline viewsheds and vistas important to the character of the Town of Milton; to preserve forests and encourage forest-related USES; to promote AGRICULTURE and recreational USES that can benefit from the unique topography of the area; and to enable, to a limited extent, residential USES. Such residential USES are to be enabled only for land parcels necessarily located near the district boundary that are accessible without extreme land disruption; that do not contain steep slopes, unstable soils, and other natural limitations; and only for sites that have the capacity to provide safe ingress and egress. Where possible, said residential USES shall be clustered.

The undeveloped ridges and hillsides of Milton are one of Milton's principal scenic qualities and contribute significantly to the enjoyment of the rural and pastoral character of the town. The Scenic ridgelines have been identified as Georgia Mountain, Milton Pond and surrounding ridgeline, Bald Hill, Cobble Hill, Eagle Mountain and Arrowhead Mountain. In order to protect these ridgelines, no STRUCTURE or BUILDING shall be visible above the existing tree line.

The FC District has additional requirements for all uses. Since no new uses are proposed, Staff agrees with the applicant, that the additional requirements of ZR486 are not needed. The DRB may, however, find that the plat should include: contour lines, slope percentages, buildable envelopes, wetland delineation, navigable streams, navigable watercourses, wooded and open areas, and so forth.

**Comprehensive Planning Area:** The site is located within the East Milton Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan. The Plan states the following about this area (p.130):

This area has the highest potential for resource utilization and the highest concentration of natural resources in need of protection. 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, taking into account the need to provide for resource utilization activities and to protect natural resources. The encouragement of cluster developments and 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.
  - Object 9.13.2.a. Develop standards to 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.

**Physical Characteristics/Natural Features:** The site is mostly wooded, sloped ridgeline. Nearer to Duffy Road is open agricultural land and three dwelling units. No excavation, fill or grading is proposed, nor removal of any earth resources.

**Topography & Drainage (Plan Map 5):** The western portion of the subject land predominantly drains westward toward Duffy Rd. and contains a large portion of Milton's scenic ridgeline. The eastern portion of the lot predominantly flows south towards Rollin Irish.

**Streams and Shoreline (Plan Map 6):** Staff finds that there are mapped streams on the two proposed lots. Both streams flow into Mallets Creek (one, North of McMullen Rd. and the other near East Road north of Mars Hollow), which flows to Lake Champlain through the Munson Flats. The streams are indicated on the Final Plat.

Wetlands (Map 6): The applicant states that there are mapped wetlands approximately 800' easterly beyond the easterly line of Lot 2. Staff finds that no change to the existing land use is proposed that would impact the presumed wetlands.

Soil (Map 7): The applicant states that there are some statewide and prime agricultural soils adjacent to the road. Staff finds that no change to the existing land use is proposed that would impact agricultural soils.

Vegetation: No change in vegetation is proposed.

Habitat/Wildlife Crossings (Map 9): The applicant states that the property contains habitat priority 8. Staff finds that no change to the existing land use is proposed that would impact habitat. Further, staff finds that the proposal of a 27-acre lot will also make the lot eligible for the State's Current Use program, thereby making it more likely that the resulting lot 1 will remain working farm and forest.

Historic Resources: The applicant states that there are no historic resources on the site. Staff finds that Milton's Historic Sites and Structures Survey confirms this finding.

Surrounding Use/Structures & Like Kind Quality: The site is surrounded by residential and agricultural uses. Staff finds that the lot is of "like kind".

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## SITE HISTORY

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Background: Staff has found no prior approvals relevant to this application.

Zoning Compliance: To the applicant and staff's knowledge, the subject property does not have any Zoning Violations recorded in the Town of Milton Records, nor unresolved zoning enforcement action.

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## EXISTING AND PROPOSED LAND DEVELOPMENT

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Buildings: The lot contains three buildings. No alternations or new buildings are proposed.

Units: The buildings are not unitized. No alternations or new units are proposed.

Structures: The lot contains a detached garage and silo accessory structure. No alternations or new buildings are proposed.

Uses: Each building contains a residential use, but the applicant did not specify the type of residential use. The applicant stated at the Sketch hearing that there are two other rental homes on Lot 1. The Chair asked how long they'd been there; the applicant replied that estimates put one as being built in the late 1800's and the other in the late 1970's. These could be brought into conformity by establishing the lot as PUD or placing each principal use on its own lot. While the proposal does not bring the uses into full conformity, it does appear to make the property less nonconforming by removing one principal use from the lot.

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## SUBDIVISION REVIEW REGULATIONS

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**Article IV, Minor Subdivision Application**

**SR400, Minor Subdivision Application:** The section states: Within six (6) months of classification by the DRB of the sketch plan as a minor subdivision, the subdivider shall submit an application for approval of a subdivision plat. The application shall contain those items set forth in Section 610 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the DRB. Staff finds that the application was submitted within six months of sketch plan approval and conforms to the layout shown on the sketch plan plus recommendations made by the DRB at sketch approval.

**Article VI, Application Submission Requirements**

**SR610, Final Application Content:** Unless otherwise stated herein, Staff has found that the draft Final Plat is in compliance with all applicable provisions of SR610. The following requirements were not found on the Final Plat:

SR610.1(1): The license number and seal of the licensed land surveyor.

2. The Final Plat shall be in compliance with SR610, and include the seal of the licensed land surveyor.

**ZONING DISTRICT CONFORMITY**

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**ZR620, Reduction of Lot Size:** “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.”

**ZR 342, Dimensional Requirements:** The table below shows the required dimensional requirements for the subject property's R5 Zoning District, as well as the existing and proposed compliance. The DRB should note that the tables below do not evaluate compliance with the FC Zoning district because of ZR670, which states:

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. BUILDABLE ENVELOPES for any permitted or CONDITIONAL USE occurring in the portion of the lot contained within the Agricultural/Rural Residential District must occur entirely within the Agricultural/Rural Residential District, and must conform to the lot dimension requirements of that district, except where permitted as a CONDITIONAL USE under Section 483.

LOT 1	R5 Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	400,000	25,163,305	23,958,000

	(9.18 acres)		
Minimum Road FRONTAGE (linear ft.)	400	3,148	2,525
Minimum FRONT SETBACK (linear ft.)	35	32	32
Minimum SIDE SETBACK (linear ft.)	50	50	50
Minimum REAR SETBACK (linear ft.)	50	50	50
Maximum BUILDING COVERAGE (%)	40	<40	<40
Maximum LOT COVERAGE (%)	15	n/a	n/a

Two existing buildings on proposed lot 1 are non-conforming structures because they are set closer than 35' from the Duffy Rd. property boundary; however, this subdivision would not make the buildings any more non-conforming than they are now, nor create any new non-conformities.

LOT 2	R5 Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	400,000 (9.18 acres)	25,163,305	1,205,347
Minimum Road FRONTAGE (linear ft.)	400	3,148	243.26
Minimum FRONT SETBACK (linear ft.)	35	32	33
Minimum SIDE SETBACK (linear ft.)	50	50	>50
Minimum REAR SETBACK (linear ft.)	50	50	>50
Maximum BUILDING COVERAGE (%)	40	40	<40
Maximum LOT COVERAGE (%)	15	n/a	n/a

Staff finds that the proposed Lot 2 will contain a non-conforming structure which does not meet the front setback requirement. However, this subdivision does not make any buildings more non-conforming than they are now or create new non-conformities.

### Article VII, Subdivision Planning Standards

**Section 700, Standards of Evaluation:** 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:** The DRB must find that "The land is suitable for subdivision or development. In making this determination it shall at least consider flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas."

**700.2, Preservation of Aesthetic Features:** The DRB must find that, "the proposal includes due regard for the preservation and protection of existing aesthetic features such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources and historical resources."

**700.3, Sufficient Open Space for Recreation:** The DRB must find that, “The proposal includes sufficient open space for recreation.”

**700.4, Run-off and Erosion Control During & After Construction:** The DRB must find that “The proposal includes adequate provision for control of runoff and erosion during and after construction.”

**700.5, Compliance with Comprehensive Plan, Regulations & Bylaws:** The DRB must find that “The proposed development is in compliance with the Milton Comprehensive Plan, Zoning Regulations and other By-Laws then in effect.” Staff has highlighted the Plan goals for this area above.

**700.6, Undue Water or Air Pollution:** The DRB must find that “The proposed development will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of the soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of stream for disposal of effluents; and the applicable health and Vermont Department of Water Resources regulations.”

**700.7, Compatibility with Surroundings:** The DRB must find that “The proposed development is compatible with surrounding properties.”

**700.8, Suitability for Proposed Density:** The DRB must find that “The site is suitable for the proposed density.”

**700.9, Pedestrian Safety:** The DRB must find that “The proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.”

**700.10, Municipal Service Burden:** The DRB must find that “The proposed development will not place an unreasonable burden on the ability of local governmental units to provide municipal, educational, or governmental services and facilities.”

**700.11, Sufficient Water/Wastewater:** The DRB must find that “There is sufficient water available for the reasonably foreseeable needs of the proposed development.”

**700.12, Highway Congestion:** The DRB must find that “The proposed development will not cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.”

#### **Article VIII, Required Improvements And Design Standards**

**SR800, Streets:** The proposal includes no new streets.

**SR810, Curbs, Sidewalks, and Pedestrian Access:** The proposal includes no new curb cuts or pedestrian access. Staff finds no planning basis to require any pedestrian facilities in this location.

**SR820, Outdoor Lighting:** Lighting is not proposed. Staff does not recommend any lighting.

**SR830, Shade Trees:** Shade trees and plantings are not proposed. Staff does not recommend shade trees in this rural location.

**SR840, Drainage:** No new impervious surface or grading action is proposed. Staff finds no drainage impact.

**SR850, Water System & SR860, Sewage Disposal:** The plat shows the locations of all wastewater systems and potable water sources. The subdivision has been granted approval from the State and has been permitted under WW-4-4723. Approved replacement areas are not bisected by the proposed lot boundaries.

**SR870, Utilities:** Staff recommends no easements at this time, but this recommendation could be impacted when it is clear where the water and wastewater systems are located.

**SR880, Layout:** Staff finds that the lots generally conform to the standards established by this section.

### **Article VIII, Required Improvements And Design Standards**

#### **Legal Escrow, SR910:**

3. 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:**

4. 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.

#### **SR940, Filing of Final Plat:**

5. **Staff Review of Revisions:** The applicant shall submit one paper or electronic .PDF version of the revised final Plat (any any associated plans) for review and approval by Staff prior to submitting the mylar. The Applicant shall also submit one full-sized (to scale) paper Final Plat and one 11x17 paper plat depicting the requested changes, to be maintained in the Planning Office's application file.
6. **Final Plat Submission:** The final Plat shall be submitted on mylar (18" x 24"), signed by the licensed surveyor and the Chair of the DRB, and recorded in the Town Clerk's Office within 180 days of the date of the DRB's Final Approval Decision per Subdivision Regulations Section 940. Final approval expires if not filed within 180 days, unless extended by the Zoning Administrator for pending local or state approvals. In the event a subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.

**SR950, Revisions:** No changes, erasures, modifications, or revisions, other than those required by this Decision, shall be made on the Plat after approval unless a revised Plat is first submitted to the Department of Planning and Economic Development. In the event the subdivision plat is recorded without complying with this requirement, the Plat shall be considered null and void.

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### TECHNICAL REVIEW COMMITTEE

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**Technical Advisory Committee:** The TAC had no comments or concerns.

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### STAFF RECOMMENDATION

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Staff recommends **approval** of this application subject to the conditions above.

**Respectfully Submitted:**



**Jeffrey Castle, Town Planner.**

#### COPIES TO:

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

#### WHAT'S NEXT?

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

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

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

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

November 1, 2016

Jacob Hemmerick - Director  
Town of Milton - Planning Division  
43 Bombardier Road  
Milton, VT 05468

Re: Joanne Duffy 2 lot subdivision

Dear Mr. Hemmerick:

This letter is in response to the comments as related to the Development Review Board Notice of Decision as received for the minor conventional subdivision for Joanne Duffy.

