MILTON DEVELOPMENT REVIEW BOARD
PUBLIC NOTICE OF MEETING & HEARINGS

Meeting Type: **Regular Meeting**
Date: **Thursday, February 11, 2016**
Time: **7:00 p.m.**
Place: **Municipal Building Community Room**
Address: **43 Bombardier Road, Milton, Vermont 05468-3205**
Contact: **(802) 893-1186**
Website: **miltonvt.org**

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

AGENDA

1. Call to Order
2. Attendance
3. Agenda Review
4. Public Forum
The public may attend and be heard in accordance with Vermont's Open Meeting Law (1 V.S.A. 312).

5. Old Hearings/Business
None.

6. New Hearings/Business

6(A). Minor Conventional Subdivision Final Plan, Site Plan & Variance Application -- 947- 951 US Route 7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner. The Applicant seeks a 2-lot Minor Conventional Subdivision Final Plan approval to place the existing Stannard House on a new, non-conforming, 6,835 sq. ft. lot with access from US Route 7; the remaining 853,539 sq. ft. lot would contain the existing distribution warehouse. The Applicant also seeks Site Plan approval for the newly created lot for a "public/private facility" use. The proposed plan would require a variance from the District's dimensional requirements, pursuant to Zoning Regulations Sections 394, 520, 550 and 1070. The property is described as 947-951 US Route 7 South; Tax Map 3, Parcel 8-1; SPAN #13967; contains approximately 19.75 acres; and is located within the General Industrial (I2) Zoning District and the Catamount Planning Area.

6(B). Sketch Plan- Minor Conventional Subdivision, Variance & Boundary Line Adjustment Application – 28-30 River Street, LLC & 32 River Street, LLC, Owners/William Harrington & John & Leah MacRae Applicants. The Applicants request Sketch Plan approval for a proposed 2-lot Minor Conventional Subdivision located at 28-30 River St, described as Tax Map 32, Parcel 22-2 and SPAN #11460. Lot 1 is to contain existing duplex on 0.34 acres accessed via River St. Lot 2 is to contain existing auto repair building on 0.31 acres accessed via Cherry St. Also proposed is a Boundary Line Adjustment to transfer .15 acres from 33 River Street, described as Tax Map 32 Parcel 22-4, SPAN #10397, to 28-30 River St. The Applicant seeks a Variance approval according to Section 1070 of the Zoning Regulations from Subdivision Regulations Sections 700.5 and 880.1 and Zoning Regulations Sections 454, 620. The Properties are located within the Old Towne Residential/Commercial (M5) Zoning District and the Olde Town Planning Sub-Area.

6(C). Sketch Plan- Minor Conventional Subdivision - Poor Farm Acres, LLC, Owner/Applicant. The Applicant is requesting Sketch Plan approval for a proposed 2-lot Minor Conventional Subdivision located at an unaddressed property on Poor Farm Road, described as Tax Map 15, Parcel 55 and SPAN #11180. The applicant proposes access to Lot 1 via Poor Farm Road and Lot 2 via Highland Avenue. The properties are proposed to be served by on-site water and wastewater. The subject property contains approximately 2.00 acres and is located within the "Medium Density Residential" (R2) Zoning District and Arrowhead Lake Planning Area.

7. Other Business

7(A). Staff Update

8. Approval of Minutes of January 28, 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

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

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

DEVELOPMENT REVIEW BOARD STAFF REPORT

Hearing Date: February 11, 2016	
Case No: 2016-05	
Application(s): Minor Conventional Subdivision Final Plan, Variance, Conditional Use & Site Plan	
Existing Use: Distributing/Warehouse	
Proposed Use: Distributing and Public/Private Facility	
Application Received: January 4, 2016	
Application Deemed Complete: January 5, 2016	
Staff Report Finalized: February 8, 2016	
Applicant(s): Stannard House Committee & Town of Milton 13 School Street, Milton, VT 05468 802.734.0758 * generalstannardhouse@gmail.com	**Owner(s)**: Miller Realty Group LLP 599 Ave. D, Williston, VT 05495 802.864.5830 * info@rem-development.com
Engineer/License: Lamoureux & Dickinson 14 Morse Drive, Essex, VT 05452 802.878.4450 * roger@ldengineer.com	**Surveyor/License**: None listed on Plat.
E-911/Postal Address: 947-951 Route 7 South	
Tax Map, Parcel(s): 8, 1	
School Parcel Account Number(s) (SPAN): 13967	
Deed(s): Book 410, Page 41	
Existing Size: 19.75	
Zoning District(s): General Industrial "I2"	
Comprehensive Plan Planning Area/Sub-Area: Catamount/None	
Location: Corner lot at US Route 7 and Gonyeau Road	

INTRODUCTION

Summary of Proposal: The Applicant seeks a 2-lot Minor Conventional Subdivision Final Plan approval to place the existing Stannard House on a new, non-conforming, 6,835 sq. ft. lot with access from US Route 7; the remaining 853,539 sq. ft. lot would contain the existing distribution warehouse. The Applicant also seeks Site Plan approval for the newly created lot for a "public/private facility" use. The proposed plan would require a variance from the District's dimensional requirements, pursuant to Zoning Regulations Sections 394, 520, 550 and 1070. The property is described as 947-951 US Route 7 South; Tax Map 3, Parcel 8-1; SPAN #13967; contains approximately 19.75 acres; and is located within the General Industrial (I2) Zoning District and the Catamount Planning Area.

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

Ethics Disclosure: Staff herein notes that the Town is (through the Town Manager) a signatory to this application, and the Planning Department is under the supervision of the Town Manager. Hemmerick further notes that he has made a personal contribution to the Stannard House Committee's fundraising.

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

APPLICATION, JURISDICTION, NOTICE

Application: This matter comes before the Town of Milton Development Review Board (DRB) for Minor Conventional Subdivision Final Plan approval to place the existing Stannard House on a new, non-conforming, 6,835 sq. ft. lot with access from US Route 7; the remaining 853,539 sq. ft. lot would contain the existing distribution warehouse. The Applicant also seeks Site Plan & Conditional Use approval for the newly created lot for a "public/private facility" use. The proposed plan would require a variance from the District's dimensional requirements, pursuant to Zoning Regulations Sections 394, 520, 550 and 1070.

Applicant(s): The application was submitted by General Stannard House Committee care of Chairman Bill Kaigle referred to hereafter as the "applicant" as well as the Town of Milton.

Application Submission: The application form and associated exhibits were received by the Planning and Economic Development Department on January 4, 2016. The application and its associated materials are maintained by the Town in the application file and are available for public inspection

Application Completion: The application was deemed complete by staff on January 5, 2016.

Landowner(s): The property is owned by Miller Realty Group LLP. All owners are signatories to this application.

Project Consultant(s): Lamoureux and Dickinson is a consultant for this project.

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 (the purposes of which are stated in SR120).

Subdivision Specific Jurisdiction: SR110.2 states, "Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities and transportation facilities."

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."

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

Site Plan Specific Jurisdiction: ZR110 states, "No LAND DEVELOPMENT shall be undertaken or effected except in conformance with the applicable provisions of these Regulations. No land, building or other STRUCTURE shall be used for any purpose except as provided in these Regulations."

ZR130 states, "In accordance with Section 1000 of this Ordinance, no LAND DEVELOPMENT, excavation or construction shall be started on any land parcel or STRUCTURE and no EXPANSION, ALTERATION or change of USE shall be started within any existing STRUCTURE without a Zoning Permit issued by the Zoning Administrator."

ZR170 states, "The following requirements and reviews shall be fulfilled by all applicants before a Zoning Permit is granted, unless specifically exempted in this Ordinance:

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

ZR800 states, "Site Plan approval, granted in accordance with this Section by the Milton Development Review Board, shall be required before a Zoning Permit is issued for any USE in any district with the exception of SINGLE FAMILY DWELLINGS, DUPLEXES, and TRIPLEX – OWNER OCCUPIED on single lots, ACCESSORY residential STRUCTURES, and all agricultural USES."

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

- Maximum safety of vehicular and pedestrian circulation on site, between the site and adjacent roads and sidewalks, and between the site and adjacent land uses

- Adequacy of traffic circulation, parking, and loading facilities.
- Impacts on capacity of roadways and other transportation facilities in the vicinity.
- Adequacy of landscaping, screening, and outdoor lighting.
- Impacts on the Town's ability to provide adequate sewer, water, fire, police, or other municipal services and facilities.
- Suitability of the site for the proposed scope of development, including due regard for the preservation of existing natural and historical resources.
- Consistency with the Comprehensive Plan."

Conditional Use Specific Jurisdiction: ZR110 states:

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

ZR120 states:

> Permitted and CONDITIONAL USES for each district of the Town are specified in these Regulations. Both types of USE require a Zoning Permit (commonly called a "Building Permit") and a Certificate of Compliance from the Zoning Administrator as prescribed in Section 1000 and 1010 below. A Zoning Permit for a CONDITIONAL USE requires prior approval of the Development Review Board, which can only be issued upon a finding of conformance with the requirements indicated in Section 500, and with any additional criteria cited for a specific CONDITIONAL USE within the Zoning Ordinance."

Regulatory Waivers Requested: None.

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

Hearing: The Town Planner scheduled the hearing for February 11, 2016.

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

EXHIBITS

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

- Final Subdivision Plat by Lamoureux & Dickinson dated 9/3/15.
- Site Plan by Lamoureux & Dickinson dated 8/28/2015
- Section 700 Narrative

Staff Exhibits:

- Technical Advisory Committee (TAC) Public Works Review Sheet dated 2/1/2016;
- TAC School District Review Sheet dated 2/2/2016;
- TAC Police Review Sheet dated 1/28/2016;
- TAC Recreation Review Sheet dated 1/27/2016;

- TAC Fire Review email from Chris Poirier dated 2/1/2016;

SITE, DISTRICT & AREA INFORMATION

Property Location: The subject property is located at 947-951 US Route 7 South and shown on Milton's Tax Map 8 as Parcel 1. The corresponding School Parcel Account Number (SPAN) is 13967.

Size/Area: According to the evidence presented, the subject parcel is approximately 19.75 acres or 860,374 square feet. The Assessor's Grand List records this property as approximately 19.75 acres.

Property Deeds: A deed of ownership is recorded in Book 410, Page 41 of the Town of Milton Land Records.

Zoning District: The site is located within the General Industrial I2 Zoning District described on the Town of Milton Zoning Map, last amended August 22, 2011, on record and display at the Municipal Offices and available on the Town's website. The ZR391 states that the purpose of this district is to:

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

Comprehensive Planning Area: The site is located within the Catamount Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan. The Plan states the following goals for this area (p.122):

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

Objective 9.7.1.b. Maintain buffer zones to prevent encroachment of industrial and commercial uses into the residential areas.

Goal 9.7.2. Ensure an aesthetically pleasing approach into Milton.

Objective 9.7.2.a. Develop a plan to work towards enhancing the character of Route 7.

Objective 9.7.2.b. Encourage high quality planned unit developments to cluster new housing in a way that minimizes visual impacts from Route 7.

Goal 9.7.3. Enhance multi-modal transportation opportunities.

Physical Characteristics/Natural Features: The site is generally flat and slopes to the rear of the lot. The lot contains soils of statewide agricultural significance, as well as prime agricultural soil as depicted in Map 7 of the Comprehensive Plan. The site drains directly to Lake Champlain via Allen Creek, with mapped stream courses along the northwest and northern property boundaries. The rear, vegetated, and northern corner of the lot contains wetlands, as depicted on Milton's Mapviewer and Map 6 of the Comprehensive Plan. The site contains a significant historic and cultural resource, the home of Civil War General George Stannard.

SITE HISTORY

Approval History: The subject property has the following approvals that staff has found relevant to this application:

- Site Plan and Boundary Line Adjustment approval dated 8/11/2011.
- The associated Act 250 permit 9/15/2011 includes the condition that "Any proposed changes to the Stannard House, including but not limited to, stabilization, rehabilitation, relocation, or demolition will be submitted to the Division of Historic Preservation and the District Commission for review and comment prior to the commencement of the proposed changes."
- On April 6, 2015, the Selectboard moved that the Town accept the donation, by Miller Realty Group, of the General George Stannard House/building and a 100 foot by 70 foot lot located at 947 Route 7 South conditional upon the DRB granting subdivision approval and the Agency of Transportation permitting access to Route 7 (agenda, minutes, and agenda item materials maintained in the file).
- Minor Conventional Subdivision Sketch Plan and Variance approval date 9/10/2015. A Variance from SR700.5, SR880.1, ZR620, and ZR394 was granted.

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

EXISTING AND PROPOSED USE/IMPROVEMENTS/LAND RESTRICTIONS

Existing Use/Structure: The site is approved for a warehouse/distribution use currently occupied by Gardeners Supply. The use is a conforming, permitted by ZR392 of the Zoning Regulations.

Proposed Use: No change to the existing principal warehouse/distribution use and structure is proposed. A proposed use for the Stannard House has been identified as a "private/public facility", defined by ZR1110 as a building and related facilities owned and/or operated by a corporation association or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members.

Existing Improvements to be Removed: The applicant proposes the removal of the rear portion of the Stannard House, which has been found to not be historically significant in a *Conditions Assessment* of the house by 106 Associates Historical Preservation Consulting by Scott Newman dated May 27, 2014 (contained in the application file). An additional reason for removal is that this section of house would be bisected by the proposed property boundary. For this reason (and if this application is approved) the applicant would have to apply for a Zoning Permit for demolition and remove the house prior to recording the final survey plat.

1. The owner/applicant shall apply for and receive Zoning Permit approval to demolish the rear addition to the Stannard House (that would otherwise be bisected by a proposed property boundary) prior to recording the final survey plan.

Proposed Improvements: The application proposes a new highway access for the new lot, a 6 space parking area for the new facility, an accessible rear entry walkway with metal railing, a new 1,000 gallon wastewater holding tank, a new water service connection, and the addition of a new 6'x6' porch and steps to replicate the original historic porch within the front setback (as shown in photographs maintained in the file).

Existing Access: The site is currently accessed from US Route 7 and Gonyeau Road, and this access would be retained by the parent parcel.

Proposed Access: The proposal includes a new access from US Route 7 South, which has been reviewed by VTrans and found to meet the requirements for work within the highway right-of-way subject to certain conditions (contained in the application file).

Existing Utilities: The warehouse/distribution center is served by municipal water and sewer and no changes are proposed.

Proposed Utilities: The applicant proposes a new 1,000 gallon wastewater holding tank, a new ¾" water service connection to municipal water. This will require State Water Wastewater approval.

Waivers Requested: The applicant has requested a waiver from the traffic generation report requirement of ZR803.10.

Existing Restrictions or Covenants: The site contains a twenty-foot (20) sewer easement across the parent parcel, serving the distributing facility.

Proposed Restrictions or Covenants: The applicant proposes an access driveway easement from the proposed US Route 7 highway access across the warehouse/distribution lot to benefit the Stannard House lot.

Surrounding Use/Structures: The site is bordered by Mansfield Heliflight to the north, Charlebois to the east, a residential duplex to the south (with Site Plan approval for a public warehousing facility), two single family dwellings to the south, and a vacant lot to the west

SUBDIVISION FINAL PLAN REVIEW

SR120, Purposes: The Subdivision Regulations aim to achieve the purposes defined by this section:

- To protect and provide for the public health, safety, and general welfare of the Town of Milton.
- To guide the future growth and orderly development of the Town in accordance with the Comprehensive Plan, Zoning Regulations and all other By-Laws enacted to implement the Plan.
- To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent over-crowding of the land and undue congestion of population.
- To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools parks, playgrounds, recreation and other public requirements and facilities.
- To provide the most beneficial relationship between the uses of land and buildings, and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and highways.
- To insure that public facilities are available and will have a sufficient capacity to serve any proposed subdivision.
- To present the pollution of air, streams, ponds and Lake Champlain; to assure the adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity; stability, and beauty of the community and the value of land.
- To preserve the natural beauty and topography of the Town and to insure appropriate development with regard to these natural features.
- To further the purposes contained in the Vermont Planning and Development Act, and in particular, those purposes set forth in Section 4302 of the Act.

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."

The application received Minor Conventional Subdivision Sketch Plan approval from the DRB in a written Decision dated September 10, 2015. All conditions of Sketch Plan approval have been met by the applicant.

SR610 Final Plat for Major and Minor Subdivisions: Unless otherwise stated, Staff has found that the draft Plat is in compliance with all applicable provisions of SR610.

SR610.1(1) Surveyor License Number & Seal: SR 610.1(1) requires that the Plat show the license number and seal of the licensed land surveyor. The Plat does not show the license number and seal of the licensed land surveyor.

2. The Final Plat shall show the license number and seal of the land surveyor per Subdivision Regulation Section 610.1(1).

SR610.1(7) Article VIII Improvements: SR610.1(7) requires that the Plat show all improvements referred to in Article VIII and in addition thereto the location of all fire protection devices, utility poles, sewage disposal systems, and rough grading and other devises and methods of draining the area within the subdivision. The applicant does not show all of the aforementioned items on the draft Plat

but does show them on an attached Site Plan. The DRB may waive this requirement according to SR930 criteria. Staff finds that a waiver is merited in this case, since we have all the required information on a Site Plan, which shall be maintained in the application file as public record.

3. The DRB may waive the requirements of Subdivision Regulations Section 610.1(7) according to Subdivision Regulations Section 930. If waived, any required site changes resulting from a Decision shall be shown on the revised Site Plans and these revisions shall be submitted to the Planning Office prior to the Plat being recorded.

SR610.1(9) Survey Pins: SR610.1(9) states that markers shall be set at all corners and angle points. The Plat indicates several iron pipes have been set.

4. The Surveyor shall submit a letter or e-mail attesting that all corner markers have been set prior to recording the final Plat.

Section700, 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:

The applicant has included Section 700 narrative, specifically addressing how the proposal meets each finding below. Responses are **ATTACHED** this Staff Report.

700.1, Suitability for Development: "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 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 proposal includes sufficient open space for recreation."
700.4, Run-off and Erosion Control During & After Construction: "The proposal includes adequate provision for control of runoff and erosion during and after construction."
700.5, Compliance with Comprehensive Plan, Regulations & Bylaws: "The proposed development is in compliance with the Milton Comprehensive Plan, Zoning Regulations and other By-Laws then in effect."
700.6, Undue Water or Air Pollution: "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 proposed development is compatible with surrounding properties."
700.8, Suitability for Proposed Density: "The site is suitable for the proposed density."

700.9, Pedestrian Safety: "The proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness."

Unless otherwise stated, Staff finds that the subdivision is in accord with the following standards. Staff finds that compliance with the Regulations will be addressed below in Variance Review unless otherwise addressed with the Variance approval granted currently with the Sketch Plan approval.

SR810, Curbs and Sidewalks: The section states, "Curbs and sidewalks may be required when deemed appropriate by the DRB." Neither the Town's Sidewalk Plan of 2007 nor the Comprehensive Plan Map 11 identifies planned sidewalks in this location.

SR820, Outdoor Lighting: The section states, "Outdoor lighting may be required where deemed appropriate by the DRB to illuminate areas such as streets, sidewalks, and parking areas." Staff finds that an outdoor building mounted light is proposed on the side of the building facing the parking area.

5. The DRB shall determine if the proposed outdoor lighting is appropriate of the illumination of sidewalks and parking areas.

SR830, Street Trees: The section states that the DRB may require street trees. Staff finds that there are street trees along US Route 7.

SR840, Drainage: The section states that a drainage plan shall be provided. Staff finds that no changes to drainage are proposed, although there will be increased impervious surface.

SR850, Water Systems: No changes are proposed to the parent parcel's water service. Connection to municipal water for the 6,800 square foot lot containing the Stannard House is proposed from the main alongside US Route 7. Standard details of the proposed water and wastewater systems were not submitted with the application.

6. Standard engineering details of the proposed water and wastewater systems shall be submitted for review and approval by Pubic Works.

