



# MILTON DEVELOPMENT REVIEW BOARD PUBLIC NOTICE OF MEETING & HEARINGS

Meeting Type: **Regular Meeting**  
Date: **Thursday, February 25, 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 Sketch Plan -165 Railroad Street - Gordon LaFountain Sr., Owner / Gordon LaFountain Jr. & Jenna LaFountain, Applicants.** The Applicants request **Sketch Plan** approval for a proposed 2-lot **Minor Conventional Subdivision** located at **165 Railroad Street**, described as Tax Map 31, Parcel 98 and SPAN #11903. A single family home currently exists on the lot. The subject property contains approximately 5.67 acres and is located within the "MCMP Center" (M1) Zoning District and Town Core Planning Area.

6(B). **Boundary Line Adjutment - 901 Lake Road and 917 Lake Road Janet Dooley and Sharon Meroa and Leslie LaPointe, Owners/Applicants -** The Applicants are requesting a **Boundary Line Adjustment** approval to adjust the property boundary between two adjacent lots located at **901 Lake Road and 917 Lake Road** described as SPAN #s 10979 and 13397, Tax Map 13 and 18, Parcels 16 and 37. The proposal would exchange a total of 0.33 acres between the two lots. The subject properties contain a total of approximately 21.5 acres and are located within the "Agricultural/Rural Residential" (R5) Zoning Districts.

### 7. Other Business, Staff Update

### 8. Approval of Minutes of February 11, 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



## TOWN OF MILTON

### Planning & Economic Development Department

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

## DEVELOPMENT REVIEW BOARD STAFF REPORT

<b>Hearing Date:</b> February 25, 2016	
<b>Case No:</b> DRB 2016-08	
<b>Application(s):</b> Minor Conventional Subdivision	
<b>Application Received:</b> January 20, 2016	
<b>Application Deemed Complete:</b> January 21, 2016	
<b>Staff Report Finalized:</b> February 21, 2016	
<b>Applicant(s):</b> Gordon J. LaFountain Jr. & Jenna M LaFountain 8 Moss End Drive Milton, VT 05468 802-363-7854 & 802-999-3738 GJL275@yahoo.com	<b>Owner(s):</b> Gordon J. LaFountain Sr. 165 Railroad Street Milton, VT 05468 802-893-0115 & 802-881-2979
<b>Engineer/License:</b> None	<b>Surveyor/License:</b> Mark Day #732, Surveyor TOH Surveying and Design, LLC PO Box 8 St. Albans, VT 05478
<b>E-911/Postal Address:</b> 165 Railroad Street	
<b>Tax Map, Parcel(s):</b> 31, 98	
<b>School Parcel Account Number(s) (SPAN):</b> 11903	
<b>Deed(s):</b> Book 109, Page 598	
<b>Existing Size:</b> 5.67 acres	
<b>Zoning District(s):</b> Milton Crossroads Marketplace Center "M1" District	
<b>Comprehensive Plan Planning Area/Sub-Area:</b> Town Core Planning Area/New Downtown Sub-Area	
<b>Location:</b> North side of Railroad Street between Barnum Street and Villemaire Lane	

## INTRODUCTION

**Noticed Summary of Proposal:** Gordon LaFountain Sr., Owner/Gordon LaFountain Jr. & Jenna LaFountain/Applicants request **Sketch Plan** approval for a proposed 2-lot **Minor Conventional Subdivision** located at **165 Railroad Street**, described as Tax Map 31, Parcel 98 and SPAN #11903. A single family home currently exists on the lot. The subject property contains approximately 5.67 acres and is located within the "MCMP Center" (M1) Zoning District and Town Core 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 Gordon LaFountain Jr. is an employee of the Town's Police Department. There are no other known direct or indirect conflicts of interests between Staff and the owner, applicant, or noticed interested parties.

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

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## APPLICATION, JURISDICTION, NOTICE

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

**Applicant(s):** The application was submitted by Gordon J. LaFountain Jr. and Jenna M. LaFountain referred to hereafter as the "applicant".

**Landowner(s):** The property is owned by Gordon J. LaFountain Sr. All owners are signatories to this application.

**Project Consultant(s):** Mark Day and Jeff Hardy of TOH Surveying and Design, LLC are consultants for this project.

**Application Submission:** The application form was received by the Planning and Economic Development Department on January 20, 2016. Unless otherwise noted, the associated exhibits were received the same day.

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

**Minor Conventional Subdivision Sketch 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 have been requested.

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

**Hearing:** The Town Planner scheduled the hearing for February 25, 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:

- Tax Lot 398-123-11903 Preliminary Subdivision Plat, by TDH Surveying & Design, LLC dated 1/5/16

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

- Technical Advisory Committee (TAC) Public Works Review Sheet dated 2/2/2016;
- TAC Police Review Sheet dated 1/28/2016;
- TAC Recreation Review Sheet dated 1/29/2016

**SITE, DISTRICT & AREA INFORMATION**

**Property Location:** The subject property is located at 165 Railroad Street and shown on Milton's Tax Map 31 as Parcel 98. The corresponding School Parcel Account Number (SPAN) is 11903.

**Size/Area:** According to the evidence presented, the subject parcel is approximately 5.67 acres or 246,876 square feet. The Assessor's Grand List records this property as approximately 5.76 acres.

**Deed(s):** The deed is recorded on 5/27/1987 in Book 109, Page 598 of the Town of Milton Land Records to Gordon J. LaFountain Sr., Grantee.

**Zoning District(s):** The site is located within the Milton Crossroads Marketplace Center (M1) 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 ZR411 states that the

purpose of this district is to “allow for the tallest buildings, the highest density, and the greatest extent of Mixed Use including residential, commercial, and some industrial uses. Buildings should be placed close to the sidewalks. Street trees and green belts along sidewalks should be constructed to provide a pedestrian friendly environment.”

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

- Goal 9.1.1.** Encourage structures be placed to improve aesthetics and enhance pedestrian connections.
- Goal 9.1.2.** Enhance streetscape elements by incorporating streetlights, street trees, and signage.
- Goal 9.1.3.** Encourage commercial development including retail, restaurants, professional services, offices, hotels, and incubator spaces in the Downtown Business district. Residential uses should be encouraged in the New Downtown Center and New Downtown West district.
- Goal 9.1.4.** Develop a multi-modal transit station to incorporate pedestrians, bicycles and bus service.
- Goal 9.1.5.** Promote the development of community activities for a range of ages.
  - Objective 9.1.5.a.** Encourage the creation of a community center for such activities as a theater or performance space, arts facility, and community gatherings.
  - Objective 9.1.5.b.** Evaluate the need for expansions of educational campuses for maximum use of facilities.
  - Objective 9.1.5.c.** Encourage the creation of an indoor/outdoor recreation facility to accommodate such activities and uses as hockey, ice skating, a swimming pool, and children and adult programs (refer to the 2007-2027 Recreation Plan for prioritization of these needs).
- Goal 9.1.6.** Further evaluate and prioritize the input from the 2007 Streetscape study and the 2012 Planning Commission Enhancing Route 7 public forum and survey with the goal of implementation of priority recommendations.

**Physical Characteristics/Natural Features:** The subject property is generally flat, contains soils of Statewide significance, no mapped wetland, drains directly to Lake Champlain via the Lamoille River and Mallets Creek, and contains an open meadow.

**Surrounding Use/Structures:** The property is surrounded predominantly by single family dwellings with a multi-family apartment across Railroad Street and senior housing abutting the property to the west.

### SITE HISTORY

**Background:** The staff did not find previous development review by the DRB or Zoning Board of Adjustment or Planning Commission relevant to the proposal.