**Item 1:** The easement widths have been added to the final plat. The easements continue onto Lot 1 which is the remaining lands east of Duffy Road; the locations are note shown on Lot 1 due to the physical locations were not field located.

**Item 2:** The dimensional requirements for the FC zoning district were removed due to no proposals of work or development were to be in the FC district.

**Item 3:** Mapped streams were added to the overall parcel layout portion of the final plat.

**Item 4:** All information west of Duffy Road was removed and a note in the dimensional table was added to inform that the project is located on the east side of Duffy Road only.

**Item 5:** Dimensional table was revised per comments, the two structures on Lot 1 were 32 and 33 feet from the right of way; the lesser of the two is shown in the dimensional table.

**Item 6:** The frontage of Lot 2 is 623.67 feet; it is shown as 243.26 feet and dimension "C1" which is located in the curve table located in the lower right corner of the final plat. This was discussed in the sketch hearing.

**Item 7:** The locations of all wastewater systems and potable water sources are shown on the final plat although small; see overall parcel layout. The subdivision has been granted approval from the State and has been permitted under WW-4-4723. Approved replacement areas of designation are shown on the plans submitted within that application and are readily available from the States' permit search website.

**Item 8:** Our client has agreed if the Board would like a site visit.

RECEIVED

NOV 02 2016

Planning & Economic Development  
Milton, Vermont

DRB Letter-Final Conditions

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We feel that these comments and revisions to the subdivision plat as requested meet the requirements as requested. If you are in need of anything else please feel free to contact me directly.

Very truly yours,

TDH SURVEYING & DESIGN, LLC



Stephen Tetreault, LD  
Licensed Designer  
Survey Crew Chief

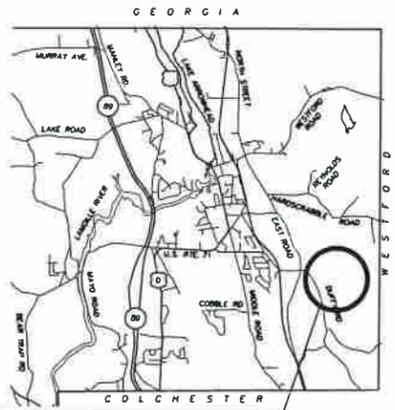
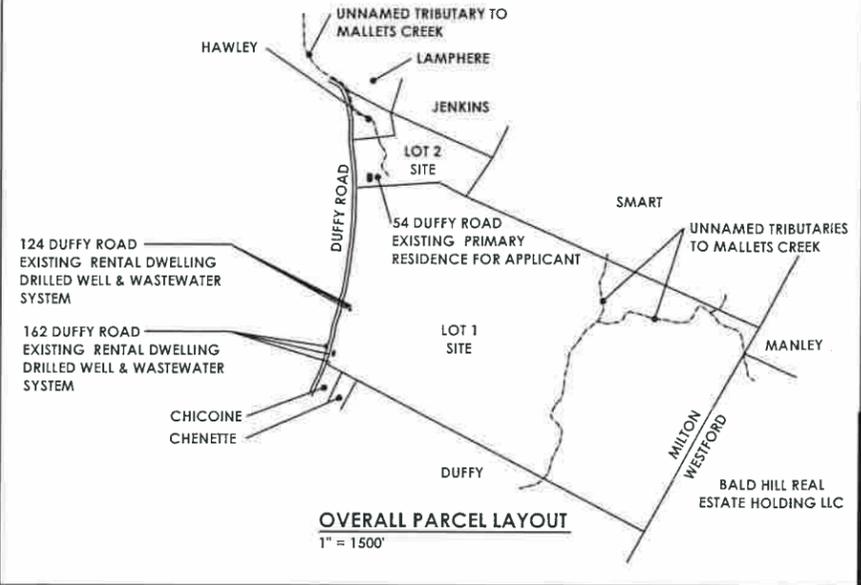
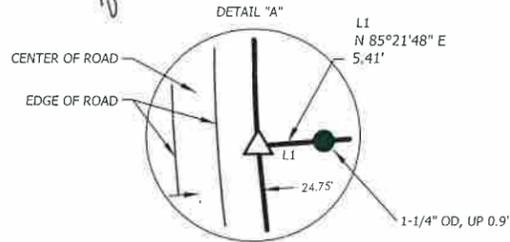
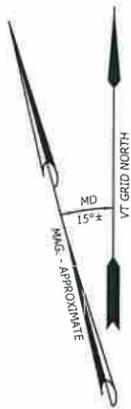
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NOV 07 2015

Planning & Economic Development  
Municipal

TOWN OF MILTON, VT  
 Received for record \_\_\_\_\_ A.D. 201\_\_\_\_\_  
 at \_\_\_\_\_ O'clock \_\_\_\_\_ m. and recorded in  
 Milton Land Records Slide \_\_\_\_\_  
 Attest: \_\_\_\_\_ Town Clerk

THIS FINAL PLAT HAS BEEN APPROVED BY RESOLUTION OF THE DEVELOPMENT REVIEW BOARD  
 OF THE TOWN OF MILTON, VERMONT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_\_  
 SUBJECT TO THE REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION.  
 SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_\_  
 BY \_\_\_\_\_ CHAIR.



**PLAT NOTES:**

- OWNER OF RECORD: PATRICK R. & JOANNE R. DUFFY, 54 DUFFY ROAD, MILTON, VT 05466
- DEED REFERENCE: VOLUME 385, PAGE 6 OF THE TOWN OF MILTON LAND RECORDS.
- BEARINGS ARE BASED ON VERMONT STATE PLANE GRID NORTH ESTABLISHED WITH RTK OBSERVATIONS FROM VERMONT CORS STATION VTS4.
- AN ATTEMPT HAS BEEN MADE TO IDENTIFY ANY EASEMENTS, RIGHTS OF WAY, LEASE LANDS, ENCROACHMENTS, ETC. OBSERVED IN THE FIELD OR READILY AVAILABLE IN THE LAND RECORDS. ADDITIONAL ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN ON THIS PLAT.
- MULTIPLE EASEMENTS WERE FOUND FOR THE EXISTING UTILITY LINES TRANSECTING THE SUBJECT PARCEL. THESE EASEMENTS WERE GRANTED TO CVPS IN V. 25/P. 30, V. 47/P. 216, V. 90/P. 128 WITH A WIDTH OF 50 FEET.
- REBARS SET ARE NUMBER 6 REINFORCING RODS WITH YELLOW PLASTIC CAPS STAMPED "TDH SURVEY, LS 732".
- THIS PLAT IS NOT A GUARANTEE OF TITLE.
- THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE OUT A 27.67 ACRE PARCEL CONTAINING THE HOME NOW OCCUPIED BY JOANNE DUFFY FROM THE EXISTING 578 ACRES (ASSESSED AREA) OF THE SAID DUFFY.
- THE OWNERSHIP OF THE LANDS WITHIN THE TOWN ROADS TRAVELED WAY AND THE EDGE OF THE RIGHT OF WAY IS UNDETERMINED. NO RECORD TITLE WAS FOUND. THE TOWN ROAD RIGHT OF WAY WAS ASSUMED AS 3 RODS PER STATE STATUTE.

THIS PARCEL IS LOCATED IN THE R5 AND FC ZONES AS INDICATED ON THE TOWN OF MILTON ZONING MAP. ZONING REQUIREMENTS FOR THE R5 DISTRICT ARE:

LOT 1 EXISTING AREA IS FOR AREA AS SHOWN ON EAST SIDE OF DUFFY ROAD ONLY.

	R5 REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA (sf):	400,000	25,163,305	23,950,000
MINIMUM ROAD FRONTAGE (lf):	400	3148	2525
MINIMUM FRONT SETBACK (lf):	35	32	32
MINIMUM SIDE SETBACK (lf):	50	50	50
MINIMUM REAR SETBACK (lf):	50	50	50
MAXIMUM BUILDING COVERAGE(%):	40	<40	<40
MAXIMUM LOT COVERAGE (%):	15	n/a	n/a

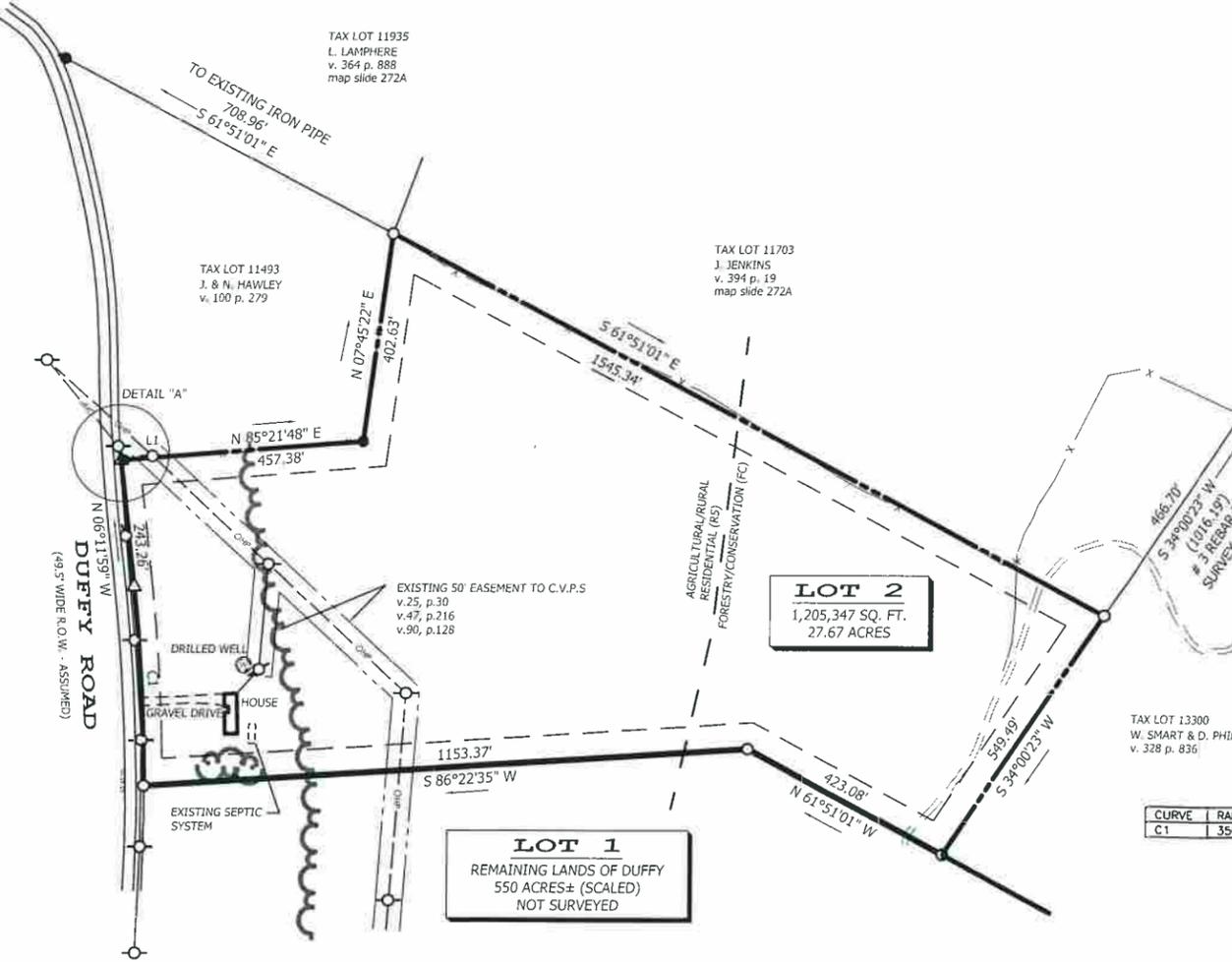
	R5 REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA (sf):	400,000	25,163,305	1,205,347
MINIMUM ROAD FRONTAGE (lf):	400	3148	623.67 (SEE CURVE TABLE)
MINIMUM FRONT SETBACK (lf):	35	35	35
MINIMUM SIDE SETBACK (lf):	50	50	50
MINIMUM REAR SETBACK (lf):	50	50	50
MAXIMUM BUILDING COVERAGE(%):	40	<40	<40
MAXIMUM LOT COVERAGE (%):	15	n/a	n/a

**PLAT REFERENCES:**

- "BOUNDARY SURVEY FOR THE MILDRED HAYES ESTATE AS PER AGREEMENT WITH PATRICK DUFFY, HARDCRABBLE ROAD, MILTON, VERMONT" LAST REVISED 10-10-98 BY VERMONT LAND SURVEYORS.
- "FINAL PLAT, GERALD AND JOAN JENKINS" DATED OCTOBER 7, 1994 BY KREBS & LANSING CONSULTING ENGINEERS, INC. AND RECORDED IN MAP SLIDE 272A OF THE TOWN OF MILTON LAND RECORDS.