7. A municipal water allocation shall be required prior to being eligible for a Zoning Permit

SR860, Wastewater Systems: No changes are proposed to the parent parcel's wastewater service, but a 1,000 gallon wastewater holding tank is proposed for the 6,800 square foot lot containing the Stannard House.

Upon a secondary review of the plans, Public Works Director, Roger Hunt, has requested that the applicant reconsider the possibility of connecting to municipal wastewater system with a forcemain directionally bored to the municipal system. This would require an easement across the parent parcel, boring under two driveways, and a sewer line installation approximately 400 linear feet in length. He feels it is a more reliable solution.

8. The wastewater holding tank shall have a high level alarm and level sensor. The wastewater holding tank must be vented
9. A municipal sewer allocation shall be required prior to being eligible for a Zoning Permit

10. A State Water/Wastewater Permit shall be required prior to being eligible for a Zoning Permit
SR870 Utilities: The Section states, "Easements - Easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision." While not a utility, the plans shows a 32 foot driveway easement, sufficient to accommodate a driveway width in compliance with the Town's standards.

SR880.1, Lot Layout: The section states, "The layout of lots shall conform to the requirements of the Town's Zoning Regulations." Analysis below.

ZONING REGULATION LOT CONFORMANCE

Applicability of Dimensional Requirements, ZR150: "Every USE involving the construction, reconstruction, conversion, structural ALTERATION, relocation or enlargement of a STRUCTURE must comply with the minimum LOT AREA, FRONTAGE, SETBACK areas and all other requirements specified in these Regulations for the district in which the USE occurs."

Zoning Districts: The subject property is located within the I2 Zoning District.

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."

District Dimensional Requirements, ZR304: The tables below shows the required dimensional requirement for the subject property's applicable Zoning District and proposed compliance.

Lot 1 - Parent Parcel	R1 Required	Proposed
Minimum LOT AREA (sq. ft.)	100,000	853,539
Minimum Road FRONTAGE (linear ft.)	200	Gonyeau: 785 Rt 7: 271
Minimum FRONT SETBACK (linear ft.)	50	>50
Minimum SIDE SETBACK (linear ft.)	35	166
Minimum REAR SETBACK (linear ft.)	35	869
Maximum Lot Coverage	75%	32.8

Lot 1 would continue to conform to the dimensional standards.

Lot 2 - Proposed Stannard House Lot	R1 Required	Proposed
Minimum LOT AREA (sq. ft.)	100,000	6,835
Minimum Road FRONTAGE (linear ft.)	200	101
Minimum FRONT SETBACK (linear ft.)	50	23
Minimum SIDE SETBACK (linear ft.)	35	10
Minimum REAR SETBACK (linear ft.)	35	10
Maximum Lot Coverage	75%	<75%

The proposed lot 2 does not meet the required minimum lot area or road frontage. The existing non-complying structure does not meet the required front setback, side setback and rear setback. The proposed lot would therefore create a non-conforming lot and increase the non-conformity of the existing building by making its side and rear setback more non-complying. At Sketch Plan Approval, a Variance from SR700.5, SR880.1, ZR620, ZR394 was received for creation of the new lot and the existing building. This question has been resolved.

RETURN TO SUBDIVISION REVIEW

SR880.2, Corner Lots: The section states, "Corner lots shall have extra width to permit a front yard setback on each street." The proposal would not create a new corner lot.

SR880.3, Side Lot Lines: The section states, "Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines." Staff finds that the proposed new lot lines are at generally right angles.

SR880.4, Topography: The section states, "Consideration in lot layout shall be given to topographic, drainage and soil conditions." Staff finds the site is generally flat with well drained soils.

SR880.5, Access: The section states, "Lots shall be laid out so as to avoid direct access to heavily travelled streets or highways." Staff finds that the new lot would be directly accessed from US Route 7 South, a heavily travelled street, a situation not easily resolved given the existing layout and placement of the Stannard House. The applicant has received a letter of intent from VTrans for access to Route 7.

SR920, Legal Data: The Town of Milton Selectboard has entered into an agreement to accept ownership of the property conditional upon successful subdivision. All fees for this application have been waived by the Selectboard and therefore the normal legal escrow fee is not included here. SR920 states,

11. The final plat submission shall be accompanied by a certificate of title showing the ownership of all property and easements to be dedicated to the Town. All proposed deeds conveying property or easements to the Town shall also accompany the final plat submission. In addition, a draft of all restrictions of all types which will run with the land and become covenants shall be filed with the final plat submission. The DRB may require the filing of such other legal data as it deems necessary in the enforcement of these regulations."

SR930, Subdivision Regulation Waivers: The section states, "The DRB may waive, subject to appropriate conditions, the provisions of any or all improvements and application submission requirements as in its judgment of special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate because of an inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision."

12. 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.

13. 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.

SITE PLAN REVIEW / INTRODUCTORY PROVISIONS

ZR520, Non-Complying Structures: The Applicant should be aware that, if approved, non-complying structures have certain limitations placed on them by this section, in terms of expansion.

ZR520.1, Increase in Non-Complying Nature: The section states: "Any ALTERATION, EXPANSION or change to a NON-COMPLYING STRUCTURE which does not result in any increase in the non-complying nature of the STRUCTURE (e.g., further encroachment into a SETBACK or a further increase in LOT COVERAGE) may be permitted by the Zoning Administrator provided that the proposed change does not result in an increase in floor area of the structure and that the proposed changes complies with all other provisions of these Regulations.

Staff finds that the construction of a porch and stairs within the front setback of the property results in an increase in the non-complying nature of the structure in conflict with the provisions of ZR394 and 550. For this reason, the applicant seeks a Variance.

14. The applicant shall clarify if the proposed accessible walkway for the rear entry is a walkway to be installed on grade or a built ramp structure.

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

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

ZR700, Public Facilities: Since the Selectboard has agreed to accept the donation of the property, if subdivided, please note that public facilities are given flexibility by this section, as derived from the Planning Act.

VARIANCE REVIEW

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

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

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

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

The existing house does not comply with the minimum front setback and is grandfathered as such. The circumstances are not created by provisions of the Zoning Regulation

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

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

The variance, in this case, would enable the rehabilitation of a historic home through the reconstruction of a replica of the original porch. The replication of the original porch is not possible outside of the front setback. Staff finds that this is necessary to realize the plans for returning the structure to a historic site. On the other hand, alternative development could allow for development in conformity with the Regulations.

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

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

Staff finds that these are not hardships created by the applicant.

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

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

Staff finds that the variance would not alter the essential character of the area, as this is returning a long-standing element of the neighborhood's character, and would not impair the reasonable use of adjacent properties or renewable energy, nor be detrimental to the public welfare.

ZR1071.5 Minimum Relief Standard: ZR1071.5 states, "That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Regulations and from the *Plan*."

15. The DRB may grant a variance from ZR394, ZR520 and ZR550 in accordance with ZR1071 for the construction of a 6'x6' front porch and steps within the front setback.

SITE PLAN STANDARDS

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

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

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

ZR803, Site Plan Application Requirements: ZR803 states application requirements for site plan approval.

The applicant has requested a waiver from ZR803.10: "Estimate of daily and peak hour traffic generation and a report on traffic impacts at project access points, major intersections nearby and other locations."

Staff finds that the project has received a letter of intent from VTrans, but not enough information is known about the proposed facility usage to assess the traffic impact (although there is a six parking space limit).

16. The DRB may waive the estimate of traffic generation and impact requirement of ZR803.10.

ZR806, Landscape Plan Requirements: The Site Plan shows the addition of a new lilac bush and a new perennial planting bed in the location of the former driveway.

Staff finds that a landscaping surety is usually required so the Town will have the money to replace or install the structural landscaping if the Applicant does not. Typically, the only plantings for which the Town establishes surety are structural or woody plantings, such as trees and shrubs (but there have been cases with ornamental grasses). The only structural planting is the lilac bush. As the Town is intending to accept the Site after the completion of subdivision, it does not make sense for the Town to

hold its own surety, so Staff finds a landscaping surety should not be required. However, the three-year warranty period shall still apply, and the Applicant/Town will be responsible for installing the landscaping and guaranteeing its survival or replacement for three years from the date of the plantings.

17. The Applicant will be responsible for installing the landscaping and guaranteeing its survival or replacement for three years from the date of the plantings.

ZR810, Parking, Loading and Driveway Requirements: The Applicant is proposing a 24'wide gravel drive and parking area for 6 vehicles including 1 ADA parking space.

ZR812.2, Parking Quantity: Staff finds that the parking requirement for a public facility is 1 space per 4 seats, and for a private facility is 1 space for every 400,000 square feet of gross floor area. Staff finds the proposed 6 parking spaces is adequate for a gathering of 24 people. However there are concerns from the Technical Advisory Committee about the limited size of the parking area, and potential for parking along US Rt 7 in this high speed zone.

18. Parking shall not be permitted along Route 7 in the event that the onsite parking is full.

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

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

ZR813, Driveways: Standard details of the proposed driveway and parking area were not submitted with the application. Standard details of the driveway and parking area shall be submitted for review and approval by Public Works.

20. Standard details of the driveway and parking area shall be submitted for review and approval by Public Works.

Per comments by Public Works Director, Roger Hunt, the drive exit to US Rt. 7 shall have a stop bar and stop sign. The apron of the drive must be paved.

21. The drive exit to US Rt 7 shall have a stop bar and stop sign. The apron of the drive must be paved.

ZR820, Outdoor Lighting: The applicant proposes one outdoor building-mounted light on south side of the building facing the parking lot.

Staff finds that the proposed fixture meets the standards of ZR820.

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

22. Any proposed signs shall meet the sign standards of ZR830

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

23. A Fire Department Key Box shall be installed on the building and the location shall be shown on the Final Site Plan.

24. TAC: All comments by the Development Review Board Technical Advisory Committee and attached to the Staff report shall be addressed. TAC edits on the large sketch plans are available in the Planning Office for review.

CONDITIONAL USE REVIEW

ZR500 Conditional Use: The section states, "The authorization by the Development Review Board shall be granted only upon a finding by it that the proposed USE complies with the specific dimensional and other applicable standards as set forth in these Regulations and that the proposed CONDITIONAL USE does not have an undue adverse effect [on the following standards]:"

ZR500.1, Capacity of Community Facilities: "The capacity of existing or planned community facilities or services including water, waste disposal, roads, police, fire services and schools."
ZR500.2, Character of the Area: "The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan."
ZR500.3, Environmental Limitations & Natural Resources: "Environmental limitations of the site or area, and significant natural resource areas or sites."
ZR500.4, Comprehensive Plan, Bylaws, Ordinances, Regulations: "The *Comprehensive Plan* and all bylaws, ordinances and/or regulations of the Town of Milton."
ZR500.5, Traffic: "Traffic on roads and highways in the vicinity."
ZR500.6, Renewable Energy Resources: "Utilization of renewable energy resources."

Staff finds that the standards of Conditional Use review had been addressed in above Subdivision, Site Plan and Variance Review.

25. The Applicant shall address any additional questions or concerns from the DRB related to the Conditional Use review for the proposed Public/Private Facility.

ZR 501, Conditional Use Conditions:

26. In granting such CONDITIONAL USE, the Development Review Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the provisions and intentions of these Regulations and the Milton *Comprehensive Plan*.

ADMINISTRATION & ENFORCEMENT

State Project Review Zoning Permit: Per 24 VSA4449 "Any application for an approval or permit and any approval or permit issued under this section shall include a statement, in content and form

approved by the Secretary of Natural Resources, that State permits may be required and that the permittee should contact State agencies to determine what permits must be obtained before any construction may commence."

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

Final Plan Submission:

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

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

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

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

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

CONCLUDING REVIEW

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

STAFF RECOMMENDATION

Staff recommends that the DRB **approve** the 2-lot Minor Conventional Subdivision Final Plan, Variance, Site Plan, and Conditional Use for the property described as 947-951 US Route 7 South; Tax Map 8, Parcel 1; SPAN #13967, subject to the conditions proposed above.

Respectfully Submitted,

_____

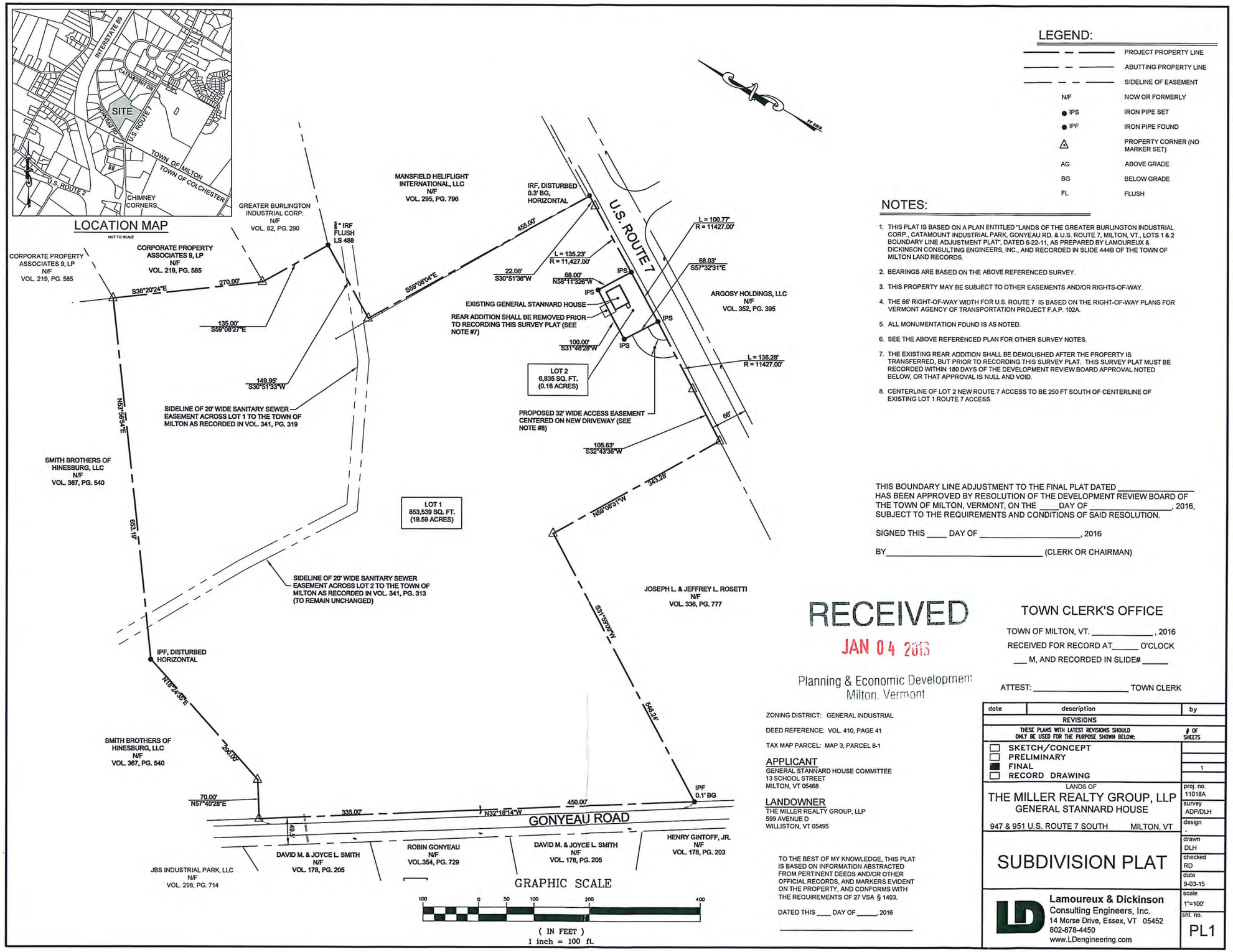
Jeffrey Castle, Town Planner

ATTACHMENTS:

- Final Subdivision Plat by Lamoureux & Dickinson dated 9/3/15.
- Site Plan by Lamoureux & Dickinson dated 8/28/2015
- Section 700 Narrative
- Technical Advisory Committee (TAC) Public Works Review Sheet dated 2/1/2016;
- TAC School District Review Sheet dated 2/2/2016;
- TAC Police Review Sheet dated 1/28/2016;
- TAC Recreation Review Sheet dated 1/27/2016;
- TAC Fire Review email from Chris Poirier dated 2/1/2016;

COPIES TO:

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



LEGEND:

	PROJECT PROPERTY LINE
	ABUTTING PROPERTY LINE
	SIDELINE OF EASEMENT
N/F	NOW OR FORMERLY
● IPS	IRON PIPE SET
● IPF	IRON PIPE FOUND
△	PROPERTY CORNER (NO MARKER SET)
AG	ABOVE GRADE
BG	BELOW GRADE
FL	FLUSH

NOTES:

1. THIS PLAT IS BASED ON A PLAN ENTITLED "LANDS OF THE GREATER BURLINGTON INDUSTRIAL CORP., CATAMOUNT INDUSTRIAL PARK, GONYEAU RD. & U.S. ROUTE 7, MILTON, VT., LOTS 1 & 2 BOUNDARY LINE ADJUSTMENT PLAT", DATED 6-22-11, AS PREPARED BY LAMOUREUX & DICKINSON CONSULTING ENGINEERS, INC., AND RECORDED IN SLIDE 444B OF THE TOWN OF MILTON LAND RECORDS.
2. BEARINGS ARE BASED ON THE ABOVE REFERENCED SURVEY.
3. THIS PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS AND/OR RIGHTS-OF-WAY.
4. THE 66' RIGHT-OF-WAY WIDTH FOR U.S. ROUTE 7 IS BASED ON THE RIGHT-OF-WAY PLANS FOR VERMONT AGENCY OF TRANSPORTATION PROJECT F.A.P. 102A.
5. ALL MONUMENTATION FOUND IS AS NOTED.
6. SEE THE ABOVE REFERENCED PLAN FOR OTHER SURVEY NOTES.
7. THE EXISTING REAR ADDITION SHALL BE DEMOLISHED AFTER THE PROPERTY IS TRANSFERRED, BUT PRIOR TO RECORDING THIS SURVEY PLAT. THIS SURVEY PLAT MUST BE RECORDED WITHIN 180 DAYS OF THE DEVELOPMENT REVIEW BOARD APPROVAL NOTED BELOW, OR THAT APPROVAL IS NULL AND VOID.
8. CENTERLINE OF LOT 2 NEW ROUTE 7 ACCESS TO BE 250 FT SOUTH OF CENTERLINE OF EXISTING LOT 1 ROUTE 7 ACCESS.

THIS BOUNDARY LINE ADJUSTMENT TO THE FINAL PLAT DATED _____ HAS BEEN APPROVED BY RESOLUTION OF THE DEVELOPMENT REVIEW BOARD OF THE TOWN OF MILTON, VERMONT, ON THE ____DAY OF _____, 2016, SUBJECT TO THE REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION.

SIGNED THIS ____ DAY OF _____, 2016

BY_____ (CLERK OR CHAIRMAN)

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JAN 04 2016
Planning & Economic Development
Milton, Vermont

TOWN CLERK'S OFFICE

TOWN OF MILTON, VT. _____, 2016
RECEIVED FOR RECORD AT_____ O'CLOCK
___ M, AND RECORDED IN SLIDE# _____

ATTEST: _____ TOWN CLERK

ZONING DISTRICT: GENERAL INDUSTRIAL

DEED REFERENCE: VOL. 410, PAGE 41

TAX MAP PARCEL: MAP 3, PARCEL 8-1

APPLICANT
GENERAL STANNARD HOUSE COMMITTEE
13 SCHOOL STREET
MILTON, VT 05468

LANDOWNER
THE MILLER REALTY GROUP, LLP
599 AVENUE D
WILLISTON, VT 05495

TO THE BEST OF MY KNOWLEDGE, THIS PLAT IS BASED ON INFORMATION ABSTRACTED FROM PERTINENT DEEDS AND/OR OTHER OFFICIAL RECORDS, AND MARKERS EVIDENT ON THE PROPERTY, AND CONFORMS WITH THE REQUIREMENTS OF 27 VSA § 1403.