**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 property currently contains one single family dwelling.

**Proposed Use:** The applicant has not stated the intended use for the proposed Lot 2.

1. The applicant shall state the intended use of the proposed Lot 2.

**Existing Improvements:** The property currently contains a single family dwelling and attached gazebo. The dwelling is serviced by municipal water and wastewater. Access is via a gravel driveway to Railroad Street.

**Existing Restrictions or Covenants:** The site contains an existing 50 foot electric to the east of the existing dwelling.

**Proposed Restrictions or Covenants:** No new restrictions of covenants have been proposed.

### **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, ZR414:** The tables below show the required dimensional requirement for the subject property's applicable Zoning District and proposed compliance.

<b>Lot 1 (Containing Existing Dwelling)</b>	<b>Required</b>	<b>Proposed</b>
Minimum LOT AREA (sq. ft.)	5,000	221,701
Minimum Road FRONTAGE (linear ft.)	0	381
Minimum FRONT SETBACK (linear ft.)	0 -20	90
Minimum SIDE SETBACK (linear ft.)	0	28
Minimum REAR SETBACK (linear ft.)	0	Over 200
Maximum BUILDING COVERAGE	40	2
Maximum LOT COVERAGE (%)	80	3

Lot 1 would conform to the dimensional standards of the M1 District.

<b>Lot 2</b>	<b>Required</b>	<b>Proposed</b>
Minimum LOT AREA (sq. ft.)	5,000	25,175
Minimum Road FRONTAGE (linear ft.)	0	100
Minimum FRONT SETBACK (linear ft.)	0 - 20	unknown
Minimum SIDE SETBACK (linear ft.)	0	unknown
Minimum REAR SETBACK (linear ft.)	0	unknown
Maximum BUILDING COVERAGE	40	unknown
Maximum LOT COVERAGE (%)	80	na

Lot 2 would conform to the dimensional standards of the M1 District. Staff finds that without the location of a proposed structure, the compliance with setback requirements cannot be evaluated, but would be evaluated for compliance prior to the issuance of a Zoning Permit.

### **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):

2. 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:**

3. The final plat application shall include all items listed in Subdivision Regulations 610.

**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

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

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

Staff finds that no shade trees are present on the subject property along Railroad Street. Staff further finds that this request is constant with Comprehensive Plan Goal 9.1.2. for the Town Core Planning area, which is to "Enhance streetscape elements by incorporating streetlights, street trees, and signage."

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

**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**

The Technical Advisory Committee reviewed this application and Public Works Director Roger Hunt requested identification of how lot 2 will be accessed.

9. The final application shall include the location of the proposed access to Lot 2.

**STAFF RECOMMENDATION**

The Planning Staff recommends that the DRB **approve** the Sketch Plan for a proposed 2-lot Minor Conventional Subdivision located at 165 Railroad Street, described as Tax Map 31, Parcel 98 and SPAN #11903, subject to the conditions above.

**Respectfully Submitted:**



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

**ATTACHMENTS:**

- Tax Lot 398-123-11903 Preliminary Subdivision Plat, by TDH Surveying & Design, LLC dated 1/5/16

- Technical Advisory Committee (TAC) Public Works Review Sheet dated 2/2/2016;
- TAC Police Review Sheet dated 1/28/2016;
- TAC Recreation Review Sheet dated 1/29/2016

**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.

THIS FINAL PLAT HAS BEEN APPROVED BY RESOLUTION OF THE DEVELOPMENT REVIEW BOARD OF THE TOWN OF MILTON, VERMONT

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

SUBJECT TO THE REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

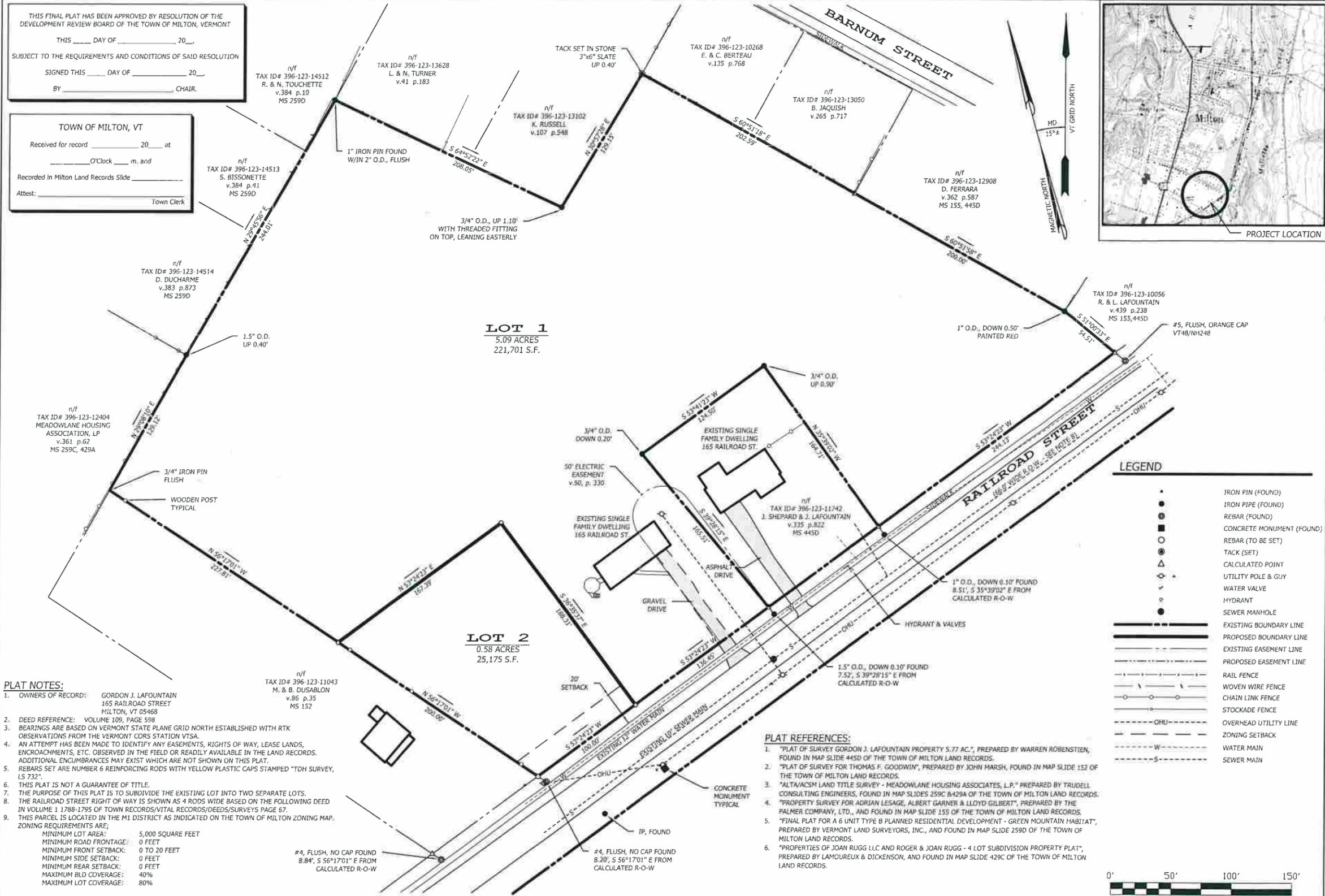
BY \_\_\_\_\_ CHAIR.