THIS PLAT IS BASED ON A FIELD SURVEY WHICH MEETS OR EXCEEDS THE MINIMUM STANDARDS AS SET FORTH BY THE VERMONT BOARD OF LAND SURVEYORS. FIELD MEASUREMENTS, PERTINENT RECORD INFORMATION AND PAROLE EVIDENCE WAS USED IN THE CALCULATION AND DETERMINATION OF THE BOUNDARIES SHOWN ON THIS PLAT. ANY INCONSISTENCIES ARE SHOWN HEREON. TO THE BEST OF MY KNOWLEDGE THIS PLAT MEETS THE REQUIREMENTS OF 27 VSA 1403.

MARK A. DAY, L.S. VT #732 DATE



**LEGEND**

- IRON PIPE (FOUND)
- REBAR (FOUND)
- SURVEY DISK/NAIL (FOUND)
- REBAR (SET)
- △ CALCULATED POINT
- UTILITY POLE
- EXISTING BOUNDARY LINE
- PROPOSED BOUNDARY LINE
- X BARBED WIRE FENCE
- OHP UTILITY LINE
- - - ZONING SETBACK
- - - ZONING DISTRICT BOUNDARY

**CURVE DATA TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	3500.00'	380.41'	380.22'	N 03°05'09" W

**LINE DATA TABLE**

LINE	BEARING	DISTANCE
L1	N 85°21'48" E	5.41'



**TDH SURVEYING & DESIGN, LLC**  
 Land Surveyors - Septic Designers  
 P.O. BOX 8 ST. ALBANS, VERMONT 802-524-4460

**PATRICK & JOANNE DUFFY**  
 54 DUFFY ROAD  
 MILTON, VERMONT  
 TAX LOT 11021  
 2 LOT SUBDIVISION PLAT

DRAWN BY:	BGP	CHECKED BY:	MAD
SCALE:	1"=200'	FIELD BOOK:	335
DATE:	07-25-2016	DATE OF SURVEY:	05-24-2016
JOB NUMBER:	16021/16-067	SURVEY BY:	MAD/BGP/JRK
DRAWING:	16021SPLAT-TDH 16-067SPLAT-TCE	SHEET	1 of 1

RECEIVED  
 NOV 07 2016  
 Planning & Economic Development



## DEVELOPMENT REVIEW BOARD

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

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### NOTICE OF DECISION

Minor Conventional Subdivision Sketch Plan, Case DRB 2016-32  
54, 124, and 162 Duffy Road / Tax Map 8, Parcel 24/SPAN 14229  
Joanne Duffy

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#### INTRODUCTION

The applicant, Joanne Duffy, requests **Sketch Plan** approval for a proposed 2-lot **Minor Conventional Subdivision** pursuant to the Town of Milton Zoning & Subdivision Regulations. The property is described as 54, 124, and 162 Duffy Road; Tax Map 8, Parcel 24; and SPAN 14229. The property is owned by the applicant and contains approximately 578 acres within the R5 (Agricultural/Rural Residential) and FC (Forestry Conservation) Zoning Districts and the East Milton Planning Area.

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#### FINDINGS OF FACT & CONCLUSIONS OF LAW

Based upon testimony provided at the public hearing and the evidence submitted to the Town of Milton Development Review Board (DRB), which are contained in the application file, the DRB finds, concludes and decides as follows:

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#### APPLICATION, JURISDICTION, NOTICE

1. **Application:** This matter came before the Town of Milton Development Review Board (DRB) for Minor Conventional Subdivision Sketch Plan review. The application and its associated materials are maintained by the Town in the application file and are available for public inspection
2. **Applicant(s):** The application was submitted by Joanne Duffy referred to hereafter as the "applicant".
3. **Applicant's Legal Interest in Land:** is stated as ownership in simple fee.
4. **Landowner(s):** The property is owned by Joanne Duffy, an individual/natural person. Ms. Duffy is signatory to this application.
5. **Project Consultant(s):** Mark Day, Surveyor (LS#732) and Stephen Tetreault of TDH Surveying and Design are consultants for this project.

6. **Application Submission:** The application form was received by the Planning and Economic Development Department on September 9, 2016.
7. **Application Completion:** The application was deemed complete by Jacob Hemmerick, Planning Director.
8. **General Jurisdiction:** General jurisdiction attaches because 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.
9. **Specific Jurisdiction:** Specific subdivision jurisdiction attaches because 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.
10. Sketch Plan jurisdiction attaches because SR300 states: For the purpose of classification and preliminary discussion, any subdivider of land shall, prior to submitting an application for subdivision approval, submit [ . . . ] a sketch plan of the proposed subdivision.
11. **State Project Review:** The applicant has not obtained a State Project Review Sheet (PRS) from the State of Vermont because “no construction has been proposed.” Subdivision is “development” under Vermont and Milton law and a PRS is required pursuant to 24VSA4463. Obtaining a PRS early in the project can help applicants avoid unexpected delays by finding out early in the process which, if any, State permits that may be required; reducing the likelihood that the locally approved plans will have to be amended. A key reason for a PRS when subdividing is to ensure that the new lots can support the existing and proposed water and wastewater, which is regulated by the State.
12. *The applicant stated he'd forwarded an email from Jeff McMahon, Permit Specialist for the State of Vermont, to the Town Planner which stated no Project Review Sheet (PRS) was necessary because no construction is currently proposed. Staff confirmed receipt of the email.*
13. **Regulatory Waivers Requested:** No waivers are requested by the applicant.
14. **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. A list of adjoining property owners notified is maintained in the application's file.
15. **Hearing:** The Planning Director scheduled the hearing for October 13, 2016 and the application was considered by the Development Review Board (DRB) at a public hearing opened and closed on October 13, 2016.
16. **DRB Participation:** The DRB members who were present and participated at the October 13, 2016 hearing were: Bruce Jenkins (Chair), David Conley (Vice-Chair), and Julie Rutz.

17. **Applicant Representation:** The applicant was represented at the hearing by Joanne Duffy as well as Stephen Tetreault of TDH Surveying and Design.
18. **Interested Persons:** At the outset of the hearing the DRB afforded those persons wishing to achieve status as an interested person an opportunity under 24 VSA 4465 to be sworn in sign the hearing sheet. A record of the name and address of the persons seeking status as an interested person, a summary of evidence with regard to the criteria, and a record of their participation at the hearing is maintained in the application's file.
19. **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. Staff finds that site visits are always useful in visualizing the lay of the land. *The applicant agreed that the DRB may require that the applicant schedule a site visit prior to final plat hearing.*

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### EXHIBITS

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20. **Application Exhibits:** The following exhibits were submitted with the application and attached to the Staff Report:
  - Exhibit 1: 2 Lot Subdivision Plat by TDH Surveying & Design LLC Dated 7/5/16, no revisions.
21. **Staff Exhibits:** In addition to this staff report, the following exhibits from staff are attached to the Staff Report.
  - Technical Advisory Committee (TAC) Police Review dated September 20, 2016;
  - TAC Recreation Review dated September 27, 2016; and
  - TAC School Review dated September 21, 2016The following Departments did not submit review sheets:
  - Water/Wastewater Department;
  - Highway Department; and
  - Fire/Rescue Department.

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### SITE, DISTRICT & AREA INFORMATION

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22. **Property Description:** The subject property is located at 54, 124, and 162 East Road and shown on Milton's Tax Map 8 as Parcel 24. The corresponding School Parcel Account Number (SPAN) is 396-123-14229. After the notice of this application, Staff also found that SPAN #11021 is associated with the property. Normally, property in contiguous ownership has a single SPAN unless a mobile home is on the lot.
23. **Size/Area:** According to the evidence presented, the subject parcel is approximately 577.6 acres or 25,153,305 square feet. The Assessor's Grand List records this property as approximately 578 acres.
24. **Area Within Restrictive Easements/Right-of-Ways:** The applicant stated that there is encumbered land held by CVPS recorded in vol. 25/p. 30, vol. 47/p.216, vol. 90, p.28. No encumbered areas are shown on the draft plat. *The applicant agreed the final plat shall show the location & width of all easements.*

25. **Deed(s):** The property deed was recorded on November 20, 2009 in Volume 385, Page 6 of the Town of Milton Land Records to Patrick R. and Joanne R. Duffy.
26. **Survey Status:** The application states that a survey has never been recorded in the Town of Milton land records.
27. **Zoning District(s):** The site is located partially within the R5, Agricultural Rural Zoning District and partially located within the FC Forestry/Conservation 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 the R5 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.

28. ZR481 states that the purpose of the FC district is to:

The purpose of this district is to preserve open space; to protect soils, water, and other natural resources; to protect scenic ridgeline viewsheds and vistas important to the character of the Town of Milton; to preserve forests and encourage forest-related USES; to promote AGRICULTURE and recreational USES that can benefit from the unique topography of the area; and to enable, to a limited extent, residential USES. Such residential USES are to be enabled only for land parcels necessarily located near the district boundary that are accessible without extreme land disruption; that do not contain steep slopes, unstable soils, and other natural limitations; and only for sites that have the capacity to provide safe ingress and egress. Where possible, said residential USES shall be clustered.

The undeveloped ridges and hillsides of Milton are one of Milton's principal scenic qualities and contribute significantly to the enjoyment of the rural and pastoral character of the town. The Scenic ridgelines have been identified as Georgia Mountain, Milton Pond and surrounding ridgeline, Bald Hill, Cobble Hill, Eagle Mountain and Arrowhead Mountain. In order to protect these ridgelines, no STRUCTURE or BUILDING shall be visible above the existing tree line.

29. The FC District has additional requirements for all uses. *Since no new uses are proposed, the DRB agrees with the applicant, that the additional requirements of ZR486 are not needed.*
30. The plat shows FC dimensional requirements, but not accurately. *The applicant agreed that the final plat shall accurately depict the FC Zoning District dimensional requirements as listed in ZR484.*
31. **Comprehensive Planning Area:** The site is located within the East Milton Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan. The Plan states the following about this area (p.130):

This area has the highest potential for resource utilization and the highest concentration of natural resources in need of protection. 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, taking into account the need to provide for resource utilization activities and to protect natural resources. The encouragement of cluster developments and 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.
  - Object 9.13.2.a. Develop standards to 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.

