

**TOWN OF MILTON DEVELOPMENT REVIEW BOARD**  
**PUBLIC NOTICE OF AGENDA**  
**Regular Meeting of Thursday, February 26, 2015 at 7:00 p.m.**

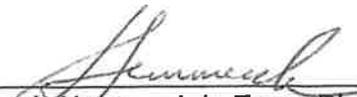
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Municipal Building Community Room  
43 Bombardier Road, Milton, VT 05468  
802.893.1186 ♦ www.miltonvt.org

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- 7:00 p.m.     **Call to Order, Attendance, Agenda Review**
- 7:00 p.m.     **Public Forum**
- 7:00 p.m.     **Site Plan and Conditional Use Application Hearing – Jenkins Family Trust c/o Joan Jenkins, Trustee, Owners – J&M Sand c/o Paul Jarvis, Applicant.** The Applicant is requesting Site Plan and Conditional Use approval to reopen the former Jenkins Sand Pit. The Applicant proposes an average annual extraction rate of 40,000 cubic yards of material for 8-10 years. Access is proposed via an existing entrance off of McMullen Road. The subject property is located at 287 McMullen Road, described as Tax Map 8, Parcel 4. The subject property contains a total of 240.04 acres and is located within the "Agricultural/Rural Residential" (R5) and "Flood Hazard" (FH) Zoning Districts.
- 7:10 p.m.     **Sketch Plan Application Hearing, Planned Unit Development (PUD) Industrial – Precast Road 78 –Camp Precast, LLC, Owner/Applicant.** The Applicant is requesting Sketch Plan approval for a proposed PUD located at 78 Precast Road, described as Tax Map 3, Parcels 20 & 20-2. The proposal is for the addition of a 14,400 square foot precast concrete fabrication building and a 6,000 square foot office building to the existing Camp Precast facility. Two lots within the PUD are proposed; Lot 1 is proposed to contain the existing cell tower and Lot 2 is proposed to contain the Camp Precast facility. Access is proposed via Precast Road. The subject property contains a total of 24.21 acres and is located within the "General Industrial" (I2) Zoning District.
- 7:20 p.m.     **Final Plan & Site Plan Amendment Application Hearing – Planned Unit Development – Clapper Road 4 - Carters Cars c/o Robert Miller, Applicant, Clapper Road, LLC, c/o William Sawyer, Owner.** The Applicant is requesting a Final Plan and Site Plan amendment to the 2-4 Clapper Road Planned Unit Development (PUD) located at 2-4 Clapper Road, described as Tax Map 3, Parcel 13. The site contains existing cold storage units and warehouse space, an existing dwelling and auto repair and sales facility. Building "D" which is currently warehouse and office space is proposed to be converted to a 2 bay auto repair studio. Also proposed are 8 new parking spaces. The subject property contains approximately 2.82 acres and is located within the "General Industrial" (I2) Zoning District.
- 7:30 p.m.     **Staff Update**
- 7:40p.m.     **DRB Bylaw Amendment**
- 7:50 p.m.     **Minutes of February 12, 2015**
- 8:00 p.m.     **Deliberative Session (Private Session per 1 VSA 312)**  
  
                  **Review of Written Decision(s)**
- 8:10 p.m.     **Adjournment**

## Milton Development Review Board Agenda



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**Jacob Hemmerick, Town Planner**

Agenda 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. The times shown above are estimates. The Monday before meeting, the DRB meeting materials are posted online under the DRB's "Agendas and Minutes" page: <http://www.miltonvt.org/government/boards/drb.html>.

# STAFF REPORT

**TOWN OF MILTON  
DEVELOPMENT REVIEW BOARD**  
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**PLANNING AND ECONOMIC  
DEVELOPMENT DEPARTMENT**  
Report Finalized: February 20, 2015  
Plans Received: January 16, 2015

## SITE PLAN and CONDITIONAL USE

### 297 McMullen Road

Meeting date: February 26, 2015

**Owner(s)**  
Jenkins Family Trust & Joan Jenkins  
297 McMullen Road  
Milton, VT 05468  
802.893.2387  
No E-mail

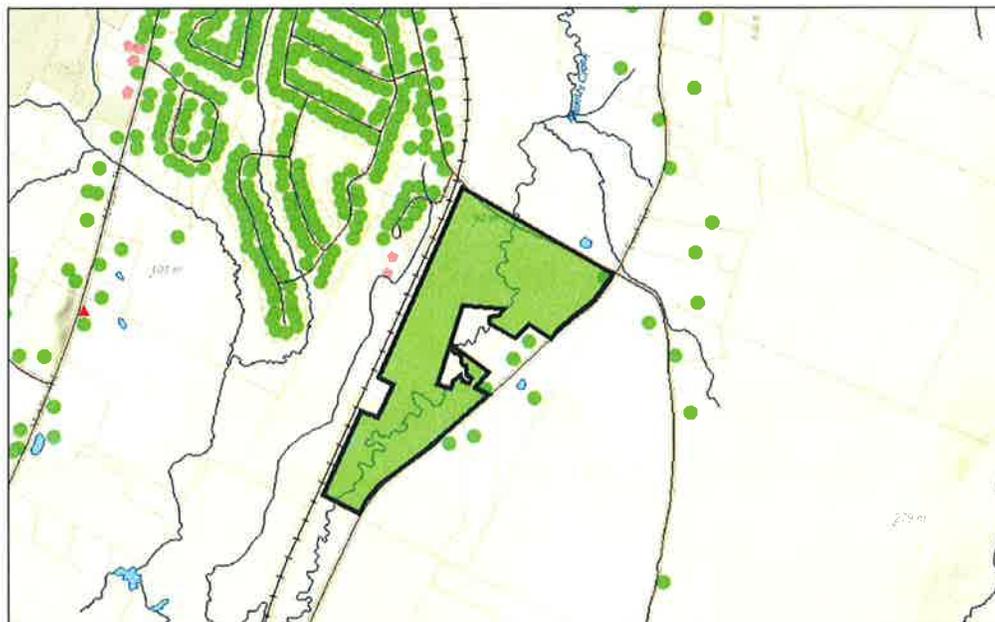
**Applicant(s)**  
J&M Sand, Inc., c/o Paul Jarvis  
95 St. Paul St., Suite 2E  
Burlington, VT 05402  
802.658.3551  
pjarvis@jarvismcarthur.com

**Engineer**  
Krebs & Lansing Consulting Engineers  
164 Main St., Suite 201  
Colchester, VT 05446  
802.878.0375  
email@krebssandlansing.com

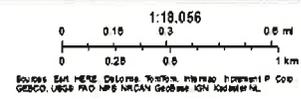
**Location**  
Tax Map 16, Parcel 5  
SPAN #11702  
Volume 168, Page 640  
Agricultural/Rural Residential Zoning District (R5)  
78 acres (Engineer), 240.4 acres (Grand List)

### Location Map

297 McMullen



February 19, 2015  
**Road Centerline** — Class 2 or 3 — Railroad  
 — Interstate — Class 4 — River or Stream Centerline  
 — US Route — Private



**Location:** Corner lot on McMullen and East Roads  
**Source:** Milton Map Viewer (<http://map.ccrpcvt.org/miltonmapviewer/>)

### **PROJECT SUMMARY/INTRODUCTION**

**Comments:** Jacob Hemmerick, Town Planner; and Amanda Pitts, Zoning Administrator, herein referred to as staff, have reviewed the plan submitted and have the following comments.

**Application & Applicant:** The Site Plan and Conditional Use Applications were submitted by J&M Sand, Inc., c/o Paul Jarvis on January 16, 2015 and deemed complete by Planning Staff. These were assigned to the DRB's agenda for concurrent review. A copy of the application and application materials are available for public inspection at the Planning & Economic Development Office.

**Ownership:** The property is owned by Jenkins Family Trust & Joan Jenkins and the deed of ownership is recorded in the Town's Land Records in Volume 168, Page 640.

**Notice/Warning:** Public warning and notice was issued by the Department of Planning and Economic Development for the February 26, 2015 hearing according to Vermont Statutes Annotated Chapter 24 §4464. Abutting property owners notified include: Mark and Sarah Howrigan, Winter Lane Homeowners Association, Robert Winegar, Mildred Pidgeon Life Estate, Ladd Lamphere, Rene Berard & Kitty Noyes (Turstees), Steven and Victoria Girvan, James Lehneman and Catherine Brady, Labelle Family Rev. Living Trust, Thomas and Joyce Hayden, the Railroad, John and Jennifer Hemsted, Scott Pike, Brian and Kitty Noyes.

**Applicable Regulations:** The application is subject to and reviewed according to the Town of Milton Zoning Regulations (ZR) last amended on January 5, 2015 (approved by the Milton Selectboard on December 16, 2014), the purposes of which are stated in Section 100.

**Location:** The subject property is located at 297 McMullen Road and is shown on Milton's Tax Map 16 as Parcel 5. The corresponding School Parcel Account Number (SPAN) is 11702.

**Size/Area:** According to the evidence presented by the applicant, the subject parcel is approximately 78 acres. The Grand List records the parcel as being 240.4 acres. This is a significant discrepancy. Staff's measurement of the lot on Milton's Mapviewer, as depicted on the Tax Map, suggests that the Grand List is incorrect. If the boundaries are in question, the DRB may wish to require a survey.

1. The applicant shall state how the presented acreage was calculated, since there is a 162-acre discrepancy with the Grand List.

**Zoning District:** The subject property is located within the Agricultural/Rural Residential (R5) Zoning District and Flood Hazard Zoning District (FH) designated on the Town of Milton Zoning Map according to ZR210 and on record and display at the Municipal Offices and the Town's website.

**Existing Conditions & Use:** The application states that all existing uses are shown on the plan and there is no existing buildings as part of the project. Staff finds that the site is currently developed with what appears to be a single family home and agricultural use, neither the existing building or use(s) are labeled or depicted on the plan.

**Permitting History:** Relevant Development Review decisions for the subject property are listed below:

- Natural Resource Extraction Approval of 1997
- 1997 Appeal of Natural Resource Extraction Approval of 1997

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-Site Plan, Conditional Use, and Natural Resource Extraction Approval of 1998

-Site Plan, Conditional Use, and Natural Resource Extraction Approval of 1999

The 1999 Decision is **ATTACHED** to this Staff Report. This approval expired in 2001.

Also **ATTACHED** is the 2013 Decision from the recent amendment to the J&M Sand Operation on Sanderson Road (for context).

**Disclosed Restrictions or Covenants:** The application form states "We are unaware of any deed restrictions or covenants related to the parcel." Staff questions if there isn't an access easement for the unlabeled residential lot encompassed by the subject property. The DRB may wish to require a thorough evaluation of restrictions/covenants by the applicant.

2. The applicant shall state if there is an access easement for the residential lot encompassed by the subject property, or any other restrictions.

**Proposed Development & Use:** Site Plan and Conditional Use approval to reopen the former Jenkins Sand Pit classified as an EARTH AND MINERAL EXTRACTION use by the ZR . ZR1100 defines EARTH AND MINERAL EXCAVATION as follows: The removal of loam, rock, stone, gravel, sand or soil from a site so as to change the natural contours.

The Application includes a detailed Sand Pit Extraction Management Plan **ATTACHED** to this Staff Report. The Site Plans, and Application Form include, but may not be limited to, the following key proposals:

- An average annual extraction rate of 40,000 cubic yards of material for 8-10 years.
- Hours of operation from 7 a.m. to 5 p.m. Monday through Friday, 8 a.m. to 2 p.m. on Saturdays, with no operations on Sundays, state and federal holidays, or Green Up Day.
- General closure during winter months (December to April), effectively limiting operation to approximately 150 days per year.
- To maintain an option to open the pit on an "as needed" basis during the winter months to address specific contractor needs.
- No operations during the Town's posted spring thaw period.
- No extraction within 75 feet of any property line, within 50 feet of any wetlands, or 3 feet of any groundwater table.
- An average of 20 truckloads per day, with a maximum not to exceed 10 truckloads per hour, 60 per day, and 400 per month.
- An average truckload not to exceed 14 cubic yards, and a maximum not to exceed 16 cubic yards.
- A maximum "open" exposure area of 3 acres, with previously excavated pit areas being reclaimed with topsoil, seed, and mulch prior to opening new areas.
- A counting device during periods of operation that counts number of loaded trucks leaving the pit each day and month.
- A daily log book to record the number of trucks and the volume of each load, available upon request to the Zoning Administrator within 2 business days.
- To notify customers and all facility users by individual notice in writing and by telephone and post a sign at the entrance that trucks shall not enter the surrounding neighborhood prior to 7 a.m. and prohibited from waiting at the facility entrance with engines running. Trucks shall instead be directed to wait in the commercial/industrial areas of Milton near I-89 or Rout 7 until 7 a.m., at which time they can proceed to the facility.
- Installation of "Truck Entering" and "Turning Vehicles" signs must be installed along McMullen Road.
- A sign at the facility exit saying trucks must cover loads prior to leaving the site.
- A sign at the facility exit indicating that McMullen Road west to Hobbs Road and Railroad

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Street is the designated travel route for large trucks.

- That dust shall be controlled by applying water and/or calcium chloride.
- Stockpiles of topsoil shall be seeded and mulched if storage is longer than 6 months.
- Access via an existing entrance off of McMullen Road.
- Detailed erosion control measures, including weekly inspection of silt fencing.
- A temporary job trailer during extraction operations.
- An Sand Pit Extraction Management Plan **ATTACHED** to this Staff Report.
- White Pine landscaping to screen the pit.

The proposal does not include water or wastewater service. The proposal parallels past conditions of approval, with the exception of bonding for restoration.

### **APPLICATION CLASSIFICATION**

**General Applicability:** 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.

**Zoning District Permitted & Conditional Uses:** 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 and a Certificate of Compliance from the Zoning Administrator" as prescribed in the Regulations. The R5 Zoning District designates EARTH AND MINERAL EXCAVATION as a conditional use, per ZR343, and this level of excavation is not exempted from conditional use by ZR680.

**Conditional Use:** ZR120 states: 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.

**Site Plan:** 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: Site Plan Review - Section 800.

**Flood Hazard Conditional Use:** ZR180 states: Appendix A of the Milton Zoning Regulations: *Inundation Hazard Area Regulations* shall take precedence over all sections within the main Articles of the Milton Zoning Regulations for flood hazard areas as described in Section IV of Appendix A. The proposed development appears to staff to be proposed outside of the FH Zoning District, although the district lines are not shown on the Site Plan. ZR Appendix A governs land disturbance in the FH Zoning District. Boundary uncertainty is governed by ZR220.

3. The Final Plans shall show the Flood Hazard Zoning District Boundaries; if any grading, or any other applicable activity, occurs within this zone, it shall be subject to ZR Appendix A.

**Excavation:** Furthermore, ZR860 states: The removal of sod, soil, sand, gravel or stone for commercial purposes shall be prohibited except by approval of the Development Review Board, unless exempted by 680, which the proposal is not.

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**Application Classification Conclusion:** The proposed project is therefore subject to ZR500 Conditional Use Review, ZR800 Site Plan Review, ZR860 Extraction of Natural Resources all other applicable general provisions of the ZR, and may be subject to ZR Appendix A *Inundation Hazard Area Regulations*.

### **CONDITIONAL USE REVIEW, ZR500**

**Conditional Use Introduction:** ZR500 states:

No Zoning Permit shall be issued by the Zoning Administrator for any USE or STRUCTURE which requires CONDITIONAL USE approval until the Development Review Board grants such approval, after PUBLIC NOTICE and public hearing. 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:

**Capacity of Community Facilities**(ZR500.1)

The capacity of existing or planned community facilities or services including water, waste disposal, roads, police, fire services and schools.