DATED THIS ____ DAY OF _____, 2016

_____

date	description	by
	REVISIONS	
	THESE PLANS WITH LATEST REVISIONS SHOULD ONLY BE USED FOR THE PURPOSE SHOWN BELOW:	# OF SHEETS
☐	SKETCH/CONCEPT	
☐	PRELIMINARY	
■	FINAL	1
☐	RECORD DRAWING	

LANDS OF
THE MILLER REALTY GROUP, LLP
GENERAL STANNARD HOUSE
947 & 951 U.S. ROUTE 7 SOUTH MILTON, VT

SUBDIVISION PLAT

Lamoureux & Dickinson
Consulting Engineers, Inc.
14 Morse Drive, Essex, VT 05452
802-878-4450
www.LDengineering.com

proj. no.	11018A
survey	ADP/DLH
design	-
drawn	DLH
checked	RD
date	9-03-15
scale	1"=100'
sht. no.	PL1

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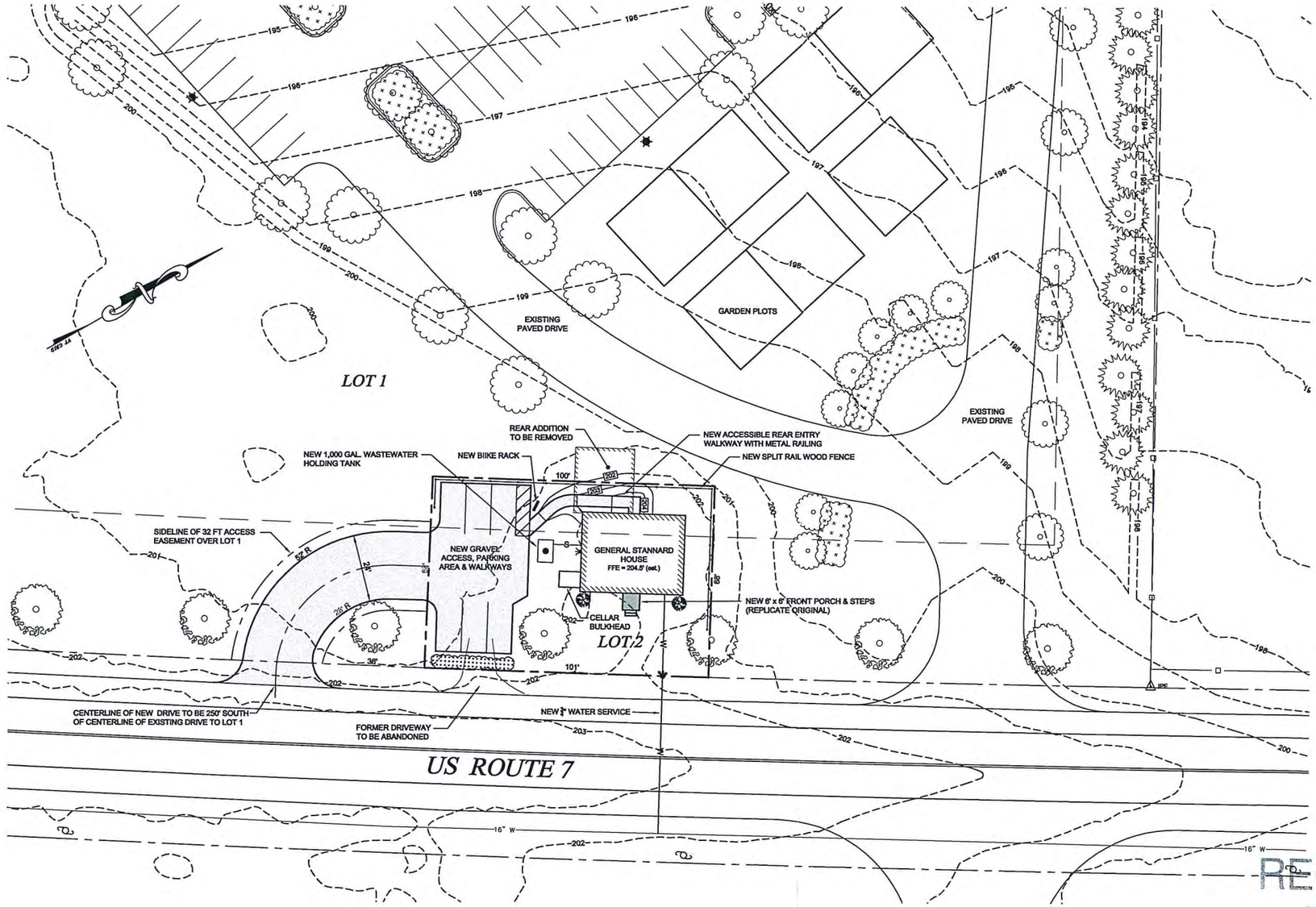

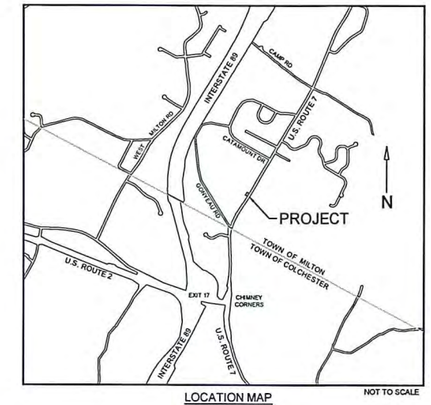

LOCATION MAP

NOT TO SCALE

PROJECT DATA:

PARCEL:	TAX MAP 3, PARCEL 8-1
DEED REFERENCE:	VOL. 410, PAGES 41
UTILITIES:	MUNICIPAL WATER WASTEWATER HOLDING TANK (OFF-SITE DISPOSAL) STORMWATER - INFILTRATION
ZONING DISTRICT:	GENERAL INDUSTRIAL DISTRICT (I2)

DIMENSIONAL REQUIREMENTS :

	REQUIRED	EXISTING	PROPOSED
LOT AREA	100,000 SF	-	6,835 SF
ROAD FRONTAGE	200 FT	-	101 FT
FRONT SETBACK	50 FT	29 FT	23 FT
SIDE SETBACK	35 FT	-	10 FT
REAR SETBACK	35 FT	-	10 FT

LOT COVERAGE:
MAXIMUM PERMITTED: 75%
PROPOSED: 47%

APPLICANT
GENERAL STANNARD HOUSE COMMITTEE
13 SCHOOL STREET
MILTON, VT 05468

LANDOWNER
THE MILLER REALTY GROUP, LLP
599 AVENUE D
WILLISTON, VT 05495

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LEGEND

- PROJECT PROPERTY LINE
- ABUTTING PROPERTY LINE
- SIDELINE OF EASEMENT
- STRUCTURE SETBACK
- EXISTING TREELINE
- 195 EXISTING CONTOUR
- 195 PROPOSED CONTOUR
- S EXISTING SEWER
- W EXISTING WATER
- EXISTING TREES
- EXISTING HYDRANT
- EXISTING WATER VALVE
- IPF IRON PIN FOUND
- EXISTING UTILITY POLE
- NEW WALL MOUNTED EXTERIOR LIGHT
- NEW LILAC BUSH
- NEW PERENNIAL PLANTING BED

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

NEW EXTERIOR LIGHT SHALL BE LITHONIA D-SERIES SIZE 1 LED WALL LUMINAIRE, MODEL "DSXW1 LED 10C 530 40K TFTM PE DWHXD", OR EQUAL. MOUNTING HEIGHT NOT TO EXCEED 15 FT.

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO PRESENT THE PROPOSED SITE AND UTILITY IMPROVEMENTS ON THE PROPOSED GENERAL STANNARD HOUSE LOT TO BE CONVEYED TO THE TOWN OF MILTON.
2. EXISTING TOPOGRAPHY AND SITE CONDITIONS TAKEN FROM PLANS ENTITLED "THE MILLER REALTY GROUP, LLP, LOTS 1 & 2 - CATAMOUNT INDUSTRIAL PARK", DATED 6-20-11, AS PREPARED BY LAMOUREUX & DICKINSON CONSULTING ENGINEERS, INC.
3. EXISTING PROPERTY LINES ARE BASED ON A PLAN ENTITLED "LANDS OF THE GREATER BURLINGTON INDUSTRIAL CORP., CATAMOUNT INDUSTRIAL PARK, GONYEAU RD. & U.S. ROUTE 7, MILTON, VT., LOTS 1 & 2 BOUNDARY LINE ADJUSTMENT PLAT", DATED 6-22-11, AS PREPARED BY LAMOUREUX & DICKINSON CONSULTING ENGINEERS, INC., AND RECORDED IN SLIDE 444B OF THE TOWN OF MILTON LAND RECORDS.
4. THE PROJECT PARCEL MAY BE SUBJECT TO OTHER EASEMENTS NOT SHOWN.
5. PRIOR TO PERFORMING ANY EXCAVATION, IT IS REQUIRED BY LAW THAT DIGSAFE BE NOTIFIED TO LOCATE EXISTING UNDERGROUND UTILITIES. DIGSAFE CAN BE NOTIFIED BY CALLING "811".

Date	Revision	By

These plans shall only be used for the purpose shown below:

- ☐ Sketch/Concept
- ☐ Preliminary
- ■ Final Local Review
- ☐ Act 250 Review
- ☐ Construction
- ☐ Record Drawing

THE MILLER REALTY GROUP, LLP
GENERAL STANNARD HOUSE
951 ROUTE 7 SOUTH MILTON, VT

LOT 2
SITE PLAN

Lamoureux & Dickinson
Consulting Engineers, Inc.
14 Morse Drive, Essex, VT 05452
802-878-4450
www.LDengineering.com

Project No.	11018A
Survey	ADP/DH
Design	RD
Drawn	BH
Checked	ABR
Date	8-28-2015
Scale	1" = 20'
Sheet number	S1

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Other Requirements (if any)		

Section 700 Review

Pursuant to Section 700 of the Milton Subdivision Regulations, the following questions must be answered to the satisfaction of the Milton Development Review Board. Also attach any traffic studies, any supplemental materials, etc. that will be necessary to support your application. Use separate sheets as necessary. If this proposal contains more than one type of subdivision action, the Section 700 Review shall pertain to the entire tract of land that you are developing; you need only to complete the review once, and reference the completed review on subsequent preliminary applications.

Final subdivision approval shall be based on the Milton Development Review Board finding that the subdivision complies with the following standards:

700.1 *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.*

Fairly Flat Topography and sandy soils, and elevation ensure resistance to flooding and proper drainage. No other adverse conditions known

700.2 *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.*

All aesthetic features maintained, and natural resources.
Historical Resources - maintained, and they are the primary purpose for this project - preserving a Civil War Historic site

700.3 *The proposal includes sufficient open space for recreation.*

Though the Lot will be small, it will provide sufficient open, safe space for activities at this site.

700.4 *The proposal includes adequate provision for control of run-off and erosion during and after construction.*

Run off and erosion should be non-issues due to minimal planned excavation and flat, sandy lot.

700.5 *The proposed development is in compliance with the Milton Comprehensive Plan, Zoning Regulations, and other Bylaws then in effect.*

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In compliance, with the exception of Zoning Regulations. Lot size and setbacks are much smaller than requirements, and we are asking for exception due to the General Stannard House (and its site/location) being an existing historical resource. See Conditional Use/Variance Application for details

700.6 *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 soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable health and Vermont Department of Water Resources regulations.*

No Undue water or air pollution.

700.7 *The proposed development is compatible with surrounding properties.*

It is compatible in that it is an existing historical resource that pre-dates all surrounding property development by 140+ years. It will become more compatible as it becomes a restored, viable structure.

700.8 *The site is suitable for the proposed density.*

Yes, density will remain as existing.

700.9 *The proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.*

Pedestrian access accounted for, ADA Access, bike rack, quality exterior lighting for safety

700.10 *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.*

No unreasonable burden, standard maintenance and grounds care, plowing once restored.

700.11 *There is sufficient water available for the foreseeable needs of the proposed*

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development.

Yes, Lot 2 will connect to municipal water.

700.12 The proposed development will not cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.

No unreasonable congestion or safety issues. VTrans - approved access point from Route 7. Light use/seasonal as Civil War Historic Site and Museum.

10) ***Other information*** *- Please read carefully and sign in the space provided:*

Although this application is intended to convey the intent of Minor Conventional Subdivisions, it does not list all requirements under the Town of Milton Zoning Regulations, Subdivision Regulations, Public Works Specifications, Comprehensive Plan, or any State requirements.

I, APPLICANT, on this 30TH day of DEC, 2015 CERTIFY THAT I UNDERSTAND THE TERMS OF APPLICATION FOR CONVENTIONAL SUBDIVISIONS AND THE TERMS OF THIS APPLICATION; I FURTHER SWEAR THAT THE INFORMATION PROVIDED IN THIS APPLICATION SUBMISSION IS TRUE AND ACCURATE. *(ALL applicants MUST SIGN.)*

12.30.15 12/29/15

DENNA BARLOW-CASEY TOWN MANAGER General Standard Hours Committee

If applicant and owner of parcel are different, all owners must attest to the following:

I, OWNER, on this 4 day of JAN, 2016, CERTIFY THAT I UNDERSTAND THE CONCEPT AND TERMS OF THIS APPLICATION AND PERMIT THE APPLICANT(S) TO PURSUE APPROVAL FROM THE MILTON DEVELOPMENT REVIEW BOARD.
(ALL owners of property/properties contained within this application MUST SIGN)

Mike Miller Realty Group LLP
By RCMiller agent

RECEIVED
JAN 04 2016
Planning & Economic Development
Milton, Vermont

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 11, 2016

Date of Review: February 1, 2016

Department: Public Works

TAC Member: Roger Hunt

Minor Conventional Subdivision Final Plan, Site Plan & Variance Application -- 947- 951 US Route 7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner. The project proposes connection to the municipal water system and a 1,000 gallon holding tank for wastewater. Since the will ultimately discharge to the Milton Wastewater system, reserve allocation will be required for both water & wastewater.

No standard details are attached to the site plan. Standard details are required.

The 1,000 gallon wastewater holding tank will require at least a high level alarm. The preferred configuration will include a level sensor. The tank must also be vented.

The drive exit to US RT 7 shall have a stop bar and stop sign in accordance with the latest version of the MUTCD. The apron must be paved.

I am assuming the parking space adjacent to the hashed area is a handicap spot. Since the parking lot will be gravel, the spot will require a handicapped parking sign.
Did the engineer prepare a cost estimate to pump the wastewater to the municipal collection system? A forcemain could easily be directionally bored.

Sketch Plan- Minor Conventional Subdivision, Variance & Boundary Line Adjustment Application - 28-30 River Street, LLC & 32 River Street, LLC, Owners/John & Leah MacRae Applicants.

Will this require DRB site plan approval?

Water & Wastewater is proposed to serve the garage. A State WWW permit will be required as will allocation.
An oil & water separator will be required on the sanitary sewer discharge from the garage.

Sketch Plan Application, Minor Conventional Subdivision - Poor Farm Acres, LLC, Owner/Applicant. Curb cuts shall be constructed in accordance with the Town of Milton Public Works Specifications.

TOWN OF MILTON
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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 11, 2016

Date of Review: 2/2/16

Department: School

TAC Member: Ann Bradshaw

Minor Conventional Subdivision Final Plan, Site Plan & Variance Application -- 947- 951 US Route 7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner.

no comments

Sketch Plan- Minor Conventional Subdivision, Variance & Boundary Line Adjustment Application – 28-30 River Street, LLC & 32 River Street, LLC, Owners/John & Leah MacRae Applicants.

no comments

Sketch Plan Application, Minor Conventional Subdivision – Poor Farm Acres, LLC, Owner/Applicant.

no comments

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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 11, 2016

Date of Review: 01-28-16

Department: Police

TAC Member: Brett Van Noorst

Minor Conventional Subdivision Final Plan, Site Plan & Variance Application -- 947- 951 US Route 7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner.

NO COMMENTS OR CONCERNS.

Sketch Plan- Minor Conventional Subdivision, Variance & Boundary Line Adjustment Application - 28-30 River Street, LLC & 32 River Street, LLC, Owners/John & Leah MacRae Applicants.

NO COMMENTS OR CONCERNS

Sketch Plan Application, Minor Conventional Subdivision - Poor Farm Acres, LLC, Owner/Applicant.

MAKE SURE SIDE DISTANCE IS GOOD UPON EXITING OR ENTERING DRIVEWAY.

TOWN OF MILTON
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JAN 26 2016
RECREATION DEPARTMENT
MILTON, VERMONT

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 11, 2016

Date of Review: 1-27-16

Department: Recreation

TAC Member: Kym Duchesneau, Recreation Coordinator

Minor Conventional Subdivision Final Plan, Site Plan & Variance Application -- 947- 951 US Route 7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner.

No comments

Sketch Plan- Minor Conventional Subdivision, Variance & Boundary Line Adjustment Application – 28-30 River Street, LLC & 32 River Street, LLC, Owners/John & Leah MacRae Applicants.

No comments

Sketch Plan Application, Minor Conventional Subdivision – Poor Farm Acres, LLC, Owner/Applicant.

No comments

RECEIVED
JAN 26 2016
Planning & Economic Development
Milton, Vermont

JCastle

From: Christian Poirier
Sent: Monday, February 01, 2016 6:09 PM
To: JCastle; Jacob Hemmerick
Subject: TAC comments

Hi Jeff, the only comments I have for the TAC meeting would be a fire department key box for the Standard house. All other projects will have no effect on the fire department. Also I will be unable to attend the TAC meeting.

Chris Poirier
Assistant Chief
Milton Fire Department

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

DEVELOPMENT REVIEW BOARD STAFF REPORT

Hearing Date: February 11, 2016	
Case No: DRB 2016-06	
Application(s): Minor Conventional Subdivision Sketch Plan, Boundary Line Adjustment, Variance	
Application Received: December 28, 2015	
Application Deemed Complete: January 6, 2016	
Staff Report Finalized: Friday, June 5, 2015	
Applicant(s): John F. & Leah A. MacRae 124 Maplewood Ave, Milton VT 05468 802-343-3218 & William Harrington PO Box 28, South Hero, VT 05468 802-343-1477	**Owner(s)**: 28-30 River Street, LLC 124 Maplewood Ave, Milton VT 05468 802-343-3218 & 32 River Street, LLC PO Box 28, South Hero, VT 05468 802-343-1477
Engineer/License: None	**Surveyor/License**: Terry W. Wilson/60812 Vermont Mapping & Survey Co., LLC
E-911/Postal Address: 28–30 River Street, 32 River Street	
Tax Map, Parcel(s): 32, 22-2 and 22-4	
School Parcel Account Number(s) (SPAN): 11460, 10397	
Deed(s): Book 331, Page 440 and Book 333, Page 774	
Existing Size: 0.89 acres	
Zoning District(s): Old Town Residential / Commercial (M5)	
Comprehensive Plan Planning Area/Sub-Area: Old Towne Sub-Area	
Location: The north corner of River Street and Cherry Street	

INTRODUCTION

Noticed/Warned Summary of Proposal: The Applicants request Sketch Plan approval for a proposed 2-lot Minor Conventional Subdivision located at 28-30 River St, described as Tax Map 32, Parcel 22-2 and SPAN #11460. Lot 1 is to contain existing duplex on 0.34 acres accessed via River St. Lot 2 is to contain existing auto repair building on 0.31 acres accessed via Cherry St. Also proposed is a Boundary Line Adjustment to transfer .15 acres from 33 River Street, described as Tax Map 32 Parcel 22-4, SPAN #10397, to 28-30 River St. The Applicant seeks a Variance approval according to Section 1070 of the Zoning Regulations from Subdivision Regulations Sections 700.5 and 880.1 and Zoning Regulations Sections 454, 620. The Properties are located within the Old Towne Residential/Commercial (M5) Zoning District and the Olde Town Planning Sub-Area.

Comments: Jacob Hemmerick, Planning Director, and 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/drb.html.

APPLICATION, JURISDICTION & NOTICE

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

Applicant(s): The application was submitted by John MacRea and William Harrington referred to hereafter as the "applicant".

Landowner(s): The property is owned by 28-30 River Street, LLC and 32 River Street, LLC. All owners are signatories to this application.