32. Physical Characteristics/Natural Features: The site is mostly wooded, sloped ridgeline. Nearer to Duffy Road is open agricultural land and three dwelling units. No excavation, fill or grading is proposed, nor removal of any earth resources.
33. Topography & Drainage (Plan Map 5): The western portion of the subject land predominantly drains westward toward Duffy Rd. and contains a large portion of Milton's scenic ridgeline. The eastern portion of the lot predominantly flows south towards Rollin Irish.
34. Streams and Shoreline (Plan Map 6): The applicant states that there are no mapped streams or shorelines. Staff finds that there are mapped streams on the two proposed lots. Both streams flow into Mallets Creek (one, North of McMullen Rd. and the other near East Road north of Mars Hollow), which flows to Lake Champlain through the Munson Flats.
35. *The applicant agreed that the final plat shall show the mapped streams on the lots.*
36. Wetlands (Map 6): The applicant states that there are mapped wetlands approximately 800' easterly beyond the easterly line of Lot 2. Staff finds that no change to the existing land use is proposed that would impact the presumed wetlands.
37. Soil (Map 7): The applicant states that there are some statewide and prime agricultural soils adjacent to the road. Staff finds that no change to the existing land use is proposed that would impact agricultural soils.

38. Vegetation: No change in vegetation is proposed.
39. Habitat/Wildlife Crossings (Map 9): The applicant states that the property contains habitat priority 8. Staff finds that no change to the existing land use is proposed that would impact habitat. Further, staff finds that the proposal of a 27-acre lot will also make the lot eligible for the State's Current Use program, thereby making it more likely that the resulting lot 1 will remain working farm and forest.
40. Historic Resources: The applicant states that there are no historic resources on the site. Staff finds that Milton's Historic Sites and Structures Survey confirms this finding.
41. Surrounding Use/Structures & Like Kind Quality: The site is surrounded by residential and agricultural uses. Staff finds that the lot is of "like kind".

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#### SITE HISTORY

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42. Background: Staff has found no prior approvals relevant to this application.
43. Zoning Compliance: To the applicant and staff's knowledge, the subject property does not have any Zoning Violations recorded in the Town of Milton Records, nor unresolved zoning enforcement action.

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#### EXISTING AND PROPOSED LAND DEVELOPMENT

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44. Buildings: The lot contains three buildings. No alternations or new buildings are proposed.
45. Units: The buildings are not unitized. No alternations or new units are proposed.
46. Structures: The lot contains a detached garage and silo accessory structure. No alternations or new buildings are proposed.
47. Uses: Each building contains a residential use, but the applicant did not specify the type of residential use. Staff assumes the buildings contain single family dwelling uses that either pre-date zoning or have been duly permitted. There is a possibility, however, that the uses were established as accessory dwelling units or agricultural laborer dwelling units. If a principal use is being subdivided from any associated accessory use, the act of subdivision would potentially convert the accessory use to a principal use. It is best to make this clear so the landowner's rights are clearly understood and affirmed. Additionally, if the two buildings on Lot 1 host principal dwelling units, this is a non-conformity inasmuch as two principal uses cannot exist on a single lot. While the proposal does not bring the uses into full conformity, it does appear to make the property less nonconforming by removing one principal use from the lot.
48. *The applicant stated that there are two other rental homes on Lot 1. The Chair asked how long they'd been there; the applicant replied that estimates put one as being built in the late 1800's and the other in the late 1970's.*

**SUBDIVISION REVIEW REGULATIONS**

**Article III, Sketch Plan**

- 49. **SR300, Sketch Plan Application Requirements:** SR300 lists sketch plan requirements. Staff finds that these requirements have been met, but notes that the plat seems to depict the parent parcel (lot 1) as including both sides of Duffy Rd. State law case law concerning subdivision treats lots separated by a class 3 road as two lots, even if held in common ownership. *The applicant agreed that the final plat and application shall show and describe lot 1 as excluding that portion which is west of Duffy Road, which - under Vermont Law - is treated as an effectively subdivided and conveyable lot.*
  
- 50. **SR320, Subdivision Classification:** This section requires that the DRB classify this application at Sketch Plan as a major or minor subdivision. A minor subdivision is defined as one containing less than seven units. *This proposal takes one lot and results in two lots, making it a minor subdivision.*
  
- 51. **SR330, Regulatory Conformance:** SR 330 states that 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.

**ZONING DISTRICT CONFORMITY**

- 52. **ZR620, Reduction of Lot Size:** “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.”
  
- 53. **ZR 342, Dimensional Requirements:** The table below shows the required dimensional requirements for the subject property's R5 Zoning District, as well as the existing and proposed compliance. The DRB should note that the tables below do not evaluate compliance with the FC Zoning district because of ZR670, which states:

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. BUILDABLE ENVELOPES for any permitted or CONDITIONAL USE occurring in the portion of the lot contained within the Agricultural/Rural Residential District must occur entirely within the Agricultural/Rural Residential District, and must conform to the lot dimension requirements of that district, except where permitted as a CONDITIONAL USE under Section 483.

LOT 1	R5 Required	Existing	Proposed
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Minimum LOT AREA (sq. ft.)	400,000 (9.18 acres)	25,163,305	23,958,000
Minimum Road FRONTAGE (linear ft.)	400	3,148	2,525
Minimum FRONT SETBACK (linear ft.)	35	35	35
Minimum SIDE SETBACK (linear ft.)	50	50	50
Minimum REAR SETBACK (linear ft.)	50	50	50
Maximum BUILDING COVERAGE (%)	40	<40	<40
Maximum LOT COVERAGE (%)	15	n/a	n/a

54. Staff contests the application’s listing of the front setbacks as at least 35’. Based on online mapping measurements, it appears that two existing buildings on proposed lot 1 are non-conforming structures because they are set closer than 35’ from the Duffy Rd. property boundary; however, this subdivision would not make the buildings any more non-conforming than they are now, nor create any new non-conformities. *The applicant agreed that at final, the applicant shall revise the dimensional conformity tables to accurately describe the existing and proposed dimensions.*

LOT 2	R5 Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	400,000 (9.18 acres)	25,163,305	1,205,347
Minimum Road FRONTAGE (linear ft.)	400	3,148	623
Minimum FRONT SETBACK (linear ft.)	35	35	35
Minimum SIDE SETBACK (linear ft.)	50	50	>50
Minimum REAR SETBACK (linear ft.)	50	50	>50
Maximum BUILDING COVERAGE (%)	40	40	<40
Maximum LOT COVERAGE (%)	15	n/a	n/a

55. Staff finds that the proposed frontage is listed as 623 feet in the application, but it is shown on the plat as 243.26’. In looking at the plat’s scale, it appears that a dimension may have been covered by another CAD layer when the Plat was prepared for printing. *The applicant agreed that final plans shall show the dimensions between each pin in order to enable the DRB to evaluate the frontage and size of the lot. Further, the applicant stated they are already included on the sketch plan, and clarified the length in questions is identified as C1 in the curve table.*

56. **SR340, Effect of Sketch Plan Approval:** *The applicant agreed that the approval of sketch plan shall not constitute approval of a subdivision plat and is merely an authorization for the applicant to file a final plan application.*

**Article IV, Minor Subdivision Application**

57. **SR400, Application:** The applicant agreed that within six (6) months of classification by the DRB of the sketch plan as a minor subdivision, the subdivider shall submit an application for approval of a subdivision plat. The application shall contain those items set forth in Section 610 of these

regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the DRB.

### Article VII, Subdivision Planning Standards

58. **Section 700, Standards of Evaluation:** 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/Wastewater
  - 700.12, Highway Congestion

The DRB finds the applicant should take these standards into consideration when preparing the final plan application.

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### Article VIII, Required Improvements And Design Standards

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59. **SR800, Streets:** The proposal includes no new streets.
60. **SR810, Curbs, Sidewalks, and Pedestrian Access:** The proposal includes no new curb cuts or pedestrian access. The DRB finds no planning basis to require any pedestrian facilities in this location.
61. **SR820, Outdoor Lighting:** Lighting is not proposed. The DRB does not recommend any lighting.
62. **SR830, Shade Trees:** Shade trees and plantings are not proposed. The DRB does not recommend shade trees in this rural location.
63. **SR840, Drainage:** No new impervious surface or grading action is proposed. The DRB finds no drainage impact.
64. **SR850, Water System & SR860, Sewage Disposal:** The plat does not indicate the location of the water and wastewater systems on Lot 1. Lot 2 shows the location of the existing well, but does not show the location of the existing wastewater system. In order to avoid placing the wastewater system on another lot without necessary easements and maintenance agreements in place, or otherwise establishing a non-conformity that would limit the proposed lot's ability to have an affordable replacement location in case of failure, staff recommends that this be taken into consideration. *The applicant agreed that the final plat shall show the locations of the existing on-site water and wastewater systems and certify that there are suitable replacement locations on the newly created lots.*

65. **SR870, Utilities:** The DRB recommends no new easements at this time, but this recommendation could be impacted when it is clear where the water and wastewater systems are located.
66. **SR880, Layout:** The DRB finds that the lots generally conform to the standards established by this section.
67. **Technical Advisory Committee:** The TAC had no comments or concerns.

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### DECISION & CONDITIONS OF APPROVAL

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MOTION by David Conley, SECOND by Julie Rutz, to APPROVE the Sketch Plan approval for a proposed 2-lot Minor Conventional Subdivision located at 54, 124, and 162 Duffy Road; Tax Map 8, Parcel 24; and SPAN 14229, conditional upon the following items being addressed to the satisfaction of Staff:

#### Plan Revisions

1. **Restrictive Easements/Right-of-Ways:** The Final Plat shall show the location & width of all restrictive easements/right-of-ways.
2. **FC Zoning District Dimensional Requirements:** The final plat shall accurately depict the FC Zoning District dimensional requirements as listed in ZR484.
3. **Streams:** The final plat shall show the mapped streams on the lots.
4. **Lot 1 Boundary:** The final plat and application shall show and describe lot 1 as excluding that portion which is west of Duffy Road, which - under Vermont Law - is treated as an effectively subdivided and conveyable lot.
5. **Dimensional Conformity Tables:** At final, the applicant shall revise the dimensional conformity tables to accurately describe the existing and proposed dimensions.
6. **Frontage Dimensions:** The final plans shall show the dimensions between each pin in order to enable the DRB to evaluate the frontage and size of the lot.
7. **Water and Wastewater Systems:** The final plat shall show the locations of the existing on-site water and wastewater systems and certify that there are suitable replacement locations on the newly created lots.

#### Operational Conditions

8. **Site Visit:** The DRB may require that the applicant schedule a site visit prior to final plat approval.
9. **Sketch Plan Approval:** Approval of sketch plan shall not constitute approval of a subdivision plat and is merely an authorization for the applicant to file a final plan application.

10. Final Plan Submission: Within six (6) months of classification by the DRB of the sketch plan as a minor subdivision, the subdivider shall submit an application for approval of a subdivision plat. The application shall contain those items set forth in Section 610 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the DRB.
11. 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.

**VOTE RECORD**

Bruce Jenkins, Chair	<u>YES</u> /no/abstain/absent/recusal
David Conley, Vice-Chair:	<u>YES</u> /no/abstain/absent/recusal
Henry Bonges, Clerk:	yes/no/abstain/ <b>ABSENT</b> /recusal
Julie Rutz:	<u>YES</u> /no/abstain/absent/recusal
Robert Brisson:	yes/no/abstain/ <b>ABSENT</b> /recusal
Alternate, Vacant:	yes/no/abstain/absent/recusal/not assigned to hearing
Alternate, Vacant:	yes/no/abstain/absent/recusal/not assigned to hearing
Alternate, Vacant:	yes/no/abstain/absent/recusal/not assigned to hearing

**MOTION TO APPROVE PASSED BY A VOTE OF:**

YES 3 ;NO \_\_\_\_\_;ABSTAIN \_\_\_\_\_;ABSENT 2 ;RECUSAL \_\_\_\_\_

Vote taken in Deliberative Session on **October 13, 2016**

Written Decision signed and dated at Milton, Vermont, this 27<sup>th</sup> day of October, 2016

By Bruce Jenkins

**Bruce Jenkins, Chair**

Milton Development Review Board

/jwc

**Appeal Rights**

An "interested person", who has participated in this proceeding, may appeal this decision to the Vermont Environmental Court within 30 days of the date the decision was signed. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. See V.S.A. Title 24, Chapter 117, Section 4465(b) for clarification on who qualifies as an "interested person".