**Character of the Area**(ZR500.2)

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.

**Environmental Limitations & Natural Resources** (ZR 500.3)

Environmental limitations of the site or area, and significant natural resource areas or sites.

**Comprehensive Plan, Bylaws, Ordinances, Regulations** (ZR 500.4)

The *Comprehensive Plan* and all bylaws, ordinances and/or regulations of the Town of Milton.

**Traffic** (ZR 500.5)

Traffic on roads and highways in the vicinity.

**Renewable Energy Resources:** (ZR 500.6)

Utilization of renewable energy resources.

**Zoning District Permitted and Conditional Uses:** It has been established above the EARTH and MINERAL EXCAVATION is a conditional use in the R5 District per ZR343; however the existing uses have not been identified on the plans or application. Staff finds that the subject property contains what appears to be a residential use and building. It is unclear if the residential use is to be maintained. If the residential use is proposed to be retained, then the lot's proposed use would be defined the proposed as a "Mixed-Use Planned Unit Development" (PUD-M), with an EARTH AND MINERAL EXCAVATION use -- not a singular earth and mineral extraction use.

ZR855 describes PUD-M as "a mix of residential uses and nonresidential uses" and ZR1110 defines MIXED USE as follows:

The development of a structure or one or more tracts of land with a variety of complementary and integrated USES. USES may be comprised of any combination of permitted or CONDITIONAL USES allowed under the designated zoning district, as defined by Articles III and IV of these regulations.

The R5 Zoning District does not allow a PUD-M as either a permitted or conditional use. This

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means that the applicant must choose between an EARTH AND MINERAL EXCAVATION use and the residential use -- or would have to subdivide. Furthermore, neither a residential or earth and mineral extraction use could be considered accessory to the other according to the ZR, and agriculture is exempt according to ZR870. Therefore,

4. Because a Mixed-Use Planned Unit Developments is neither permitted nor conditional use in the R5 District according to ZR340, the residential use must cease prior to commencing the EARTH AND MINERAL EXCAVATION use.

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

The applicant is proposing no structures other than a "temporary construction trailer" for the 8 to 10 years of operation. ZR650 states:

During the period of construction, temporary STRUCTURES, construction offices, and construction trailers used in conjunction with construction work are permitted. Such STRUCTURES as are permitted under this Section shall not be used as dwellings. Zoning Permits for such STRUCTURES shall be issued for a maximum six month period and may be renewed for an additional six months upon request.

A "structure" is defined by ZR1100 as:

Anything constructed or erected, the use of which requires location on or within the ground or attachment to something having location on or within the ground. For the purposes of these regulations, MOBILE/MANUFACTURED HOMES shall be considered STRUCTURES. For the purposes of these regulations, a driveway, parking area, sidewalk or bicycle path, sign, bicycle rack, recreational vehicle, trailer or other vehicle on wheels not regularly used for the manufactured purpose, private septic system or well is not considered a structure. For the definition of STRUCTURE in the Special Flood Hazard Area, see Appendix A, Section X1.

Since this structure is not meant to assist any construction, as normally defined, and it would be present longer than six months, the Regulations consider this a structure, and therefore would be subject to all regulations pertaining to structures.

The R5 Zoning District defines required dimensional requirements for residential and non-residential lots in ZR344 and 345. The proposal is for a non-residential use, therefore ZR345 applies. Non-residential dimensional requirements are less restrictive than residential in R5. The table below shows the existing and proposed dimensional requirements. These requirements are subject to the general standards outlined in ZR160 and ZR550. Staff estimates that the existing building on the corner of McMullen and East Road is non-complying because it meets neither residential nor non-residential dimensional requirements for the district, this would make the building subject to ZR520 on non-complying structures.

R5 Non-Residential Dimensional Requirements	Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	100,000	?	?
Minimum Road FRONTAGE (linear ft.)	200	?	?
Minimum FRONT SETBACK (linear ft.)	50	?	?

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Minimum SIDE SETBACK (linear ft.)	35	?	?
Minimum REAR SETBACK (linear ft.)	35	?	?
Maximum BUILDING COVERAGE	n/a	?	?
Maximum LOT COVERAGE (%)	75%	?	?

- The final plans shall show the proposed trailer on the plans in compliance with the requirements of ZR345 and shall complete and include the dimensional table shown above on the final plans.

**Capacity of Community Facilities ZR500.1**

*The DRB must determine if the proposal has an adverse impact upon the capacity of existing or planned community facilities or services including water, waste disposal, roads, police, fire services and schools.*

The applicant states:

The proposed project will not adversely affect community facilities or services. The project will not generate water or wastewater use and will not add any school age children. Effects on police, fire and emergency services will be negligible. The **ATTACHED** Traffic Impact Assessment indicates the project will not have an adverse affect on local roads. [emphasis added].

Staff would point out that the Traffic Assessment measures trip generation, traffic congestion, and safety, not wear and tear on the roads from loaded trucks. The Town has bonded similar operations in the past to restore roads from wear and tear.

- The final plans shall address all Technical Advisory Committee (TAC) comments and concerns (attached to this Report).

**Character of the Area, ZR500.2**

*The DRB must determine if the proposal has an adverse impact upon 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.*

Zoning District Purpose: ZR340 states the following purpose for the R5 Zoning District:

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

The applicant states:

The proposed project will not adversely affect the character of the area. The project is located in a largely rural area. The parcel has a historical use as a sand pit operation. A minimum of a 75 buffer will be maintained between the sand pit operations and all property lines to buffer the property from neighbors and roads. In addition, the applicant will screen pit operations from railroad tracks, McMullen Road, and adjacent residences with the use of landscaping and berms.

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Staff finds that the R5 District is the district best suited for an extraction use, although this site and the truck route is proximate to more densely populated residential areas. The conditions proposed below by staff aim to preserve the character of the area for a decade of use.

**Environmental Limitations & Natural Resources, ZR 500.3**

*The DRB must determine if the proposal has an adverse impact upon the Environmental limitations of the site or area, and significant natural resource areas or sites.*

The applicant states:

The proposed project will not adversely affect the environmental limitations of the site or natural resource areas. Large buffers will be maintained between sand pit operations and wetland areas and Mallets Creek. The site will also require a State of Vermont Land Use permit, which will require write-offs from State Agencies regarding historical preservation, rare threatened and endangered species, wetlands, and prime agricultural soils, ensuring the protection of environmentally sensitive areas.

Staff finds no evidence that indicates the proposed extraction area is not suitable for this purpose. The extraction site contains statewide agricultural soil. Staff is curious to know, however, what potential uses for the property remain after extraction and restoration are complete.

7. The applicant shall state what potential uses will remain feasible given the water table and other natural resource constraints after restoration, such as agriculture, outdoor recreation, or residential development.

**Comprehensive Plan, Bylaws, Ordinances, Regulations, ZR 500.4**

*The DRB must determine if the proposal has an adverse impact upon the Comprehensive Plan and all bylaws, ordinances and/or regulations of the Town of Milton.*

The applicant states:

The proposed project will not have an adverse affect in relation to compliance with the Comprehensive Plan and other Town of Milton Ordinances and bylaws. THE most pertinent section of the Comprehensive Pan is Chapter 8 . . . [text below].

**2013 Comprehensive Plan:** The subject property is located in the East Milton Planning area as defined by the Comprehensive Plan.

This [planning] area has the highest potential for resource utilization and the highest concentration of natural resources in need of protection. The most prevalent resource utilization land use in Milton is agriculture. Once dominated by dairy farming, Milton still supports an agricultural economy. It is recommended to encourage agricultural uses, especially diversification in agricultural uses. Other resource utilization activities include forestry, mineral extraction, and recreation. Natural resource protection is of particular concern in this area. Natural resources addressed in this Plan include: mountains and ridgelines, lakes and rivers, floodplains, wetlands, high elevation areas, deer yards, endangered species habitats, and other unique natural areas. It is the intent of this area that mostly low intensity planned unit residential developments occur in this area, taking into account the need to provide for resource utilization activities and to protect natural resources. The encouragement of cluster developments and the purchase of development rights through land trusts are important.

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Goal 9.13.1. Encourage a diversity of agricultural uses.

Goal 9.13.2. Encourage low density, well planned unit residential development which enhances the character of the area.

Objective 9.13.2.a. Develop standards and encourage low density, well planned unit residential developments that work with the natural features of the landscape.

Goal 9.13.3. Promote the development of community activities for a range of ages.

Objective 9.13.3.a. Encourage the creation of outdoor recreation facilities for children and adults.

Goal 9.13.4. Encourage the preservation of historic sites.

Comprehensive Plan Chapter 8 states the following about Mineral Extraction:

Milton has continued to have several mineral extraction operations. Milton is fortunate to have an abundance of sandy soil. Suitability of soils is one of the reasons Milton has developed so rapidly over the past decades. This sandy soil is also a valuable resource, particularly in the concrete industry. Milton has also supported gravel operations and quarries.

These mineral extraction operations are most appropriate in the East and West Milton Areas. These operations tend to be noisy, generate heavy traffic and are generally unwelcome by residential neighbors. Accordingly, such operations should mainly be restricted to the East and West Milton Areas, where these negative effects will have the least impact. These operations may also be suitable in the Town's industrial areas, including the Robinson farm on West Milton Road and the Palazzi property on Route 7.

At present, mineral extraction activities are permitted only as a Conditional Use under Milton's Zoning Regulations in the following districts: Low Density Residential (R3), Transitional Residential (R4), Agricultural/Rural Residential (R5), and General Industrial (I2). It is strongly recommended that this review procedure remain in place to mitigate the negative impacts of mineral extraction resources. In addition, future zoning for the current Agricultural/Rural Residential District, in which mineral excavation is permitted as a Conditional Use, should consider the impact of such activities on densely populated portions of this district. It may be useful to examine development patterns within this area, to see if sub-areas could be established which would limit such activities only to certain areas within the district.

#### **Traffic, ZR 500.5**

*The DRB must determine if the proposal has an adverse impact upon the Traffic on roads and highways in the vicinity.*

The applicant states:

The proposed project will not adversely affect traffic on local roads and highways. Please see the attached Traffic Impact Assessment, prepared by Lamoureux & Dickinson Consulting Engineers.

Staff finds the carefully considered conditions can help mitigate the traffic impacts. These are detailed below.

#### **Renewable Energy Resources, ZR 500.6**

*Utilization of renewable energy resources.*

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The applicant makes no statement on renewable energy resources. Staff finds that it would be unreasonable to consider renewable energy given the nature of this operation, which is commonly dependent upon machinery that run fossil fuels.

**Conditional Use Conditions, ZR 501**

*In granting Conditional Use, the DRB 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.*

Based on the above factors, staff recommends the following conditions to the proposed use:

8. This project shall be completed, operated, and maintained as set forth in accordance with the plans and exhibits and as approved by the DRB and on file in the Planning and Zoning Department.
9. Unless otherwise altered by a subsequent Conditional Use approval, the annual extraction rate shall not exceed 40,000 cubic yards, and shall end by July 1, 2025; site restoration shall be complete by November 1 of 2025, at which point the Town shall pull the restoration bond if the work is not complete to the satisfaction of the Zoning Administrator and Director of Public Works. It shall be the responsibility of the applicant to ensure that Town staff is given adequate to inspect.
10. Hours of operation shall be limited to 7:00 a.m. to 5 p.m. Monday through Friday, with no operations on Saturdays, Sundays, State and Federal holidays, or Green Up Day.
11. There shall be no operations during the months of January, February, March or April (until roads open), or after December 21, except by special permit. No operations are allowed during the Town of Milton's posted spring thaw period.
12. Special permits for extraction outside of the normal extraction season shall only be granted by the DRB after public hearing under the Conditional Use criteria of the Zoning Regulations (ZR500).
13. The average number truckloads per day (within any given 5-day period between Monday and Friday) shall not exceed 20; the maximum number of truckloads shall never exceed 10 per hour, 60 per day, and 400 per month.
14. It shall be the obligation of the facility operator to ensure that truckloads are securely covered by a tarp prior to existing the facility.
15. Truckloads shall never exceed an average of 14 cubic yards during the period of extraction, and the maximum load shall not exceed 16 cubic yards.
16. The Applicant shall maintain and operate a counting device during periods of extraction to track the number of loaded trucks leaving the pit each day and each month, and the Applicant shall maintain a daily logbook to record the number of trucks and the volume of material contained in each truck. The logbook shall be sent to the Zoning Administrator on a quarterly basis, and shall be made available upon request within 2 business days of receipt. Officials of the Town may inspect the counting device at any time without prior notice.
17. All trucks serving the facility shall comply with the Town's Gross Weight Limits Ordinance (available online). Where any discrepancy exists between conditions of this

approval and the Ordinance, the more restrictive provision shall apply.

18. The Applicant shall notify all customers and users of the facility by individual notice when contracts are entered into or order are taken, in writing and by telephone, and shall post a sign to this effect at the entrance gate: that trucks shall not enter the surrounding neighborhood prior to 7 a.m., and are specifically prohibited from waiting at the entrance to the facility with their engines running. The Applicant shall direct all trucks to wait in areas of Town isolated from residential buildings prior to 7 a.m., at which time the trucks may proceed to the facility. Under no circumstances shall trucks stand on any residential street in the R7 District.
19. The operation shall not exceed a maximum "open" exposure area of 3 acres, and previously excavated pit areas shall be reclaimed with topsoil, seed, and mulch prior to opening new areas.
20. All signage indicated on the final plans shall be installed prior to operation and maintained in good conditions during period of operation. The signs shall be removed upon closure. All work with the public right-of-way shall require a highway access permit.
21. Trucks exiting the facility shall proceed from McMullen Road to Hobbs Road, to Bombardier Road to Centre Drive, and may then proceed north or south on US Route 7. Use of East Road, Railroad Street, North Road, and Middle Drive shall be prohibited.
22. Dust shall be controlled by applying water and/or calcium chloride.
23. The applicant shall carefully follow the Sand Pit Extraction Plan and all erosion control provisions included in the application and plans to protect the Mallets Creek watershed.
24. All required berming and landscaping shall be installed and inspected (as a condition of the Zoning Permit) prior to commencing excavation.

#### **EXTRACTION OF NATURAL RESOURCES, ZR860**

**Extraction Plan:** ZR860 states, "The removal of sod, soil, sand, gravel or stone for commercial purposes shall be prohibited except by approval of the Development Review Board." Before the approval is granted the applicant must:

- 860.1 Submit an acceptable plan showing the location and magnitude of the proposed operation, the location and composition of access roads, the existing grades and contours in the area from which the material is to be taken and finished grades at the conclusion of the operation.

ZR860.1 is met, and the plan is **ATTACHED**.

- 860.2 Submit an acceptable plan which provides for adequate fencing of excavation areas, landscape buffer zones, and measures to control dust, noise or other effects which may be harmful to the surrounding area.

The plan includes no fencing. The written plan references an entrance gate but no gate is shown on the site plans. The plan includes landscaping. The plan includes dust control measures. The plan does not address noise.

25. The final site plans shall show the gates included in the written excavation plan, and the

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DRB may determine the adequacy of fencing, landscaping, dust control, and noise mitigation.

860.3 Submit an acceptable plan with measures to protect soil fertility, drainage and lateral support of abutting land; and provisions to cover the finished grades with at least four inches of topsoil and seed with a suitable crop cover.