Project Consultant(s): Terry W. Wilson of Vermont Mapping & Survey Co., LLC is a consultant for this project.

Application Submission: The application form was received by the Planning and Economic Development Department on December 28, 2015. The application was deemed incomplete by Staff on December 29, 2015. Additional requested materials and a revised plan were received on January 6, 2016.

Application Completion: The application was deemed complete by Staff on January 6, 2016.

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.

Boundary Lines Adjustment Specific Jurisdiction: SR130 states:

> 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.

Staff notes that while Boundary Line Adjustment (BLA) is term that does not appear in the Subdivision Regulations, Milton has consistently categorized BLAs as meeting the definition of "resubdivisions" (per SR200.10) and treated them as subject to a single hearing.

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

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

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

Regulatory Waivers Requested: None.

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

EXHIBITS

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

- Sketch Plan of Proposed Subdivision and Lot Line Adjustment for Lands of 28-30 River St, LLC &32 River St, LLC, prepared by Vermont Mapping & Survey Co., LLC dated December, 2015;
- Variance Request dated 12/28/2015.

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

- Technical Advisory Committee (TAC) Public Works Review Sheet dated 2/1/2016;
- TAC School District Review Sheet dated 2/2/2016;

- TAC Police Review Sheet dated 1/28/2016;
- TAC Recreation Review Sheet dated 1/27/2016;
- TAC Fire Review email from Chris Poirier dated 2/1/2016;
- Notice of Violation Letter, dated 9/11/15

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 recommends a site visit due to the streamcourse, flood hazard, particularities, and natural resource constraints of this site.

1. The DRB may recess the hearing to schedule a site visit.

SITE, DISTRICT & AREA INFORMATION

Property Location: The subject properties are located at 28–30 River Street and 32 River Street and shown on Milton's Tax Map 32 as Parcels 22-2 and 22-4. The corresponding School Parcel Account Numbers (SPAN) are 11460, 10397.

Size/Area: According to the evidence presented, the subject parcels total approximately 0.89 acres or 38,840 square feet. The Assessor's Grand List records theses propertys as approximately 0.95 acres.

Deed(s): The deeds are recorded on Book 331, Page 440 and Book 333, Page 774 of the Town of Milton Land Records.

Zoning District(s): The site is located within the Old Towne Residential/Commercial (M5) 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 ZR451 states that the purpose of this district is to "allow mainly residential uses, and some limited commercial uses."

Comprehensive Planning Area: The site is located within the Town Core Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan. The site is located in the 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.

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.

Goal 9.3.6. Promote the development of community activities for a range of ages.

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 is largely flat, sloping gently up away from River Street and crossed by a low lying mapped stream course. The properties contain soils of statewide agricultural significance, drain to Lake

Champlain via the Lamoille River, contain no mapped wetlands on the property, and a mix of grass trees and shrubs.

Surrounding Use/Structures: The properties are surrounded by an auto repair shop to the north, a telecommunications building to the east, a triplex to the south, and a Town park to the west.

SITE HISTORY

Background: To staff's knowledge, the subject property has never undergone development review by the DRB or Zoning Board of Adjustment or Planning Commission. The subject property has the following approvals that Staff has found relevant to this application:

- In 1971 the existing home at 28-30 River Street was converted to a duplex.
- In 2007 the garage was constructed and not approved for commercial detailing and auto repair.
- November 12, 2009 Site Plan Approval was granted t convert the garage from a residential use to a commercial auto detailing garage. A permit was never obtained.
- February 26, 2013, 28-30 River Street received Administrative Site Plan Amendment Approval to change the use of a residential garage to a commercial garage for the detailing and repair of vehicles and to operate a small UHaul business.

Zoning Compliance: The property at 28-30 River Street has the following standing Zoning Violation recorded in the Town of Milton Records:

- The Zoning Violation, recorded on 9/11/15 states the grantor is in violation of the Town of Milton Zoning Regulations: Outdoor Storage of more than 1 unregistered vehicle and vehicles not parked according to site plan approved on 2/26/13.

EXISTING AND PROPOSED USE/IMPROVEMENTS/LAND RESTRICTIONS

Existing Use(s): 28-30 River Street currently contains a duplex and an auto garage, a non-conforming use that would otherwise have to be established as Mixed-Use PUD to become conforming. 32 River Street contains a single family dwelling.

Proposed Use(s): There are no proposed use changes, but the garage and duplex would be placed onto two separate lots.

Existing Improvements:
Buildings: 28-30 River Street currently contains a duplex, an auto garage (not in compliance with side setback requirements), and a shed. 32 River Street currently contains a single family dwelling not in compliance with minimum front setback requirements. Buildings not meeting the district setback requirements are non-complying structures subject to development limitations to ensure that non-conformities do not increase in nature.
Water/Wastewater: The single family dwelling and duplex are served by municipal water and wastewater. The auto garage has **NO WATER OR WASTEWATER SERVICE**, discovered upon review of this application.
Access: The single family home and duplex are accessed from River Street via an easement. The auto garage is accessed via Cherry Street frontage.

Existing Improvements to be Removed: The existing shed is to be removed from the proposed side setback. To render the shed complying it must be removed from the site, demolished, or relocated on the lot to be located outside of a setback. All these actions require a Zoning Permit.

Proposed Improvements:
Buildings: No changes are proposed to the primary structures.
Water/Wastewater: The applicant proposes connecting the existing auto garage to municipal water and wastewater. Staff finds that the auto repair garage use may only continue with adequate water and wastewater supply.

2. The applicant must obtain permits and install and/or connect water and wastewater systems for proposed Lot #2 prior to the recording of the plat in order to continue any use requiring water & wastewater supply by law, any such use shall cease without such permits and the Zoning Administrator shall take appropriate action to ensure that the use complies with the law.

Access: No changes are proposed to access.

Existing Restrictions or Covenants: An access easement is currently in place to allow access to the duplex at 28-30 River Street over the property of 30 River Street.

BOUNDARY LINE ADJUSTMENT / SUBDIVISION SKETCH PLAN REVIEW

SR110.2, Subdivision Policy: Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities and transportation facilities.

SR120, Purposes: The Subdivision Regulations aim to achieve the purposes defined by this section:

- To protect and provide for the public health, safety, and general welfare of the Town of Milton.
- To guide the future growth and orderly development of the Town in accordance with the Comprehensive Plan, Zoning Regulations and all other By-Laws enacted to implement the Plan.
- To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent over-crowding of the land and undue congestion of population.
- To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools parks, playgrounds, recreation and other public requirements and facilities.
- To provide the most beneficial relationship between the uses of land and buildings, and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and highways.
- To insure that public facilities are available and will have a sufficient capacity to serve any proposed subdivision.
- To present the pollution of air, streams, ponds and Lake Champlain; to assure the adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity; stability, and beauty of the community and the value of land.

- To preserve the natural beauty and topography of the Town and to insure appropriate development with regard to these natural features.
- To further the purposes contained in the Vermont Planning and Development Act, and in particular, those purposes set forth in Section 4302 of the Act.

SR320, Subdivision Classification: The section states, "The DRB shall classify the sketch plan at the meeting as either a minor subdivision or a major subdivision." The proposal is a boundary line adjustment between two lots and a two-lot (2) subdivision, originating with one (1) parent lot and resulting in two (2) individual lots. SR200.5 defines a minor subdivision as, "Any subdivision containing less than seven lots; any planned residential development or planned unit development containing less than seven units." Staff, therefore, finds that the proposal is a minor subdivision.

SR330, Regulatory Conformance: The section states, "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." (Analysis below).

ZONING REGULATION LOT CONFORMANCE

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."

District Dimensional Requirements, ZR450: The tables below shows the required dimensional requirement for the subject property's applicable Zoning District and proposed compliance.

The applicant is proposing a boundary line adjustment between 28-30 River Street and 32 River Street in order to bring the lot at 28-30 River Street into Dimensional Conformity.

32 River Street	Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	10,000	16,867	10,619
Minimum Road FRONTAGE (linear ft.)	80	226.75	146.6
Minimum FRONT SETBACK (linear ft.)	20	**15**	**15**
Minimum SIDE SETBACK (linear ft.)	10	47	>10
Minimum REAR SETBACK (linear ft.)	10	**5**	**5**
Maximum BUILDING COVERAGE	50	na	na
Maximum LOT COVERAGE (%)	40	<40	<40

The Lot at 32 River Street does not currently conform to the minimum **front** or **rear** setback requirements for the M5 District. The proposal has no impact on setback conformity. The lot is otherwise conforming.

28-30 River Street (Auto Garage)	Required	Existing	Proposed

Minimum LOT AREA (sq. ft.)	10,000	21,973	28,221
Minimum Road FRONTAGE (linear ft.)	80	**25**	**149.92**
Minimum FRONT SETBACK (linear ft.)	20	80	51
Minimum SIDE SETBACK (linear ft.)	10	**7**	**>10**
Minimum REAR SETBACK (linear ft.)	10	10	10
Maximum BUILDING COVERAGE	50	<50	<50
Maximum LOT COVERAGE (%)	40	<40	<40

The lot at 28-30 River Street does not currently conform to the minimum **frontage** requirement for the M5 District. The proposal makes the lot conform to the minimum frontage requirement.

The lot at 28-30 River Street does not currently conform to the minimum **side setback** requirement for the M5 District. The proposed lot makes the structure conform to the minimum side setback requirements

The proposed boundary line adjustment, for the lots above, reduces the non-complying nature of these lots/structures, but maintains some existing non-conformity..

Lot 1 (Containing Residence at 28-30 River Street)	Required	Proposed
Minimum LOT AREA (sq. ft.)	10,000	14,882
Minimum Road FRONTAGE (linear ft.)	80	**45.21**
Minimum FRONT SETBACK (linear ft.)	20	51
Minimum SIDE SETBACK (linear ft.)	10	>10
Minimum REAR SETBACK (linear ft.)	10	>10
Maximum BUILDING COVERAGE	50	<50
Maximum LOT COVERAGE (%)	40	<40

The proposed Lot-1 creates a lot that does not conform to the minimum **road frontage** requirement for the M5 District. The current residential structure has access to River Street via a driveway located within an existing access easement on the 32 River Street lot. The proposal creates 45.21 feet of frontage along River Street where none currently exists.

The applicant has requested a Variance from the minimum road frontage requirement.

An existing shed on the property would be located within the side setback. The applicant has proposed the demolition of the shed in order to maintain conformance with the side setback requirement.

3. The applicant shall apply for and receive a Zoning Permit for removal, demolition or relocation (to be within the building envelope) of the shed at 28-30 River St. (to render it complying), as well as a Certificate of Compliance, prior to being eligible to record the Plat, pending Final Plan

approval. The applicant shall allow sufficient time to ensure that the at recording deadline is met. The Final Plat shall show the shed as appropriate.

Lot 2 (Containing Garage at 28-30 River Street)	Required	Proposed
Minimum LOT AREA (sq. ft.)	10,000	13,339
Minimum Road FRONTAGE (linear ft.)	80	149
Minimum FRONT SETBACK (linear ft.)	20	>20
Minimum SIDE SETBACK (linear ft.)	10	10
Minimum REAR SETBACK (linear ft.)	10	>10
Maximum BUILDING COVERAGE	50	<50
Maximum LOT COVERAGE (%)	40	<40

Lot 2 would conform to the dimensional standards of the M5 District.

ZR540, Number of Structures on Lots: The section states, "There shall be only one PRINCIPAL STRUCTURE and its approved ACCESSORY STRUCTURES on a LOT."

Staff finds that 28-30 River Street currently contains two principal structures, a duplex and an Auto Garage. The proposal would place each principal structure on its own lot, rendering it conforming to this section.

VARIANCE REVIEW

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

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

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

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

Staff finds that the existing duplex at 28-30 is accessed via an easement across 32 River Street. The applicant is proposing to add frontage along River Street for the lot containing the duplex through a boundary line adjustment. The location of the house at 32 River Street makes 80 feet of road frontage along River Street impossible without creating additional non-conformity of the other lots subject to this approval.

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

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

Staff finds that the variance would allow for the currently used driveway accessing the existing duplex to be included within the duplex's lot.

ZR1071.3, Unnecessary Hardship Standard: ZR1071.3 states, "That such unnecessary hardship has not been created by the appellant".

To staff's knowledge, unnecessary hardship has not been created by the appellant.

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

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

Staff finds that the variance would not alter the essential character of the area, as this is a long-standing element of the neighborhood's character, and would not impair the reasonable use of adjacent properties or renewable energy, nor be detrimental to the public welfare.

ZR1071.5 Minimum Relief Standard: ZR1071.5 states, "That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Regulations and from the *Plan*."

4. The DRB may grant a variance from Subdivision Regulations 700.5 and 880.1 and Zoning Regulations Sections 454 and 620 in accordance with ZR1071

RETURN TO SUBDIVISION REVIEW

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

SR400, Minor Subdivision Application: The section states (if approved):

5. 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.

Final Application Content SR610:

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

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

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

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

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

Drainage, SR840: According to SR840, "Where a subdivision is traversed by a water course or drainage way there shall be provided a storm water drainage easement of such width as to encompass the twenty five (25) year flood area of such water course, which easement shall be indicated on the Final Plat."

8. The location of a storm water drainage easement of such width as to encompass the twenty five (25) year flood area of the water course within the subdivision shall be included in the Final Plat application.

Legal Escrow, SR910:

9. 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:

10. The applicant shall submit draft deeds and any other associated legal instruments for all impacted lots for review and approval by the Town Attorney. All requested revisions must be

complete before the Plat may be recorded. Only instruments approved by the Town may be recorded in the Town of Milton Land Records.

TECHNICAL REVIEW COMMITTEE

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

11. A State water/wastewater permit shall be obtained prior to the Final Subdivision application.

12. An oil & water separator shall be required on the sanitary sewer discharge from the garage.

STATE PERMITS

Project Review: Per 24 VSA §4463 on subdivision review: "Any application for an approval and any approval issued under this section shall include a statement, in content and form approved by the Secretary of Natural Resources, that State permits may be required and that the permittee should contact State agencies to determine what permits must be obtained before any construction may commence." The Applicant is advised, prior to submitting a final plan, to obtain a state project review sheet.

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

ADMINISTRATION

14. The existing Site Plan must be amended to reflect the new lot lines.

15. Boundary Line Adjustment approval shall be conditioned upon Final Subdivision approval and finalized on the Final Subdivision Plat.

STAFF RECOMMENDATION

The Planning Staff recommends that the DRB **approve** the Sketch Plan for a proposed 2-lot Minor Conventional Subdivision, Boundary Line Adjustment and Variance application for the subject properties located at 28-30 River Street, described as Tax Map 32, Parcel 22-2 and SPAN #11460 and 33 River Street, described as Tax Map 32 Parcel 22-4, SPAN #10397, require that a **site visit** be scheduled prior to final plan review, subject to the conditions above.

Respectfully Submitted:

Jeffrey Castle, Town Planner

ATTACHMENTS:

- Sketch Plan of Proposed Subdivision and Lot Line Adjustment for Lands of 28-30 River St, LLC &32 River St, LLC, prepared by Vermont Mapping & Survey Co., LLC dated December, 2015;
- Variance Request dated 12/28/2015.
- Technical Advisory Committee (TAC) Public Works Review Sheet dated 2/1/2016;
- TAC School District Review Sheet dated 2/2/2016;
- TAC Police Review Sheet dated 1/28/2016;
- TAC Recreation Review Sheet dated 1/27/2016;
- TAC Fire Review email from Chris Poirier dated 2/1/2016;
- Notice of Violation Letter, dated 9/11/15

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).

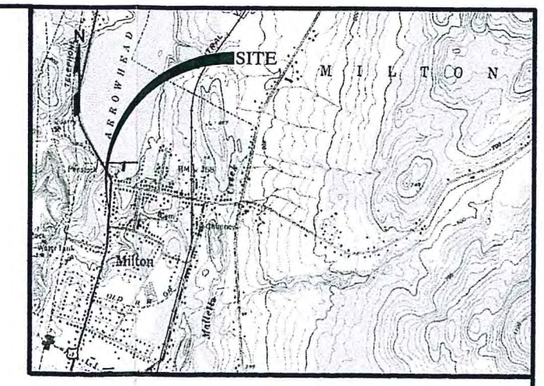
Revocations: In addition to any other remedies provided for by law, approvals from the Development Review Board, whichever granted the permit or approval, for violation of these Regulations or the terms and conditions of the permit or approval. Omission or misstatement of any material fact by the applicant 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.

REFERENCES

1. A PLAT ENTITLED "2 LOT SUB-DIV. JOHN A. & MARJORIE A. BOURGEOIS PROP., U.S. ROUTE NO. 7, MILTON, VT.", PREPARED BY WARREN A. ROBENSTIEN, LAST REVISED SEPT. 1982, AND RECORDED IN SLIDE #132A OF THE TOWN OF MILTON LAND RECORDS.
2. A PLAT ENTITLED "PLAT OF SURVEY, WILLIAM H. & LEDORA A. HARRINGTON & JOHN F. & LEAH A. MACRAE – BOUNDARY LINE ADJUSTMENT, U.S. ROUTE NO. 7 (RIVER STREET) MILTON, VT.", PREPARED BY WARREN A. ROBENSTIEN, DATED SEPT 15, 2009, AND PROVIDED BY WILLIAM HARRINGTON AND JOHN MACRAE.

NOTES

1. BEARINGS ARE BASED ON REFERENCE #1.
2. OTHER EASEMENTS, RECORDED OR UNRECORDED, MAY EXIST.
3. NO FIELD SURVEY WAS CONDUCTED IN CREATING THIS SKETCH PLAN. ALL PROPERTY LINES SHOWN HEREON WERE TAKEN FROM REFERENCE #1 & #2. ALL AREAS SHOWN HEREON WERE CALCULATED FROM REFERENCES #1 & #2. ALL PHYSICAL FEATURES SHOWN HEREON WERE TAKEN FROM REFERECES #1 & #2 AND FROM ORTHO PHOTOS AND OTHER GIS APPLICATIONS. THE INFORMATION SHOWN HEREON IS FOR INFORMATIONAL AND PLANNING PURPOSES ONLY.
4. ALL STRUCTURES SHOWN HEREON WERE TAKEN FROM REFERECES #1 & #2 AND GIS INFORMATION. THEIR TRUE LOCATION IN REFERENCE TO THE PROPERTY AND ZONING LINES IS UNKNOWN.