TOWN OF MILTON, VT

Received for record \_\_\_\_\_ 20\_\_ at \_\_\_\_\_ O'Clock \_\_\_\_\_ m. and \_\_\_\_\_

Recorded in Milton Land Records Slide \_\_\_\_\_

Attest: \_\_\_\_\_ Town Clerk



**LEGEND**

●	IRON PIN (FOUND)
○	IRON PIPE (FOUND)
⊙	REBAR (FOUND)
⊠	CONCRETE MONUMENT (FOUND)
○	REBAR (TO BE SET)
⊙	TACK (SET)
△	CALCULATED POINT
⊕	UTILITY POLE & GUY
⊕	WATER VALVE
⊕	HYDRANT
⊕	SEWER MANHOLE
---	EXISTING BOUNDARY LINE
---	PROPOSED BOUNDARY LINE
---	EXISTING EASEMENT LINE
---	PROPOSED EASEMENT LINE
---	RAIL FENCE
---	WOVEN WIRE FENCE
---	CHAIN LINK FENCE
---	STOCKADE FENCE
---	OVERHEAD UTILITY LINE
---	ZONING SETBACK
---	WATER MAIN
---	SEWER MAIN

**PLAT NOTES:**

- OWNERS OF RECORD: GORDON J. LAFOUNTAIN, 165 RAILROAD STREET, MILTON, VT 05468
- DEED REFERENCE: VOLUME 109, PAGE 598
- BEARINGS ARE BASED ON VERMONT STATE PLANE GRID NORTH ESTABLISHED WITH RTK OBSERVATIONS FROM THE VERMONT CORS STATION VTS.A.
- AN ATTEMPT HAS BEEN MADE TO IDENTIFY ANY EASEMENTS, RIGHTS OF WAY, LEASE LANDS, ENCROACHMENTS, ETC. OBSERVED IN THE FIELD OR READILY AVAILABLE IN THE LAND RECORDS. ADDITIONAL ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN ON THIS PLAT.
- REBARS SET ARE NUMBER 6 REINFORCING RODS WITH YELLOW PLASTIC CAPS STAMPED "TDH SURVEY, LS 732".
- THIS PLAT IS NOT A GUARANTEE OF TITLE.
- THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE THE EXISTING LOT INTO TWO SEPARATE LOTS.
- THE RAILROAD STREET RIGHT OF WAY IS SHOWN AS 4 RODS WIDE BASED ON THE FOLLOWING DEED IN VOLUME 1 1788-1795 OF TOWN RECORDS/VITAL RECORDS/DEEDS/SURVEYS PAGE 57.
- THIS PARCEL IS LOCATED IN THE M1 DISTRICT AS INDICATED ON THE TOWN OF MILTON ZONING MAP. ZONING REQUIREMENTS ARE:
  - MINIMUM LOT AREA: 5,000 SQUARE FEET
  - MINIMUM ROAD FRONTAGE: 0 FEET
  - MINIMUM FRONT SETBACK: 0 TO 20 FEET
  - MINIMUM SIDE SETBACK: 0 FEET
  - MINIMUM REAR SETBACK: 0 FEET
  - MAXIMUM BLD COVERAGE: 40%
  - MAXIMUM LOT COVERAGE: 80%

**PLAT REFERENCES:**

- "PLAT OF SURVEY GORDON J. LAFOUNTAIN PROPERTY 5.77 AC.", PREPARED BY WARREN ROSENSTEN, FOUND IN MAP SLIDE 445D OF THE TOWN OF MILTON LAND RECORDS.
- "PLAT OF SURVEY FOR THOMAS F. GOODWIN", PREPARED BY JOHN MARSH, FOUND IN MAP SLIDE 152 OF THE TOWN OF MILTON LAND RECORDS.
- "ALTA/ACSM LAND TITLE SURVEY - MEADOWLANE HOUSING ASSOCIATES, L.P.", PREPARED BY TRUDELL CONSULTING ENGINEERS, FOUND IN MAP SLIDES 259C & 429A OF THE TOWN OF MILTON LAND RECORDS.
- "PROPERTY SURVEY FOR ADRIAN LESAGE, ALBERT GARNER & LLOYD GILBERT", PREPARED BY THE PALMER COMPANY, LTD., AND FOUND IN MAP SLIDE 155 OF THE TOWN OF MILTON LAND RECORDS.
- "FINAL PLAT FOR A 6 UNIT TYPE B PLANNED RESIDENTIAL DEVELOPMENT - GREEN MOUNTAIN HABITAT", PREPARED BY VERMONT LAND SURVEYORS, INC., AND FOUND IN MAP SLIDE 259D OF THE TOWN OF MILTON LAND RECORDS.
- "PROPERTIES OF JOAN RUGG LLC AND ROGER & JOAN RUGG - 4 LOT SUBDIVISION PROPERTY PLAT", PREPARED BY LAMOUREUX & DICKENSON, AND FOUND IN MAP SLIDE 429C OF THE TOWN OF MILTON LAND RECORDS.

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



**TDH SURVEYING & DESIGN, LLC**  
 Land Surveyors - Septic Designers  
 P.O. BOX 8 ST. ALBANS, VERMONT 05214-0008  
 802-524-4460

NO.	DATE	REVISION	BY

**GORDON J. LAFOUNTAIN**  
**RAILROAD STREET**  
**MILTON, VERMONT**

**TAX LOT 396-123-11903**  
**PRELIMINARY**  
**SUBDIVISION PLAT**

DRAWN BY:	ST/MD	CHECKED BY:	MD
SCALE:	1"=50'	FIELD BOOK:	DC
DATE:	1/5/16	DATE OF SURVEY:	12/25/15
JOB NUMBER:	15060	SURVEY BY:	TCL
DRAWING:	15060SPAT	SHEET:	1 of 1





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## **TECHNICAL ADVISORY COMMITTEE REVIEW SHEET**

Development Review Board Meeting of Thursday, February 25, 2016

Date of Review: 2/2/2016

Department: Public Works

TAC Member: Roger Hunt

**Sketch Plan- Minor Conventional Subdivision- 165 Railroad Street**

How will Lot #2 be accessed?



TOWN OF MILTON  
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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 25, 2016

Date of Review: 01-28-16

Department: Police

TAC Member: BRET VAN NOORT

Sketch Plan- Minor Conventional Subdivision- 165 Railroad Street

NO COMMENTS  
OR CONCERNS.



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**TECHNICAL ADVISORY COMMITTEE REVIEW SHEET**

Development Review Board Meeting of Thursday, February 25, 2016

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

Department: Police

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

**Sketch Plan- Minor Conventional Subdivision- 165 Railroad Street**

NO COMMENTS  
OR CONCERNS.

**Boundary Line Adjustment- 901 Lake Road and 917 Lake Road**

NO COMMENTS  
OR CONCERNS.