26. The applicant shall explain how the plan addresses each aspect of ZR860.3.

860.4 Post surety with the Town of Milton sufficient to guarantee conformity with the approved plans.

In 1999, the DRB required a 3-year reclamation bond in the amount of \$24,580 for a total excavation of 45,000 cubic yards. This project proposes to extract 10 times as much, or 400,000 cubic yards. Given average annual inflation rate of 2.37% since 1999, \$24,580 would equal \$34,950.24 in 2015 dollars. If this were to take into account the scope of extractoin, an equivalent bond would be \$349,500; however, the disturbance area shall be limited to 3 acres at a time, so this seems extreme to Staff. This is outside staff's area of expertise, and the DRB may wish to require a third party estimate for restoration.

27. The DRB shall consider a suitable bond to ensure that the area is reclaimed in the event that things don't go as planned. The surety shall be established prior to being eligible for a zoning permit.

### **SITE PLAN REVIEW, ZR800**

**Site Plan Application Requirements:** ZR803 lists twelve requirements, outlined below.

28. The final plans shall include all site plan application requirements that are not met below, per ZR803.

**Basic Plan Information:** ZR803.1 not met, because adjoining land owners are not labeled.

**Deeds, Restrictions, and Covenants:** ZR803.2 is met; the applicant stated there are no restrictions.

**Existing Features:** ZR803.3 is not met, because existing structures and uses are not labeled.

(There is no 803.4 in the Regulations)

**Proposed Improvements:** ZR803.5 is not met, because the site does not show the location of a proposed trailer structure.

**Landscaping Plan:** ZR803.6 is met.

**Building Elevations:** ZR803.7 is not met because elevations and heights were not provided for the proposed trailer.

**Outdoor Lighting:** ZR803.8 is not applicable. No lighting is proposed.

**Utility Plan:** ZR803.9 is not applicable. No utility services are proposed to the site. The proposed trailer will presumably be "off-grid".

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**Traffic Generation:** ZR803.10 is met. A traffic study is **ATTACHED**.

**Other Data:** ZR803.11 states that the DRB may require "any other data or information that the DRB shall view as necessary in applying Site Plan Review Standards. If boundaries are called into question with this site, a survey may be needed.

**Application Waiver:** ZR803.12 authorizes the DRB to waive the Site Plan application requirements above.

**Violation Attestation:** ZR803.13 requires a certification that there are no outstanding violations with respect to the property, or a detailed written description of any and all outstanding violations. This is a new item not yet on the SP Application Form. Staff finds no violations in our records, although there does appear to be some outdoor storage of what could meet the definition of "junk vehicles" at the corner of McMullen and East Roads.

29. Any vehicles or junk in violation of ZR710.1 or the Litter Ordinance must be removed from the property prior to being eligible for a zoning permit.

### **SITE PLAN REVIEW, ZR800**

**Site Plan Applicability:** 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, ZR802**

**Appropriate Conditions:** ZR802.1 states:

In reviewing Site Plans, the Development Review Board may impose appropriate conditions and safeguards to meet the standards of this section.

**Site Plan Review Standards & Procedures:** ZR802.2 states, "The Development Review Board 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."

### **Landscape Plan**

**Landscape Plan Elements:** ZR806.2 outlines landscaping plan requirements. The applicant proposes 50 eastern white pines: 10, 5'; 15, 6'; 15, 7'; and 10, 8' in height, as well as berming.

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Staff recommends that the site be completely shielded from view four seasons of the year.

**Landscape Cost Estimate & Bond:** ZR806.3 requires that the cost estimate be prepared by a professional landscape architect or contractor. This is met and the estimated total cost is \$17,950. This section requires a bond to guarantee installation and survival.

30. A landscaping surety shall be required to guarantee the completion of the approved landscaping and will be held to guarantee survival for a period of three years from installation. The surety must be established prior to the issuance of a Zoning Permit, per Zoning Regulations Section 806.3 and the Town's Policy 98-02 on *Landscape Performance Bonds*. *Surety forms are available in the Planning Office.*

**Landscaping Planting Cost Schedule:** ZR806.4 allows the DRB to require landscaping according to a land development cost schedule. Since there are no "land development cost", per se, staff finds that this doesn't apply. Nevertheless, the DRB is tasked with determining the adequacy of landscaping, screening, and outdoor lighting.

**Front Setback Landscaping:** ZR806.6 is met.

**Residential Screening:** ZR806.7 states:

In residential districts, non-residential USES shall be screened from adjacent properties. This provision shall apply even though the adjoining property is not developed.

31. The applicant shall state if the pit or equipment would be visible from any adjacent property at any time of year; the final landscaping plan shall screen the residential use according to ZR 806.7.

**Waste Management Screening:** ZR806.8 states:

Landscaping and/or fencing shall be provided to screen trash/garbage containers/dumpsters from view of adjoining properties and roads. Screening shall surround the trash/garbage containers/ dumpsters on three sides.

No dumpster is proposed or may be placed on the site without site plan approval, as this would be a structure.

### **Parking/Loading Plan, ZR810**

**Parking Requirements:** No parking is proposed, and ZR810 requires no parking for an EARTH AND MINERAL EXCAVATION use. ZR812.2 allow the DRB to determine the required number of parking spaces for uses not specified in the parking table. As a controlled access facility, staff recommends against requiring organized parking, but this may be an equipment liability and safety factor that the application would like to consider.

32. The DRB may determine the required number of parking spaces according to ZR812.

**Parking Surface:** ZR812.5 requires a minimum of 8" of compacted gravel and allows the DRB to require paving.

**Parking Drainage:** ZR812.6 requires proper drainage.

### **Driveways, ZR813**

**Public Works/VTrans Driveway Review:** ZR813.1 states:

As part of the Site Plan Review, the location and design of DRIVEWAYS and their intersections with STREETS or highways shall require review by the Town Engineer.

The Director of Public Work's comments are attached.

**Number of Driveways:** ZR813.2 states, "Unless specifically approved by the Development Review Board, there shall be not more than one DRIVEWAY for each lot." Based on satellite imagery, staff finds that there are 3 curb cuts along McMullen Road. The plans show the closure of the access closest to the railroad.

33. The final plans shall accurately depict all driveways in compliance with this decision.

**Parking Lot Design Standards:** ZR814 states that all parking lots shall comply with the MINIMUM design standards. The DRB may also require higher standards.

**Minimum Driveway Spacing:** ZR814.1 is met.

**Minimum Driveway Intersection Clearance:** ZR814.2 is met.

**Minimum Internal Road/Driveway/Aisle Widths:** ZR814.3 is met.

**Minimum Width of Access Driveways:** ZR814.4 is not applicable because there are fewer than five parking spaces.

**Minimum Curb Return Radius:** ZR814.5 requires 20' minimum curb return radius. Unclear if met.

34. The final plans shall label the radii of all curb returns in compliance with ZR814.5.

**Landscaped Parking Lots:** ZR814.6 is not applicable.

**Minimum Driveway Queue Storage Length:** ZR814.7 is not applicable.

**Corner Lot Visibility Triangles (ZR815.1) and Visibility Triangle (ZR815.2):** Unclear if met.

35. The final plans shall show a visibility triangles in compliance with ZR815.1 and 815.2; and all obstructions shall be removed from these triangles.

**Access Management:** ZR816.1 states access criteria, and encourages the least number needed. Staff finds that no fewer access points than is proposed are merited on this site.

**Pedestrian Circulation:** ZR817 allows the DRB to require pedestrian walkways. Staff finds no pedestrian provision is merited in this location.

**Off-Street Loading & Unloading Space:** ZR818 is not applicable since no structures are proposed.

**Bicycle Parking Space:** ZR819 requires bicycle parking. Staff suggests that the lowest cost solution would be to attach a bike hook to the construction trailer that someone could hang a bike from.

36. The final plans shall show bicycle parking in compliance with ZR819.

**Outdoor Lighting Minimization:** ZR820.1 is not applicable because no lighting is proposed, although it allows the DRB may consider the adequacy of lighting. Operations would occur during daylight hours given the conditions proposed.

**Signs:** ZR830 establishes regulations for signs.

37. All signs shall be in permitted, maintained and in compliance with ZR830.

### **GENERAL ZONING REGULATIONS: ARTICLES V-VII**

#### **Non-Conforming Uses, ZR510**

There is no known non-conforming use on this lot.

#### **Non-Complying Structures, ZR520**

Details aren't included in the plans, but staff estimates the existing building is non-complying, but no changes are proposed in the plans.

#### **Required Frontage, ZR530**

The site meets frontage requirements.

#### **Number of Structures on Lot, ZR540**

The Regulations allow only one principal structure and approved accessory structures on a lot. Depending upon what the applicant chooses to do with the house, the proposed trailer may not meet the definition of an accessory structure.

#### **Height, ZR560**

Restricts structures to 35 feet. Staff estimates that the trailer will be less than 35 feet in height, but the final plans must show building elevations in compliance with height restrictions.

**Sewage Disposal, ZR570** states: No building or STRUCTURE shall be erected or altered unless an appropriate sewage disposal system is provided in compliance with all applicable regulations of the State of Vermont, or other governmental authorities. A building is proposed.

38. The Applicant must obtain Wastewater and Potable Water Supply permit from the State prior to obtaining a Zoning Permit

#### **Accessory Structures, ZR580**

39. All accessory structures shall be shown on the final plans in compliance with ZR580.

#### **Roads and Drives, ZR590-593**

All roads and drives must conform to this section. A driveway expansion is proposed. No private or public roads are proposed.

**Driveway Classification:** ZR593.1 states what meets the definition of a driveway. The proposal is consistent with ZR593.1.

**Driveway Specification:** ZR593.2 states:

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40. DRIVEWAYS must be built to the DRIVEWAY specifications as defined in the Public Works Specifications; the final plans shall include specifications demonstrating compliance.

**Driveway Visibility:** ZR593.4 states that, "Intersections of DRIVEWAYS and PUBLIC ROADS shall be designed to ensure adequate visibility and safety." Staff finds that the proposed signage

41. If the Town finds that additional signage is needed to ensure safety or reduce accidents, the Town may require that the applicant fund or install additional signage. Operations shall cease 35-days after notice until required signs are installed.

**Driveway Emergency Access:** ZR593.5 states, "DRIVEWAYS shall be constructed with a minimum width of 12' with 2' shoulders; a minimum turning radius of 42'; and a maximum DRIVEWAY grade of 15%, unless otherwise expressly stated in these Regulations."

42. The final plans shall label driveway turn radii in compliance with ZR593.5.

**Driveway Maintenance Agreement:** ZR593.6 states:

43. The USE of a SHARED DRIVEWAY shall require a legally executed agreement for the perpetual maintenance of the DRIVEWAY by future owners of lots within the subdivision or for any lot utilizing the right-of-way for access regardless of whether said lot was created through the subdivision; a Homeowners Association must be established in order to ensure proper maintenance of the right-of-way in the future.

**Driveway Location for Firefighting:** ZR593.7 is met. Asst. Fire Chief Chris Poirier recused himself from this application, and Dustin Keelty, Public Works Supervisor and Firefighter, assumed the role of Fire Review. The Fire Department had no comments or concerns.

**Driveway Height Clearance:** ZR593.8 is met.

**Driveways for Seasonal Habitation:** ZR593.9 is not applicable.

**Curb Cut Inspections:** ZR595 states:

44. Before a Certificate of Compliance is granted by the Zoning Administrator under Section 910, all new curb cuts or amended curb cuts to an existing PUBLIC ROAD, or DRIVEWAYS on a future PUBLIC ROAD shall be inspected by the Town Engineer or Highway Superintendent to ensure compliance with the requirements of this Section. A highway access permit is required prior to being eligible for a Zoning Permit.

**Concluding Conditional Use Standards:** ZR500 states: No Zoning Permit shall be issued by the Zoning Administrator for any USE or STRUCTURE which requires CONDITIONAL USE approval until the Development Review Board grants such approval, after PUBLIC NOTICE and public hearing. 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:

- *The capacity of existing or planned community facilities or services including water, waste disposal, roads, police, fire services and schools.*
- *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*

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*the municipal plan.*

- *Environmental limitations of the site or area, and significant natural resource areas or sites.*
- *The Comprehensive Plan and all bylaws, ordinances and/or regulations of the Town of Milton.*
- *Traffic on roads and highways in the vicinity.*
- *Utilization of renewable energy resources.*

Concluding Site Plan Review Standards: ZR802.2 states, "The Development Review Board 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.*

45. Unless otherwise addressed above, the applicant shall address any of the DRB's remaining concerns related ZR500 or ZR802.2 standards at this time.

## **ADMINISTRATION & ENFORCEMENT**

### **Zoning Permit & Certificate of Compliance:**

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

### **State Approvals:**

47. The applicant must 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.

### **Expiration of Approvals:** ZR1020

48. The CONDITIONAL USE approval shall expire one year from the date of issue if it does not receive a CO by this date. The applicant may apply to the Zoning Administrator for a single one-year extension for the identical project only if more time is needed.

### **Revocation of Approvals or Permits:** ZR0130

49. In addition to any other remedies provided for by law, a Zoning Permit, Sign Permit, 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.

**RECOMMENDATION**

This application was submitted without consultation with Planning Office. Based on the above review, Staff recommends that the DRB **approve** Site Plan and Conditional Use approval to for an earth and mineral extraction use at 287 McMullen Road, described as Tax Map 8, Parcel 4, subject to the conditions proposed above.

Respectfully submitted,



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Jacob Hemmerick, Town Planner

Copy to: Owner, Applicant & Engineer



**TOWN OF MILTON, VERMONT 05468-3205**

PLANNING/ZONING OFFICE • 43 BOMBARDIER ROAD • 802-893-1186

March 5, 1999

Mr. John Jaeger  
Director of Real Estate Development  
South Burlington Realty Co.  
366 Dorset Street  
Burlington, VT 05403

Dear Mr. Jaeger:

**Munson Earth Moving Corp.**  
Site Plan, Natural Resource Extraction Plan, and Conditional Use Approval

On March 1, 1999, the Milton Development Review Board (DRB) granted Site Plan, Natural Resource Extraction Plan, and Conditional Use approval for the proposed sand pit on Joan Jenkins' property on McMullen Road in Milton. The DRB's Notice of Decision is enclosed for your records.

The DRB's approval is subject to several conditions, which are listed on pages 7 through 9 of the Notice of Decision. Please submit your revised final plans with the necessary changes for Planning Department Staff review by March 31, 1999. If you have any questions, please call me at 893-1186.

Sincerely,

*Aaron Henson*

Aaron Henson  
Planner

/abh

Enc.

cc: Joan Jenkins  
Mike Burke, Krebs & Lansing

**TOWN OF MILTON  
DEVELOPMENT REVIEW BOARD  
43 BOMBARDIER ROAD, MILTON, VERMONT 05468  
PHONE (802) 893-1186**

**NOTICE OF DECISION for MUNSON EARTH MOVING CORP. -  
CONDITIONAL USE, NATURAL RESOURCE EXTRACTION PLAN, and SITE PLAN**

This matter came before the Milton Development Review Board (DRB) on the application of Munson Earth Moving Corp., referred to hereafter as "Applicant", for Conditional Use, Natural Resource Extraction Plan, and Site Plan approval for a sand pit on the Jenkins farm located on the south side of McMullen Road between the New England Central Railroad tracks and Malletts Creek. The DRB conducted a warned public hearing on February 18, 1999. The owner of record of the land for the application is Joan Jenkins. The Applicant was represented by John Jaeger, Director of Real Estate Development for South Burlington Realty Company, and engineer Roger Dickenson.