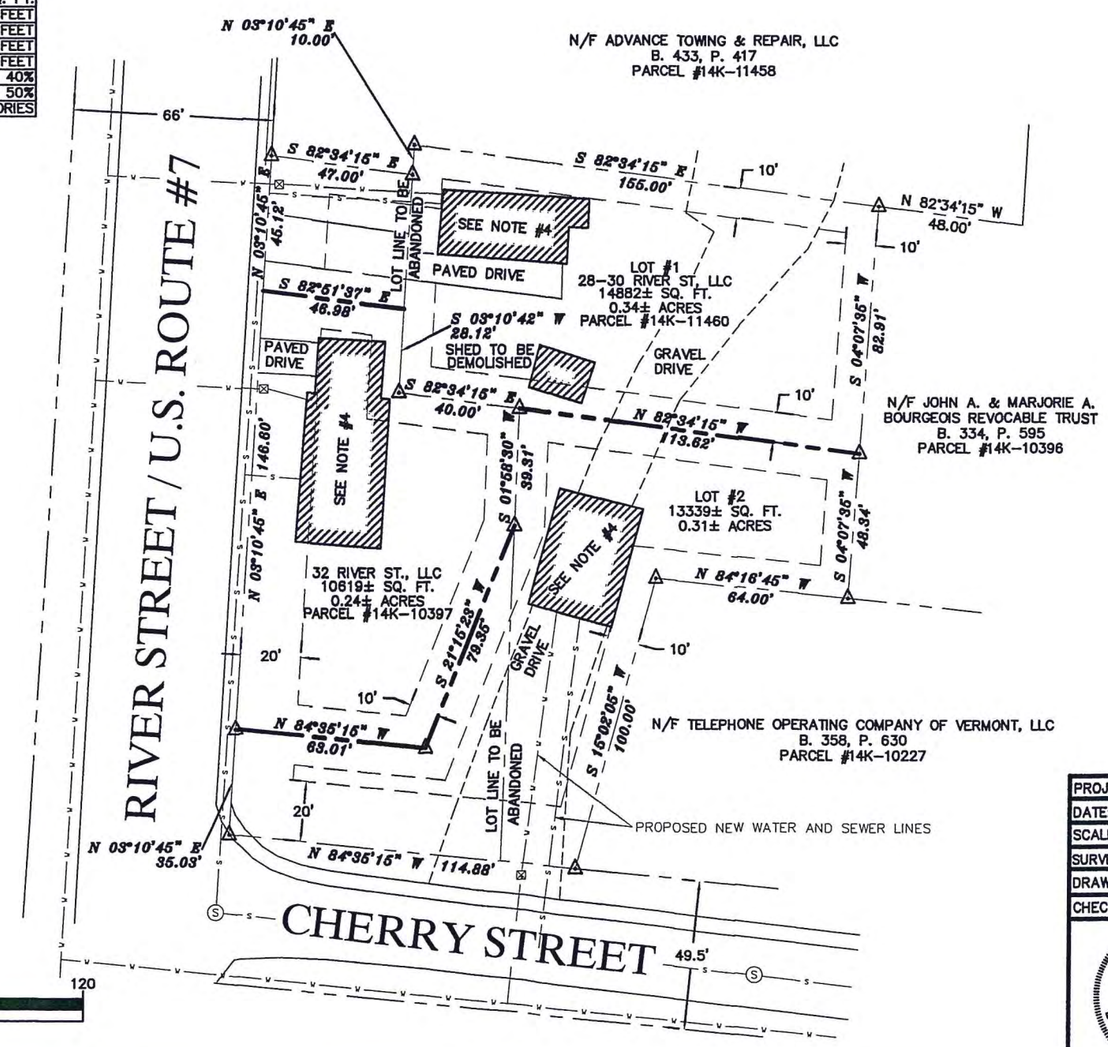


LOCUS
NOT TO SCALE

ZONING: OLD TOWNE RESIDENTIAL / COMMERCIAL (M5)	
MINIMUM LOT AREA:	10,000 SQ. FT.
MINIMUM ROAD FRONTAGE:	80 FEET
MINIMUM FRONT SETBACK:	20 FEET
MINIMUM SIDE SETBACK:	10 FEET
MINIMUM REAR SETBACK:	10 FEET
MAXIMUM BUILDING COVERAGE:	40%
MAXIMUM LOT COVERAGE:	50%
MAXIMUM BUILDING STORIES:	3 STORIES

28-30 RIVER STREET, LLC
B. 331, P. 440
PREVIOUS TOTAL LOT SIZE
21973± SQ. FT.
0.50± ACRES
NEW TOTAL LOT SIZE
28221± SQ. FT.
0.65± ACRES
SEE NOTE #3

32 RIVER STREET, LLC
B. 333, P. 774
PREVIOUS LOT SIZE
16867± SQ. FT.
0.39± ACRES
NEW LOT SIZE
10619± SQ. FT.
0.24± ACRES
PARCEL #14K-10397
SEE NOTE #3



LEGEND

- OLD PROPERTY LINE
- NEW PROPERTY LINE
- RIGHT OF WAY OR PARCEL LINE
- ZONING SETBACK LINE
- APPROXIMATE SEWER LINE
- APPROXIMATE WATER LINE
- CALCULATED POINT

RECEIVED
JAN 06 2016
Planning & Economic Development
Milton, Vermont

PROJ. #15493	SKETCH PLAN OF PROPOSED SUBDIVSION AND LOT LINE ADJUSTMENT OF LANDS OF 28-30 RIVER ST, LLC & 32 RIVER ST, LLC MILTON, VERMONT
DATE: DECEMBER, 2015	
SCALE: 1"=30'	
SURVEYED BY: N/A	
DRAWN BY: TWW	
CHECKED BY: TWW	SHEET 1 OF 1 DWG. # M-493

STATE OF VERMONT
TERRY W. WILSON
NO. 60812
LICENSED LAND SURVEYOR

Vermont Mapping &Survey Co., LLC
99 Deer Run Lane
Westford, VT 05494
(802) 871-5216
www.vermontmapping.com

12/28/2015

HELLO:

CURRENTLY 28-30 RIVER STREET HAS NO FRONTAGE ON RIVER STREET.

BY GRANTING OUR VARIANCE REQUEST, 28-30 RIVER STREET STILL WILL NOT MEET THE FRONTAGE REQUIREMENT, HOWEVER, IT WILL GAIN SOME FRONTAGE ON RIVER STREET.

THANK YOU

RECEIVED
DEC 28 2015
Planning & Economic Development
Milton, Vermont

Notice of Violation

Violation Date: 9/11/15

Land Owner: 28-30 River Street LLC

Tax Map: 32 Parcel: 22-2

Address: 4 Cherry Street

This violation notice may be viewed at the Planning and Economic Development Department, Monday through Friday from 8 am to 5 pm.

As the Town Clerk for the Town of Milton, you are hereby notified that this Notice of Violation is to be recorded in the Municipal Land Records under the authority of Title 24, VSA 1154(c).

The grantor(s) shall be the above referenced landowner whose lands are identified in Volume 331 Page 440 and the grantee shall be the Town of Milton Zoning Administrator.

The grantee's interest is limited to the land(s) of the grantor(s) identified in the volume and page specified above as delineated in the above Notice of Violation issued under authority of Title 24 VSA.

The grantor(s) is in violation of the Town of Milton Zoning Regulations: Outdoor Storage of more than 1 unregistered vehicle and vehicles not parked according to site plan approved on 2/26/13.

I swear that to the best of my information and belief that the statements made above are true. Date this 11 day of September, 2015 in Milton, Vermont

Amanda Pitts
Zoning Administrator

TOWN CLERK'S OFFICE
Received Sep 11,2015 08:15A
Document Number: 68655
Recorded in VOL: 459 PG: 329
OF Milton Land Records
Attest:
Sheryl N Prince
Town Clerk

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 11, 2016

Date of Review: February 1, 2016

Department: Public Works

TAC Member: Roger Hunt

Minor Conventional Subdivision Final Plan, Site Plan & Variance Application – 947- 951 US Route 7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner. The project proposes connection to the municipal water system and a 1,000 gallon holding tank for wastewater. Since the will ultimately discharge to the Milton Wastewater system, reserve allocation will be required for both water & wastewater.

No standard details are attached to the site plan. Standard details are required.

The 1,000 gallon wastewater holding tank will require at least a high level alarm. The preferred configuration will include a level sensor. The tank must also be vented.

The drive exit to US RT 7 shall have a stop bar and stop sign in accordance with the latest version of the MUTCD. The apron must be paved.

I am assuming the parking space adjacent to the hashed area is a handicap spot. Since the parking lot will be gravel, the spot will require a handicapped parking sign.

Did the engineer prepare a cost estimate to pump the wastewater to the municipal collection system? A forcemain could easily be directionally bored.

Sketch Plan- Minor Conventional Subdivision, Variance & Boundary Line Adjustment Application – 28-30 River Street, LLC & 32 River Street, LLC, Owners/John & Leah MacRae Applicants.

Will this require DRB site plan approval?

Water & Wastewater is proposed to serve the garage. A State WWW permit will be required as will allocation.

An oil & water separator will be required on the sanitary sewer discharge from the garage.

Sketch Plan Application, Minor Conventional Subdivision – Poor Farm Acres, LLC, Owner/Applicant. Curb cuts shall be constructed in accordance with the Town of Milton Public Works Specifications.

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 11, 2016

Date of Review: 2/2/16

Department: School

TAC Member: Ann Bradshaw

Minor Conventional Subdivision Final Plan, Site Plan & Variance Application -- 947- 951 US Route 7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner.

no comments

Sketch Plan- Minor Conventional Subdivision, Variance & Boundary Line Adjustment Application – 28-30 River Street, LLC & 32 River Street, LLC, Owners/John & Leah MacRae Applicants.

no comments

Sketch Plan Application, Minor Conventional Subdivision – Poor Farm Acres, LLC, Owner/Applicant.

no comments

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 11, 2016

Date of Review: 01-28-16

Department: Police

TAC Member: Brett Van Nostrt

Minor Conventional Subdivision Final Plan, Site Plan & Variance Application -- 947-951 US Route 7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner.

NO COMMENTS OR CONCERNS.

Sketch Plan- Minor Conventional Subdivision, Variance & Boundary Line Adjustment Application - 28-30 River Street, LLC & 32 River Street, LLC, Owners/John & Leah MacRae Applicants.

NO COMMENTS OR CONCERNS

Sketch Plan Application, Minor Conventional Subdivision - Poor Farm Acres, LLC, Owner/Applicant.

MAKE SURE SIDE DISTANCE IS GOOD UPON EXITING OR ENTERING DRIVEWAY.

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

RECEIVED
JAN 26 2016
RECREATION DEPARTMENT
MILTON, VERMONT

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 11, 2016

Date of Review: 1-27-16

Department: Recreation

TAC Member: Lynn Touchesneau, Recreation Coordinator

Minor Conventional Subdivision Final Plan, Site Plan & Variance Application -- 947- 951 US Route 7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner.

No comments

Sketch Plan- Minor Conventional Subdivision, Variance & Boundary Line Adjustment Application – 28-30 River Street, LLC & 32 River Street, LLC, Owners/John & Leah MacRae Applicants.

No comments

Sketch Plan Application, Minor Conventional Subdivision – Poor Farm Acres, LLC, Owner/Applicant.

No comments

RECEIVED
JAN 26 2016
Planning & Economic Development
Milton, Vermont

JCastle

From: Christian Poirier
Sent: Monday, February 01, 2016 6:09 PM
To: JCastle; Jacob Hemmerick
Subject: TAC comments

Hi Jeff, the only comments I have for the TAC meeting would be a fire department key box for the Standard house. All other projects will have no effect on the fire department. Also I will be unable to attend the TAC meeting.

Chris Poirier
Assistant Chief
Milton Fire Department

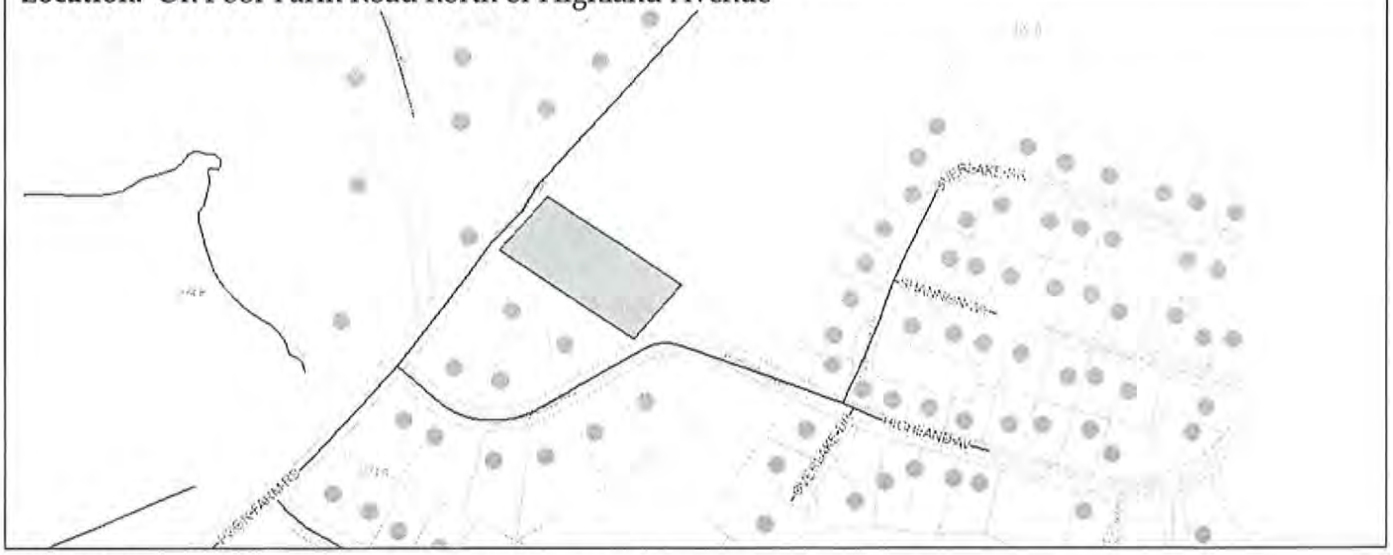
TOWN OF MILTON

Planning & Economic Development Department

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

DEVELOPMENT REVIEW BOARD STAFF REPORT

Hearing Date: February 11, 2016	
Case No: DRB 2016-07	
Application(s): 2-lot Minor Conventional Subdivision Sketch Plan	
Application Received: January 11, 2016	
Application Deemed Complete: January 11, 2016	
Staff Report Finalized: Friday, June 5, 2015	
Applicant(s): Poor Farm Acres, LLC c/o William Sawyer PO Box 69 Milton, VT 05468	**Owner(s):** Same
Engineer/License: Karl Marchessault, PE Civil 8932 O'Leary-Burke 13 Corporate Drive Essex Junction, VT 05452	**Surveyor/License:** Seth W. Kittredge, LS 060709 O'Leary Burke 13 Corporate Drive Essex Junction, VT 05452
E-911/Postal Address: Unaddressed between Poor Farm Road and Highland Ave	
Tax Map, Parcel(s): 15, 55	
School Parcel Account Number(s) (SPAN): 11180	
Deed(s): Book 458, Page 275	
Existing Size: 2.0 acres	
Zoning District(s): Medium Density Residential (R2)	
Comprehensive Plan Planning Area/Sub-Area: Arrowhead Lake Planning Area	
Location: On Poor Farm Road north of Highland Avenue	



INTRODUCTION

Noticed/Warned Summary of Proposal: Poor Farm Acres, LLC, Owner/Applicant is requesting Sketch Plan approval for a proposed 2-lot Minor Conventional Subdivision located at an unaddressed property on Poor Farm Road, described as Tax Map 15, Parcel 55 and SPAN #11180. The applicant proposes access to Lot 1 via Poor Farm Road and Lot 2 via Highland Avenue. The properties are proposed to be served by on-site water and wastewater. The subject property contains approximately 2.00 acres and is located within the "Medium Density Residential" (R2) Zoning District and Arrowhead Lake Planning Area.

Comments: Jacob Hemmerick, Planning Director, and 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/drb.html.

APPLICATION, JURISDICTION & NOTICE

Application: This matter comes before the Town of Milton Development Review Board (DRB) for 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 William Sawyer referred to hereafter as the "applicant".

Landowner(s): The property is owned by Poor Farm Acres, LLC.

Project Consultant(s): Karl Marchessault of O'Leary-Burke is a consultant for this project.

Application Submission: The application form was received by the Planning and Economic Development Department on January 11, 2015. Unless otherwise noted, the associated exhibits were received the same day.

Application Completion: The application was deemed complete by Staff on January 11, 2015.

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

Minor/Major Conventional Subdivision Sketch/Preliminary/Final Specific Jurisdiction: SR130 states: These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the Town of Milton. No land shall be subdivided within the Town of Milton until the subdivider shall obtain final approval of the proposed subdivision from the Development Review Board (DRB) and the final approved subdivision plat is recorded in the Milton Land Records.

Regulatory Waivers Requested: No waivers were requested. Staff finds that a waiver is needed from the frontage requirement of ZR530.

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.

Hearing: The Town Planner scheduled the hearing for February 11, 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.

EXHIBITS

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

- Site Plan for Poor Farm Acres, LLC, dated 1/7/2016
- Water and Wastewater Details and Specifications, dated 1/7/2016
- Subdivision Plat of Lands Owned by Poor Farm Acres, LLC, dated 10/2015

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

- Technical Advisory Committee (TAC) Public Works Review Sheet dated 2/1/2016;
- TAC School District Review Sheet dated 2/2/2016;
- TAC Police Review Sheet dated 1/28/2016;
- TAC Recreation Review Sheet dated 1/27/2016;
- TAC Fire Review email from Chris Poirier dated 2/1/2016;

SITE, DISTRICT & AREA INFORMATION

Property Location: The subject property is located at an unaddressed location on Poor Farm Road and shown on Milton's Tax Map 15 as Parcel 55. The corresponding School Parcel Account Number (SPAN) is 11180.

Size/Area: According to the evidence presented, the subject parcel is approximately 1.97 acres or 86,031 square feet. The Assessor's Grand List records this property as approximately 2.0 acres.

Deed(s): The deed is recorded on 8/4/2015 in Book 458, Page 275 of the Town of Milton Land Records to Poor Farm Acres, LLC, Grantee.

Zoning District(s): The site is located within the Medium Density Residential (R2) 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 ZR311 states that the purpose of this district is to "allow for medium density development in an area close to the core and within easy access to community services and facilities which has already experienced significant residential development. Due to the severe environmental limitation in parts of this area all development will be carefully reviewed for compatibility with the specific site's development capability."

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

Goal 9.9.1. Encourage innovative neighborhood planning concepts.

Objective 9.9.1.a. Develop standards and encourage primarily residential areas with small neighborhood parks, a small local neighborhood store, and a boat launch on Arrowhead Lake.

Objective 9.9.1.b. Encourage medium and low density planned unit residential developments.

Goal 9.9.2. Scenic vistas and viewsheds in this area should be maintained.

Goal 9.9.3. Promote the development of community activities for a range of ages.

Objective 9.9.3.a. Encourage the creation of outdoor recreation facilities to accommodate such uses as playing fields for children and adult programs.

Objective 9.9.3.b. Encourage bike/pedestrian connections over the Lamoille River to connect to the Town Core Area.

Physical Characteristics/Natural Features: The site is generally flat with a low area on the southwest side of the property. It is a wooded lot, contains prime agricultural soil and soil of statewide agricultural significance, drains to Lake Champlain via the Lamoille River, and contains no mapped wetlands.

Surrounding Use/Structures: The property is surrounded by residential single family dwellings and is bordered to the northeast by agricultural property.

SITE HISTORY

Background: The site currently has an open Zoning Permit for one single family dwelling. If subdivision is approved, the existing zoning permit must be amended to reflect the change of the property boundaries.

1. If subdivision is approved, the existing zoning permit for a single family home on the existing lot must be amended to reflect the change of the property boundaries.

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

EXISTING AND PROPOSED USE/IMPROVEMENTS/LAND RESTRICTIONS

Existing Use: The lot is currently vacant. There is an approvedzoning permit for one single family home.

Proposed Use: The applicant is proposing to construct two (2) single family homes on the property.

Existing Improvements: There currently no improvements on the subject property.

Proposed Improvements: The applicant is proposing two single family homes to be constructed on the property. Each home would be served by their own on-site well and septic system. Lot 1 would be accessed via Poor Farm Road. Lot 2 would be accessed via Highland Ave over an existing 60' easement across the land of Michael Marquis SPAN 12073.

Existing Restrictions or Covenants: A current easement held by Vermont Gas Systems, Inc, traverses the property along the Poor Farm Road boundary. The property is served by a 60' wide easement over the lands of Marquis for the purpose of ingress and egress access to Highland Ave and utilities.

SUBDIVISION SKETCH PLAN REVIEW

SR110.2, Subdivision Policy: Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities and transportation facilities.

SR120, Purposes: The Subdivision Regulations aim to achieve the purposes defined by this section:

- To protect and provide for the public health, safety, and general welfare of the Town of Milton.
- To guide the future growth and orderly development of the Town in accordance with the Comprehensive Plan, Zoning Regulations and all other By-Laws enacted to implement the Plan.
- To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent over-crowding of the land and undue congestion of population.
- To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools parks, playgrounds, recreation and other public requirements and facilities.
- To provide the most beneficial relationship between the uses of land and buildings, and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and highways.
- To insure that public facilities are available and will have a sufficient capacity to serve any proposed subdivision.
- To present the pollution of air, streams, ponds and Lake Champlain; to assure the adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity; stability, and beauty of the community and the value of land.
- To preserve the natural beauty and topography of the Town and to insure appropriate development with regard to these natural features.
- To further the purposes contained in the Vermont Planning and Development Act, and in particular, those purposes set forth in Section 4302 of the Act.