Notice of the Appeal, along with applicable fees, should be sent by certified mail to the Vermont Environmental Court. A copy of the notice of appeal should also be mailed to the Town of Milton Planning & Zoning Office at 43 Bombardier Road, Milton, VT 05468. Please contact the VT Superior Court Environmental Division, 32 Cherry Street, 2<sup>nd</sup> Floor, Suite 302, Burlington, VT 05401, 802-951-1740, for more information on the filing requirements and fees.



## PLANNING DIVISION

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

### DEVELOPMENT REVIEW BOARD STAFF REPORT

**Hearing Date:** December 1, 2016

**Case No:** DRB 2016 - 42

**Application(s):** 2-lot Conventional Subdivision Sketch Plan

**Application Received:** November 7, 2016

**Application Deemed Complete:** November 7, 2016

**Staff Report Finalized:** Monday, November 28, 2016

**Applicant(s):** Jason J. Trieb  
 12 East Road  
 Milton, VT 05468

**Owner(s):** Same

**Engineer/License:** Barnard & Gervais, LLC  
 Jason S. Barnard/ #430-B  
 4400 VT Route 17  
 Starksboro, VT 05487

**Surveyor/License:** Same

**E-911/Postal Address:** 12 East Road

**Tax Map, Parcel(s):** 35, 46

**School Parcel Account Number(s) (SPAN):** 10364

**Deed(s):** Book 469, Page 118

**Existing Size:** 0.86 acres

**Zoning District(s):** Old Towne Residential "R1"

**Comprehensive Plan Planning Area/Sub-Area:** Town Core Planning/Old Towne Sub-Area

**Location:** East side of East Road, South of Main Street/Westford Road intersection.



## INTRODUCTION

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**Noticed/Warned Summary of Proposal:** Jason Trieb, Owner/Applicant seeks Sketch Plan approval for a proposed Minor Conventional Subdivision located at 12 East Road, to result in two lots. An existing single family dwelling would remain and a new single family dwelling is proposed for the newly created lot; both are proposed to be serviced by municipal water and wastewater. The property is described as SPAN 10364, Tax Map 35, Parcel 46; consists of .86 acres; and is located within the Old Towne Residential (R1) Zoning District and Town Core Planning Area.

**Comments:** Jeff Castle, Town Planner, 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.

**Hearing Process/Procedure:** Applicants and interested persons can learn more about the Development Review hearing process and procedure at <http://miltonvt.org/government/boards/drbb.html>.

## APPLICATION, JURISDICTION, NOTICE

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

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

**Landowner(s):** The property is owned by Jason Trieb. All owners are signatories to this application.

**Project Consultant(s):** Jason S. Barnard of Barnard & Gervais is a consultant for this project.

**Application Submission:** The application form was received by the Planning and Economic Development Department on November 7, 2016. Unless otherwise noted, the associated exhibits were received the same day.

**Application Completion:** The application was deemed complete by Staff on November 7, 2016.

**State Project Review & Act250:** The applicant has obtained a State Project Review Sheet.

**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.

**Specific Subdivision Sketch Plan Jurisdiction:** Specific subdivision jurisdiction attaches because 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.

Sketch Plan jurisdiction attaches because SR300 states:

For the purpose of classification and preliminary discussion, any subdivider of land shall, prior to submitting an application for subdivision approval, submit [ . . . ] a sketch plan of the proposed subdivision.

**Regulatory Waivers Requested:** None

**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.

**Hearing:** The Town Planner scheduled the hearing for December 1, 2016.

**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. Staff finds that site visits are always useful in visualizing the lay of the land.

1. The DRB may require that the applicant schedule a site visit prior to final plat hearing.

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## EXHIBITS

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

- Lands of Jason Trieb, 2-Lot Subdivision Plat, prepared by Barnard & Gervais, LLC, dated 9/6/2016.

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

- Technical Advisory Committee (TAC) School District Review Sheet dated 11/15/16;
- TAC Police Review Sheet dated 11/14/16;
- TAC Recreation Review Sheet dated 11/8/16;

The following Departments did not submit review sheets:

- Water/Wastewater Department;
- Highway Department; and
- Fire/Rescue Department.

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## SITE, DISTRICT & AREA INFORMATION

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**Property Location:** The subject property is located at 12 East Road and shown on Milton's Tax Map 35 as Parcel 46. The corresponding School Parcel Account Number (SPAN) is 10364.

**Size/Area:** According to the evidence presented, the subject parcel is approximately 0.79 acres or 34,412 square feet. The Assessor's Grand List records this property as approximately 0.86 acres.

**Deed(s):** The deed is recorded on 8/18/16 in Book 469, Page 18 of the Town of Milton Land Records to Jason Trieb, Grantee.

**Zoning District(s):** The site is located within the Old Towne Residential (R1) 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 ZR301 states that the purpose of this district is: "Residential uses should continue to characterize this zoning district. Owner-occupied buildings are encouraged and may contain up to three (3) dwelling units. However, these owner occupied triplexes are only to be used as an adaptive reuse measure, therefore owner-occupied triplexes are only allowed within a residential buildings existing footprint and square footage that was in existence on or before December 21, 2006. Homeowners may also take advantage of flexible home occupation provisions."

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

- Goal 9.3.1.** Protect the historic character of the Old Towne.
  - Objective 9.3.1.a.** Explore the possibility of establishing an historic district and guidelines to encourage historic and adaptive reuse strategies.
  - Objective 9.3.1.b.** Investigate incentives for preservation and adaptive reuse of buildings and the landscape.
  - Objective 9.3.1.c.** Encourage new structures to respect the architectural character of existing buildings and to fit into their surroundings.
- Goal 9.3.2.** Encourage commercial and retail on the first floor with residential apartments above on River Street in order to appropriately manage this section as the transition from the New Downtown to historic Main Street.
- Goal 9.3.3.** Enhance streetscape elements by incorporating streetlights, street trees, and signage.
- Goal 9.3.4.** Consider passenger rail service to Milton. Develop potential railroad station locations in the Main Street area.
- Goal 9.3.5.** Take advantage of the scenic resources of Arrowhead Lake and the Lamoille River.
  - Objective 9.3.5.a.** Relocate the municipal garage and develop a public park along Arrowhead Lake with pedestrian connections to Main Street.
  - Objective 9.3.5.b.** Take advantage of the lake and riverfront areas for recreation and commerce, and be sensitive to the resources.
- Goal 9.3.6.** Promote the development of community activities for a range of ages.
  - Objective 9.3.6.a.** Encourage the expansion of already existing or creation of community centers for such activities as a theater or performance space, arts facility, and community gatherings.
- Goal 9.3.7.** Encourage public green spaces and small parks throughout this area (such as neighborhood parks as recommended in the Recreation Plan).

**Physical Characteristics/Natural Features:** The property gently slopes and contains a mix of lawn and trees.

**Topography & Drainage (Plan Map 5):** The property slopes gently to the west toward East Road. The only excavation or grading proposed is for the construction of a new single family dwelling on lot 2.

**Streams and Shoreline (Plan Map 6):** The property contains no mapped streams or shorelines.

**Wetlands (Map 6):** The applicant states that there are no mapped wetlands on site. The applicant has had a site visit from District Wetlands Ecologist Brock Freyer, who determined that the proposal has no impact on wetlands or wetland buffers.

**Soil (Map 7):** The applicant states that ~75% of the property is prime agricultural soil which is currently being used by lawn.

**Vegetation:** The property currently contains a mix of lawn, garden, rocks, shrubs, and bushes. Some existing lawn will be reduced with the construction of the proposed dwelling on lot 2.

**Habitat/Wildlife Crossings (Map 9):** the property contains no significant habitat or wildlife crossings.

**Historic Resources:** The applicant states that there are no historic resources on the site. Staff finds that Milton's Historic Sites and Structures Survey confirms this finding.

**Surrounding Use/Structures & Like Kind Quality:** The site is surrounded by residential and agricultural uses. Staff finds that the lot is of "like kind".

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## SITE HISTORY

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**Background:** Staff has found no prior approvals relevant to this application.

**Zoning Compliance:** To the applicant and staff's knowledge, the subject property does not have any Zoning Violations recorded in the Town of Milton Records, nor unresolved zoning enforcement action.

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## EXISTING AND PROPOSED LAND DEVELOPMENT

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**Buildings:** The lot contains one single family dwelling. No alternations to the existing building is proposed. A new single family home is proposed on lot 2.

**Water/Wastewater Service:** The existing single family dwelling is served by drilled well and onsite septic. The applicant proposes new connection to municipal water and wastewater service for the existing and proposed dwellings.

**Units:** The existing buildings are not unitized. No alternations or new unitization of buildings is proposed.

**Structures:** The property contains an existing in ground pool and chicken coop. Both structures are proposed to be removed from the property.

2. Any structures located within the setbacks of the proposed lots must be removed prior to the recording of a Final Subdivision plat.

**Uses:** The property contains an existing single family dwelling use. The applicant proposes an additional single family home on the newly created lot 2.

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## SUBDIVISION REVIEW REGULATIONS

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### Article III, Sketch Plan

**SR300, Sketch Plan Application Requirements:** SR300 lists sketch plan requirements. Staff finds that these requirements have been met.

**SR320, Subdivision Classification:** This section requires that the DRB classify this application at Sketch Plan as a major or minor subdivision. A minor subdivision is defined as one containing less than seven units. *This proposal takes one lot and results in two lots, making it a minor subdivision.*

**SR330, Regulatory Conformance:** SR 330 states that 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.

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## ZONING DISTRICT CONFORMITY

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**ZR620, Reduction of Lot Size:** “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.”

**ZR 304, Dimensional Requirements:** The table below shows the required dimensional requirements for the subject property's R1 Zoning District.

LOT 1	R1 Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	10,000	34,412	17,860
Minimum Road FRONTAGE (linear ft.)	80	250	127.35
Minimum FRONT SETBACK (linear ft.)	20	<20	<20
Minimum SIDE SETBACK (linear ft.)	10	>10	>15
Minimum REAR SETBACK (linear ft.)	10	>10	>15
Maximum BUILDING COVERAGE (%)	40	<40	<40
Maximum LOT COVERAGE (%)	50	n/a	n/a

Staff finds that the applicant depicts the existing single family home located within the 20 foot minimum front setback. This is a preexisting nonconformity. No change is proposed for the exiting single family

dwelling, and the proposed subdivision does not increase this existing nonconformity. Staff finds that the proposed lot 1 meets all other dimensional standards of the R1 district.

LOT 2	R1 Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	10,000	34,412	16,553
Minimum Road FRONTAGE (linear ft.)	80	250	122.66
Minimum FRONT SETBACK (linear ft.)	20	<20	>20
Minimum SIDE SETBACK (linear ft.)	10	>10	>10
Minimum REAR SETBACK (linear ft.)	10	>10	>10
Maximum BUILDING COVERAGE (%)	40	<40	<40
Maximum LOT COVERAGE (%)	50	n/a	n/a

Staff finds that the proposed lot 2 meets the dimensional standards of the R1 district.

**SR340, Effect of Sketch Plan Approval:**

3. Approval of sketch plan shall not constitute approval of a subdivision plat and is merely an authorization for the applicant to file a final plan application.

**Article IV, Minor Subdivision Application,**

**SR400, Application**

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

**Article VII, Subdivision Planning Standards**

**Section 700, Standards of Evaluation:** At final the DRB must be prepared to make findings related to the standards below. Sketch plan is a good opportunity to address any questions or concerns.

**700.1, Suitability for Development:** The DRB must find that “The land is suitable for subdivision or development. In making this determination it shall at least consider flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.”