Based upon the testimony provided at the above mentioned public hearing and the documents submitted to the DRB which are contained in the "Document File" for this application, the DRB finds, concludes and decides as follows:

**FINDINGS OF FACT**

1. The proposed sand pit is located on a 15 acre portion of the Jenkins farm.
2. The Applicant proposes to extract a maximum of 45,000 cubic yards of sand for delivery to the Husky Injection Molding Systems construction site over 3 building seasons until October 15, 2001.
3. No on-site septic system or water is proposed.
4. The subject property is located in the "Agricultural/Rural Residential" (R5) and "Flood Hazard" (FH) Zoning Districts. Earth and mineral excavation is a Conditional Use in the R5 Zoning District. No extraction is proposed in the FH Zoning District.
5. On January 22, 1998, the Development Review Board (DRB) granted Conditional Use, Natural Resource Extraction Plan, and Site Plan approval to extract 30,000 cubic yards of sand from the Jenkins farm, subject to 17 conditions. The DRB's 1998 approvals expired October 15, 1998.

**CONCLUSIONS**

**CONDITIONAL USE ISSUES**

***500.1 The capacity of existing or planned community facilities or services including water, waste disposal, roads, police, fire services and schools.***

1. The proposed project will have little, if any, impact on the capacity of existing or planned community water, waste disposal or school facilities. Based on the comments of the Technical Advisory Committee, the DRB also concludes that the proposed project will not have an adverse impact on police or fire services.

2. The Applicant has indicated that the trucks Munson Earth Moving will use to haul sand from the Jenkins pit to the Husky site are tandem-axle dump trucks (i.e. 10 wheels) with 13 foot long dump boxes. Pup trailers are not proposed. The licensed weight of the trucks is 60,000 pounds total weight. The DRB finds that the project will not have an adverse impact on the capacity of the roads along the proposed delivery route, provided that: a) the Applicant obtains an overweight vehicle permit and provides a bond in an amount sufficient to cover the impact on Town highways as determined by the Town Manager or the Milton Select Board, and b) all trucks are limited to a maximum carrying capacity of 14 cubic yards.

**500.2 The character of the area.**

3. The character of the neighborhood ranges from compact, high-density development west of the tracks to dispersed development east of the railroad tracks. The sand pit area and surrounding fields are planted in corn, and the proposed project does not involve any permanent change in this use. After the sand is removed, the pit will be covered with enriched topsoil for cultivation. The sand pit lies below most of the surrounding viewpoints including East Road, and is partially obscured by trees along McMullen Road and Malletts Creek. There is a strip of mostly hardwood trees along the railroad tracks, between the sand pit and Winter Lane. During extraction operations, the use of a loader and several dump trucks is not expected to substantially alter the character of the area, which is already accustomed to farm machinery. However, in order to avoid an adverse impact on the character of the Winter Lane neighborhood, the DRB concludes that additional evergreen trees are needed on the west side of the sand pit at the edge of the railroad right-of-way.
4. The Applicant has submitted sound level readings taken at the southeast corner of Winter Lane on the afternoon of Thursday, November 6, 1997. Background sound levels were measured to be approximately 40 dBA. A large Caterpillar wheel loader operated at full throttle in the sand pit resulted in sound levels of 45 dBA. In comparison, passing traffic on McMullen Road elevated sound levels to 50-60 dBA, and the locomotives of a passing freight train elevated sound levels to more than 100 dBA. According to the Applicant's engineer, the Federal Highway Administration has recommended that the maximum exterior sound level in residential areas should not exceed 70 dBA more than 10% of the time. Therefore, the DRB concludes that the noise generated by the proposed sand pit will comply with federal noise guidelines.
5. The Applicant is requesting approval for peak periods of activity involving as much as 20 loads per hour, or 160 loads per day (4 hours @ 10 loads per hour + 6 hours @ 20 loads per hour = 160 loads per day, Monday through Friday; 4 hrs @ 20 loads per hour = 80 loads per day, Saturdays). The resulting round-trip traffic of up to 40 trucks per hour equates to 1 truck passing any given location on the route every 90 seconds, on average. Based on the testimony of neighboring landowners, the DRB feels that the requested level of operations is excessive. The sand pit site is immediately adjacent to the Winter Lane residential neighborhood. The proposed delivery route passes through other residential neighborhoods that are not accustomed to high volumes of truck traffic. Except for North Road, the roads along the delivery route are very narrow, with little or no shoulders, and no sidewalks. The roads are used by school busses during the school year, and are used by pedestrians and cyclists that could be placed in danger by excessive truck traffic. The DRB concludes that the rate of extraction and the days and hours of operation of the sand pit must be carefully restricted so that the noise, dust, fumes, and truck traffic that will be generated by the operation of the sand pit will not adversely affect the character of the Winter Lane neighborhood and other residential neighborhoods along the delivery route.

**500.3 Environmental limitations of the site or area, and significant natural resource areas or sites.**

6. The following list of environmental limitations and significant natural resources are located on and adjacent to this site:
  - Malletts Creek and its adjacent wetlands must be protected from soil erosion during the extraction of sand in all seasons of the year. Erosion control measures have been proposed for the protection of this area of the property, including hay bales surrounding a temporary topsoil stockpile and a silt fence along the entire east side of the extraction operation. A minimum 50' wetlands buffer is also proposed. The DRB concludes that these measures will protect Malletts Creek and its adjacent wetlands.
  - The sand on this site is light and easily eroded by wind. Proper wind erosion control measures must be maintained in an effort to prevent sand from blowing within the site and onto adjacent properties. The Applicant proposes to use water and/or calcium chloride for dust control. The DRB concludes that these measures will help avoid an adverse impact on the environment.
  - The water table on this site is related to the elevation of Malletts Creek as it flows through the site. The elevation of the water table limits the depth of sand available for removal and creates the potential for environmental damage should this water table be disturbed during soil removal. The Applicant proposes to maintain at least 3 feet of cover above the ground water table. This limitation conforms to the recommendations of the State hydrogeologist. Therefore, the DRB concludes that the proposed limitation will provide adequate ground water protection.

**500.4 The Comprehensive Plan and all bylaws, ordinances and/or regulations of the Town of Milton.**

7. According to Milton's *Comprehensive Plan*, the subject property is located in the Georgia Mountain Planning Area. The *Comprehensive Plan* states, "This area has the highest potential for resource utilization and the highest concentration of natural resources in need of protection." The *Comprehensive Plan* further states, "mineral extraction operations are most appropriate in the Miltonboro and Georgia Mountain Areas. These operations tend to be noisy, generate heavy traffic and are generally unwelcome by residential neighbors. Accordingly such operations should be restricted to the Miltonboro and Georgia Mountain Areas, where these negative effects will have the least impact." The proposed sand pit has a limited life and is to be reclaimed for agricultural use after the sand is removed, in keeping with the Zoning Regulations. There are no other areas of concern with any other bylaws, ordinances, or regulations of the Town of Milton. The DRB notes that the Applicant must comply with the Town's Vehicle Weight Restriction Ordinance.

**500.5 Traffic on the roads and highways in the vicinity.**

8. The Applicant has submitted studies for the proposed sand pit on traffic congestion, traffic safety, and speed. Based on the results of these studies and the testimony of neighboring landowners, the DRB finds that the project will not adversely affect traffic safety along the delivery route, provided that: a) the level of operations is restricted as previously indicated, b) the sand pit entrance is moved to the east as shown on the plans, c) traffic safety signs are installed as shown on the plans, and d) trees are trimmed in the East Road right-of-way on the curved hill just south of the McMullen Road intersection and at the curved dip about one mile north of the intersection.

**Dimensional Standards**

9. The table below confirms that the sand pit complies with the dimensional requirements of the "Agricultural/Rural Residential" Zoning District.

Zoning District - R5	Required	Provided
√ Min. Lot Area	40,000 ft. <sup>2</sup>	>653,400 ft. <sup>2</sup>
√ Min. Frontage	200 ft.	>600 ft.
√ Min. Front Setback	35 ft.	>35 ft.
Min. Side Setback	35 ft.	N/A
Min. Rear Setback	35 ft.	N/A
Max. Lot Coverage	15%	N/A
√ Min. Setback to Stream	50 ft.	>250 ft.
√ Min. Setback to Property Line	75 ft.	>75 ft.

√ denotes Zoning compliance

**NATURAL RESOURCE EXTRACTION ISSUES**

**Magnitude of the Proposed Operation**

1. The Applicant proposes to extract a maximum of 45,000 cubic yards of sand by October 15, 2001. The proposed hours of operation as shown on the plans are Monday through Friday from 7 a.m. to 5 p.m., Saturdays from 8 a.m. to 12 p.m., and no operations on Sundays. Weekday limits of 10 loads per hour from 7 a.m. to 9 a.m., 20 loads per hour from 9 a.m. to 3 p.m., and 10 loads per hour from 3 p.m. to 5 p.m. are proposed, and Saturday limits of 20 loads are proposed. Therefore, the proposed maximum number of truckloads is 160 per day on weekdays, and 80 per day on Saturdays. The DRB further notes that the plans show no operations shall be permitted on Saturday, May 2, 1998 due to Green Up Day. Obviously this last restriction needs to be updated to correspond with the requested extraction period through 2001. As previously concluded, the requested level of operations is excessive.

**Location and Composition of Access Roads**

2. The proposed sand pit access is a two-way driveway on McMullen Road, east of the New England Central Railroad tracks. The entrance will be located approximately 40' east of the existing sand pit driveway. Loaded trucks leaving the pit will travel east on McMullen Road, which was paved six years ago. Trucks will then turn left onto East Road, which was paved two years ago. Heading north, trucks will cross the Main Street/Westford Road intersection onto North Road. North Road was reconstructed less than one year ago when water and sewer lines were installed. Trucks will turn left from North Road onto Husky Drive (formerly Rowe Road), and unload at the Husky site. Husky Drive is a private road. The location and composition of the proposed delivery route is acceptable to the DRB. The DRB concludes this should be the ONLY delivery route. In order to help prevent trucks from tracking excessive amounts of sand onto McMullen Road, the DRB concludes that the plans need to be revised to include a stabilized construction entrance. In addition, all trucks must be covered.

***Existing and Finished Grades***

3. Except for the 15 to 20 foot drop at the face of the existing sand pit, the proposed excavation site slopes gradually from west to east, towards Malletts Creek. The site also slopes gradually from north to south, away from McMullen Road. The existing face of the sand pit has an average slope of at least 60%; the proposed finish slope of the pit face is closer to 50%. At the end of this extraction period, the pit face will be approximately 800 feet wide. As sand is excavated, the face will move approximately 125 feet west of its current location, and the top of the bank will end up approximately 175 feet from the edge of the railroad right-of-way. The proposed finish grades are acceptable to the DRB.

***Fencing and Landscape Buffer Zones***

4. Except for erosion control fencing, the plans do not show any new fencing or landscaping. There is an existing fence along the western side of the site parallel to the railroad tracks which continues along the north side of the site parallel to McMullen Road. In addition, the western side of the railroad right-of-way is partially wooded. The Applicant proposes to remove existing trees along the edge of McMullen Road as needed to improve sight distances. The existing field is covered by corn during the growing season, but does not provide a landscape buffer during the winter. Due to the fact that the pit floor is lower than the land to the west, the proposed sand pit is somewhat screened from Winter Lane by the difference in elevation. As previously indicated, the DRB concludes that additional evergreen trees are needed along the western side of the site, at the edge of the railroad right-of-way.

***Measures to Control Dust, Noise, and Other Effects***

5. The Applicant has indicated that dust will be controlled with the use of water and/or calcium chloride. As previously mentioned, the Applicant has also submitted a noise study. No specific measures to control noise or fumes are proposed. These measures are acceptable provided that the Applicant complies with the restricted level of operations set by the DRB.

***Measures to Protect Fertility, Drainage, and Lateral Support of Abutting Land***

6. The entire area located to the west of the existing sand pit access road is proposed to be reclaimed with topsoil that is removed from the new sand extraction area. The Applicant proposes to enhance the fertility of this topsoil by applying agricultural lime at 1 ton/acre and 10-10-10 fertilizer at 200 pounds/acre. These measures to protect soil fertility are acceptable to the DRB.
7. Storm drainage will be provided by sheet flow. A silt fence is proposed along the east side of the existing sand pit, and hay bales are proposed to be located at 50 feet intervals in the swale at the edge of McMullen Road. A temporary topsoil stockpile will be ringed with hay bales. These drainage plans are acceptable to the DRB.
8. Section 841.2: *Limitations* of the Zoning Regulations prohibits soil and sand extraction within 75 feet of any property line. The plans meet this requirement on all sides of the extraction area, including the area along McMullen Road. The Applicant has also submitted a letter from New England Central Railroad stating that the proposed extraction location is acceptable, and will not undermine the lateral support of the railroad tracks.

***Provisions to Cover Finished Grades with Topsoil and Establish Crop Cover***

9. The Zoning Regulations require finished grades to be covered with at least 4 inches of topsoil and seeded with a suitable crop cover. The Applicant has indicated that Munson Earth Moving proposes to cover the entire disturbed area west of the existing access road with at least 8 inches of topsoil from the top layer of the new sand extraction area. The plans do not correspond with this proposal, however, since they do not show that the new extraction area will be reclaimed with topsoil.
10. The Applicant proposes to seed and mulch all exposed areas of the pit and face floor when not in use more than 30 days. Seeding and mulching, however, will not be possible beyond the growing season. Therefore, the Applicant proposes to use winter erosion control practices in accordance with the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites*. This is acceptable to the DRB.

***Surety to Guarantee Conformity with the Plans***

11. The Zoning Regulations require the Applicant to post surety with the Town of Milton sufficient to guarantee conformity with the approved extraction/reclamation plans, as determined by the DRB. The Applicant is offering to post surety in the amount of \$24,580, based on the Applicant's cost estimate for restoring the sand pit. This amount of surety is acceptable to the DRB.

***SITE PLAN ISSUES***

***Circulation and Traffic***

1. As shown on the proposed Site Plan, trucks entering the sand pit will circulate counterclockwise through the site. Specifically, trucks will enter the gate, make a U-turn at the far end of the pit, stop for loading near the point of excavation, and exit over the same route. The DRB feels that this is an acceptable circulation pattern. As noted previously, all sand excavated shall be transported exclusively to the Husky Injection Molding Systems site via the proposed delivery route of McMullen Road, East Road, and North Road.

***Parking and Loading Requirements***

2. There is no fixed standard in the Zoning Regulations for the number of parking spaces required for an earth and mineral extraction operation. The Applicant has indicated that only one employee, a loader operator, will normally staff the pit. According to the Applicant, dump truck drivers will park at the Husky site. The Applicant is proposing a 40' x 20' parking area for four cars on the east side of the sand pit driveway, approximately 150' from McMullen Road. The DRB feels that this is an acceptable parking plan.

***Landscaping and Screening***

3. The DRB has reviewed landscaping and screening under the Natural Resource Extraction Plan Issues section above.

***Protection of Renewable Energy Resources***

4. The DRB believes the proposed sand pit will have little to no impact on renewable energy resources. Furthermore, allowing the Applicant to utilize a source of sand that is relatively close to the Husky site may help reduce the Applicant's consumption of non-renewable fossil fuels.