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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 25, 2016

Date of Review: 1-29-16

Department: Recreation

TAC Member: Kym Bechemede, Recreation

**RECEIVED**

**JAN 30 2016**

RECREATION DEPARTMENT  
MILTON, VERMONT

Coordinator

Sketch Plan- Minor Conventional Subdivision- 165 Railroad Street

No comments

Boundary Line Adjustment- 901 Lake Road and 917 Lake Road

No comments



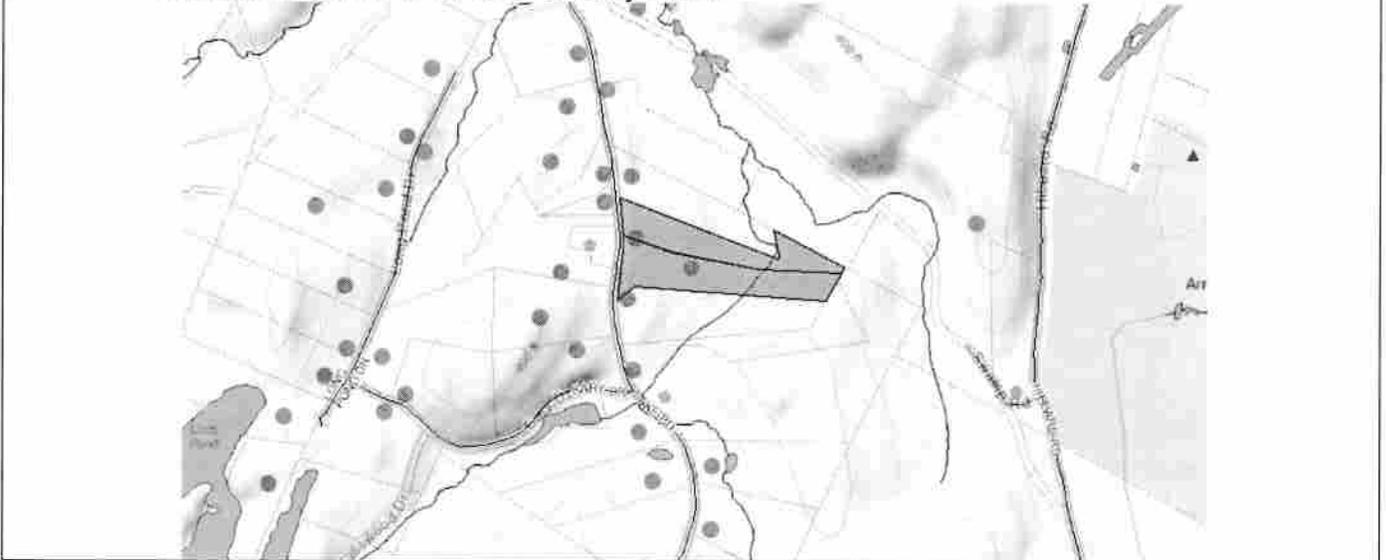
# TOWN OF MILTON

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### DEVELOPMENT REVIEW BOARD STAFF REPORT

<b>Hearing Date:</b> February 25, 2016	
<b>Case No:</b> DRB 2016-09	
<b>Application(s):</b> Boundary Line Adjustment	
<b>Application Received:</b> January 29, 2016	
<b>Application Deemed Complete:</b> January 29, 2016	
<b>Staff Report Finalized:</b> Friday, February 18, 2016	
<b>Applicant(s):</b> Janet A. Dooley 901 Lake Road Milton, VT 05468	<b>Owner(s):</b> Sharon E. Meroa & Leslie D. LaPointe 917 Lake Road Milton, VT 05468
<b>Engineer/License:</b> None	<b>Surveyor/License:</b> Warren A. Robenstien 2407 Blakely Road Colchester, VT 05446
<b>E-911/Postal Address:</b> 901 & 917 Lake Road	
<b>Tax Map, Parcel(s):</b> Tax Map 13, Parcel 16 / Tax Map 18, Parcel 37	
<b>School Parcel Account Number(s) (SPAN):</b> 10979 / 13397	
<b>Deed(s):</b> Book 221, Page 752-3 / Book 416, Page 199	
<b>Existing Size:</b> 21.5 acres	
<b>Zoning District(s):</b> Agricultural Rural Residential "R5"	
<b>Comprehensive Plan Planning Area/Sub-Area:</b> West Milton Planning Area	
<b>Location:</b> East Side of Lake Road, north of Cary Lane.	



## INTRODUCTION

**Noticed/Warned Summary of Proposal:** Janet Dooley and Sharon Meroa and Leslie LaPointe, Owners/Applicants are requesting a **Boundary Line Adjustment** approval to adjust the property boundary between two adjacent lots located at **901 Lake Road and 917 Lake Road** described as SPAN #s 10979 and 13397, Tax Map 13 and 18, Parcels 16 and 37. The proposal would exchange a total of 0.33 acres between the two lots. The subject properties contain a total of approximately 21.5 acres and are located within the "Agricultural/Rural Residential" (R5) Zoning Districts.

**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>.

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## APPLICATION, JURISDICTION, NOTICE

**Application:** This matter comes before the Town of Milton Development Review Board (DRB) for Boundary Line Adjustment 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 Janet A. Dooley, referred to hereafter as the "applicant".

**Landowner(s):** The property is owned by Janet A. Dooley, Sharon E. Meroa & Leslie D. LaPointe. All owners are signatories to this application.

**Project Consultant(s):** Warren Robenstien is a consultant for this project.

**Application Submission:** The application form was received by the Planning and Economic Development Department on January 29, 2016. Unless otherwise noted, the associated exhibits were received the same day.

**Application Completion:** The application was deemed complete by staff on January 29, 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.

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

**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 25, 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:

- Plat of Survey Showing Boundary Line Adjustment by Warren A. Robenstien dated 1/27/2016.

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

- Technical Advisory Committee (TAC) Public Works Review Sheet dated 2/2/2016;
- TAC Police Review Sheet dated 1/28/2016;
- TAC Recreation Review Sheet dated 1/29/2016

### **SITE, DISTRICT & AREA INFORMATION**

**Property Location:** The subject property is located at 901 & 917 Lake Road and shown on Milton's Tax Map 13, Parcel 16 and Tax Map 18, Parcel 37. The corresponding School Parcel Account Numbers (SPAN) are 10979 and 13397.

**Size/Area:** According to the evidence presented in the application:

- 917 Lake Road (Lot 7) is approximately 10 acres or 435,600 square feet.
- 901 Lake Road (Lot 8) is approximately 10 acres or 435,560 square feet.

The Assessor's Grand List records these properties as:

- 917 Lake Road is approximately 11.4 acres.
- 901 Lake Road is approximately 10.1 acres.

Staff finds that the proposal is to exchange .33 acres from each parcel, resulting in no change in lot area.

**Deed(s)**: The deed for 901 Lake Road is recorded in Book 221, Page 752-3 of the Town of Milton Land Records. The deed for 917 Lake Road is recorded in Book 416, Page 199 of the Town of Milton Land Records

**Zoning District(s)**: The site is located within the Agricultural Rural Residential "R5" Zoning District described on the Town of Milton Zoning Map, last amended August 22, 2011, on record and display at the Municipal Offices and available on the Town's website. The ZR341 states that the purpose of this district is to "provide for continued agriculture, forestry and open space uses together with compatible low density residential development."

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

- Goal 9.12.1. Encourage a diversity of agricultural uses.
- Goal 9.12.2. Encourage low-density, well planned residential development which enhances the character of the area.
  - Objective 9.12.2.a. Develop standards and encourage low-density, well planned unit residential developments that work with the natural features of the landscape and protect scenic viewsheds.
- Goal 9.12.3. Promote the development of community activities for a range of ages.
  - Objective 9.12.3.a. Encourage the creation of outdoor recreation facilities along Lake Champlain for children and adults.
- Goal 9.12.4. Encourage the preservation of historic sites.

**Physical Characteristics/Natural Features**: The sites slope up away from the road, contain soils of statewide agricultural significance, mapped wetlands, a mix of forest and fields, and drain directly to Lake Champlain via Stone Bridge Brook.

**Surrounding Use/Structures**: The properties are surrounded by single family residences and agricultural uses.

## SITE HISTORY

**Background**: The subject properties are part of the original Red Hill Estates subdivision which was approved in 1973.

**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 subject lots contain single family residential uses. No change of use in proposed.