**700.2, Preservation of Aesthetic Features:** The DRB must find that, “the proposal includes due regard for the preservation and protection of existing aesthetic features such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources and historical resources.”

**700.3, Sufficient Open Space for Recreation:** The DRB must find that, “The proposal includes sufficient open space for recreation.”

**700.4, Run-off and Erosion Control During & After Construction:** The DRB must find that “The proposal includes adequate provision for control of runoff and erosion during and after construction.”

**700.5, Compliance with Comprehensive Plan, Regulations & Bylaws:** The DRB must find that “The proposed development is in compliance with the Milton Comprehensive Plan, Zoning Regulations and other By-Laws then in effect.” Staff has highlighted the Plan goals for this area above.

**700.6, Undue Water or Air Pollution:** The DRB must find that “The proposed development will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of the soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of stream for disposal of effluents; and the applicable health and Vermont Department of Water Resources regulations.”

**700.7, Compatibility with Surroundings:** The DRB must find that “The proposed development is compatible with surrounding properties.”

**700.8, Suitability for Proposed Density:** The DRB must find that “The site is suitable for the proposed density.”

**700.9, Pedestrian Safety:** The DRB must find that “The proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.”

**700.10, Municipal Service Burden:** The DRB must find that “The proposed development will not place an unreasonable burden on the ability of local governmental units to provide municipal, educational, or governmental services and facilities.”

**700.11, Sufficient Water/Wastewater:** The DRB must find that “There is sufficient water available for the reasonably foreseeable needs of the proposed development.”

**700.12, Highway Congestion:** The DRB must find that “The proposed development will not cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.”

### **Article VIII, Required Improvements And Design Standards**

**SR800, Streets:** The proposal includes no new streets.

**SR810, Curbs, Sidewalks, and Pedestrian Access:** The proposal includes no new curbs, sidewalks or pedestrian access. Staff finds that no sidewalks currently exist at the site. Staff finds that residents may benefit from a sidewalk connection to existing sidewalks on North Road and Westford Road as well as prioritized (but not existing) sidewalks on Main Street. However, no sidewalks currently exist on adjacent properties. Properties to the South contain preserved open space and zoning changes to R5 Agricultural/Rural residential.

5. Curbs and sidewalks may be required when deemed appropriate by the DRB.

**SR820, Outdoor Lighting:** Lighting is not proposed. Staff does not recommend any lighting.

**SR830, Shade Trees:** The section states that “the DRB may require that suitable shade trees (such as Sugar Maple, Norway Maple, Red Maple, Ash or Oak) be planted along streets where trees do not exist at intervals of forty (40) feet or less.” Staff finds that this request is constant with Comprehensive Plan Goal 9.1.2. for the Town Core Planning area, which is to “Enhance streetscape elements by incorporating streetlights, **street trees**, and signage.” Staff finds that trees are currently present on the subject property along East Road.

**SR840, Drainage:** The applicant proposes no new grading action outside what is necessary for the construction of a single family home on lot 2. No additional drainage plan has been provided.

**SR850, Water System & SR860, Sewage Disposal:** The applicant is proposing connection to the municipal water and wastewater system for both lot 1 and lot 2. Permits have been requested from the State and the Town of Milton.

**SR870, Utilities:** Staff recommends no utility easements at this time. The property contains an existing easement to CVPS and NET&T on the southwest corner of the property.

**SR880, Layout:** Staff finds that the lots generally conform to the standards established by this section.

**Technical Advisory Committee:** The TAC had no comments or concerns.

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### STAFF RECOMMENDATION

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Staff recommends **approval** of this application subject to the conditions above.

**Respectfully Submitted:**



Jeffrey Castle, Town Planner

**COPIES TO:**

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

**WHAT'S NEXT?**

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

interested person who signed in on the hearing sign in sheet will also be mailed a copy of the Decision via USPS First Class Mail.

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

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

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

VT GRID

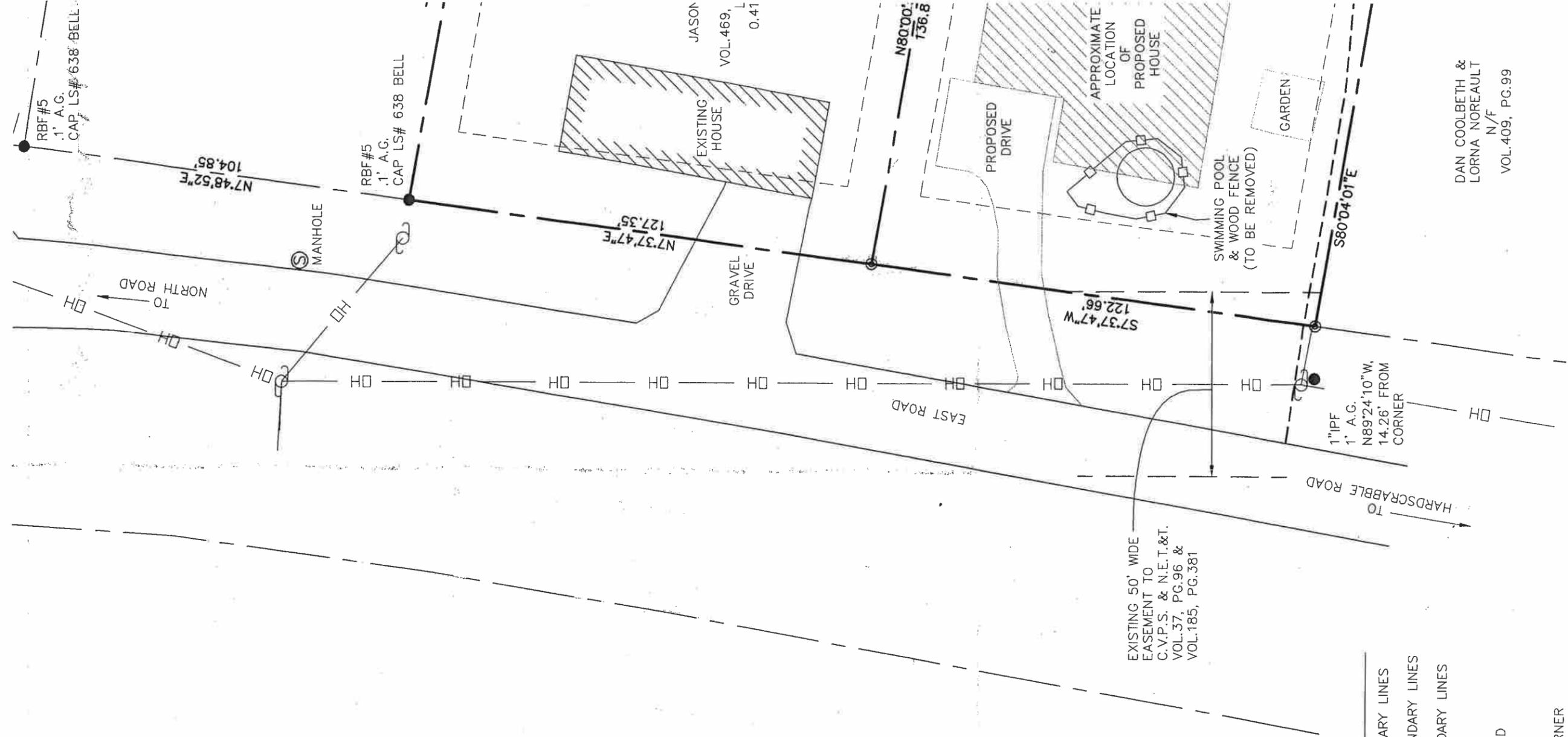
ZONING DISTRICT DATA:

ZONE R1  
 MINIMUM REQUIREMENTS (RESIDENTIAL)  
 LOT SIZE - 10,000 SQ. FT.  
 ROAD FRONTAGE - 80 FT.  
 FRONT SETBACK - 20 FT.  
 SIDE SETBACK - 10 FT.  
 REAR SETBACK - 10 FT.  
 MAXIMUM REQUIREMENTS (RESIDENTIAL)  
 BUILDING COVERAGE - 40%  
 LOT COVERAGE - 50%  
 BUILDING HEIGHT - 3 STORIES

JASON  
 VOL. 469, L  
 0.41

LEGEND

- PROJECT BOUNDARY LINES
- - - PROPOSED BOUNDARY LINES
- - - ABUTTING BOUNDARY LINES
- RBF
- IPF
- ⊙ RBS
- △ CALCULATED CORNER
- A.G. ABOVE GRADE
- B.G. BELOW GRADE
- N/F NOW OR FORMERLY
- WOVEN WIRE FENCE
- DH — UTILITY POLE AND OVER HEAD WIRES
- - - BUILDING SETBACK LINES



DAN COOLBETH &  
 LORNA NOREAU  
 N/F  
 VOL. 409, PG. 99



RBF #5  
7' A.G.  
CAP LS# 638 BELL

EDGE OF  
LAWN  
(TYP.)

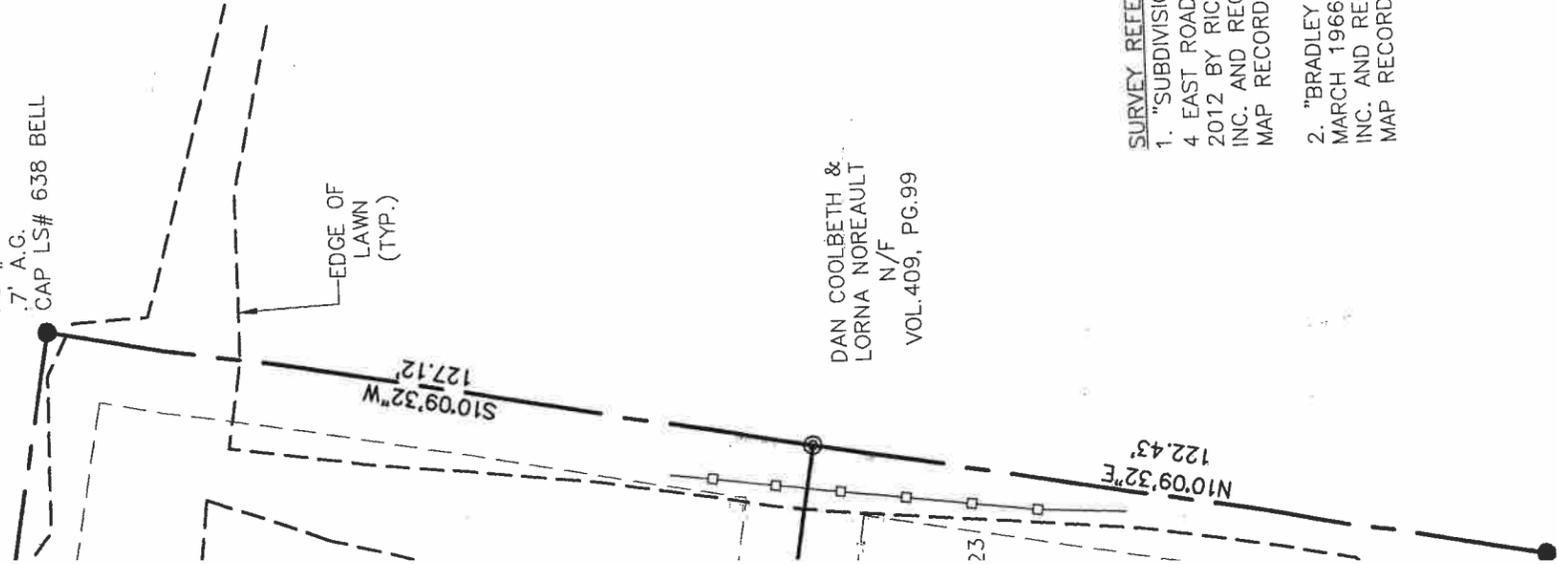
DAN COOLBETH &  
LORNA NOREAU  
N/F  
VOL. 409, PG. 99

IPF  
A.G.  
OOSE / (DISTURBED)

S10°09'32"W  
127.12

N10°09'32"E  
122.43'

LOCATION PLAN  
N.T.S.