SR320, Subdivision Classification: The section states, "The DRB shall classify the sketch plan at the meeting as either a minor subdivision or a major subdivision." The proposal is a two-lot (2) subdivision, originating with one (1) parent lot and resulting in two (2) individual lots. SR200.5 defines a minor subdivision as, "Any subdivision containing less than seven lots; any planned residential development

or planned unit development containing less than seven units." Staff, therefore, finds that the proposal is a minor subdivision.

SR330, Regulatory Conformance: The section states, "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 REGULATION LOT CONFORMANCE

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."

District Dimensional Requirements, ZR450: The tables below show the required dimensional requirement for the subject property's applicable Zoning District and proposed compliance.

Lot 1 (Accessed via Poor Farm Road)	Required	Proposed
Minimum LOT AREA (sq. ft.)	40,000	43,154
Minimum Road FRONTAGE (linear ft.)	200	208
Minimum FRONT SETBACK (linear ft.)	35	35
Minimum SIDE SETBACK (linear ft.)	15	15
Minimum REAR SETBACK (linear ft.)	15	15
Maximum BUILDING COVERAGE	40	3
Maximum LOT COVERAGE (%)	15	4.5

Lot 1 would conform to the dimensional standards of the R2 District.

Lot 2 (Accessed via Highland Avenue)	Required	Proposed
Minimum LOT AREA (sq. ft.)	40,000	42,877
Minimum Road FRONTAGE (linear ft.)	200	**0**
Minimum FRONT SETBACK (linear ft.)	35	35
Minimum SIDE SETBACK (linear ft.)	15	15
Minimum REAR SETBACK (linear ft.)	15	15
Maximum BUILDING COVERAGE	40	3
Maximum LOT COVERAGE (%)	15	4.5

In the application, the applicant shows the frontage for Lot 2 as being 208. Staff finds that there is no frontage for this lot, and therefore does not conform to the minimum **road frontage** requirement for the

M2 District. The applicant has stated that the property benefits from a 60′ easement over the property of M.C. and A.A. Marquis for the purpose of ingress, egress, and the installation of utilities.

ZR530, Required Frontage & Approved Access: Land development shall only be permitted on lots having frontage on public waters, lots having access on a PUBLIC ROAD meeting Class 1, 2, or 3 state standards, or, with the approval of the Development Review Board, lots having access to a PUBLIC ROAD meeting Class 1, 2, or 3 state standards over a permanent, private easement or private right-of-way at least 60-feet wide, or 40-feet wide as permitted within these regulations.

Staff finds that the Development Review Board may approve land development, including the division of a parcel into two or more parcels, of a lot having access to a public road over a private easement of at least 60-feet wide. Due to the existence of a 60′ private easement allowing access to Lot 2 via Highland Ave, the DRB may approve the creation of Lot 2 despite not meeting the minimum frontage requirement for the R2 District.

ZR532, Residential Frontage Requirement Waivers: The Development Review Board may, in accordance with 24 V.S.A. § 4414(8) authorize a waiver from the minimum FRONTAGE requirements for any two-lot subdivision located within a district that permits single FAMILY residential USES provided that the subdivision is in compliance with the Town of Milton Public Works Specifications for Private Right-of-Way construction. This section applies to all zoning districts except the OLD TOWNE RESIDENTIAL, OLD TOWNE RESIDENTIAL/COMMERCIAL, and MAIN STREET Districts.

532.1 The subdivision must result FRONTAGE on a PUBLIC ROAD appropriate to enable a curb cut. As a general standard, the Development Review Board shall encourage at least sixty (60) feet of FRONTAGE on a PUBLIC ROAD for each lot, but may waive this requirement only if pre-existing lot characteristics render this requirement infeasible.

532.2 The Development Review Board may limit the number of curb cuts allowed through such action by requiring shared DRIVEWAYS to be maintained by both lots.

532.3 The Development Review Board may deny such a request if the creation of a new lot would alter community character or result in the disruption of the continuity of a streetscape, or if the proposal contradicts any element of the *Comprehensive Plan of the Town of Milton*.

Staff finds that the proposed Lot 2 is currently served by a 60′ access easement and an existing curb cut along Highland Ave. Staff also finds that the proposed lots are in line with the surrounding residential developments and would not alter community character or result in the disruption of the continuity of the streetscape and does not contradict elements of the Plan.

2. The applicant shall provide documentation of the 60′ easement allowing ingress and egress from Highland Ave to benefit Lot 2. The legal document shall be submitted with the Final application.

3. The DRB may provide a waiver from the minimum frontage requirement for Lot 2 per 532.1.

RETURN TO SUBDIVISION REVIEW

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

SR400, Minor Subdivision Application: The section states (if approved):

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.

SR610, Final Application Content:

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

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

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

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

Legal Escrow, SR910:

7. 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:

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

TECHNICAL REVIEW COMMITTEE

TAC: All comments by the Development Review Board Technical Advisory Committee are attached to the Staff report. Public Works Director, Roger Hunt had the following comment:

9. Curb cuts shall be constructed in accordance with the Town of Milton Public Works Specifications and receive a Highway Access Permit.

STATE PERMITS

Project Review: Per 24 VSA §4463 on subdivision review: "Any application for an approval and any approval issued under this section shall include a statement, in content and form approved by the Secretary of Natural Resources, that State permits may be required and that the permittee should contact State agencies to determine what permits must be obtained before any construction may commence." The Applicant is advised, prior to submitting a final plan, to obtain a state project review sheet.

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

STAFF RECOMMENDATION

The Planning Staff recommends that the DRB **approve** the Sketch Plan for a proposed 2-lot Minor Conventional Subdivision located on Poor Farm Road, described as Tax Map 15, Parcel 55 and SPAN #11180, subject to the conditions above.

Respectfully Submitted:

_____

Jeffrey Castle, Town Planner

ATTACHMENTS:

- Site Plan for Poor Farm Acres, LLC, dated 1/7/2016
- Water and Wastewater Details and Specifications, dated 1/7/2016
- Subdivision Plat of Lands Owned by Poor Farm Acres, LLC, dated 10/2015
- Technical Advisory Committee (TAC) Public Works Review Sheet dated 2/1/2016;
- TAC School District Review Sheet dated 2/2/2016;
- TAC Police Review Sheet dated 1/28/2016;
- TAC Recreation Review Sheet dated 1/27/2016;
- TAC Fire Review email from Chris Poirier dated 2/1/2016;

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.

Legend

- PROJECT BOUNDARY
- OTHER PROPERTY LINE
- SIDELINE OF EASEMENT
- 361 — CONTOUR LINE (U.S.G.S. DATUM)
- 363 — PROPOSED FINISH GRADE CONTOUR
- EDGE OF WOODED AREA
- EXISTING REBAR FOUND
- EXISTING VERMONT GAS LINE
- TP-6 — SOIL TEST PIT
- A-1 — SOIL AUGER
- PT-1 — PERCOLATION TEST

(NOTE : PROPOSED UTILITIES ARE SHOWN AS A SOLID LINE)

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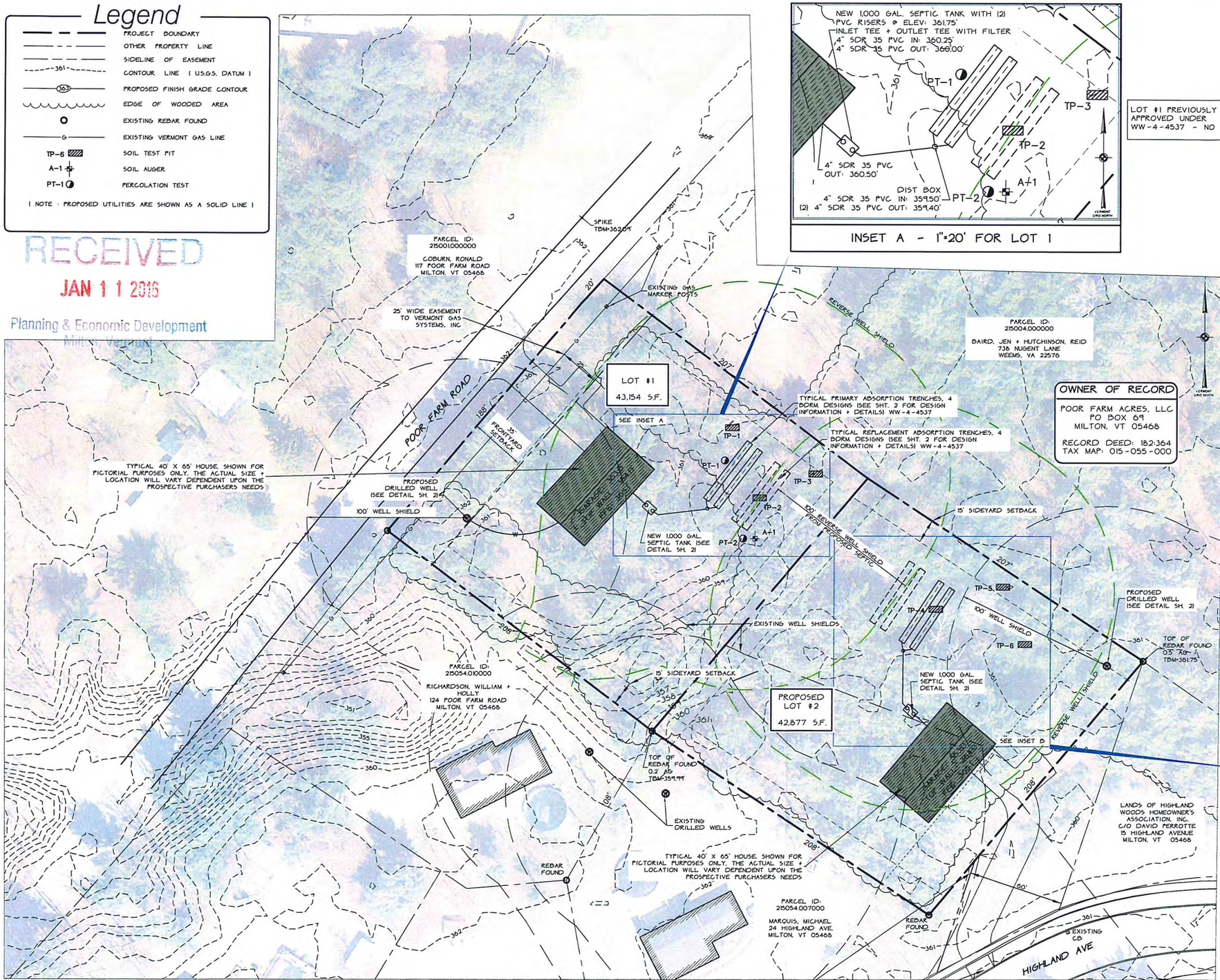
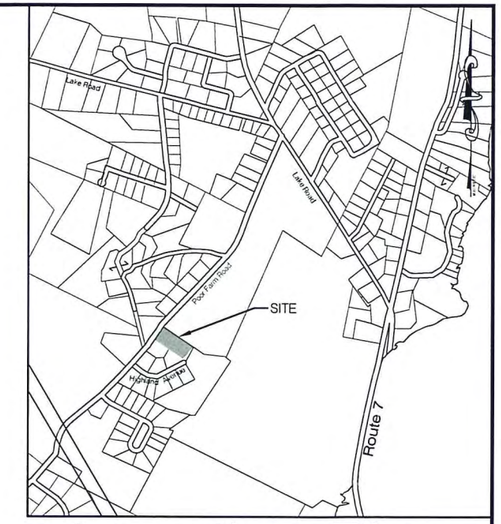
Milton, Vermont



INSET A - 1"=20' FOR LOT 1

LOT #1 PREVIOUSLY APPROVED UNDER WW-4-4537 - NO CHANGE



Location Plan

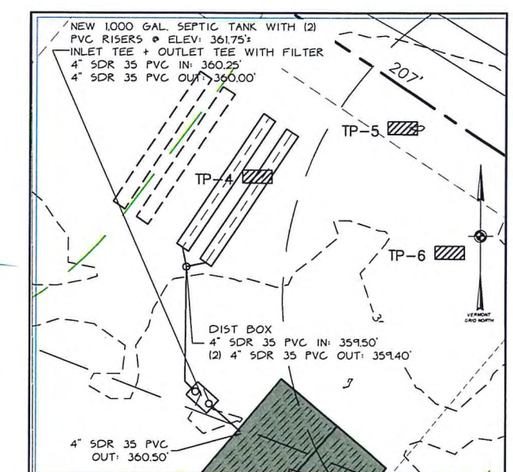
N.T.S.

Zoning Information

MEDIUM DENSITY RESIDENTIAL (R2) DISTRICT.

DIMENSIONAL REQUIREMENTS

	REQUIRED	PROPOSED
MINIMUM LOT AREA	40,000 S.F.	85,155 S.F.
MINIMUM ROAD FRONTAGE	200'	208'
MINIMUM FRONT SETBACK	35'	>35'
MINIMUM SIDE SETBACK	15'	>15'
MINIMUM REAR SETBACK	15'	>15'
MAXIMUM BUILDING COVERAGE	40%	30%±
MAXIMUM LOT COVERAGE	15%	4.5%±



INSET B - 1"=20' FOR LOT 2

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft

NOTES:

1. THE PROPERTY LINES ON THIS PLAN WERE DERIVED FROM A PROPERTY SURVEY BY SETH KITTREDGE.
2. THIS PLAN IS NOT TO BE USED FOR PROPERTY CONVEYANCE, SEE SUBDIVISION PLAT.

Owner / Applicant

POOR FARM ACRES LLC
C/O WILLIAM SAWYER
PO BOX 69
MILTON, VT 05468

DATE 01/07/16	REVISION SUBDIVIDE PARCEL INTO 2 LOTS		BY KGM
SURVEY OBCA	☐ RECORD DRAWING ☐ FINAL	☐ PRELIMINARY ■ SKETCH/CONCEPT	DATE 09-09-15
DESIGN OBCA	O'LEARY-BURKE CIVIL ASSOCIATES, PLC	Poor Farm Acres, LLC — Poor Farm Road — Milton, VT	JOB# 2015-70
DRAWN BJB/KGM	13 CORPORATE DRIVE ESSEX JCT., VT PHONE 878-9990 FAX 878-9989 E-MAIL obca@olearyburke.com		FILE 2015-70-S3
CHECKED DWB		30-Scale Overall Plan	PLAN SHEET # 1
SCALE SHOWN			

STAKE-OUT REQUIREMENTS

1. THE SEWAGE SYSTEM LOCATIONS SHALL BE STAKED OR VERIFIED BY O'LEARY-BURKE CIVIL ASSOCIATES, PLC. PRIOR TO CONSTRUCTION.

GENERAL SPECIFICATIONS

1. UTILITIES INFORMATION SHOWN ON THIS PLAN WAS OBTAINED FROM AVAILABLE SOURCES AND MAY OR MAY NOT BE EITHER ACCURATE OR COMPLETE. THE CONTRACTOR SHALL VERIFY EXACT LOCATION OF EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ANY UTILITY, PUBLIC OR PRIVATE, SHOWN OR NOT SHOWN ON THIS PLAN.
2. PRIOR TO CONSTRUCTION, ALL MATERIALS, INCLUDING STONE SHALL BE APPROVED BY THE ENGINEER.
3. ALL FILL AROUND THE STRUCTURES SHALL BE PLACED IN 12" LIFTS AND THOROUGHLY COMPACTED TO 95% OF MAXIMUM DENSITY AT OPTIMUM MOISTURE CONTENT.

CONSTRUCTION SPECIFICATIONS

1. THE OULET PIPE FROM THE SEPTIC TANK TO THE DISTRIBUTION BOX SHALL BE 4" SDR 35 PVC, AT A MINIMUM SLOPE OF 1/8"/FT. THE PIPE SHALL BE LAID ON UNDISTURBED GROUND OR PROPERLY BEDDED.
2. A DISTRIBUTION BOX SHALL BE INSTALLED BETWEEN THE SEPTIC TANK AND THE ABSORPTION TRENCHES. THE DISTRIBUTION BOX SHALL BE SET LEVEL, ON UNDISTURBED GROUND TO EVENLY DISTRIBUTE THE EFFLUENT TO EACH DISTRIBUTION LINE. ADEQUATE PROVISIONS SHALL BE TAKEN TO ASSURE THE STABILITY AND ACCESSIBILITY OF THE DISTRIBUTION BOX FOR INSPECTIONS. LEVELNESS OF THE DISTRIBUTION BOX SHALL BE WITNESSED BY THE ENGINEER & AN AUTHORIZED TOWN REPRESENTATIVE.
3. EACH DISTRIBUTION LINE SHALL CONNECT INDIVIDUALLY TO THE DISTRIBUTION BOX AND EXIT AT THE SAME SLOPE FOR THE FIRST 5 FEET TO 10 FEET. THE PIPE CONNECTING THE DISTRIBUTION BOX TO THE DISTRIBUTION LINES SHALL BE WATERTIGHT AND LAID ON UNDISTURBED GROUND OR PROPERLY BEDDED.
4. WHEN THE TRENCHES HAVE BEEN EXCAVATED, THE SIDES AND BOTTOM SHALL BE RAKED TO LOOSEN ANY SMEARED SOIL SURFACES.
5. CONSTRUCTION EQUIPMENT SHALL BE KEPT OFF THE AREA TO BE USED FOR SEWAGE DISPOSAL AS MUCH AS POSSIBLE TO PREVENT COMPACTION OF THE SOILS.
6. PLACEMENT OF CRUSHED STONE IN THE TRENCHES SHALL BE INITIATED IMMEDIATELY AFTER TRENCH EXCAVATION IS COMPLETED. THIS WILL REQUIRE THAT THE ENGINEER & AUTHORIZED TOWN INSPECTOR BE PRESENT AT THE TIME OF COMPLETION OF TRENCH EXCAVATION (SEE INSPECTION SPECIFICATIONS).
7. 12" OF CLEAN CRUSHED STONE (3/4 TO 1-1/2 INCHES) SHALL BE PLACED IN THE BOTTOM OF THE TRENCHES IN ACCORDANCE WITH THE PLANS. THE DISTRIBUTION LINE SHALL BE CAREFULLY PLACED ON THE BEDDING AT A UNIFORM SLOPE (1/8 INCH PER 10 FEET) AND COVERED WITH AT LEAST 2 INCHES OF STONE. THE ENDS OF THE DISTRIBUTION LINES SHALL BE CAPPED.
8. THE GRADING SHALL DIRECT RUN-OFF AWAY FROM THE SEPTIC SYSTEM AREAS AND BE SMOOTH AND FREE OF POCKETS WITH SUFFICIENT SLOPE TO ENSURE DRAINAGE.

INSPECTION REQUIREMENTS

1. THE CONTRACTOR SHALL NOTIFY THE ENGINEER & AUTHORIZED TOWN INSPECTOR A MINIMUM OF 24 HOURS IN ADVANCE FOR INSPECTION OF THE BOTTOM OF THE TRENCHES PRIOR TO PLACEMENT OF STONE AND PIPING.
2. THE CONTRACTOR SHALL NOTIFY THE ENGINEER & AUTHORIZED TOWN INSPECTOR A MINIMUM OF 24 HOURS IN ADVANCE FOR INSPECTION OF THE SYSTEM PRIOR TO BACKFILLING, INCLUDING THE DISTRIBUTION BOX (LEVELNESS CHECK) & SEPTIC TANK.
3. THIS DESIGN MUST BE INSPECTED BY O'LEARY-BURKE CIVIL ASSOCIATES, PLC THAN 6" DIA. ESSEX JUNCTION, VERMONT TO ENSURE COMPLIANCE WITH THESE PLANS. O'LEARY-BURKE CIVIL ASSOCIATES WAIVES ANY AND ALL RESPONSIBILTY AND LIABILITY FOR PROBLEMS THAT ARISE FROM FAILURE TO FOLLOW FAILURE TO FOLLOW SPECIFICATIONS, AND THE DESIGN INTENT THAT THE THE PLANS CONVEY, AND FROM FAILURE TO HAVE BEEN NOTIFIED BY THE CONTRACTOR FOR INSPECTIONS.