**Signage**

5. The Applicant proposes to install several temporary traffic signs to warn drivers about the trucks that will be travelling between the sand pit and the Husky Injection Molding Systems construction site. "Trucks Entering" signs are proposed on McMullen Road, 400' in either direction from the sand pit entrance. A "Trucks Entering" sign and a "Cross Road" sign are proposed on East Road, 500' south of its intersection with McMullen Road. A "Trucks Crossing" sign is proposed on Westford Road, in the same location as the existing "Dangerous Intersection" sign. Mr. Segale has recommended using *portable* "Trucks Entering" signs that would be put up and removed each day of operation. The plans submitted show hinged signs mounted on wood or metal poles. The proposed signs will be folded or covered at night. Mr. Segale further recommended that flaggers should be used at the sand pit entrance during periods of peak activity. The Applicant's traffic engineer maintains that flaggers are not necessary during peak periods. The DRB finds that the proposed signs are acceptable, and concurs with the Applicant that flaggers are not necessary.

**Other**

6. Section 802.2 of the Zoning Regulations requires a survey to be submitted with all Site Plan applications unless specifically waived by the Development Review Board. The Applicant has requested a waiver from this requirement. Based on the fact that the proposed sand pit involves only a small portion of the Jenkins farm, the DRB feels that the request for a waiver from the survey requirement is acceptable.

**DECISION**

Based on the Findings of Fact and Conclusions set forth above, the Development Review Board approves the Applicant's request for Conditional Use, Natural Resource Extraction Plan, and Site Plan approval to operate a sand pit on the Jenkins farm, subject to the following conditions:

1. This project shall be completed, operated, and maintained as set forth in accordance with the plans and exhibits as approved by the Development Review Board and on file in the Planning and Zoning Department, and in accordance with the conditions of this approval.
2. The Development Review Board grants a waiver from the requirement to submit a boundary survey with the proposed Site Plan.
3. All sand excavated shall be transported exclusively to the Husky Injection Molding Systems site via the proposed delivery route of McMullen Road, East Road, and North Road. All trucks shall return to the pit by the same route.
4. All loaded trucks shall be covered by a tarp.
5. The hours of all operations shall be restricted to 7:00 a.m. to 5 p.m. Monday through Friday, with no operations on Saturdays, Sundays, state and federal holidays, or Green Up Day.
6. The rate of extraction shall be restricted to no more than 10 truckloads per hour, 60 truckloads per day, and 400 truckloads per month.
7. No operations are allowed during the Town of Milton's posted spring thaw period.

8. Truck traffic shall be monitored on a daily basis by a mechanical counter placed so as to provide an accurate count of the loaded trucks leaving the pit each day.
9. No later than the day after the monthly maximum extraction limit has been reached, the Applicant shall report in writing to the Zoning Administrator the date that the limit has been reached. Once the monthly limit is reached, no further extraction is permitted until the first weekday of the next calendar month.
10. Delivery trucks shall be limited to a maximum carrying capacity of 14 cubic yards. There shall be no pup trailers, trailer dumps, or low boys. Only 1 six-yard loader shall operate within the pit.
11. The Applicant must maintain a daily log book recording the number of trucks leaving the site each day, the time each truck leaves the pit, along with the volume of material contained in each truck. A weekly log shall be submitted to the Zoning Administrator no later than the Tuesday of the week following all weeks of operation. Upon request, the log book shall be made available to the Zoning Administrator within two business days.
12. No extraction may occur within 75 feet of any property line, within 50 feet of any wetlands, or within 3 feet of the ground water table.
13. All disturbed areas of the sand pit (existing and proposed) must be reclaimed with at least 8 inches of topsoil, fertilized, mulched, and seeded with a suitable crop cover. All extraction and reclamation must be complete by October 15, 2001.
14. The Applicant shall comply with the proposed erosion control measures.
15. Within 30 days of the date of this Notice of Decision, the plans need to be revised as follows:
  - a.) The plans need to show that the finished grade of the entire disturbed area west of the sand pit access road will be covered by at least 8 inches of topsoil and seeded with a suitable crop cover.
  - b.) The plans need to show the approved days and hours of operation and the approved rates of extraction.
  - c.) The plans need to show a stabilized construction entrance.
  - d.) The plans need to show a suitable screen of evergreen trees along the western side of the site, at the edge of the railroad right-of-way.
16. Prior to the issuance of a Zoning Permit, the following items must be completed:
  - a.) The existing sand pit entrance must be moved east to the proposed location. A new highway access permit for the relocated entrance is also required.
  - b.) All proposed signs must be posted on fixed wood or metal poles at the locations shown on the plans.
  - c.) The Applicant must prune vegetation within the East Road right-of-way on the curved hill just south of the McMullen Road intersection, and at the curved dip about one mile north of the intersection. The Applicant must notify the Highway Department and abutting owners prior to pruning trees, provide any necessary traffic control measures, and properly dispose of all materials.

DECISION FOR MUNSON EARTH MOVING CORP. – CU #2-99, EP #1-99, SP #5-99

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- d.) The Applicant must plant a suitable screen of evergreen trees along the western side of the site, at the edge of the railroad right-of-way.
  - e.) The Applicant shall provide a 3-year reclamation bond in the amount of \$24,580.
  - f.) The Applicant shall obtain an overweight vehicle permit and provide a bond in an amount sufficient to cover the impact on Town highways as determined by the Town Manager or the Milton Select Board.
17. Any changes to the Natural Resource Extraction Plan and/or Site Plan shall require the Site Plan and/or Extraction Plan to be reviewed again by the DRB.

Dated at Milton, Vermont, this 1st day of March 1999.

By: Maureen Connolly  
Maureen Connolly, Chair  
Milton Development Review Board

Board members participating in this decision:

Harold Legacy  
Maureen Connolly  
Bruce Jenkins  
Allen Lasell



## TOWN OF MILTON, VERMONT 05468-3205

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT  
43 BOMBARDIER ROAD • 802-893-1186 • FAX: 893-1005

October 28, 2014

J & M Sand, Inc  
150 Sanderson Road  
Milton, VT 054468

**NOTICE OF DECISION for 150 Sanderson Road  
Conditional Use Approval**

On October 9, 2014, the Milton Development Review Board (DRB) granted Conditional Use approval for your proposal to extend the period of extraction from December 21, 2014 to October 1, 2016 and extend the period of site restoration from October 1, 2015 to October 1, 2017 for the project located at 150 Sanderson Road. The DRB's Notice of Decision is enclosed for your records. The approval is subject to the conditions listed on pages 4 and 5 of the Notice of Decision. Please note that a Zoning Permit will be required and before the timeline extension granted by this approval may take effect.

If you have any questions, please contact the Department of Planning & Economic Development at 893-1186.

Sincerely,

Jacob Hemmerick  
Town Planner

CC: Paul Jarvis, Scott Homsted, Jackie & Chris Thayer, and Rick Lane

Enclosure

**30 Day Appeal Information:**

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

Notice of the Appeal, along with applicable fees, should be sent by certified mail to the Vermont Environmental Court. A copy of the notice of appeal should also be mailed to the Town of Milton Planning & Zoning Office at 43 Bombardier Road, Milton, VT 05468. Please contact the VT Environmental Court, 2418 Airport Road, Suite 1, Barre, VT 05641-8701, 802-828-1660, for more information on the filing requirements and fees.

**TOWN OF MILTON  
DEVELOPMENT REVIEW BOARD**  
43 Bombardier Road, Milton, Vermont 05468  
802.893.1186  
[www.miltonvt.org](http://www.miltonvt.org)

**NOTICE OF DECISION  
150 Sanderson Road  
J & M Sand Inc.  
Conditional Use**

This matter came before the Milton Development Review Board (DRB) on the application of the J & M Sand Inc., referred to hereafter as the "Applicant," for Conditional Use approval to extend the period of extraction from December 21, 2014 to October 1, 2016 and extend the period of site restoration from October 1, 2015 to October 1, 2017, in order to make the dates concurrent with the project's Act 250 permit. The subject property is located at 150 Sanderson Road, described as SPAN #12500, Tax Map 10, Parcel 17. The property contains a total of 167.63 acres and is located within the "Agricultural/Rural Residential" (R5) Zoning District.

Application: The application was received by the Milton Department of Planning and Economic Development Department Staff on September 12, 2014. A copy of the application is available at the address above.

Warned Hearing: The DRB conducted a warned public hearing on October 9, 2014, adjourned October 9, 2014. A warning was issued according to Vermont Statutes Annotated Chapter 24 §4464.

DRB Participation: The DRB members who were present and participated at the hearing were: Bruce Jenkins, Vice-Chair (Acting Chair); Clayton Forgan; and David Conley.

Representation: The Applicant was represented at the hearing Scott Homsted and Paul Jarvis.

Interested Persons: At the outset of the hearing, the DRB afforded those persons wishing to achieve status as an interested person an opportunity under 24 VSA §4465 to be sworn in and sign the hearing sheet. A record of the name and address of the persons wishing status as an interested person is maintained in the application file and includes: Jackie Thayer, Chris Thayer and Rick Lane.

Regulations: The DRB reviewed the application under the Town of Milton Zoning Regulations (ZR) last amended on August 25, 2014.

Based upon testimony provided at the public hearing and the evidence submitted to the DRB, which are contained in the "document file" for this application, the DRB finds, concludes and decides as follows:

**FINDINGS OF FACT & CONCLUSIONS**

1. Application: The Applicant requested Conditional Use approval to extend the period of extraction from December 21, 2014 to October 1, 2016 and extend the period of site restoration from October 1, 2015 to October 1, 2017, in order to make the dates concurrent with the project's Act 250 permit. The Applicant proposed no change in the volume of extraction, and

no change to the approved site plan.

2. Location: The subject property is located at 150 Sanderson Road, described as SPAN #12500, Tax Map 10, Parcel 17.
3. Size & Zoning District: The subject property contains a total of 167.63 acres and is located within the "Agricultural/Rural Residential" (R5) Zoning District.
4. Existing Conditions: The subject property currently hosts a sand pit operation with Conditional Use, Site Plan, and Natural Resource Extraction Plan approval.
5. Use: A sand pit is classified as EARTH AND MINERAL EXCAVATION by the Zoning Regulations and is identified as a conditional use within the R5 Zoning District, per ZR§343(2). This use is defined as: The removal of loam, rock, stone, gravel, sand or soil from a site so as to change the natural contours. This use is subject to Section 500 Conditional Use Review and Section 860 Extraction of Natural Resources.
6. Approval History: The past approvals deemed relevant to this application include:
  - The DRB's June 20, 2001 Decision to grant Conditional Use Approval, Natural Resource Extraction Plan Approval, and Site Plan Approval for the proposed 11.75 acres and extraction area (maintained in the application file); and
  - The project's ACT 250 Land Use Permit #4C0966-2.

The Act 250 Permit #4C0966-2 of 2002 lists condition #30 as follows: "All extraction must be completed by October 1, 2016. In addition, site restoration shall be fully completed by October 1, 2017."

The DRB Decision of 2001 lists condition #15 as follows: "The Applicant must complete all extraction activities by December 21, 2014, and all site restoration by October 1, 2015 unless an extension is approved by the DRB." The same decision also lists condition #19 as follows: "Prior to any future expansion or change of use, the plans must be reviewed again and approved by the DRB."

Approval of this application adds slightly less than 2 years to the extraction timeline, and exactly 2 years to the restoration timeline, bringing the Milton approval in line with the State approval. The DRB asked that the Applicant explain how this timeline difference between the local and State approval came to be. The Applicant said these differences in State and local approvals are typical.

7. Review DRB 2001 Decision Conditions: The DRB Decision of 2001 lists 19 conditions in total. The DRB asked that the Applicant address each ongoing condition of the DRB's 2001 Decision, as listed below, and state for the record if there has been compliance. If there has not been compliance, the DRB further asked that the Applicant explain why and state any measures taken to ensure compliance.
  - a. This project shall be completed, operated, and maintained as set forth in accordance with the plans and exhibits and as approved by the DRB and on file in the Planning and Zoning Department.
  - b. Extraction operations shall be limited to an average extraction rate of 20 truckloads per day, and a maximum extraction rate of 60 truckloads per day.

- c. Hours of operation shall be limited to 7:00 a.m. to 5 p.m. Monday through Friday, with no operations on Saturdays, Sundays, State and Federal holidays, or Green Up Day.
- d. There shall be no operations during the months of January, February, March or April (until roads open), or after December 21, except by special permit. No operations are allowed during the Town of Milton's posted spring thaw period.
- e. Special permits for extraction outside of the normal extraction season shall only be granted by the DRB after public hearing under the criteria of Section 500 of the Zoning Regulations.
- f. All truckloads must be covered by a tarp.
- g. All trucks must comply with the Town's Vehicle Weight Restriction Ordinance.
- h. All trucks shall be limited to a maximum carrying capacity of 16 cubic yards.
- i. The Applicant shall operate a counting device during periods of extraction to track the number of loaded trucks leaving the pit each day and each month.
- j. The Applicant shall maintain a daily logbook to record the number of trucks and the volume of material contained in each truck. Upon request, the logbook shall be made available to the Zoning Administrator within 2 business days.
- k. The Applicant shall notify all customers and users of the facility by individual notice when contracts are entered into or order are taken, in writing and by telephone, and shall post a sign to this effect at the entrance gate, that trucks shall not enter the surrounding neighborhood prior to 7 a.m., and are specifically prohibited from waiting at the entrance to the facility with their engines running. The Applicant shall direct all trucks to wait in the commercial and industrial areas of Milton, near I-89 or Route 7, until 7 a.m. at which time they may proceed to the facility.
- l. "Sharp Curve Ahead" signs must be installed north and south of the Streeter Brook curve.
- m. A stop sign must be installed at the intersection of the project access road and Sanderson Road.
- n. A sign must be installed near the facility exit indicating that each truck must cover its load before leaving the site.

The Applicant stated that he has reviewed all of the above conditions and the only one for which there has not been compliance is the vehicle counter, which broke down a couple years ago and he could not fix. He stated that he contacted Town Officials a few years ago, and they said to not bother, as they never look at them. The Applicant stated that they do keep a trip log, but they will put in a new counter only if necessary. The DRB asked Staff if there have been any complaints. Staff stated that he only saw one in the file about a truck not being covered. The Applicant agreed that all 2001 Decision conditions deemed relevant by the DRB shall remain in effect. The DRB concludes that the Applicant shall install a new counter and that all 2001 Decision Conditions, except condition Number 16 (sixteen) related to the timeline change, shall remain in effect.

- 8. Remaining Volume: The DRB asked how much of the approximate 309,000 cubic yards of sand granted by the 2001 Decision remains to be extracted from the 11.75 acres extraction area. The Applicant replied that approximately 75,000 cubic yards remain.
- 9. Trip & Volume Reporting: Staff requested that the Applicant provide the Planning Department, within two weeks of this hearing, a complete record of the daily log of trucks and loaded trucks leaving the site since the 2001 approval, explain any non-compliance and actions taken to prevent non-compliance, and include a cover sheet calculation that sums the total truck trips and total volume extracted under this approval. The Applicant questioned if this was necessary but agreed to provide the information if required. The DRB

concludes that the Applicant shall provide the Planning Department a calculation that shows the monthly total truck trips and volume extraction, along with a summation of the total truck trips and volume extraction under this approval. The Applicant must provide this prior to being eligible for a Zoning Permit for this timeline extension.