**SURVEY NOTES:**

- BEARINGS SHOWN HEREON WERE GENERATED FROM SURVEY GRADE GPS READINGS COLLECTED WITH A LEICA GS15 GPS RECEIVER ON RANDOM CONTROL POINTS AND ADJUSTED TO VT GRID NAD83(2011) USING REAL TIME KINEMATICS WITH CORRECTIONS FROM VTCORS STATION ID VTSA.
- NO ATTEMPT HAS BEEN MADE TO LOCATE OR IDENTIFY ANY EASEMENTS OR RIGHTS OF WAYS UNLESS OTHERWISE SHOWN ON THIS PLAN.
- A CLOSED TRAVERSE SURVEY WAS COMPLETED IN AUGUST, 2016 USING A LEICA TOTAL STATION. THE RESULTING ERROR MEET OR EXCEED THE MINIMUM REQUIRED ERROR FOR A SUBURBAN SURVEY AS ESTABLISHED BY THE VERMONT BOARD OF LAND SURVEYORS.
- ALL EVIDENCE OF MONUMENTATION FOUND ON THE SURVEYED PREMISES ARE SHOWN HEREON. MONUMENTATION FOUND IS CONSIDERED TO BE IN GOOD AND STABLE CONDITION UNLESS OTHERWISE NOTED.
- THE RIGHT OF WAY WIDTH FOR EAST ROAD, OF 6 RODS (99') IS BASED OFF SURVEY REFERENCE 1 AND THE DEED RECORDED IN VOL. 1, PAGE 28. THE ALIGNMENT OF SAID RIGHT OF WAY IS BASED ON SURVEY REFERENCE 1 LISTED HEREON.
- ALL AREA CALCULATIONS ARE BASED ON THE EDGE OF THE RIGHTS OF WAY OF SAID ROAD AND NOT THE CENTERLINE THEREOF.
- ALL REBARS SET ARE 5/8" WITH A CAP STAMPED M.GERVAIS VTL5 735 AND ALL MONUMENTATION FOUND IS AS NOTED.
- UNAUTHORIZED ALTERATIONS AND/OR MODIFICATIONS TO THIS PLAN SHALL INVALIDATE ANY AND ALL CERTIFICATIONS MADE BY BARNARD & GERVAIS, LLC. AND FURTHER ANY PARTIES INVOLVED IN SAID ALTERATIONS AND/OR MODIFICATIONS SHALL BE HELD LIABLE AND MAY BE PROSECUTED IN A COURT OF LAW.
- THE DEPTH OF THE TRIEB PARCEL OFF OF EAST ROAD WAS DEEDED AS 150'. THE LOCATION OF THE EASTERLY LINE HAS BEEN ESTABLISHED ON THIS SURVEY BY HOLDING THE MONUMENTS FOUND FROM SURVEY REFERENCES 1 & 2. IT APPEARS THE ROAD RIGHT-OF-WAY MAY HAVE BEEN ASSUMED TO BE 49.5' WIDE ON SURVEY REFERENCE 2. JASON TRIEB HAS SHOWN US THE CORNERS MARKED HEREON AS BEING HIS BOUNDARY CORNERS, AND HAS MADE NO CLAIM TO OTHER LANDS BEYOND SAID CORNERS.

**SURVEY REFERENCES:**

- "SUBDIVISION OF LANDS OF DAN COOLBETH, 4 EAST ROAD, MILTON, VERMONT" DATED FEB. 2012 BY RICHARD W. BELL LAND SURVEYING, INC. AND RECORDED IN THE TOWN OF MILTON MAP RECORDS MAP SLIDE 451A.
- "BRADLEY LAND, MILTON, VERMONT" DATED MARCH 1966, BY CAMPBELL CONSTRUCTION, INC. AND RECORDED IN THE TOWN OF MILTON MAP RECORDS MAP BOOK 1, PAGE 1.

RECEIVED FOR RECORD IN THE TOWN OF MILTON

2016 MAP BOOK# \_\_\_\_\_ PG.# \_\_\_\_\_

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ MINUTES \_\_\_\_\_ M

AND RECORDED IN MILTON, VERMONT

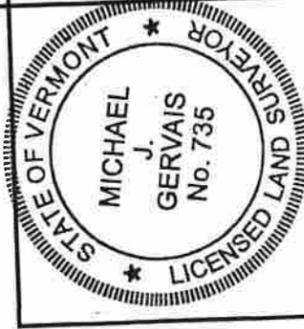
ATTEST \_\_\_\_\_ TOWN CLERK

RECEIVED

NOV 07 2016

Planning & Economic Development  
Milton, Vermont

OWNER  
JASON J. TRIEB  
12 EAST ROAD, MILTON, VT 05468  
VOL. 469, PGS. 118-123



I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THIS PLAN IS BASED ON INFORMATION ABSTRACTED FROM PERTINENT DEEDS AND/OR OTHER OFFICIAL RECORDS AND CONFORMS WITH THE REQUIREMENTS OF 27 VSA & 1403.

DATED THIS 28th DAY OF September 2016.

L.S. 735

DATE	DESCRIPTION
REVISIONS	
THESE PLANS WITH LATEST REVISIONS SHOULD ONLY BE USED FOR THE PURPOSE SHOWN BELOW.	
<input type="checkbox"/> SKETCH/CONCEPT	<input checked="" type="checkbox"/> FINAL LOCAL REVIEW
<input type="checkbox"/> PRELIMINARY	
LANDS OF	
JASON TRIEB	
12 EAST ROAD, MILTON, VERMONT	
2-LOT SUBDIVISION PLAT	
BARNARD & GERVAIS, LLC. 4689 BOSTON POST RD. ENOSBURG FALLS, VT 05450 (802) 933-5168	
PROJECT #	16274
SURVEY	DR. AW
DESIGN	MJG
MJG	DATE
DRAWN	9-6-21
DR. CRV	SCALE
CHECKED	1" = 3'
MJG	SHT. NO.
DATE	PL-



## DEVELOPMENT REVIEW BOARD

Meeting Type:.....Regular Meeting  
Date:.....Thursday, November 10, 2016  
Time:.....7:00 p.m.  
Place:.....Municipal Building Community Room  
Address:.....43 Bombardier Road Milton, VT 05468  
Contact:.....(802) 893-1186  
Website:.....[www.miltonvt.org](http://www.miltonvt.org)

### MEETING MINUTES

#### 1. CALL TO ORDER

The Chair called the meeting to order at 7:24 p.m.

#### 2. ATTENDANCE

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

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

**Staff Present:** Jeff Castle, Town Planner; Amanda Pitts, Zoning Administrator.

**Public Present:** Hubert W. McCormick; Michael McCormick; Sharon Flaherty; Bonnie A. Pease; Nikki Criscolo; Pete Garceau; James Harrison.

#### 3. AGENDA REVIEW

Castle advised that the Zoning Administrator's Report would be added to the Agenda under Item 7, "Other Business/Planning Staff Report."

#### 4. PUBLIC FORUM

None.

#### 5. OLD HEARINGS/BUSINESS

##### 5(A). Bylaw Review & Goals

Unanimously TABLED until the full board is present.

#### 6. NEW HEARINGS/BUSINESS

**6(A). Boundary Line Adjustment - 568 Westford Road - James & Janet Harrison & Perry Flaherty Trust c/o Leonard Perry & Sharon Flaherty, Owners/Applicants.**

The Chair read the following summary to open the hearing:

**James & Janet Harrison and Perry Flaherty Family Trust c/o Leonard Perry & Sharon Flaherty, Owners/Applicants** request **Boundary Line Adjustment** approval to adjust the property boundary between two lots located at **568 Westford Road**, described as Tax Map 16, Parcels 36 and 37, and SPAN 12774 and 12349, respectively. The proposal would result in a total transfer of 0.20 acres from Parcel 36 to Parcel 37. The subject properties contain a total of approximately 334.2 acres and are located within the Agricultural/Rural Residential (R5), Flood Hazard (FH) and Forestry/Conservation (FC) Zoning Districts, and the East Milton Planning Area.

The Chair administered the Oath to Interested Persons. Representing the Applicant(s) were Peter Garceau of Cross Consulting and James Harrison, hereafter referred to as "applicant(s)."

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

- 2 1. The applicant agreed that the Final Plat shall include the address of the owner of record and  
3 applicant, the name, license number and seal of a licensed land surveyor per SR610.1.
- 4 2. The applicant agreed that the Final Plat shall indicate the location of existing water and  
5 wastewater service in order to ensure there is no conflict between the proposed boundary line  
6 adjustment.
- 7 3. The applicant agreed that, if they wish to record only one Final Plat to finalize the proposed  
8 boundary line adjustment as well as the related proposed subdivision on the Harrison property,  
9 the boundary line adjustment and subdivision plat may not be recorded until both have been  
10 approved by the DRB and all conditions of approval have been met. Additionally, the applicant  
11 agreed that, if the Boundary Line Adjustment is to be finalized prior to Final Subdivision  
12 approval, the Final Plat shall not show the proposed subdivision of the Harrison Property.
- 13 4. The applicant agreed to submit \$500 to cover the legal review of the revised deeds and any  
14 other required legal instruments by the Town Attorney (any funds not expended on the legal  
15 review will be refunded to the applicant).
- 16 5. The applicant agreed to submit deeds and any other associated legal instruments for all  
17 impacted lots for review and approval by the Town Attorney, that all requested revisions must  
18 be complete before the Plat may be recorded, and that only instruments approved by the Town  
19 may be recorded in the Town of Milton Land Records.
- 20 6. The applicant agreed to submit one paper or electronic .PDF version of the revised final Plat  
21 (and any associated plans) for review and approval by Staff prior to submitting the mylar. The  
22 applicant agreed to submit one full-sized (to scale) paper Final Plat and one 11x17 paper plat  
23 depicting the requested changes, to be maintained in the Planning Office's application file.
- 24 7. The applicant agreed that the final Plat shall be submitted on mylar (18" x 24"), signed by the  
25 licensed surveyor and the Chair of the DRB, and recorded in the Town Clerk's Office within 180  
26 days of the date of the DRB's Final Approval Decision. The applicant understands that Final  
27 approval expires if not filed within 180 days unless extended by the Zoning Administrator for  
28 pending local or state approvals, and that, in the event a subdivision plat is recorded without  
29 complying with this requirement, the plat shall be considered null and void.
- 30 8. The applicant agreed that no changes, erasures, modifications, or revisions, other than those  
31 required by this Decision, shall be made on the Plat after approval unless a revised Plat is first  
32 submitted to the Department of Planning and Economic Development, and that, in the event the  
33 subdivision plat is recorded without complying with this requirement, the Plat shall be considered  
34 null and void.
- 35 9. The applicant agreed to obtain a copy of the Project Review Sheet from the Permit Specialist in  
36 the District 4 Regional Office of the Agency of Natural Resources, provide a copy to the Town,  
37 and obtain all required State permits and approvals.

38  
39 Brisson inquired as to the purpose of the Boundary Line Adjustment. The applicant explained that it  
40 benefits both property owners, giving the Harrison's some more room around a wetland and the  
41 Perry's/Flaherty's more space for a solar project.

42  
43 Hearing no further questions or comments, the Chair closed the hearing at 7:32 p.m.