OPERATION + MAINTENANCE RECOMMENDATIONS

1. THE SEPTIC TANK'S PURPOSE IS TO SETTLE OUT SOLIDS, CONTAIN THE SCUM AND PASS TREATED EFFLUENT. BACTERIA WITHIN THE SEPTIC TANK HELPS DECOMPOSE THE SOLIDS. SHOULD ANY SOLIDS PASS THROUGH THE SEPTIC TANK INTO THE SYSTEM, PREMATURE CLOGGING OF THE PIPING, STONE OR NATIVE SOIL BENEATH THE SYSTEM IS LIKELY TO OCCUR. ONLY HUMAN WASTES SHOULD ENTER THE SEWAGE SYSTEM, WATER USE SHOULD BE CONSERVATIVE AND CLEANING AGENTS CAN NOT ENTER THE SYSTEM, AS THEY KILL BACTERIA.
2. THE STATE FLOW FIGURES OF 150 GAL/DAY/BEDROOM ARE BASED ON SHORT TERM PEAK USE PERIODS (IE. DAILY EVENTS). ACTUAL FLOWS FOR A 4 BEDROOM HOME SHOULD AVERAGE 175 – 225 GALLONS PER DAY.
3. ONCE PER YEAR, THE DEPTH OF SCUM AND SLUDGE IN THE SEPTIC TANK SHOULD BE MEASURED AND THE TANK SHALL BE PUMPED IF:
   - A) THE SLUDGE LEVEL IS WITHIN 12 INCHES OF THE BOTTOM OF THE
   - B) THE SCUM LAYER IS WITHIN 3 INCHES OF THE TOP OF THE OUTLET
   - C) IF A OR B IS ANTICIPATED TO OCCUR PRIOR TO THE NEXT INSPECTION.
   - D) IN ANY CASE, THE TANK SHALL BE PUMPED AT A MAXIMUM 5 YEAR INTERVAL.
4. ONCE A YEAR, THE DISTRIBUTION BOX SHOULD BE INSPECTED AND ANY SETTLED SOLIDS REMOVED.
5. ABOVE ITEMS 1 – 4 ARE INTENDED TO PROLONG THE LIFE OF THE SYSTEM, NOT GUARANTEE IT. A PROPERLY OPERATED & MAINTAINED SYSTEM GENERALLY FUNCTIONS PROPERLY FOR 8 – 25 YEARS.

SEWAGE DESIGN INFORMATION

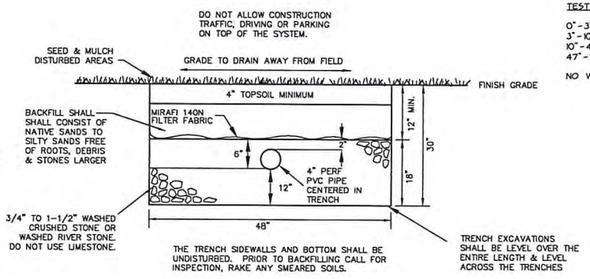
1. *IT IS THE OPINION OF THE ENGINEER THAT THE SOIL CONDITIONS WITHIN THE PROPOSED SEWAGE DISPOSAL AREAS MEET THE STATE OF VERMONT EPR RULES & ARE SUITABLE FOR CONVENTIONAL SUBSURFACE SEWAGE AS SHOWN ON THIS PLAN & PLAN SHEET 1.*
2. *THE SEWAGE DISPOSAL SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE VERMONT ENVIRONMENTAL PROTECTION RULES.*
3. *THE FOLLOWING MINIMUM ISOLATION DISTANCES SHALL BE MAINTAINED FROM THE DISPOSAL AREA TO:*

WATER MAIN	
WATER SERVICE	*50 FEET*
PROPERTY LINE	*25 FEET*
BUILDING, FOOTING DRAIN UPSLOPE OR SIDESLOPE	*25 FEET (UNLESS EASEMENT PROVIDED)*
BUILDING (WITH FOOTING DRAIN) DOWNSLOPE	*25 FEET*
DRIVEWAYS	*75 FEET*
TREES	*10 FEET*
	10 FEET

4. *BASIS OF DESIGN (INDIVIDUAL SYSTEMS):*

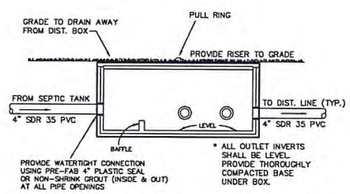
NO. OF BEDROOMS	*4*
DESIGN FLOW, (140 GPD/3 BDRM; 70 GPD/4TH)	*490 GPD*
PERCOLATION RATE	*<4 MIN./IN.*
LOADING RATE, Q (TRENCHES)	*1.5 GAL/SF/DAY*
ABSORPTION AREA REQUIRED	*327 SQ. FT. MIN.*

5. *SEPTIC TANK:*
   - *A. EACH LOT SHALL USE A 1,000 GALLON PRECAST CONCRETE SEPTIC TANK WITH PVC BAFFLES & OUTLET FILTER. CAMP PRECAST OR APPROVED WITH EQUAL WITH THREE COVERS; 4,000 PSI CONCRETE; WATERPROOF JOINTS AND SET ON THOROUGHLY COMPACTED SUB-BASE.*
   - *B. THE USE OF GARBAGE DISPOSALS IS NOT RECOMMENDED BUT SHOULD ONE BE USED THE SEPTIC TANK SHOULD BE INCREASED BY ONE SIZE TO 1,250 GALLONS.*
6. *MISC.:*
   - *A. IF A WATER TREATMENT SYSTEM IS GOING TO BE USED THE BACKWASH WATER MAY NOT DISCHARGE INTO THE DISPOSAL SYSTEM.*



ABSORPTION TRENCH DETAIL

NTS



GRAVITY DISTRIBUTION BOX DETAIL

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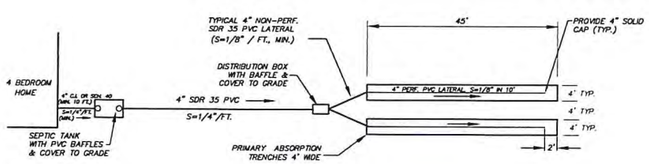


TYPICAL SYSTEM LAYOUT LOT 1 AND LOT 2

NTS

SOIL TEST PIT LOGS

POOR FARM ROAD

ALL TEST PITS PERFORMED BY BACKHOE, LOGGED BY DAVID W. BURKE, LICENSED DESIGNER #316 ON 8-26-15 AND WITNESSED BY BILL ZABILOSKI, STATE OF VERMONT ASSISTANT REGIONAL ENGINEER

TEST PIT #1

0'-5" DARK BROWN LOAMY SAND
5'-20" BROWN SAND
20'-73" RED/BROWN SAND

NO WATER, LEDGE OR REDOXIMORPHIC FEATURES TO DEPTH

TEST PIT #2

0'-3" DARK BROWN TOPSOIL/FOREST DUFF
3'-25" REDDISH BROWN FINE SINGLE GRAIN SAND
25'-63" BROWN FINE SINGLE GRAIN SAND
63'-74" GREYISH BROWN FINE SINGLE GRAIN SAND, FIRM

NO WATER, LEDGE OR REDOXIMORPHIC FEATURES TO DEPTH

TEST PIT #3

0'-4" DARK BROWN TOPSOIL/FOREST DUFF
4'-21" REDDISH BROWN FINE SINGLE GRAIN SAND
21'-58" BROWN FINE SINGLE GRAIN SAND
58'-59" GREYISH BROWN FINE SINGLE GRAIN SAND, VERY FIRM (DISCOLORED)
59'-70" GREYISH BROWN FINE SINGLE GRAIN SAND

NO WATER, LEDGE OR REDOXIMORPHIC FEATURES TO DEPTH

TEST PIT #4

0'-6" DARK BROWN TOPSOIL/FOREST DUFF
6'-28" REDDISH BROWN FINE SINGLE GRAIN SAND
28'-68" BROWN SINGLE GRAIN SAND
68'-78" LIGHT BROWN FINE SAND

NO WATER, LEDGE OR REDOXIMORPHIC FEATURES TO DEPTH

TEST PIT #5

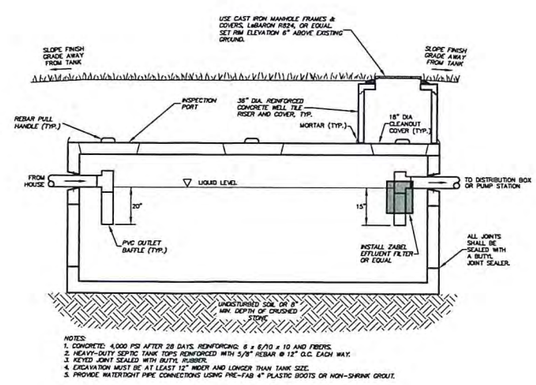
0'-3" DARK BROWN TOPSOIL/FORSET DUFF
3'-21" REDDISH BROWN FINE SINGLE GRAIN SAND
21'-60" BROWN SINGLE GRAIN SAND
60'-73" LIGHT BROWN FINE SAND

NO WATER, LEDGE, OR REDOXIMORPHIC FEATURES TO DEPTH

TEST PIT #6

0'-3" DARK BROWN TOPSOIL/FORSET DUFF
3'-10" REDDISH BROWN FINE SINGLE GRAIN SAND
10'-47" BROWN SINGLE GRAIN SAND
47'-73" LIGHT BROWN FINE SAND

NO WATER, LEDGE, OR REDOXIMORPHIC FEATURES TO DEPTH



NOTES:
1. CONCRETE: 4,000 PSI AFTER 28 DAYS. REINFORCING: 6 x 6/10 x 10 AND FIBERS.
2. HEAVY-DUTY SEPTIC TANK TOPS REINFORCED WITH 5/8" REBAR @ 12" O.C. EACH WAY.
3. KEYED JOINT SEALED WITH BUTYL RUBBER.
4. EXCAVATION MUST BE AT LEAST 12" WIDER AND LONGER THAN TANK SIZE.
5. PROVIDE WATERTIGHT PIPE CONNECTIONS USING PRE-FAB 4" PLASTIC BOOTS OR NON-SHRINK GROUT.

1,000 GAL. CONCRETE SEPTIC TANK

NTS

SOIL AUGERS PERFORMED 9/15/15 BY BRIAN BERTSCH

A-1

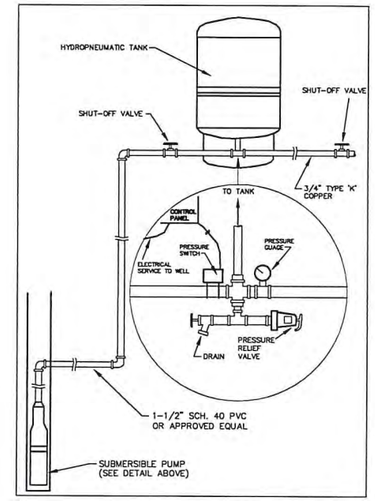
0'-5" DARK BROWN TOPSOIL
5'-15" REDDISH BROWN FINE SINGLE GRAIN SAND
15'-30" BROWN FINE SINGLE GRAIN SAND
30'-72" GREYISH BROWN FINE SINGLE GRAIN SAND

NO WATER, LEDGE, OR REDOXIMORPHIC FEATURES TO DEPTH

PERCOLATION TEST RESULTS

TESTS PERFORMED ON 9/15/15 BY DJD
ALL TESTING PERFORMED IN MOST DENSE LAYER IN SOIL PROFILE

TEST NUMBER	TEST LOCATION	TEST DEPTH (INCHES)	PERCOLATION RATE (MINUTES/INCH)
PT-1	SEE SITE PLAN	36"	1.1 MIN/INCH
PT-2	SEE SITE PLAN	36"	0.3 MIN/INCH



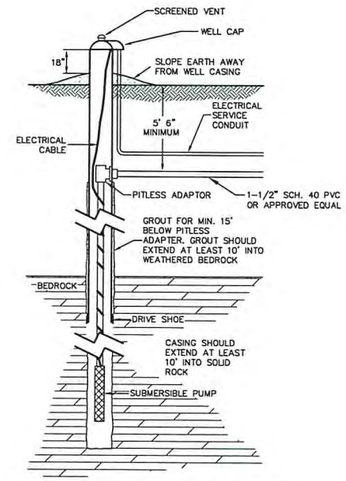
TYPICAL INDIVIDUAL WATER SYSTEM

INDIVIDUAL DRILLED WELL DESIGN DATA

1. *THE DRILLED WELL(S) CONSTRUCTION, LOCATION, DISINFECTION AND TESTING SHALL BE IN ACCORDANCE WITH THE STATE OF VERMONT – WATER SUPPLY*
2. *THE BASIS OF DESIGN FOR EACH DRILLED WELL IS*
   - *A. AVG. DAY DEMAND : 490 GPD (4 BEDROOM).*
   - *B. MAX. DAY DEMAND : 490 GPD/720 MIN/DAY = 0.68 GPM*
   - *C. INSTANTANEOUS PEAK DEMAND: 5 GPM*
   - *D. SOURCE CAPACITY: TO BE DETERMINED, AREA WELL LOGS SHOW AN ADEQUATE WATER SOURCE IN THE PROJECT AREA.*
   - *E. STORAGE CAPACITY: SIZE TO BE DETERMINED BASED ON WELL YIELD (IF REQUIRED).*
   - *F. PUMP CAPACITY AT HOUSE: 5 GPM MINIMUM*
   - *G. OPERATING PRESSURE RANGE: 40 – 60 PSI AT PRESSURE SWITCH*

DRILLED WELL ISOLATION DISTANCES

ROADWAY, PARKING	*25 FEET*
DRIVES, < 3 RESIDENCES	*15 FEET*
SEWAGE PIPING / TANKS	*50 FEET*
PROPERTY LINE	*10 FEET*
SURFACE WATER	*10 FEET*
BUILDINGS	*10 FEET*
SEWAGE SYSTEM:	
DOWNSLOPE WELL	*200 FEET*
UPSLOPE WELL	*100 FEET*



TYPICAL INDIVIDUAL DRILLED WELL

NTS

RECEIVED
JAN 1 1 2016
Planning & Economic Development
Milton, Vermont

NOTES:

1. LOT 1 WAS PREVIOUSLY APPROVED BY THE STATE OF VERMONT PER WW-4-4537.

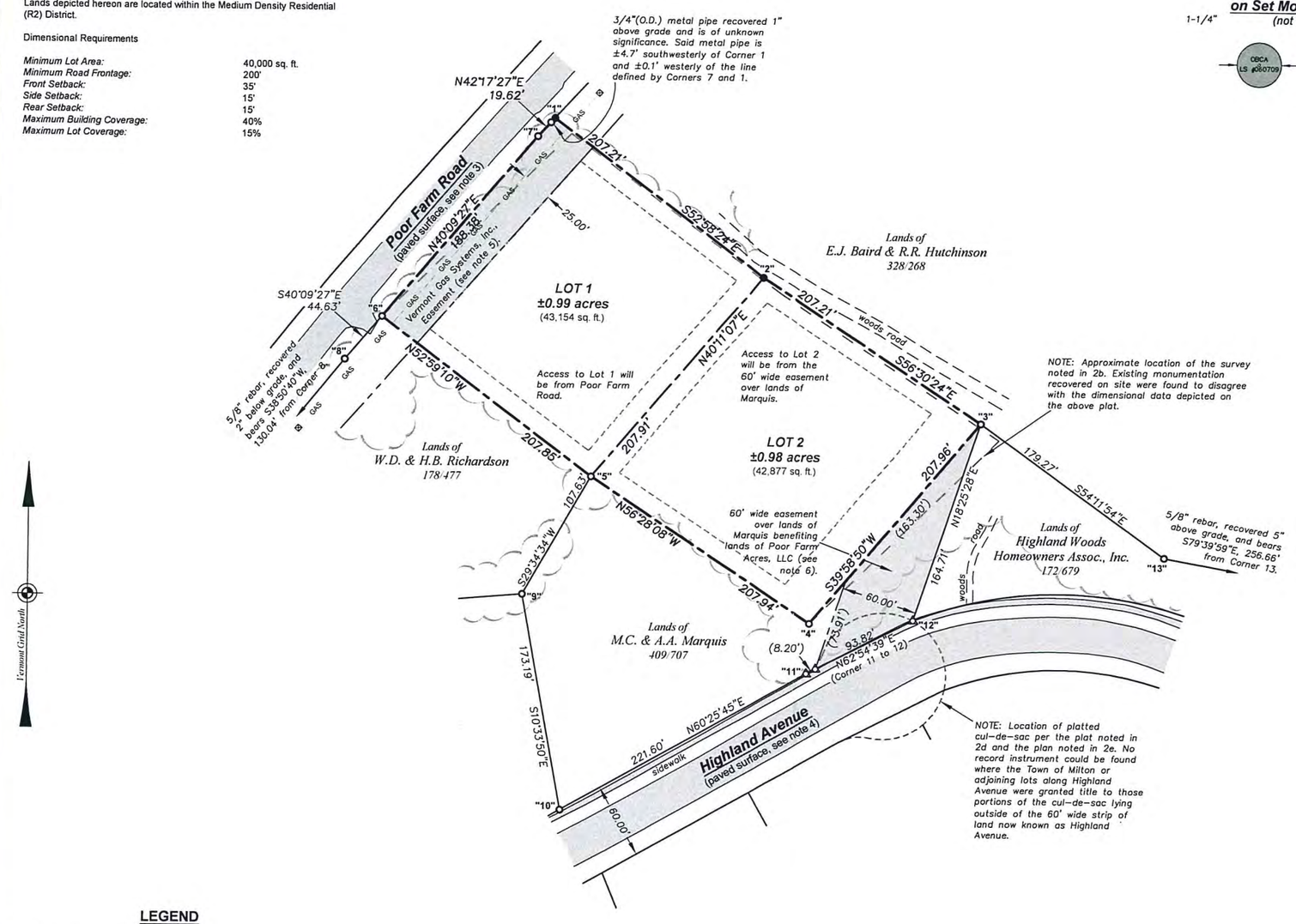
DATE 01.07.16	REVISION SUBDIVIDE PARCEL INTO 2 LOTS		BY KGM
SURVEY OBCA	☐ RECORD DRAWING ■ PRELIMINARY ☐ FINAL ☐ SKETCH/CONCEPT	Poor Farm Acres, LLC	DATE 09-09-15
DESIGN OBCA	O'LEARY-BURKE CIVIL ASSOCIATES, PLC	Poor Farm Road ——— Milton, VT	JOB# 2015-70
DRAWN BTA	13 CORPORATE DRIVE ESSEX JCT., VT PHONE 878-9990 FAX 878-9989 E-MAIL obca@olearyburke.com	Water and Wastewater Details and Specifications	FILE 2015-70-S3
CHECKED DWB			PLAN SHEET # 2
SCALE NTS			

TOWN OF MILTON ZONING INFORMATION

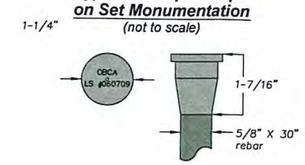
Lands depicted hereon are located within the Medium Density Residential (R2) District.

Dimensional Requirements

Minimum Lot Area:	40,000 sq. ft.
Minimum Road Frontage:	200'
Front Setback:	35'
Side Setback:	15'
Rear Setback:	15'
Maximum Building Coverage:	40%
Maximum Lot Coverage:	15%



Typical Stamped Caps on Set Monumentation
(not to scale)



Location Plan-n.t.s.

CORNER LIST

NOTE: (O.D.) indicates outside diameter of applicable monument.