10. Expansion of Volume Limitation: The Applicant agreed that there shall be no expansion in the approved extraction volume permitted by the 2001 DRB approval and the 2002 Act 250 approval.
11. Extraction Management Plan: The DRB asked that the Applicant state for the record how the Management Plan has functioned, if they would recommend any changes, and if they have been keeping up with the routine inspections called for by the Plan. The Applicant recommended no change and said the plan has been working well. The DRB found that the Extraction Management Plan of July 12, 2001 remains adequate
12. Scope of Approval: The Applicant agreed that there shall be no change in extraction practice other than that which permitted by this approval and any other applicable approvals and permits, including but not limited to the approved site plan.
13. TAC: The Development Review Board Technical Advisory Committee had no comments or concerns with this application.
14. State Project Review: 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 to notify the State of this change in local approval, provide a copy to the Town, and ensure that any necessary State permits are obtained prior to construction. The DRB questioned if this would need State approvals or permits. Staff stated that this step will make the State aware of the change in local approval even if no State permit is needed. The DRB concludes that this condition shall remain.
15. Zoning Permit & Certificate of Compliance: The Applicant questioned if a Zoning Permit was necessary. The DRB concludes that a Zoning Permit and an associated Certificate of Compliance is required for any change in use according to ZR§130.

### DECISION

**MOTION** by DAVID CONLEY, **SECOND** by CLAYTON FORGAN, to **APPROVE** the Applicant's Conditional Use approval to extend the period of extraction from December 21, 2014 to October 1, 2016 and extend the period of site restoration from October 1, 2015 to October 1, 2017 to make the dates concurrent with the project's Act 250 permit for the property located at 150 Sanderson Road, described as SPAN #12500, Tax Map 10, Parcel 17, conditional upon the following items being addressed to the satisfaction of Staff. Where appropriate, all plans will be revised to address the following items.

1. Completion, Operation and Maintenance: 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.
2. Amendment: No changes, erasures, modifications, or revisions, other than those required by

this Decision, shall be made after approval unless revisions are first submitted to the Department of Planning and Economic Development for approval.

3. 2001 Decision Conditions: The Applicant shall install a new vehicle counter and all 2001 Decision Conditions shall remain in effect except condition #16 (sixteen), which specifies the extraction and restoration timeline.
4. Trip & Volume Reporting: The Applicant shall provide the Planning Department a calculation that shows the total monthly truck trips and volume extraction along with a summation of the total truck trips and volume extraction under this approval. The Applicant must provide this prior to being eligible for a Zoning Permit for this timeline extension.
5. Scope of Approval: This approval shall not constitute a change to the approved extraction volume permitted by the 2001 DRB approval and the 2002 Act 250 approval. There shall be no change in extraction practice other than that which permitted by this approval and any other applicable approvals and permits, including but not limited to the approved Site Plan.
6. State Project Review: The Applicant shall obtain a Project Review Sheet from the Permit Specialist in the District 4 Regional Office of the Agency of Natural Resources to notify the State of this change in local approval, provide a copy to the Town, and ensure that any necessary State permits are obtained prior to commencement.
7. Zoning Permit & Certificate of Compliance: A Zoning Permit and an associated Certificate of Compliance is required before the timeline extension granted by this approval may take effect.

**VOTE RECORD**

Allen Lasell, Chair:	yea/nay/abstain/ <u>absent</u> /didn't vote
Bruce Jenkins, Vice-Chair:	<u>yea</u> /nay/abstain/absent/didn't vote
Thomas Cole, Clerk:	yea/nay/abstain/ <u>absent</u> /didn't vote
Clayton Forgan:	<u>yea</u> /nay/abstain/absent/didn't vote
David Conley:	<u>yea</u> /nay/abstain/absent/didn't vote
Mitch McClellan, Aternate:	yea/nay/abstain/ <u>absent</u> /didn't vote

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

YEA 3; NAY \_\_\_\_\_; ABSTAIN \_\_\_\_\_; ABSENT 2; DIDN'T VOTE \_\_\_\_\_

Decision made at the meeting on October 9, 2014

Dated at Milton, Vermont, this 23<sup>rd</sup> day of October, 2014

By Bruce Jenkins

Bruce Jenkins, Vice-Chair  
Milton Development Review Board  
/jmh

**Appeal Rights**

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

Notice of the Appeal, along with applicable fees, should be sent by certified mail to the Vermont Environmental Court. A copy of the notice of appeal should also be mailed to the Town of Milton Planning & Zoning Office at 43 Bombardier Road, Milton, VT 05468. Please contact the VT Environmental Court, 2418 Airport Road, Suite 1, Barre, VT 05641-8701, 802-828-1660, for more information on the filing requirements and fees.

# **Sand Pit Extraction Management Plan**

J&M Sand, Inc.  
McMullen Road Site, Milton, Vermont

The proposed J & M sand extraction pit is located off McMullen Road in the Town of Milton. The purpose of this management plan is to provide the best possible soil erosion control while maintaining the aesthetics of the neighborhood. Soil erosion and aesthetics are two major concerns associated with the operation, maintenance and closure of extraction pits. This management plan will provide steps for initial startup, maintenance, and closure of the extraction area. J & M Sand has read and become familiar with publications by the Soil Conservation Service entitled Vegetating Vermont's Sand and Gravel Pits, and Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites. These publications are the basis of this management plan.

## **Initial Startup**

- 1) Install all silt fencing in the locations illustrated on the site plan. The owner shall have a professional engineer inspect the installation and submit a letter of certification to the Town Administrator on the installation.
- 2) The owner shall keep the area of disturbance to a minimum by disturbing only the sand utilized within a six-month time frame. Topsoil will be stockpiled in a neutral area. Silt fence will be placed around the base of the stockpile. The stockpile will be seeded with a standard Soil Conservation mix.
- 3) Soil extraction will start on the north side of the extraction area and proceed to the south and west.

## **Maintenance**

- 1) The owner will be responsible for inspecting and maintaining silt fencing on a weekly basis. The owner shall inspect all silt fencing around the extraction pit weekly. The owner will keep weekly inspection records of the condition of the silt fencing.
- 2) The owner will keep the area of disturbance to a minimum by disturbing only the sand utilized within a six-month time frame. Topsoil will be stockpiled in a neutral area and silt fence placed around the base of the pile. The stockpile will be seeded with a standard conservation mix.
- 3) All stormwater runoff will be directed to designated retention areas.
- 4) The owner will be responsible for inspecting all erosion control devices after every storm in a 24-hour period. A rain gauge will be placed near the office.
- 5) The owner will be responsible for inspecting the sediment trap on a weekly basis. All sediment will be buried in the designated disposal area, backfilled, seeded and mulched.

J & M Sand  
Sand Pit Extraction Management Plan  
McMullen Road, Milton, Vermont

- 6) The owner will be responsible for inspecting any culvert locations on a weekly basis to make sure that erosion and sediment transport is not occurring.
- 7) Any soil erosion will be addressed immediately.
- 8) When applicable, build a diversion dam at the upslope perimeter of the disturbed area to channel surface water away from newly seeded areas or to direct runoff to the designated retention areas.
- 9) The owner will make sure there are no slopes that are greater than 2 horizontal to 1 vertical foot during period of inactivity greater than 2 months.
- 10) The owner will be responsible for picking up any trash that is left in or around the immediate extraction area.
- 11) The owner will be responsible for locking the entrance gate during the hours when the pit is not operating.

**Final Extraction Pit Closure**

- 1) The owner will make sure that no slopes are steeper than 3 horizontal to 1 vertical foot.
- 2) The owner will avoid long slopes to prevent erosion and to allow access for seeding and mulching. Control slope lengths by installing one terrace for every forty vertical feet when applicable.
- 3) Remove large stones, boulders and other debris that will hinder the seeding process and the establishment of vegetation.
- 4) Spread 4 inches of topsoil over the entire disturbed area.

# Traffic Impact Assessment

## J&M Sand McMullen Road, Milton, VT

### 1.0 Introduction

J&M Sand proposes to reactivate the former Jenkins Sand Pit located on McMullen Road in order to provide sand products to local construction projects. The sand pit is accessed from McMullen Road near the bottom of the dip just east of Malletts Creek. The access road, which will be widened and upgraded, extends southerly, more or less following the existing sand pit access road into the site.

McMullen Road connects with Middle Road, Hobbs Road and East Road. Both Middle Road and East Road are Class 2 town highways, while Hobbs Road is a Class 3 town highway. All three roads have an overall pavement width of  $\pm 22$  ft, and provide a single lane of travel in each direction.

### 2.0 Extraction Rate & Trip Generation

The reactivated sand pit is proposed to operate at an average annual extraction rate of 30,000-40,000 cubic yards per year. It is estimated that the reactivated sand pit will have a 8-10 year life-span.

Sand pits in northern Vermont generally operate from May 1 to November 30<sup>1</sup>. The proposed daily operating schedule is from 7 am - 5 pm Monday - Friday plus 8 am - 2 pm on Saturday. Thus, the operation of the proposed sand pit will be effectively limited to 180 $\pm$  days per year.

Based on J&M Sand's experience at their Sanderson Road pit in Milton, they expect to load an average of 20 trucks per day. Extraction rates will vary from day to day based on the needs of area contractors and weather. It is anticipated that the peak day will load a maximum of 60 trucks. Dump truck sizes vary from single-axle trucks carrying 6-7 cubic yards up to tandem and tri-axle trucks capable of carrying 14-15 cubic yards. For the purpose of this traffic impact assessment (TIA), it is estimated that the proposed sand pit will generate 40 truck trip ends<sup>2</sup> per day on the average, with a peak of 120 truck trip ends per day.

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<sup>1</sup> there may be days during the winter months when the sand pit will open on an "as-needed" basis

<sup>2</sup> one-way truck movements

Routes used by trucks traveling to and from the reactivated sand pit will largely depend on the locations of local construction projects needing sand material. In general, loaded trucks will disperse from the pit using McMullen Road to reach multiple travel routes. Empty trucks traveling to the pit will similarly converge on McMullen Road.

For destinations north of the sand pit, potential travel routes include:

- ▶ McMullen Road east to East Road and then north on East Road to Main Street, North Road and Westford Road;
- ▶ McMullen Road west and north to Railroad Street and then north on Railroad Street to Main Street connecting with Westford Road, North Road or Route 7, or;
- ▶ McMullen Road west and north to Hobbs Road, then west on Hobbs Road to Middle Road and north on Middle Road to Route 7.

For destinations south of the sand pit, potential travel routes include:

- ▶ McMullen Road west to Middle Road via Hobbs Road and then south on Middle Road;
- ▶ McMullen Road west to Route 7 via Hobbs and Bombardier Roads;
- ▶ McMullen Road west and north to Railroad Street, and then Railroad Street south to Route 7 or Middle Road; or
- ▶ McMullen Road east to East Road and then south on East Road<sup>3</sup>.

### 3.0 Traffic Congestion

Traffic volumes on nearby roadways were obtained from counts performed by the Vermont Agency of Transportation (VTrans) and the Chittenden County Regional Planning Commission (CCRPC). Table 1 presents annual average daily traffic volumes (AADT's) on the local roads in the vicinity of the sand pit.

For this Project, there are two notable intersections along the above potential travel routes, Main St/Westford Rd/East Rd/North Rd plus Middle Rd/Bombardier Rd/Hobbs Rd, that are the most heavily traveled by existing peak hour traffic. Existing traffic congestion conditions were determined by performing intersection capacity analyses at those two locations.

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<sup>3</sup> The underpass at the East Rd train trestle is posted with a restricted vertical clearance of 11 ft. The actual vertical clearance is close to 12 ft. Most dump trucks are less than 11 ft high.

**Table 1 - Daily Traffic Volumes**

Road	Year	AADT (vpd)	Location
East Road	2007	1,600	south of McMullen Rd
	2013	1,700	
Hobbs Road	2009	2,600	east of Middle Rd
Main Street	2004	3,200	east of Maplewood Ave
	2009	2,700	
McMullen Road	2007	1,000	west of East Rd
	2013	1,100	
Middle Road	2005	2,400	south of Hobbs Rd
	2009	2,700	
Railroad Street	2005	3,600	north of Barnum St
	2009	3,000	
	2013	3,100	
Westford Road	2007	2,300	
	2013	2,300	

Peak hour volumes were obtained at both intersections from turning movement counts performed by the CCRPC in 2006 and 2007. Both intersections are most heavily traveled during the afternoon peak hour period, which is when the design hour volume (DHV) generally occurs. The DHV is the 30<sup>th</sup> highest hourly traffic volume that occurs in a given year, and is used in the design of highways and intersections to determine existing and future traffic congestion conditions.

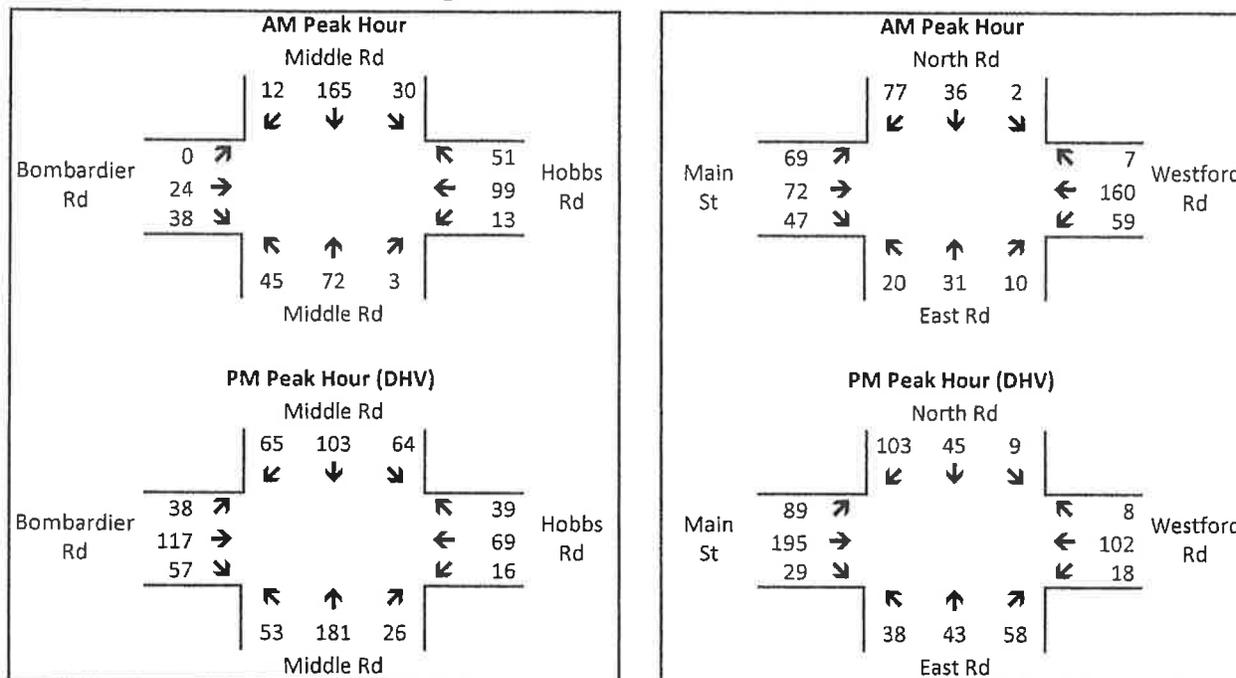
Existing DHV's were estimated by applying a K-factor (DHV/AADT ratio) of 16% to the 2013 AADT's shown in Table 1 on the approaches of their respective intersections plus a 1% background growth rate to adjust from 2013 to 2014. Normally, for a project of this type, a 10-year traffic projection would then be calculated in order to assess future traffic congestion conditions. With VTrans projecting -3% growth on urban streets and only 1% growth on rural primary and secondary highways in Vermont<sup>4</sup> from 2014 to 2024, the results of the 2014 analyses will also reasonably show future 2024 traffic congestion conditions.