44  
45 **6(B). Minor Convention Subdivision Sketch Plan - Westford Road - James & Janet Harrison,**  
46 **Owners/Applicants.**  
47

1 The Chair read the following summary to open the hearing:  
2

3 **James & Janet Harrison, Owners/Applicants** request **Sketch Plan** approval for a 3-lot **Minor**  
4 **Conventional Subdivision** located on **Westford Road**, described as SPAN #12349, Tax Map 16, Parcel  
5 37. The lots would be accessed from Westford Road and served by on-site water and wastewater. The  
6 subject property contains a total of 316 acres and is located within the "Agricultural/Rural Residential"  
7 (R5), "Forestry/Conservation" (FC), and "Flood Hazard" (FH) Zoning Districts and "East Milton"  
8 Planning Area.  
9

10 The Chair administered the Oath to Interested Persons. Representing the Applicant(s) were Peter Garceau  
11 of Cross Consulting and James Harrison, hereafter referred to as "applicant(s)."  
12

13 A Sketch plan for this subdivision was previously approved, but has since expired. The Chair asked if  
14 anything had changed since the previous application. Garceau explained that there were some changes to  
15 the proposal because they'd since learned that the cemetery that's located on the parcel is actually owned  
16 by the Town of Milton; most of the changes relate to accessing this cemetery.  
17

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

- 19 1. The applicant agreed that the DRB may require that the applicant schedule a site visit prior to  
20 final plat hearing. Brisson stated he would like to conduct a site visit.
- 21 2. The applicant stated how they felt habitat and wildlife resources would be affected. The  
22 applicant confirmed there is a stream bisecting the property and stated the bulk of development  
23 would occur west of the stream. Brisson inquired about building envelopes; the applicant  
24 stated they could be included if desired.
- 25 3. The applicant agreed that if any proposed easement is to be granted to the Town for access to  
26 the cemetery currently under Town ownership, draft legal documents shall be submitted with  
27 the Final Application for review by the Town Attorney. The applicant agreed that the Town  
28 shall not be responsible for the maintenance of the private road, that Final plan approval by the  
29 DRB shall not be deemed to constitute or be evidence of an acceptance by the Town of any  
30 street or easement shown on the Final Plat, and that such acceptance may only be accomplished  
31 by formal resolution of the Selectboard in accordance with SR960.
- 32 4. The applicant agreed that the Final Plat shall include the address of the owner of record and  
33 applicant.
- 34 5. The applicant agreed that the Final Plan shall only include the proposed Boundary Line  
35 Adjustment with the adjoining Perry - Flaherty property if it is approved by the DRB.
- 36 6. The applicant agreed to exclude the area of the proposed private right-of-way from the lot area  
37 calculation for all lots and that all proposed lots must meet the Minimum Lot Area requirement of  
38 400,000 square feet. Staff noted that the current application does include this area in the  
39 calculations. The applicant confirmed the next application, for Final Plan, would reflect the  
40 correctly calculated lot areas.
- 41 7. The applicant agreed that the private right-of-way easement is only required to be 60 feet in width  
42 in order to meet the required frontage standard of ZR530.
- 43 8. The applicant agreed that the Final Plat and application shall demonstrate compliance with all  
44 provisions of ZR592 by providing all required details for TAC to evaluate compliance.
- 45 9. The applicant asked if constructing a mound system would qualify as grading that would require  
46 Site Plan approval. Staff stated it would not, and that this question pertains mostly to site work,

1 road construction, etc. The applicant did not state if any grading is proposed that would require  
2 Site Plan approval according to ZR680.

- 3 10. The applicant stated that no vegetative clearing is proposed within 25 feet of the fully carrying  
4 spring flood waters of any surface waters. Pease doubted the feasibility of this, and noted on  
5 the plan that the contour lines contradicted this statement. Garceau advised that the contour  
6 lines shown on the plan do not include linear measurements, and cannot be used to determine  
7 distance from the wetland. Pease stated she is worried about protection of the wetlands.  
8 Brisson stated he'd like to see more clear plans with a building envelope delineated. There was  
9 some back and forth over the requirements of a Sketch plan. The applicant stated again that a  
10 building envelope will be shown on the Final plan, per the DRB's request.
- 11 11. The applicant agreed to submit, within six (6) months of classification by the DRB of the sketch  
12 plan as a minor subdivision, a Final application for approval of a subdivision plat, that the  
13 application shall contain those items set forth in Section 610 of these regulations, and shall  
14 conform to the layout shown on the sketch plan plus any recommendations made by the DRB.
- 15 12. The applicant agreed that the final plat application shall include all items listed in Subdivision  
16 Regulations 610, including a survey of all lots resulting from the proposed subdivision.
- 17 13. The applicant agreed that the Final application shall include Section 700 responses, submitted  
18 by e-mail in Microsoft .DOC format to the Town Planner.
- 19 14. The applicant agreed to submit \$500 with the Final application to cover the legal review of the  
20 deeds and any other required legal instruments by the Town Attorney (any funds not expended  
21 on the legal review will be refunded to the applicant).
- 22 15. The applicant agreed to submit draft deeds and any other associated legal instruments for all  
23 impacted lots for review and approval by the Town Attorney, that all requested revisions must  
24 be complete before the Plat may be recorded, and that only instruments approved by the Town  
25 may be recorded in the Town of Milton Land Records.
- 26 16. The applicant agreed to address all comments by the Development Review Board Technical  
27 Advisory Committee (attached to the Staff report).

28  
29 The Chair asked about the proposed road, noting that the Public Works specifications require a  
30 hammerhead. The applicant stated they would construct to the required specifications, and do a  
31 hammerhead rather than a cul-de-sac. The Chair asked about a parking area for the cemetery; the  
32 applicant advised that's the Town's decision.

33  
34 Sharon Flaherty asked what type of road would be built: gravel, dirt, or paved, and how wide? The  
35 applicant stated it would be dirt. Flaherty also stated that a parking area was not desirable.

36  
37 Brisson inquired about the type(s) of soils on the property; Staff and the applicant replied. Brisson  
38 asked about the rest of the property, and the applicant's plans for this. The applicant advised that at  
39 this time, all that is proposed is a conventional subdivision to put 10-acre residential lots along the road  
40 frontage.

41  
42 Hearing no further questions or comments, the Chair closed the hearing at 8:00 p.m.

43  
44 **6(C). Appeal of a Decision of the Zoning Administrator – Racine Road - Hubert McCormick,**  
45 **Owner/Appellant.**

46  
47 The Chair read the following summary to open the hearing:

1  
2 **Appeal of Zoning Permit Denial. Hubert McCormick, Owner & Appellant**, is appealing the denial of  
3 Zoning Permit application # 2016-142 by the Zoning Administrator. The permit application is to construct  
4 a single-family dwelling within a previously approved Planned Unit Development (PUD). The appellant  
5 contests the stated reasons for the denial that: 1) the Interim Zoning Bylaws restrict the proposed use in the  
6 site's zoning district per Article II, Section B(i) and 2) there are multiple conditions of the Development  
7 Review Board's Final PUD Plan and Site Plan approval dated 9/24/10 that have not been met. The PUD's  
8 subject property is described as SPAN #12284, Tax Map 7 and Parcel 15-2, contains 126.86 acres, and is  
9 located within the "Checkerberry" (M4) Zoning District and Town Core Planning Area.

10  
11 The Chair administered the Oath to Interested Persons. Representing the Appellant were Michael  
12 McCormick and Hubert McCormick, hereafter referred to as "applicant(s)."

13  
14 Amanda Pitts, Zoning Administrator (ZA), recapped the reasons for denial of the Zoning Permit. In  
15 addition to the conditions of approval that have not been met, she noted that the appellants do not have a  
16 highway access permit or wastewater permit in place (these are items that are typically required for the  
17 approval of any Zoning Permit proposing a new residence).

18  
19 The appellant gave an overview of the history of the project. The Development Review Board (DRB)  
20 approved a mixed-use Planned Unit Development (PUD) for this property in 2010. However, no Site Plan  
21 has been approved. Once ready to move forward with the residential aspect of the PUD, the appellants met  
22 with members of the Planning Department staff and were told that the Interim Zoning bylaw that is  
23 currently in effect prohibited the ZA from approving a Zoning Permit for a single family residence. The  
24 appellants stated that they disagree, and thought the best way to get this question before the DRB was to  
25 apply for a Zoning Permit, have it denied (which they expected), and then appeal.

26  
27 Regarding the conditions of approval that Staff states have not been met, the appellant stated the following:

- 28 • Condition #24: a landscaping estimate is not required now because an infrastructure permit has not  
29 been applied for;
- 30 • Condition #30: the water main has not yet been constructed so the surety and bill of sale are not  
31 required now;
- 32 • Condition #35: the sewer has not been constructed so the surety and offer of dedication are not  
33 required now;
- 34 • Condition #36: no public infrastructure has yet been built, so no Zoning Permit for said  
35 infrastructure is required.

36  
37 The appellants said they are aware that the infrastructure needs to be built, but they are hesitant to put any  
38 money in to it while it's unclear if they can fully develop it.

39  
40 The Chair asked if any changes were made to the approved PUD; the appellant stated no changes have been  
41 made. The Chair asked about the easement for Clifford Drive; the appellant stated the easement had not  
42 been obtained.

43  
44 Staff reiterated their position, noting that in the PUD approval, it's clearly noted that once the actual  
45 development of the parcel is proposed, it will be subject to the zoning regulation at that time. The Chair  
46 noted that this was not a condition of approval, but that it was in the text of the decision.

1  
2 The appellant then spoke about the intent of Interim Zoning, reading aloud from Planning Commission  
3 minutes of March 4, 2015 (beginning at line 36), which discuss how many properties would be affected.  
4 Much discussion followed; questions were asked and answered. Conceptual plans were reviewed and their  
5 merit debated.  
6

7 The appellant also mentioned the 3/11/15 edition of the Milton Independent, in which then-Town-Planner  
8 Jacob Hemmerick was quoted – in an article on Interim Zoning -- as saying anything approved by the DRB  
9 would be “grandfathered in.” The appellant felt that, if Hemmerick’s statement was inaccurate, the warning  
10 was defective. The Chair said he would need to see the actual Warning, and quotes from the newspaper  
11 were essentially irrelevant.  
12

13 The appellant then discussed Selectboard intent, noting that the Selectboard did hold a Conditional Use  
14 hearing for a different project that included residential units and that project was denied, in part because the  
15 Selectboard was concerned with the number of approved, unbuilt residential units that could be built at any  
16 time. The number they used included those units within this PUD, so the appellant felt that this made clear  
17 that the Selectboard did not feel that Interim Zoning applies to this PUD.  
18

19 The appellant then discussed the language of the Interim Zoning bylaw and the Zoning Regulations. The  
20 appellant stated there was no language in the bylaw suggesting that approved housing units would be  
21 prohibited. The appellant summarized their position: the Selectboard and Planning Commission did not  
22 intend to restrict previously approved dwelling units, and if they did, the public warning was not sufficient.  
23

24 The Chair noted that the full board was not present, and that the appellant has a right to be heard by the full  
25 board. The Chair called a short Recess of approximately 10 minutes in order to provide the appellants a  
26 moment to discuss. Upon return, the appellants stated they would not like to continue the hearing, and  
27 would trust the decision to the 3 DRB members present.  
28

29 Hearing no further questions or comments, the Chair closed the hearing at 8:57 p.m.  
30

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

32 The Zoning Administrator (ZA) presented a memo detailing the number and type of Zoning Permits  
33 issued year-to-date. The ZA summarized the findings, reviewed compliance issues, and went over  
34 general news in permitting. The ZA advised that she aims to update the DRB at least twice annually,  
35 and welcomes any feedback or specific update requests.  
36

37 **8. MINUTES**

38 **8(A). Minutes of October 27, 2016**

39 Tabled by unanimously consent.  
40

41 **9. ADJOURNED**

42 MOTION by Bonges to adjourn at 9:00 p.m.; SECOND by Brisson. Unanimously APPROVED.  
43

44 Minutes approved by the Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
45

46 \_\_\_\_\_  
47 **Bruce Jenkins, Chair**

/kt

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2  
3  
4

Draft filed with the Town Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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