**Existing Improvements**: 901 Lake Road contains an existing single family home, a barn, and a woodshed. The existing home is located within the side setback and the woodshed is located outside of

the existing property boundary. 917 Lake Road contains an existing single family home and a barn. Both properties are served by a shared well and individual on-site wastewater.

**Proposed Improvements:** No changes are proposed to existing improvements.

**Existing Restrictions or Covenants:** The applicant did not report any existing restrictions or covenants.

### **BOUNDARY LINE ADJUSTMENT 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.

**SR200.10, Resubdivision:** While Boundary Line Adjustment (BLA) is term that does not appear in the Subdivision Regulations, Milton has traditionally categorized BLAs as "resubdivisions" and treated them as subject to a single hearing. "Resubdivision" is defined by the Regulations as:

“Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line, or if the change affects any map or plan legally recorded after the adoption of any subdivision regulation by the Town of Milton. “

The subdivision regulations further define the term "subdivision" to include "resubdivision" in SR200. In other words, Boundary Line Adjustments are Minor Conventional Subdivisions that undergo a single hearing by tradition.

**SUBDIVISION STANDARDS**

**SR700, Standards for 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" summarized as follows:

- 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

Unless otherwise stated, Staff finds that the proposal is in accord with these standards based on the evidence presented.

**SR880, Layout:** "The layout of lots shall conform to the requirements of the Town's Zoning Regulations."

**ZONING REGULATION REVIEW**

**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."

Staff finds that the proposal is for an even exchange of land which does not result in a reduction in area for either lot.

**District Dimensional Requirements, ZR344:** The tables below show the required dimensional requirement for the subject property's applicable Zoning District and proposed compliance.

<b>901 Lake Road (Lot #7)</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Minimum LOT AREA (sq. ft.)	400,000	435,600	435,600
Minimum Road FRONTAGE (linear ft.)	400	401.23	401.23
Minimum FRONT SETBACK (linear ft.)	35	570	570
Minimum SIDE SETBACK (linear ft.)	50	<b>4.3</b>	<b>75</b>
Minimum REAR SETBACK (linear ft.)	50	25	115

Maximum BUILDING COVERAGE	40	na	na
Maximum LOT COVERAGE (%)	15	0.04	0.04

The 901 Lake Road does not currently conform to the minimum **side** setback requirements for the R5 District. The proposal makes the lot conform to the side setback requirement.

917 Lake Road (Lot #8)	Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	400,000	435,560	435,560
Minimum Road FRONTAGE (linear ft.)	400	404.07	404.07
Minimum FRONT SETBACK (linear ft.)	35	80	80
Minimum SIDE SETBACK (linear ft.)	50	52	52
Minimum REAR SETBACK (linear ft.)	50	275	275
Maximum BUILDING COVERAGE	40	na	na
Maximum LOT COVERAGE (%)	15	0.05	0.05

The lot at 917 Lake Road is conforming to the minimum dimensional requirements for the R5 District. The proposal has no impact of the lot conformity.

**ZR640, Minimum Lot Width to Depth Ratio:**

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

Staff finds that neither lot complies with the width-to-depth ratio of ZR640. The proposal has no impact on the width conformity of either lot.

**Legal Escrow, SR910:** The applicant has already submitted \$500 with the 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:**

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

**SR940, Filing of Final Plat:** If approved,

2. **Staff Review of Revisions:** The Applicant shall submit one paper or PDF version of the revised final Plat for review and approval by Staff prior to submitting the Final Plat. The Applicant shall also submit one full-sized (to scale) paper Final Plat and one 11x17 paper plat depicting any

requested changes, to be maintained in the Planning Office's application file.

3. Final Plat Submission: The Final Survey Plat shall be in compliance with SR610 and 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 SR940. Final approval expires if not filed within 180 days, unless extended by the Zoning Administrator for pending local or state approvals. In the event a subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.

#### SR950, Revisions

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

#### TECHNICAL REVIEW COMMITTEE

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

#### STAFF RECOMMENDATION

The Planning Staff recommends that the DRB **approve** the Boundary Line Adjustment for the two adjacent lots located at **901 Lake Road and 917 Lake Road** described as SPAN #s 10979 and 13397, Tax Map 13 Parcel 16 and Tax Map 18 Parcel 37, subject to the conditions above.

**Respectfully Submitted:**



**Jeffrey Castle, Town Planner**

#### ATTACHMENTS:

- Plat of Survey Showing Boundary Line Adjustment by Warren A. Robenstien dated 1/27/2016.
- Technical Advisory Committee (TAC) Public Works Review Sheet dated 2/2/2016;
- TAC Police Review Sheet dated 1/28/2016;
- TAC Recreation Review Sheet dated 1/29/2016

**COPIES TO:**

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

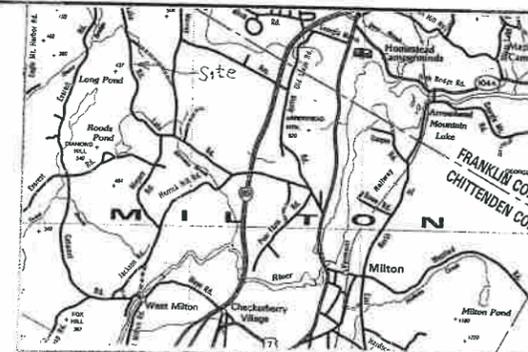
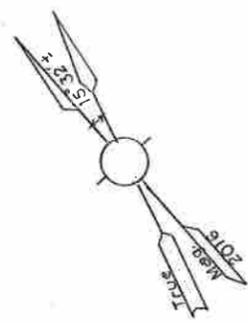
**WHAT'S NEXT?**

**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.

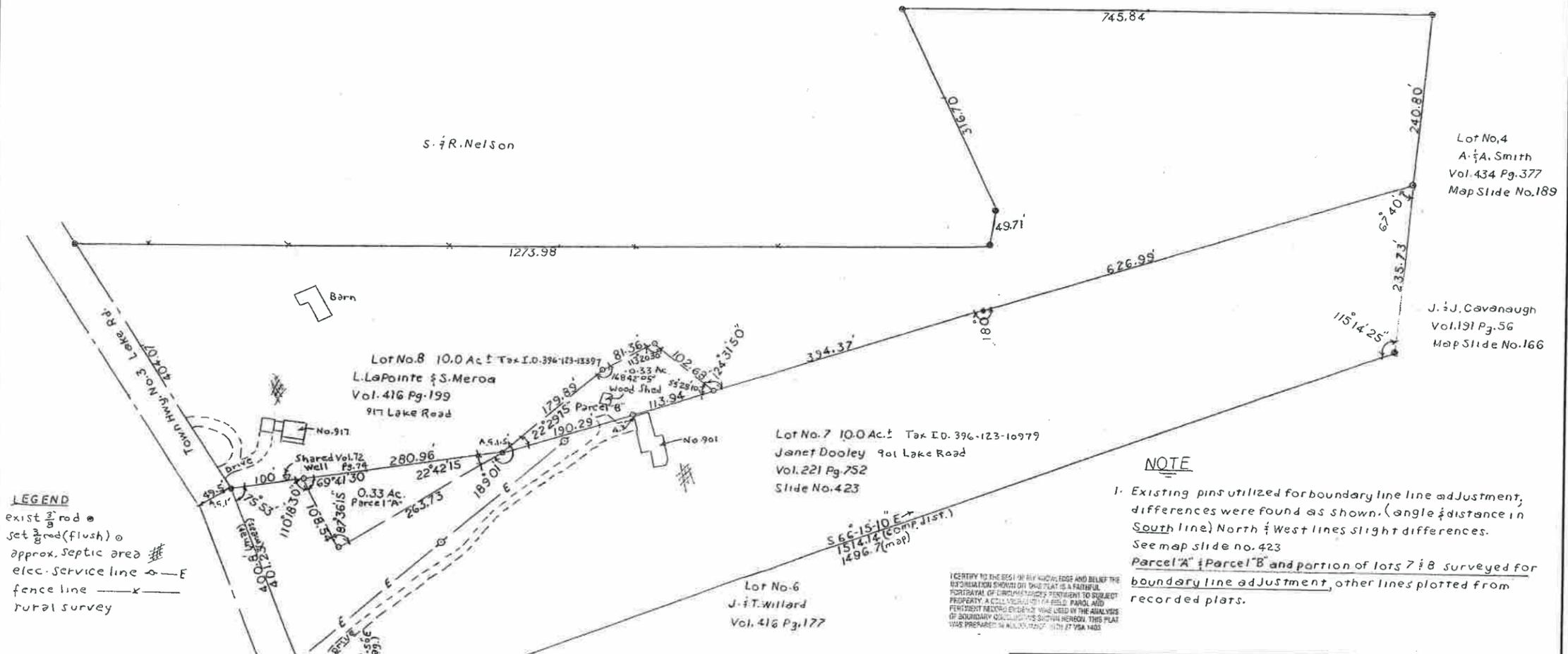
**Decision Conditions:** Approvals by the DRB almost always include conditions of approval that detail the next actions you must take to finalize the project. It's important that you read and understand the decision.