Figure 1 presents the estimated 2014 AM Peak Hour and PM Peak Hour (DHV) volumes at the two above-referenced intersections. Detailed calculations of those volumes are enclosed as **Appendix A**.

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<sup>4</sup> Continuous Traffic Counter Grouping Study and Regression Analysis Based on 2013 Traffic Data, VTrans, February 2014

Figure 1 - 2014 Peak Hour Volumes



Traffic congestion conditions are identified by "levels of service", commonly referred to as "LOS". The ranges are A to F; where A represents essentially free flow (no congestion), C represents average congestion, and F represents severe congestion. At intersections, the LOS is determined by the delay experienced by turning and through movements. The level of service criteria for unsignalized intersections is shown in Table 2.

Table 2 - Unsignalized Intersection Level of Service Criteria<sup>5</sup>

LOS	Delay (sec/veh)	LOS	Delay (sec/veh)
A	≤10	D	≤35
B	≤15	E	≤50
C	≤25	F	>50

In Vermont, VTrans has adopted a level of service policy for the state highway system. This policy establishes LOS D as the desired design standard for stop-controlled single-lane approaches having 100 vph or greater approach volume at unsignalized intersections. There is no level of service design

<sup>5</sup> Highway Capacity Manual, Transportation Research Board, 2000

standard for stop-controlled single-lane approaches having less than 100 vph at unsignalized intersections.

Intersection capacity analyses were performed at above intersections using the peak hour volumes shown in Figure 1. The results of the capacity analyses are shown in Table 3. Detailed results are enclosed as **Appendix B**.

**Table 3 - Intersection Capacity Analyses Results**

Intersection & Approach	AM Peak Hour			PM Peak Hour		
	LOS	Delay	V/C	LOS	Delay	V/C
<u>Middle Rd/Bombardier Rd/Hobbs Rd</u>						
Bombardier Rd EB	A	8		B	11	
Hobbs Rd WB	A	9		A	10	
Middle Rd NB	A	9		B	12	
Middle Rd SB	A	9		B	11	
<u>Main St/Westford Rd/East Rd/North Rd</u>						
Main St EB	A	8	0.05	A	8	0.06
Westford Rd WB	A	8	0.04	A	8	0.01
East Rd NB	C	15	0.15	C	16	0.30
North Rd SB	B	12	0.18	B	13	0.25

The above results indicate that both intersections have sufficient reserve capacity to accommodate the additional truck trips that are proposed to be generated by the reactivated sand pit, and that future traffic congestion conditions in the vicinity of the sand pit will meet accepted standards.

#### 4.0 Safety Conditions

Safety conditions are influenced by many factors including sight distances, roadway geometry, speeds, etc. The following presents an examination of existing safety conditions on highways adjacent to this project.

With the exception of East Rd and Westford Rd, all of the roads in the vicinity of the sand pit have 30 mph speed limits. The speed limits on East Rd and Westford Rd are 40 mph and 35 mph, respectively.

Available sight distances were measured by this office from the proposed sand pit access onto McMullen Rd. Using a prevailing speed of 35 mph (est.) on McMullen Rd, the recommended intersection sight distance equals 390 ft (car or light truck). Because large trucks are slower to accelerate from a stop, the recommended sight distance for them is greater: 490 ft for 35 mph.

Available sight distances were measured using the 3.5 ft and 7.65 ft standard eye heights for light vehicles and large trucks, respectively. The oncoming vehicle height for both equals 3.5 ft. Looking to the west on McMullen Rd, there is 500 ft of sight distance available for light vehicles and 600 ft available for large trucks. Looking to the east on McMullen Rd, there is over 1,000 ft of sight distance available.

There are two other locations along the potential travel routes that have limited sight distances. The first is at the East Rd/McMullen Rd intersection where a vehicle exiting McMullen Rd has 350 ft of sight distance to the south along East Rd. This distance is limited by horizontal curvature and a row of brush that has grown up between the roadway and the adjacent field along the west side of East Rd. Further south, the vertical crest in East Rd also becomes a limiting condition. At a prevailing speed of 45 mph (est.) on East Rd, the recommended intersection sight distances for light vehicles and large trucks equal 500 ft and 630 ft, respectively. Those recommended sight distances could be obtained by cutting the aforementioned brush along the west side of East Road.

The second location at the Main St/Westford Rd/East Rd/North Rd intersection where a vehicle exiting East Rd has 560 ft of sight distance to the east along Westford Rd. There is additional sight distance, but the view of oncoming vehicles is blocked intermittently by several trees. With a 35 mph speed limit and a prevailing speed of 40 mph (est.) on Westford Rd, the recommended intersection sight distances for light vehicles and large trucks equal 440 ft and 560 ft, respectively. Looking to the west on Main St, the available sight distance equals 640 ft.

Crash histories for the roadways in the vicinity of the sand pit were obtained from five-year (2008-2012) crash listings compiled by VTrans. Tables 4 and 5 summarize the locations and number of crashes.

**Table 4 - 2008-2012 Road Segment Crash History**

Road Segment	Year					Total
	2008	2009	2010	2011	2012	
McMullen Rd	-	1	1	-	3	5
Hobbs Rd	1	1	-	1	-	3
<u>East Rd</u>						
north of McMullen Rd	4	1	1	2	2	10
south of McMullen Rd	7	3	3	1	4	18

**Table 5 - 2008-2012 Intersection Crash History**

Intersection	Year					Total
	2008	2009	2010	2011	2012	
East Rd/McMullen Rd/Duffy Rd	4	3	1	5	1	14
Railroad St/McMullen Rd	-	-	2	-	1	3
Middle Rd/Hobbs Rd/Bombardier Rd	2	1	1	2	1	7
Main St/Westford Rd/East Rd/North Rd	2	2	2	3	2	11

The VTrans 2008-2012 High Crash Location Report identifies high crash locations on state highways and federal aid urban (FAU) roadways. In Milton, several high crash locations are listed on the potential travel routes in the vicinity of this project. They include:

- ▶ the Middle Rd/Railroad St intersection (14 crashes in 5 years);
- ▶ a segment on Middle Rd between mile markers 2.60 -2.90 (the Bombardier Rd/Hobbs Rd intersection defines the south end of this segment at mile marker 2.61) (13 crashes in 5 years); and
- ▶ a segment on Main St/Westford Rd between mile markers 0.60 -0.90 (the East Rd/North Rd intersection defines the west end of this segment at mile marker 0.63) (12 crashes in 5 years).

In the case of the two high crash segments on Middle Rd and Main St/Westford Rd, removing the intersections from those segments would cause them to no longer be high crash locations.

Several observations from the VTrans crash listings summarized in Tables 4 and 5:

- ▶ 38 of the 71 (54%) crashes occurred during the months of December - April when the sand pit would normally be closed.
- ▶ 27 of the 53 (51%) crashes on McMullen Rd, East Rd and Hobbs Rd were single vehicle crashes.
- ▶ Speed was cited as a contributing factor in 20 of the 53 (38%) crashes on McMullen Rd, East Rd and Hobbs Rd.
- ▶ 7 of the 18 (39%) crashes on East Rd south of McMullen Rd occurred at the train trestle/underpass.

In examining the potential travel routes for the proposed sand pit, the following existing roadway safety conditions were also noted:

- ▶ The at-grade railroad crossing on McMullen Rd west of the sand pit was recently upgraded in 2013 to be protected by active railroad crossing signals and gates. McMullen Rd on the east side of this crossing was also raised in an earlier Town project to prevent low-boy trailers from bottoming out and becoming stuck on the crossing.
- ▶ The so-called "Hall Farm Dip" located on East Rd (approx. 2,000 ft south of Hardscrabble Rd) presents a serious traffic safety hazard. The pavement width over the concrete box culvert at this

location is only 20 ft wide. Although guardrails are present on both sides of the roadway, their posts have broken off and/or are inadequately anchored in the immediate vicinity of the box culvert. The existing guardrails are incapable of keeping a vehicle from going off the roadway.

- ▶ While the warning signage has been improved in recent years at the East Rd train trestle/underpass, its narrow width, sharp curves and limited visibility of oncoming traffic continue to present hazardous conditions.
- ▶ The sidewalk system has been expanded in recent years to include Hobbs Rd, Middle Rd, Bombardier Rd and Railroad St. A new sidewalk on McMullen Rd from Hobbs Rd north to Railroad St is also under design; with construction planned in 2015.

## 5.0 Conclusions

From the foregoing analyses, we have formed the following conclusions and recommendations regarding the potential traffic congestion and safety impacts of the reactivated Jenkins sand pit:

- ▶ Intersection capacity analyses at nearby key intersections indicate that acceptable levels of service will be maintained with new traffic traveling to and from the proposed sand pit.
- ▶ Of the potential travel routes to and from the proposed sand pit, we recommend that McMullen Rd west to Hobbs Rd and Railroad St be the designated travel route for large trucks.
- ▶ The use of East Rd as a travel route to and from the proposed sand pit by large trucks is not recommended due to its higher crash history plus the existing hazardous roadway conditions at the so-called "Hall Farm Dip" and train trestle/underpass.

With the above recommendations, we conclude that the proposed reactivated sand pit will not create unreasonable traffic congestion or unsafe conditions on adjacent highways.



# TAC \ PUBLIC WORKS

Jacob Hemmerick

**From:** Roger Hunt  
**Sent:** Tuesday, February 17, 2015 1:09 PM  
**To:** Jacob Hemmerick  
**Cc:** Nathan Lavalley; Dustin Keelty; Christian Poirier; Brett Van Noord  
**Subject:** February 26 DRB - Development Review Comments

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FEB 17 2015  
Planning & Economic Development  
Milton, Vermont

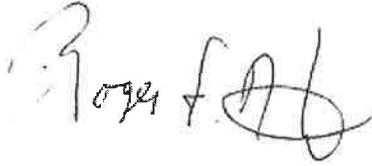
Jake,

I have reviewed the proposed development plans and applications and have the following comments & requirements:

- **Site Plan and Conditional Use Application -Jenkins Family Trust c/o Joan Jenkins, Trustee, Owners -J&M Sand c/o Paul Jarvis, Applicant.**
  - Due to deteriorating road surface conditions, the designated travel route for trucks with a carrying capacity >24,000 pounds shall be McMullen Road east to Hobbs Road, Bombardier Road and onto US Rt 7.
    - A left turn only sign shall be placed at the exit of the quarry.
    - Railroad Street **IS NOT** an approved truck route. Due to its current condition on the northeast side of the railroad crossing, and the failed intersection of Middle/Railroad & Rt. 7, use of Railroad Street shall not be allowed. Resurfacing of Railroad Street is not scheduled until spring 2020. The Middle/Railroad/RT 7 intersection upgrade is still several years away.
    - The Traffic Impact Assessment by Lamoureux & Dickinson concludes that the use of East Road as a travel route is not recommended. Public Works staff concurs.
    - Middle Road south is not acceptable due to its current condition. Resurfacing of Middle Road is not scheduled until spring 2021.
    - North Road from Husky to the Georgia town line shall not be used due to its condition. Reconstruction of this section is scheduled for Spring FY 17.
  - The maximum carrying capacity of all trucks shall be 16 cubic yards.
  - Trucks shall not be allowed to enter the surrounding neighborhood prior to 7:00 a.m. (8:00 a.m. Saturdays) and shall not wait at the entrance of the facility with engines running.
  - The plans show (C-2) exiting from the east lane and entering from the west. This does not conform to the Town of Milton Public Works Specifications, Drawing #7, Commercial Drive Highway Access. Is there a reason for this?
  - The width of the commercial drive shall be a minimum 24' as required by PWS Dwg. #7.
  - The existing driveway culvert shall be inspected and replaced if needed. The minimum size of the culvert shall be 18" per PWS Dwg. #3 – Typical Private R.O.W. Cross Section.
  - The plans shall show the commercial drive highway access radius per PWS Dwg. #7.
  - A trip counter shall be required. The approximate location shall be shown on the plans.
    - Trips shall be limited to 20 per day average, 60 per day maximum
  - Does the applicant propose a weight scale? If so, the location should be indicated on the plans.
  - The Traffic Impact Assessment utilizes peak hour volume counts performed by the CCRPC in 2006 & 2007 as a baseline. This data is outdated and requires update.
  - Request that the DRB limit operations to between May 1 & December 21 annually. See the Morse (now J & M) sandpit decision(s).
- **Sketch Plan Application, Planned Unit Development (PUD) Industrial-Precast Road 78-Camp Precast, LLC, Owner/Applicant**
  - The new highway access onto Precast Road shall conform to the PWS Dwg. #7 Commercial Drive Highway Access.

- Recommend the DRB require a lot circulation plan to show how emergency vehicles can access the property and new buildings.
- Precast Road is a 49.5' public right of way. Part or all of the "modular block wall" is located within the ROW. Request as a condition of approval that this wall be moved out of the public ROW to allow for future highway maintenance & paving the spring of 2017.

Sincerely,



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

RE  
FEB 17 2017  
Planning & Economic Development  
Milton, Vermont

TOWN of MILTON  
Planning & Economic Development  
43 Bombardier Road  
Milton, VT 05468-3205

www.miltonvt.org  
(802) 893-1186



## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 26, 2015

Date of Review: 2/04/2015

Department: Milton Town School District

TAC Member: John Barone, Superintendent

Site Plan and Conditional Use Application – Jenkins Family Trust c/o Joan Jenkins, Trustee, Owners – J&M Sand c/o Paul Jarvis, Applicant.

*No concerns.*

Sketch Plan Application, Planned Unit Development (PUD) Industrial – Precast Road 78 – Camp Precast, LLC, Owner/Applicant.

*No concerns.*

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Milton, Vermont

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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 26, 2015

Date of Review: 02.04.15

Department: Police

TAC Member: BRIET VAN NORDT

Site Plan and Conditional Use Application – Jenkins Family Trust c/o Joan Jenkins,  
Trustee, Owners – J&M Sand c/o Paul Jarvis, Applicant.

NO COMMENTS or CONCERNS.

Sketch Plan Application, Planned Unit Development (PUD) Industrial – Precast Road 78 –  
Camp Precast, LLC, Owner/Applicant.

NO COMMENTS or CONCERNS.

Re: Re-opening the Jenkin Sand-Pit

Dear Mr. Hemmerick,

I'm writing in regards to the letter sent by the town of Milton alerting me and my neighbors to the upcoming meeting to discuss the re-opening of the Jenkins sand-pit.

My family is in complete opposition to the re-opening of the sand pit for numerous reasons and I'm surprised the town is even considering its ability to re-open. The land is zoned as agriculture/rural and the sand pit would be for commercial use.

In addition, re-opening the sand pit would create the following items which would be a nuisance at best and affect the value of the surrounding homes.....

- 1) Noise – The constant running of back hoes and dump trucks would be a devastating to the tranquility of the area which is exactly why we purchased our land.
- 2) Dust – No matter which way the wind blows dust will carry to the surrounding homes. The last thing I want to do is turn my wipers on before leaving my dooryard to clear the dust which has blown over from the sand pit. It will also coat the house and get into the house. The health affects of such fine dust will also be a problem for those with asthma and sinus problems which I have.
- 3) Environmental Impact – The sandpit is within proximity of Nationaly Recognized Wetlands. The storm water run off would be devastating to the wetlands. Even with run off barriers placed the blowing sand would accumulate and adversely impact the environment.
- 4) Traffic – The constant coming and going of dump trucks would be a nuisance and adversely affect road conditions with their heavy loads, be extremely load and increase traffic on East Road, Duffy Road, McMullen Road and every road in and out of Milton.
- 5) Safety – The constant stream of dump Trucks through Milton would be a safety concern.