CORNER 1: 5/8" rebar TO BE SET
CORNER 2: 5/8" rebar TO BE SET
CORNER 3: 5/8" rebar recovered 6" above grade.
CORNER 4: 5/8" rebar recovered 2" above grade.
CORNER 5: 5/8" rebar recovered 2" above grade.
CORNER 6: 5/8" rebar recovered leaning and was located at it's base.
CORNER 7: 5/8" rebar recovered 2" below grade.
CORNER 8: 5/8" rebar recovered flush with grade.
CORNER 9: 1/2" rebar recovered "X" above/below grade.
CORNER 10: 1/2" rebar recovered 4" below grade.
CORNER 11: Unmonumented point
CORNER 12: Unmonumented point
CORNER 13: 5/8" rebar recovered 4" above grade.

SURVEY NOTES

1. The purpose of this survey was to retrace, subdivide, monument and re-monument the lines and corners of lands deeded to Poor Farm Acres, LLC in Volume 458, Page 275 of the Town of Milton Land Records dated August 4, 2015.
2. The following plats and plans recovered in the Milton Land Records were used in aid of this survey:
   a. Plan entitled, *"STA 1456+00 - 1488+00, Vermont Gas Systems, Inc., Natural Gas Pipeline, Highgate-Burlington"* , dated March 1, 1965 by Webster-Martin, Inc., and is recorded in Map Volume 2, Page 31 of the Milton Land Records.
   b. Plat entitled, *"Plat of Survey for Clarice B. Wadleigh in the Town of Milton, VT."*, dated November 11, 1978 by John A. Marsh, L.S. 256, and is recorded in Map Volume 2, Page 92 of the Milton Land Records.
   c. Plat entitled, *"Plat of Survey, Ray A. Gain & Julia Hutchinson Property"*, dated December, 1983 by Warren A. Robenstien, L.S. 48 and is recorded in Map Slide #148 of the Milton Land Records.
   d. Plat entitled, *"Plat of Survey, Highland Woods Sub-Division, Poor Farm Rd., Milton, Vermont, 15.85 ac. ±"* , dated February, 1995 by Warren A. Robenstien, L.S. 48 and is recorded in Map Slide #259 of the Milton Land Records.
   e. Plan entitled, *"Subdivision Plan, Highland Woods, Poor Farm Road, Milton, Vermont"* , dated April 8, 1994, last revised February 23, 1995 by Frank R. O'Brien, P.E. and is recorded in Map Slide #260 of the Milton Land Records.
3. The easterly line of Poor Farm Road was established from existing monumentation recovered on site. Said highway is assumed to be 3 rods (49.5') wide in accordance with 19 V.S.A. 32.
4. Highland Avenue was determined to be 60' wide per Volume 214, Page 433, dated August, 1995. The side lines of Highland Avenue as depicted hereon were established from existing monumentation recovered on site and information taken from the plat noted in 2d.
5. Lands of Poor Farm Acres, LLC is subject to an easement held by Vermont Gas Systems, Inc., and was created in Volume 37, Page 518 of the Milton Land Records, dated August 17, 1965 (see also the plan noted in 2a). The center of the easement as depicted hereon was established from existing natural gas structures recovered at, or near, the project location. Said structures are presumed to identify the center of the current natural gas line.
6. Lands of Poor Farm Acres, LLC are benefited by a 60' wide easement crossing the easterly portion of lands of Marquis per Volume 180, Page 233 of the Milton Land Records, dated March 27, 1997. Said easement is for the purposes of ingress, egress and the installation of utilities.
7. Unless otherwise noted, the physical location of underground utilities were not determined by this survey.
8. The information on this plat reflects conditions that were existing at the time of the survey both at the project location and in the land records of the Town of Milton as of September and October, 2015.
9. The direction of this survey is oriented to Vermont Grid North (NAD83, VT-4400) as determined by Network RTK-GPS observations made on site September 2, 2015.

LEGEND

Found Corner Monument (See Corner List)	○
Set Corner Monument (See Corner List)	●
Unmonumented Point	△
Corner Number (See Corner List)	"5"
Natural Gas Line Marker	
Subject Boundary Line	
Record Boundary Line	
Adjoining Boundary Line	
Easement Boundary Line	
Subsurface Natural Gas Line (approximate)	GAS GAS GAS
Zoning Setback Boundary	
Approximate Tree Line	

This Final Plat has been approved by the resolution of the Development Review Board of the Town of Milton, Vermont, this ____ day of ____ A.D. 20___, subject to the requirements and conditions of said resolution signed this ____ day of _____ A.D. 20___.

Chair, Town of Milton Development Review Board

Town of Milton Clerk's Office Received for Record

This ____ day of _____ A.D. 20___, at ____ o'clock ____ minutes ___M. and filed in: _____

City Clerk

Graphic Scale
1" = 60'
60 40 20 0 30 60 120 240

PRELIMINARY PLAT NOT FOR RECORD

Seth W. Kittredge, L.S. 060709

THE INFORMATION ON THIS PLAT IS A COMPILATION AND REVIEW OF PERTINENT LAND RECORD INFORMATION, FIELD MEASUREMENTS, PAROL EVIDENCE AND OTHER STATE AND LOCAL DOCUMENTS. THIS PLAT IS IN ACCORDANCE WITH 27 V.S.A. 1403 AND CURRENT RULES SET FORTH BY THE VERMONT BOARD OF LAND SURVEYORS. THIS PLAT IS ONLY VALID WITH MY ORIGINAL SEAL AND SIGNATURE.

DATE	
SURVEY	OBCA
DESIGN	OBCA
DRAWN	SWK
CHECKED	DWB/SWK
SCALE	1"=60'

REVISION
☐ RECORD DRAWING ■ PRELIMINARY
☐ FINAL ☐ SKETCH

O'LEARY-BURKE
CIVIL ASSOCIATES, PLC
13 CORPORATE DRIVE
ESSEX JCT., VT
PHONE: 878-9990
FAX: 878-9989
E-MAIL: obca@olearyburke.com

SUBDIVISION PLAT
of Lands Owned by
POOR FARM ACRES, LLC

Easterly Side of Poor Farm Road
Town of Milton, County of Chittenden, State of Vermont

DATE 10/___/2015
JOB 2015-70
FILE 2015-70 -PLAT
PLAN SHEET #
PL1

RECEIVED
JAN 11 2016
Planning & Economic Development
Milton, Vermont

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 11, 2016

Date of Review: February 1, 2016

Department: Public Works

TAC Member: Roger Hunt

Minor Conventional Subdivision Final Plan, Site Plan & Variance Application – 947- 951 US Route 7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner. The project proposes connection to the municipal water system and a 1,000 gallon holding tank for wastewater. Since the will ultimately discharge to the Milton Wastewater system, reserve allocation will be required for both water & wastewater.

No standard details are attached to the site plan. Standard details are required.

The 1,000 gallon wastewater holding tank will require at least a high level alarm. The preferred configuration will include a level sensor. The tank must also be vented.

The drive exit to US RT 7 shall have a stop bar and stop sign in accordance with the latest version of the MUTCD. The apron must be paved.

I am assuming the parking space adjacent to the hashed area is a handicap spot. Since the parking lot will be gravel, the spot will require a handicapped parking sign.
Did the engineer prepare a cost estimate to pump the wastewater to the municipal collection system? A forcemain could easily be directionally bored.

Sketch Plan- Minor Conventional Subdivision, Variance & Boundary Line Adjustment Application – 28-30 River Street, LLC & 32 River Street, LLC, Owners/John & Leah MacRae Applicants.

Will this require DRB site plan approval?

Water & Wastewater is proposed to serve the garage. A State WWW permit will be required as will allocation.
An oil & water separator will be required on the sanitary sewer discharge from the garage.

Sketch Plan Application, Minor Conventional Subdivision – Poor Farm Acres, LLC, Owner/Applicant. Curb cuts shall be constructed in accordance with the Town of Milton Public Works Specifications.

TOWN OF MILTON
Planning & Economic Development Department
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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 11, 2016

Date of Review: 2/2/16

Department: School

TAC Member: Ann Bradshaw

Minor Conventional Subdivision Final Plan, Site Plan & Variance Application -- 947- 951 US Route 7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner.

no comments

Sketch Plan- Minor Conventional Subdivision, Variance & Boundary Line Adjustment Application – 28-30 River Street, LLC & 32 River Street, LLC, Owners/John & Leah MacRae Applicants.

no comments

Sketch Plan Application, Minor Conventional Subdivision – Poor Farm Acres, LLC, Owner/Applicant.

no comments

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 11, 2016

Date of Review: 01-28-16

Department: Police

TAC Member: Brett Van Nooten

Minor Conventional Subdivision Final Plan, Site Plan & Variance Application -- 947- 951 US Route 7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner.

NO COMMENTS OR CONCERNS.

Sketch Plan- Minor Conventional Subdivision, Variance & Boundary Line Adjustment Application – 28-30 River Street, LLC & 32 River Street, LLC, Owners/John & Leah MacRae Applicants.

NO COMMENTS OR CONCERNS

Sketch Plan Application, Minor Conventional Subdivision – Poor Farm Acres, LLC, Owner/Applicant.

MAKE SURE SIDE DISTANCE IS GOOD UPON EXITING OR ENTERING DRIVEWAY.

TOWN OF MILTON
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JAN 26 2016
RECREATION DEPARTMENT
MILTON, VERMONT

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 11, 2016

Date of Review: 1-27-16

Department: Recreation

TAC Member: Lynn Duchesneau, Recreation Coordinator

Minor Conventional Subdivision Final Plan, Site Plan & Variance Application -- 947- 951 US Route 7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner.

No comments

Sketch Plan- Minor Conventional Subdivision, Variance & Boundary Line Adjustment Application - 28-30 River Street, LLC & 32 River Street, LLC, Owners/John & Leah MacRae Applicants.

No comments

Sketch Plan Application, Minor Conventional Subdivision - Poor Farm Acres, LLC, Owner/Applicant.

No comments

RECEIVED
JAN 26 2016
Planning & Economic Development
Milton, Vermont

DEVELOPMENT REVIEW BOARD
MEETING MINUTES

Meeting Type: **Regular Meeting**
Date: **Thursday, January 28, 2016**
Time: **7:00 p.m.**
Place: **Municipal Building Community Room**
Address: **47 Bombardier Road, Milton, Vermont 05468-3205**
Contact: **802.893.1186**
Website: **miltonvt.org**

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1. CALL TO ORDER
The Chair called the meeting to order at 7:04 p.m.

2. ATTENDANCE
Members Present: Bruce Jenkins, Chair; David Conley, Vice-Chair; Henry Bonges, Clerk; Clayton Forgan
Members Absent: None
Staff Present: Jeff Castle, Town Planner

3. AGENDA REVIEW
None.

4. PUBLIC FORUM
None.

5. NEW HEARINGS
5(A). Conditional Use Application – 204 Cobble Hill Road - Rick Sharp & Ruth Masters, Owners & Applicants.

The Chair read the following summary to open the hearing:

The Applicants are requesting Conditional Use approval to hold weddings in an existing building pursuant to Zoning Regulations Section 120. The proposal estimates between five (5) and ten (10) weddings per year with a maximum capacity of eighty (80) guests. The property is currently used for outdoor recreation, telecommunication, and agriculture/forestry. The site is located at 204 Cobble Hill Road, described as SPAN #13248, Map 3, Parcel 64-1. The subject property contains approximately 101 acres and is located within the "Agricultural/Rural Residential" (R5) and "Forestry/Conservation/Scenic Ridgeline" (FC) Zoning Districts.

The Chair administered the Oath to Interested Persons. Representing the Applicants were Rick Sharp and Ruth Masters, hereafter referred to as "Applicant(s)."

The Chair recused himself from the hearing as he is a resident of Cobble Hill Road.

The Vice-Chair asked the Applicant for an overview of what's currently happening on the property. The Applicant advised that Christmas tree sales have been stronger than normal the past few years, with approximately 1,000 trees scheduled to be planted this spring. Given that trees take at least 10 years to grow, the Applicants plan on staying in the Christmas tree business for quite some time. The Applicant stated that AT &T installed a new cell phone tower at the top of the mountain and built a $250,000 road to access it. The Applicant briefly summarized activity at the site.

Talk of the Christmas tree farm led in to the Conditional Use application, as the tree farm provides a picturesque background for wedding photos. The Applicants stated that over time, many couples who've been married

elsewhere have come up to have photos taken at the tree farm. The Applicants' niece was married on-site last year, so the Applicants had the opportunity to see what it takes to put on a wedding at the property. The event went well and subsequently the idea to host weddings was conceived. The Applicant stated that over the years they have watched hundreds of houses be built surrounding the property, and they are trying to keep the parcel as undeveloped as possible. Though they have considered subdividing, the Applicants prefer to keep the mountain for community recreation, offering activities such as snow tubing, sledding, paragliding, Segway tours, skiing and snow-shoeing. This diversity of activities, in addition to the tree farm, have kept the property financially feasible and the Applicant hopes to continue to do so.

The Vice-Chair asked if, during the Applicants' niece's wedding, music was played and whether or not any complaints were received. The Applicants replied that no complaints were received, and that a boom box was used for music but in the future they would like the ability to have live bands. The Applicant stated the nearest neighbor is 100 yards away and that the area, in general, already has plenty of noise. The Applicant noted a few noisy events that already occur regularly, including target practice, ATV riding, and an annual 4th of July party that is attended by more people (over 100) than the proposed weddings would be. The Applicant estimated that for the first couple of years, there might be one wedding per month during the months of May-October, with a maximum of 10 per year. The Applicants propose a tent be erected on the existing deck to accommodate approximately 80 people.

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

1. The applicant clarified all principal and accessory uses that are currently taking place on the property, including indoor (in the existing barn) and outdoor. In addition to what had already been discussed, the Applicant advised that the barn is used to complement the sale of Christmas trees; for example it's a place for customers to warm up, have a cup of hot chocolate, and pay for their tree. It is also used for wreath-making and sales. Outdoors, the Applicants offer snow-tubing, Segway tours and paragliding. Additionally, though they don't rent mountain bikes or cross country ski equipment, they do allow bikers, skiers and hikers to use the property, which the Applicant stated are all permitted uses.
2. The Applicant advised that there would be no on-site cooking or dishwashing; it would all be catered and physically brought to and from the property. The Applicant would like the ability to have a live music. The Applicant stated that other farms that are doing similar activities typically rent out the entire property for 3-4 days, and they imagine that's what they would also do. Conley inquired about staff at the mountain, and the Applicant advised that this past summer, they employed their first interns for the purpose of guided Segway tours. Forgan asked whether or not the Applicants planned to serve beverages at the weddings. The Applicants replied that they will likely seek a Liquor License, though they themselves will not be serving the alcohol; rather, a trained server would be doing so.
3. The Applicant stated that a Site Plan is already on file, and no actual site changes are being proposed other than the addition of temporary tents that are only up for the duration of the weddings. The Applicant further explained that, should the event-hosting be a success, they may come back seeking to amend the existing Site Plan to include a roof over the deck, rather than renting a tent for each event.
4. The Applicant agreed to obtain a Project Review Sheet from the Permit Specialist in the District 4 Regional Office of the Agency of Natural Resources.
5. The Applicant and the DRB agreed that the details of the proposal have, for the most part, already been discussed. Brief discussion regarding the noise level was held: the Applicants do propose outdoor music performed on the deck, but are cognizant of the neighbors and surmised that the music would likely be performed on only 1 night of the weekend, and within the approximate hours of 6:00-12:00 p.m. In terms of hours of operation: these were harder to pin down, as the events would be sold as multi-day packages. The bulk of the visitors would be on the day of the actual wedding, but there will be others there prior to and after the event, doing set-up and tear-down. Additionally, some of the visitors may choose to camp there over the weekend, which the Applicants stated is a permitted use.

6. The Applicant and the DRB agreed that these concerns have already been discussed.
7. The Applicant reiterated that no major Site Plan changes are proposed. Staff agreed that a new Site Plan may not be required, based on the testimony being heard. The Applicant stated that no changes to access or parking are proposed; the only possible change would be lighting on and within the tent, which is typically LED lighting and nothing that could be considered floodlighting.
8. The Applicant agreed that, if approved, the Conditional Use must be annually and actively used in support of agricultural and outdoor recreational uses, and that if it is not, the Conditional Use approval shall expire.
9. The Applicant agreed that the DRB may include, at its discretion, conditions of approval that support the goals of the Comprehensive Plan and all bylaws, ordinances and regulations of the Town.
10. Staff briefly recapped the Town's Entertainment Ordinance, which applies to events that have an admittance fee. Staff explained that this condition was included in the Staff Report simply to clarify that if, in the future, the Applicants wish to host an event for which a cover charge/entrance fee might apply, (including but not limited to a concert or banquet) in the future, they will need to obtain the appropriate license. Conley inquired about the parking situation; the Applicant advised that no changes to parking are proposed, and that they currently have more than enough parking. Conley asked about signage for the parking, and the Applicants replied that they could potentially have a parking attendant, if necessary, during the events.
11. The Applicant agreed to address any additional conditions and safeguards as deemed necessary by the DRB. A brief discussion of lighting of the parking areas followed.

Hearing no further questions or comments, the Vice-Chair closed the Hearing at 7:56 p.m.

6. OTHER BUSINESS

6(A). Staff Update

Staff updated the DRB on recent activity and key projects, including Fee Schedule changes that Staff plans to present to the Selectboard in the near future. Staff advised that draft copies will be distributed to both DRB and Planning Commission members to obtain their feedback. Staff requested that comments be made by February 9, 2016. The DRB briefly discussed some of the changes to the Fee Schedule.

Bonges gave a quick update that the "Milton: Defining Downtown from the Diner to the Dam" (M4D) project is moving along quickly, and will be presented to the Selectboard soon. Bonges also advised that the Planning Commission is finalizing draft language for the DB1 district, with March 1 being the anticipated date of the first draft release.

Staff handed out copies of Administrative Amendments that have been done recently for board members to review. A Final Plat for Camp Precast was presented and signed. A summary of upcoming applications and hearings was given by Staff.

7. MINUTES

7(A). Minutes of January 14, 2015

MOTION by Conley to APPROVE the Minutes of January 14, 2016 as written; SECOND by Conley. Unanimously APPROVED.

8. DELIBERATIVE SESSION

MOTION by Forgan to enter Deliberative Session at 8:02 p.m.; SECOND by Bonges. Unanimously APPROVED.

Decision(s) Signed:

8(A). Variance Application – North Road 398 – David LaPorte, Owner/Applicant.

Bruce Jenkins, Chair	YEA/nay/abstain/absent/recusal
Dave Conley, Vice-Chair:	YEA/nay/abstain/absent/recusal
Henry Bonges, Clerk:	YEA/nay/abstain/absent/recusal
Clayton Forgan:	YEA/nay/abstain/absent/recusal

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

Bruce Jenkins, Chair	YEA/nay/abstain/absent/recusal
Dave Conley, Vice-Chair:	YEA/nay/abstain/absent/recusal
Henry Bonges, Clerk:	YEA/nay/abstain/absent/recusal
Clayton Forgan:	YEA/nay/abstain/absent/recusal

8(C). Site Plan Amendment I Application – 107 Catamount Drive – Toxic Lolli LLC, Owner & Applicant.

Bruce Jenkins, Chair	YEA/nay/abstain/absent/recusal
Dave Conley, Vice-Chair:	YEA/nay/abstain/absent/recusal
Henry Bonges, Clerk:	YEA/nay/abstain/absent/recusal
Clayton Forgan:	YEA/nay/abstain/absent/recusal

8(D). Site Plan Amendment – 167 US Route 7 South - Milton Pizza Company LLC, Owner & Applicant.

Bruce Jenkins, Chair	YEA/nay/abstain/absent/recusal
Dave Conley, Vice-Chair:	YEA/nay/abstain/absent/recusal
Henry Bonges, Clerk:	YEA/nay/abstain/absent/recusal
Clayton Forgan:	YEA/nay/abstain/absent/recusal

MOTION to exit Deliberative Session; Motion SECONDED and CARRIED.

9. ADJOURNED

MOTION to adjourn; Motion SECONDED and CARRIED.

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

_____

Bruce Jenkins, Chair /kt

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

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