**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.



Location Map(n.t.s)  
 Zone R 2 Tax Map No. 5  
 Setbacks  
 Front = 35'  
 Side = 50'  
 Rear = 50'



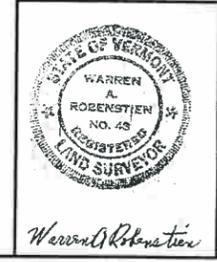
**LEGEND**  
 exist 3/4" rod @  
 set 3/4" rod (flush) @  
 approx. septic area #  
 elec. service line -E-  
 fence line -x-  
 rural survey

**NOTE**  
 1. Existing pins utilized for boundary line line adjustment, differences were found as shown. (angle & distance in South line) North & West lines slight differences. See map slide no. 423  
 Parcel 'A' & Parcel 'B' and portion of lots 7 & 8 surveyed for boundary line adjustment, other lines plotted from recorded plats.

I CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THE INFORMATION SHOWN ON THIS PLAT IS A FAITHFUL REPRESENTATION OF EMPLOYER'S PRESENT TO SUBJECT PROPERTY. A COLLATERAL SURVEY FIELD, PARCEL AND PERMITS RECORDS SHOULD BE USED BY THE ANALYSIS OF BOUNDARY DISCREPANCIES. THIS PLAT WAS PREPARED IN ACCORDANCE WITH 27 V.S.A. 1403

Town Clerk's Office  
 Received For The Record  
 Date \_\_\_\_\_ A.D.  
 AT \_\_\_\_\_ o'clock min \_\_\_\_\_  
 In map cabinet slide \_\_\_\_\_  
 Attest: \_\_\_\_\_  
 Town Clerk

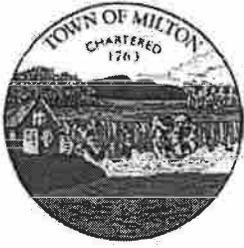
**Graphic Scale**  
 0 100 200 300 400 500  
 THIS BOUNDARY LINE ADJUSTMENT TO THE FINAL PLAT DATED \_\_\_\_\_ HAS BEEN APPROVED BY RESOLUTION OF THE DEVELOPMENT REVIEW BOARD OF THE TOWN OF MILTON, VERMONT, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_, SUBJECT TO THE REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION.  
 SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_,  
 BY \_\_\_\_\_ CHAIR.



PLAT OF SURVEY SHOWING BOUNDARY LINE ADJUSTMENT JANET A. DOOLEY & LESLIE LAPOINTE & SHARON MEROA TOWN HWY. NO. 3 MILTON, VERMONT	
DATE: Jan. 27, 2016	SCALE: 1" = 100'
DRAWN BY W.A.R.	
APPROVED BY W.A.R.	
DRAWING NUMBER	

Mr. Warren Robenstien  
 2407 Blakely Rd  
 Colchester, VT 05446-4428

RECEIVED  
 JAN 29 2015  
 Planning & Economic Development  
 Milton, Vermont



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

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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 25, 2016

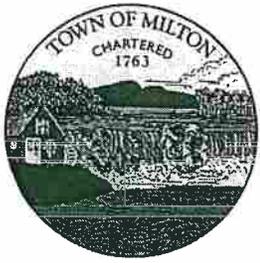
Date of Review: 2/2/2016

Department: Public Works

TAC Member: Roger Hunt

**Sketch Plan- Minor Conventional Subdivision- 165 Railroad Street**

How will Lot #2 be accessed?



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

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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 25, 2016

Date of Review: 01-28-16

Department: Police

TAC Member: Bret VAN NOORT

Sketch Plan- Minor Conventional Subdivision- 165 Railroad Street

NO COMMENTS  
OR CONCERNS.



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

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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 25, 2016

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

Department: Police

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

Sketch Plan- Minor Conventional Subdivision- 165 Railroad Street

NO COMMENTS  
OR CONCERNS.

Boundary Line Adjustment- 901 Lake Road and 917 Lake Road

NO COMMENTS  
OR CONCERNS.



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

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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 25, 2016

Date of Review: 1-29-16

Department: Recreation

TAC Member: Kym Beckenhead, Recreation  
Coordinator

RECEIVED

JAN 30 2016

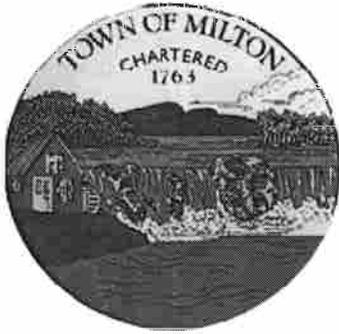
RECREATION DEPARTMENT  
MILTON, VERMONT

Sketch Plan- Minor Conventional Subdivision- 165 Railroad Street

*No comments*

Boundary Line Adjustment- 901 Lake Road and 917 Lake Road

*No comments*



# DEVELOPMENT REVIEW BOARD MEETING MINUTES

Meeting Type: **Regular Meeting**  
Date: **Thursday, February 11, 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 **1. CALL TO ORDER**

2 The Chair called the meeting to order at 7:05 p.m.  
3

4 **2. ATTENDANCE**

5 **Members Present:** Bruce Jenkins, Chair; David Conley, Vice-Chair; Henry Bonges, Clerk; Clayton Forgan

6 **Members Absent:** None

7 **Staff Present:** Jeff Castle, Town Planner  
8

9 **3. AGENDA REVIEW**

10 None.  
11

12 **4. PUBLIC FORUM**

13 None.  
14

15 **5. OLD HEARINGS**

16 None.  
17

18 **6. NEW HEARINGS**

19 **6(A). Minor Conventional Subdivision Final Plan, Site Plan & Variance Application -- 947- 951 US Route**  
20 **7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner.**  
21

22 The Chair read the following summary to open the hearing:  
23

24 The Applicant seeks a 2-lot Minor Conventional Subdivision Final Plan approval to place the existing  
25 Stannard House on a new, non-conforming, 6,835 sq. ft. lot with access from US Route 7; the remaining  
26 853,539 sq. ft. lot would contain the existing distribution warehouse. The Applicant also seeks Site Plan  
27 approval for the newly created lot for a "public/private facility" use. The proposed plan would require a  
28 variance from the District's dimensional requirements, pursuant to Zoning Regulations Sections 394, 520, 550  
29 and 1070. The property is described as 947-951 US Route 7 South; Tax Map 3, Parcel 8-1; SPAN #13967;  
30 contains approximately 19.75 acres; and is located within the General Industrial (I2) Zoning District and the  
31 Catamount Planning Area.  
32

33 The Chair administered the Oath to Interested Persons. Representing the Applicants were Bill Kaigle, Chairman  
34 of the General Stannard House Committee, and Roger Dickinson of Lamoureux & Dickinson, hereafter referred  
35 to as "Applicant(s)."  
36

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

- 38 1. The Applicant agreed to obtain an approved Zoning Permit to demolish the rear addition to the  
39 structure.
- 40 2. The Applicant the Final Plat shall show the license number and seal of the land surveyor, per  
41 Subdivision Regulation Section 610.1(1).

- 1 3. The Applicant agreed that any required site changes shall be shown on the revised Site Plans which shall  
2 be submitted for Staff review prior to the Plat being recorded in the Land Records.
- 3 4. The Applicant agreed that the Surveyor shall submit a written documentation attesting that all corner  
4 markers have been set prior to recording the Plat in the Land Records.
- 5 5. The Applicant and the DRB briefly discussed lighting. The Applicant stated the proposed lighting  
6 fixtures are cut-off, directing the light to the site and not on to adjoining properties. The Chair asked if  
7 the front of the house would be lit; the Applicant stated it would be, possibly with a ground-mounted  
8 spotlight. Conley and Bonges inquired whether or not there would be any night-time activity. The  
9 Applicant stated there likely would be some activity taking place after dark, but not all the time. The  
10 proposed primary hours of operation are during the day.
- 11 6. The Applicant agreed to submit standard engineering details of the proposed water and wastewater  
12 systems for the approval of the Department of Public Works.
- 13 7. The Applicant agreed that a municipal water allocation shall be obtained prior to the issuance of a  
14 Zoning Permit, though added that the Stannard House Committee's primary objective right now is to  
15 stabilize the structure, as it is in need of significant rehabilitation. Therefore connections to municipal  
16 water and/or wastewater are not on the immediate horizon, but will be at some point in the future.
- 17 8. The Applicant agreed that the wastewater holding tank shall be vented and have a high level alarm and  
18 level sensor.
- 19 9. Discussion commenced regarding Public Works' recommendation that the Applicant reconsider  
20 connecting to municipal sewer service. The Applicant stated that Public Works had previously agreed  
21 to the proposed holding tank, but they had looked in to the connection option as recommended and  
22 found the costs to be prohibitive. The Applicants stated their preference would be to proceed with the  
23 holding tank as previously discussed. The Chair inquired why an on-site septic system could not be  
24 constructed and the Applicant advised the lot is simply too small.
- 25 10. The Applicant agreed that a State Water/Wastewater Permit shall be obtained prior to the issuance of a  
26 Zoning Permit.
- 27 11. The Applicant agreed to submit with the final plat all necessary legal data, including a certificate of title  
28 showing ownership of all properties and easements to be dedicated to the Town, all proposed deeds  
29 conveying property or easements to the Town, a draft of all restrictions which will run with the land,  
30 and any other data as deemed necessary by the DRB.
- 31 12. The Applicant agreed to submit the revised final Plat and any associated plans for approval by Staff  
32 prior to submitting the mylar, and to submit one (1) full-sized (to scale) and one (1) 11x17 paper plats  
33 depicting the requested changes to be kept on file in the Planning Office.
- 34 13. The Applicant agreed the Final Plat shall be submitted on 18" x 24" mylar, signed by the licensed  
35 surveyor and the Chair of the DRB, and recorded in the Land Records within 180 days of the date of  
36 DRB's Final Approval Decision, per Subdivision Regulations Section 940.
- 37 14. The Applicant clarified that the proposed accessible walkway at the rear entry will be installed on grade  
38 (as opposed to a built ramp structure). Conley asked about year-round use; the Applicant replied that  
39 the current plan is for seasonal use only and they do not plan to be open during winter.
- 40 15. The Applicant stated the intent is to construct a 6' x 6' front porch and steps to replicate what originally  
41 existed; a Variance is needed as these would project in to the front set-back. The Chair confirmed with  
42 the Applicant that the proposed porch would remain well out of the right-of-way.
- 43 16. The Applicant stated they do not expect any heavy traffic. Conley asked about possible school field trips  
44 to the site, and where they school bus would park. The Applicant replied that the General Stannard  
45 House Committee has discussed this possibility, and surmised that the school bus would drop the  
46 students off and come back to pick them up, as there is no on-site parking proposed that would  
47 accommodate a school bus.
- 48 17. The Applicant agreed to install and guarantee the survival or replacement of required landscaping for a  
49 period of three (3) years from the date of the plantings.

- 1 18. The Applicant agreed parking will not be permitted along Route 7, even in the event that the onsite  
2 parking is full. A brief discussion regarding parking resumed. The Chair asked the square footage of  
3 the building and the Applicant replied that they believed it to be 24x40. The Chair remarked that with  
4 less than 1,000 square feet of space inside, he didn't foresee large numbers of people converging on the  
5 site at any one time, so the minimal parking shouldn't be an issue.
- 6 19. The Applicant agreed to install a sign identifying the ADA parking space, and to include the sign on the  
7 Final Site Plan.
- 8 20. The Applicant agreed to submit standard details of the driveway and parking area for approval by the  
9 Department of Public Works.
- 10 21. The Applicant agreed the drive exit apron to US Route 7 shall be paved up to the right-of-way. The  
11 Applicant felt the requested stop bar and stop sign were not necessary, but stated they had an approved  
12 highway access permit from V-Trans and they would do whatever was required of them by that agency.
- 13 22. The Applicant agreed to meet all sign standards of ZR830.
- 14 23. The Applicant agreed to install a Fire Department Key Box on the building, and to show the location on  
15 the Final Site Plan.
- 16 24. The Applicant agreed to address all comments and concerns of the Technical Advisory Committee. The  
17 DRB found that these had already been addressed.
- 18 25. The DRB did not have any additional questions for the Applicant.
- 19 26. Conley inquired about signage and where it would be located. The Applicant replied that the sign plan  
20 is not finalized yet, but they anticipate the sign will be in a similar location to the "Save My House"  
21 banner that is currently displayed at the site, which is along Route 7. Jenkins asked about the State's  
22 historic roadside markers; the Applicant replied they will soon be submitting an application for that  
23 marker and they are excited to obtain it. Forgan asked if there were plans to have a dumpster on the  
24 property. The Applicant replied that there will not be a dumpster, and all trash will be taken off site to  
25 be disposed of.
- 26 27. The Applicant agreed to obtain a Project Review Sheet (PRS) from the Permit Specialist in the District 4  
27 Regional Office of the Agency of Natural Resources and to obtain all required State permits and  
28 approvals prior to construction.
- 29 28. The Applicant agreed to submit two (2) full-sized and two (2) reduced complete final site plan sets  
30 depicting the requested changes, and that these must be deemed Final by the Town Planner prior to  
31 being eligible for a Zoning Permit.
- 32 29. The Applicant agreed to obtain the necessary Zoning Permit and associated Certificate of Compliance.
- 33 30. The DRB did not have any additional questions for the Applicant.

34  
35 Hearing no further questions or comments, the Chair closed the Hearing at 7:29 p.m.

36  
37 **6(B). Sketch Plan- Minor Conventional Subdivision, Variance & Boundary Line Adjustment Application**  
38 **- 28-30 River Street, LLC & 32 River Street, LLC, Owners/William Harrington & John & Leah MacRae**  
39 **Applicants.**

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

42  
43 The Applicants request Sketch Plan approval for a proposed 2-lot Minor Conventional Subdivision located at  
44 28-30 River St, described as Tax Map 32, Parcel 22-2 and SPAN #11460. Lot 1 is to contain existing duplex on  
45 0.34 acres accessed via River St. Lot 2 is to contain existing auto repair building on 0.31 acres accessed via Cherry  
46 St. Also proposed is a Boundary Line Adjustment to transfer .15 acres from 33 River Street, described as Tax  
47 Map 32 Parcel 22-4, SPAN #10397, to 28-30 River St. The Applicant seeks a Variance approval according to  
48 Section 1070 of the Zoning Regulations from Subdivision Regulations Sections 700.5 and 880.1 and Zoning  
49 Regulations Sections 454, 620. The Properties are located within the Old Towne Residential/Commercial (M5)

1 Zoning District and the Olde Town Planning Sub-Area.  
2

3 The Chair administered the Oath to Interested Persons. Representing the Applicants were William Harrington  
4 and John MacRae, hereafter referred to as "Applicant(s)."  
5

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

- 7 1. The DRB found there was no need for a site visit.
- 8 2. The Applicant stated Lot #2 will not need to install and/or connect to water and wastewater systems for  
9 proposed Lot #2, as they do not plan to continue the current commercial use in the existing garage.  
10 Rather, the garage will be used solely by the Applicant to store personal belongings. Staff explained that  
11 the current approved Use for the site is auto repair and state law requires functioning water and  
12 wastewater service if that Use is to continue. The Applicant stated the Auto Repair Use will be  
13 discontinued.
- 14 3. The Applicant stated the shed will be moved to meet setback requirements, or demolished.
- 15 4. The Applicant requests a Variance because, as proposed, Lot 1 will not meet the 80-foot road frontage  
16 requirement. However, it currently has no road frontage whatsoever and the proposal would give it  
17 approximately 45 feet of frontage. The DRB briefly discussed the details of the neighboring parcels and  
18 the Applicant stated both neighboring parcels would retain the required frontage.
- 19 5. The Applicant agreed to submit a Final subdivision application within 6 months of DRB sketch  
20 approval.
- 21 6. The Applicant agreed the final application will include all items listed in Subdivision Regulations 610.
- 22 7. The Applicant agreed that the Final application will include Section 700 responses submitted by email to  
23 the Town Planner.
- 24 8. The Applicant agreed that the Final application will include the location of a storm water drainage  
25 easement of such width as to encompass the twenty-five year flood area.
- 26 9. The Applicant agreed to escrow \$500 for the Town attorney's legal review of the deeds and any other  
27 required legal instruments.
- 28 10. The Applicant agreed to submit draft deeds and any other associated legal instruments for all impacted  
29 lots for review and approval by the Town attorney, and to make all requested revisions before the Final  
30 Plat is recorded.
- 31 11. The Applicant agreed to obtain a State water/wastewater permit prior to the Final Subdivision  
32 application.
- 33 12. The Applicant and the DRB agreed that nothing will be discharged from the garage, and the Use will be  
34 abandoned; therefore this numbered item is moot.
- 35 13. The Applicant agreed to obtain a Project Review Sheet from the Agency of Natural Resources and to  
36 obtain any required state permits and approvals.
- 37 14. The Applicant agreed to amend the Site Plan to reflect the new lot lines.
- 38 15. The Applicant agreed that if approved, the Boundary Line Adjustment approval will be conditioned  
39 upon Final Subdivision approval and finalized on the Final Plat.  
40

41 Hearing no further questions or comments, the Chair closed the Hearing at 7:47 p.m.  
42

43 **6(C). Sketch Plan- Minor Conventional Subdivision - Poor Farm Acres, LLC, Owner/Applicant.**  
44

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

47 Poor Farm Acres, LLC, Owner/Applicant is requesting Sketch Plan approval for a proposed 2-lot Minor  
48 Conventional Subdivision located at an unaddressed property on Poor Farm Road, described as Tax Map 15,  
49 Parcel 55 and SPAN #11180. The applicant proposes access to Lot 1 via Poor Farm Road and Lot 2 via Highland

1 Avenue. The properties are proposed to be served by on-site water and wastewater. The subject property  
2 contains approximately 2.00 acres and is located within the "Medium Density Residential" (R2) Zoning District  
3 and Arrowhead Lake Planning Area.

4  
5 The Chair administered the Oath to Interested Persons. Representing the Applicant was Karl Marchessault of  
6 O'Leary-Burke Civil Associates, hereafter referred to as "Applicant."

7  
8 In response to the following numbered items within the Staff Report:

- 9 1. The Applicant agreed that if subdivision is approved, the existing zoning permit for the existing lot must  
10 be amended to reflect the change of property boundaries.
- 11 2. The Applicant agreed to provide legal documentation of the 60' easement from Highland Avenue to  
12 benefit Lot 2, to be submitted with the Final application. The DRB questioned whether or not this parcel  
13 was part of the original "Highland Woods" subdivision; Staff and the Applicant advised it was not.
- 14 3. The DRB discussed the minimum road frontage requirement. The Applicant stated that the way it  
15 turned out, there is no road frontage for Lot 2 and he is relying on the 60-foot easement to allow for  
16 ingress and egress.
- 17 4. The Applicant agreed to submit a Final subdivision application within 6 months of DRB sketch  
18 approval.
- 19 5. The Applicant agreed the final application will include all items listed in Subdivision Regulations 610.
- 20 6. The Applicant agreed that the Final application will include Section 700 responses submitted by email to  
21 the Town Planner.
- 22 7. The Applicant agreed to escrow \$500 for the Town attorney's legal review of the deeds and any other  
23 required legal instruments.
- 24 8. The Applicant agreed to submit draft deeds and any other associated legal instruments for all impacted  
25 lots for review and approval by the Town attorney, and to make all requested revisions before the Final  
26 Plat is recorded.
- 27 9. The Applicant agreed to obtain a Highway Access Permit from the Town of Milton Department of  
28 Public Works, and to construct all curb cuts in accordance with Public Works' specifications.
- 29 10. The Applicant agreed to obtain a Project Review Sheet from the Agency of Natural Resources and to  
30 obtain any required state permits and approvals.

31  
32 Hearing no further questions or comments, the Chair closed the Hearing at 8:03 p.m.

## 33 34 **7. OTHER BUSINESS**

### 35 **7(A). Staff Update**

36 Staff updated the DRB on upcoming hearings, including a Minor Conventional Subdivision application and  
37 a Boundary Line Adjustment application scheduled for the DRB's next meeting. Staff advised that the  
38 Selectboard meeting of 2/16/16, at which the Fee Schedule changes were to be presented, had a full Agenda  
39 and therefore the DRB has more time to provide comments to Staff if they wish to. The Chair remarked he  
40 found some of the fees to be too high; Staff explained some of the reasoning and research that went in to  
41 arriving at the proposed fees.

## 42 43 **8. MINUTES**

### 44 **8(A). Minutes of January 28, 2016**

45 MOTION by Bonges to APPROVE the Minutes of January 28, 2016 as written; SECOND by Conley.  
46 Unanimously APPROVED.

## 47 48 **9. DELIBERATIVE SESSION**