The ONLY benefit to re-opening the sandpit would be to provide compensation to the Jenkins and the sand pit operators to the detriment of dozens of neighbors and the town of Milton as a whole due to the dump trucks utilizing the town roads.

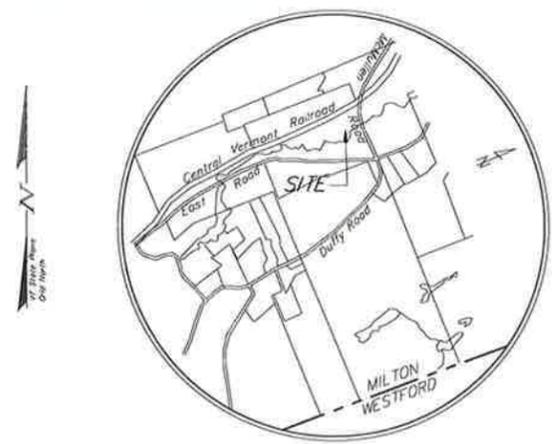
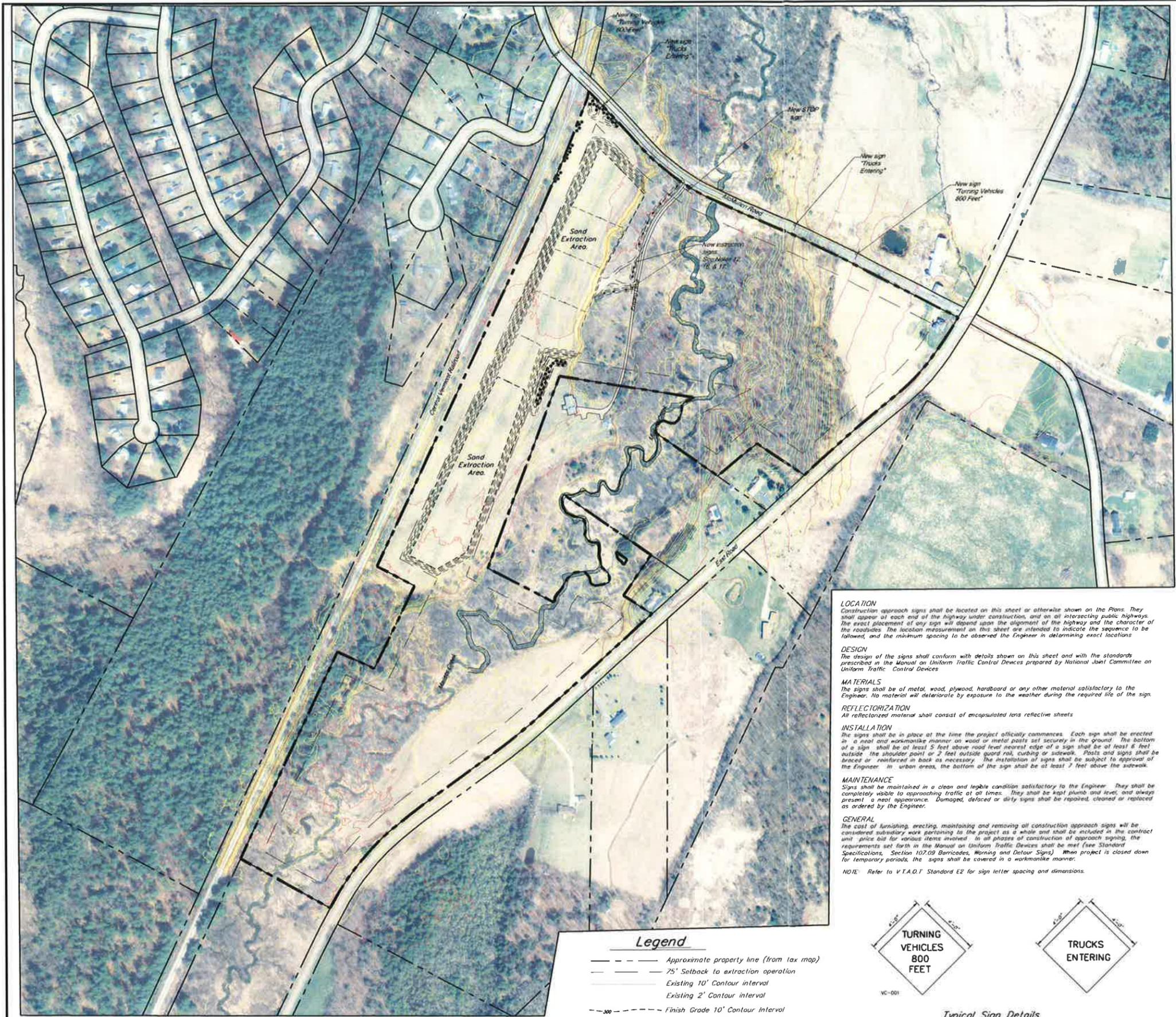
I will be at the meeting and speak to all my neighbors in an attempt to get them to attend or write a letter.

Thank you,  
John Hemsted  
590 East Road  
Milton, VT 05468

**RECEIVED**

FEB 19 2015

Planning & Economic Development  
Milton, Vermont



Location Map  
n.l.s.

**NOTES:**

- The topographic conditions shown on this plan are based on orthophotographic mapping by the Vermont Mapping Company.
- This is not a boundary survey. Boundary lines are based on Tax Map information and are considered approximate.
- This survey was made without the benefit of Dig Safe markings. The contractor shall contact Dig Safe before commencing any work.
- This plan may be copied to the extent necessary to comply with Vermont State Laws pertaining to accessibility to public records. Use of these plans for construction purposes requires the permission of Krebs & Lansing Consulting Engineers.
- These plans have been prepared for State and local review and are subject to review and approval by pertinent local and State agencies.
- The hours of operation shall be from 7:00 a.m. to 5 p.m. Monday through Friday, 8:00 a.m. to 2 p.m. on Saturdays, with no operations on Sundays, state and federal holidays, or Green Up Day. The rate of extraction shall be restricted to no more than 10 truckloads per hour, 60 truckloads per day, and 400 truckloads per month. No operations will be allowed during the Town of Milton's posted spring thaw period.
- No extraction may occur within 75' of any property line, within 50' of any wetlands, or within 3' of the groundwater table.
- Average Daily Truck Traffic = 20 trucks/day  
Maximum Daily Truck Traffic = 60 trucks/day  
Average Truck Load = 14 c.y. (Maximum truck load = 16 c.y.)  
Proposed Extraction Rate = 30,000 - 40,000 c.y./year  
Proposed Time Frame for Extraction Operations = 8-10 years  
The maximum exposed area at any one time for pit operations shall be 3 acres. The applicant shall reclaim previously excavated pit areas with topsoil, seed, and mulch prior to opening new areas in order to maintain a maximum of 3 acres "open" at any one time.
- The Applicant shall operate a counting device during periods of extraction to track the number of loaded trucks leaving the pit each day and each month.
- The Applicant shall maintain a daily log book to record the number of trucks and the volume of material contained in each truck. Upon request, the log book shall be made available to the Zoning Administrator within 2 business days.
- The Applicant shall notify his customers and all users of the facility by individual notice when contracts are entered into or orders are taken, in writing and by telephone, and shall post a sign to this effect at the entrance gate, that trucks shall not enter the surrounding neighborhood prior to 7 a.m., and are specifically prohibited from waiting at the entrance of the facility with their engines running.
- Trucks shall be directed to wait in a the commercial and industrial areas of Milton, near I-89 or Route 7, until 7 a.m., at which time they may proceed to the facility.
- "Trucks Entering" and "Turning Vehicles" signs must be installed along McMullen Road as noted on the plans.
- A "STOP" sign must be installed at the intersection of the project access road and McMullen Road.
- A sign must be installed near the facility exit indicating that each truck must cover its load before leaving the site.
- A sign must be installed near the facility exit indicating that McMullen Road west to Hobbs Road and Railroad Street is the designated travel route for large trucks.
- The Applicant shall control dust by applying water and/or calcium chloride.
- Stockpiles of topsoil shall be seeded and mulched if storage is longer than 6 months or over the winter.

**LOCATION**  
Construction approach signs shall be located on this sheet or otherwise shown on the Plans. They shall appear at each end of the highway under construction, and on all intersecting public highways. The exact placement of any sign will depend upon the alignment of the highway and the character of the roadways. The location measurement on this sheet are intended to indicate the sequence to be followed, and the minimum spacing to be observed the Engineer in determining exact locations.

**DESIGN**  
The design of the signs shall conform with details shown on this sheet and with the standards prescribed in the Manual on Uniform Traffic Control Devices prepared by National Joint Committee on Uniform Traffic Control Devices.

**MATERIALS**  
The signs shall be of metal, wood, plywood, hardboard or any other material satisfactory to the Engineer. No material will deteriorate by exposure to the weather during the required life of the sign.

**REFLECTORIZATION**  
All reflectorized material shall consist of encapsulated lens reflective sheets.

**INSTALLATION**  
The signs shall be in place at the time the project officially commences. Each sign shall be erected in a neat and workmanlike manner on wood or metal posts set securely in the ground. The bottom of a sign shall be at least 5 feet above road level nearest edge of a sign shall be at least 8 feet outside the shoulder point or 2 feet outside guard rail, curbing or sidewalk. Posts and signs shall be braced or reinforced in bulk as necessary. The installation of signs shall be subject to approval of the Engineer. In urban areas, the bottom of the sign shall be at least 2 feet above the sidewalk.

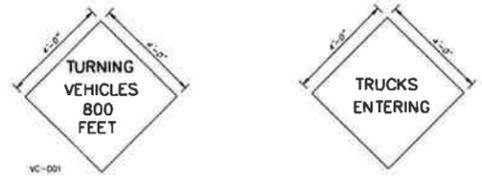
**MAINTENANCE**  
Signs shall be maintained in a clean and legible condition satisfactory to the Engineer. They shall be completely visible to approaching traffic at all times. They shall be kept plumb and level, and always present a neat appearance. Damaged, defaced or dirty signs shall be repaired, cleaned or replaced as ordered by the Engineer.

**GENERAL**  
The cost of furnishing, erecting, maintaining and removing all construction approach signs will be considered subsidiary work pertaining to the project as a whole and shall be included in the contract unit price bid for various items involved in all phases of construction of approach signing, the requirements set forth in the Manual on Uniform Traffic Control Devices shall be met (see Standard Specifications, Section 107.09 Barricades, Warning and Detour Signs). When project is closed down for temporary periods, the signs shall be covered in a workmanlike manner.

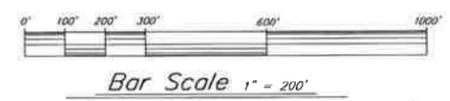
**NOTE:** Refer to V.T.A.D.T Standard E2 for sign letter spacing and dimensions.

**Legend**

- - - - - Approximate property line (from tax map)
- - - - - 75' Setback to extraction operation
- - - - - Existing 10' Contour interval
- - - - - Existing 2' Contour interval
- - - - - Finish Grade 10' Contour Interval
- - - - - Finish Grade 2' Contour Interval



Typical Sign Details  
n.l.s.

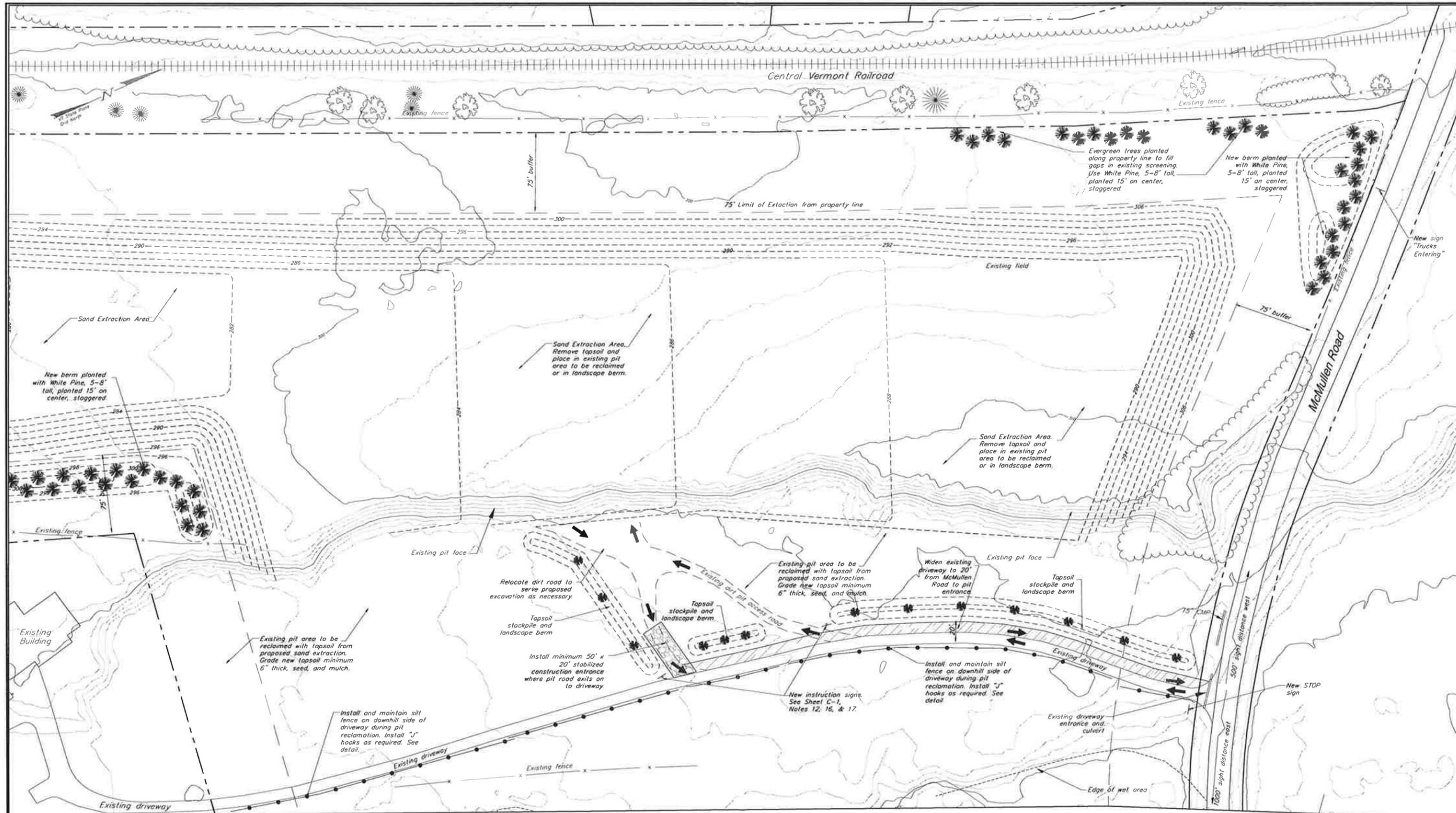


Date revised	Description	Checked
Design	SWH	
Drawn	SWH	
Checked		
Scale	1" = 200'	
Date	January 12, 2015	
Project	12153 McMullen Road	Milton, Vermont
<b>KREBS &amp; LANSING Consulting Engineers, Inc.</b> 164 Main Street, Colchester, Vermont 05416		
		C-1

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Milton, Vermont



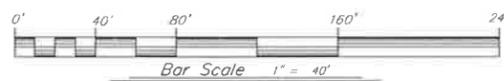
**NOTES:**

- The topographic conditions shown on this plan are based on orthophotographic mapping by the Vermont Mapping Company.
- This is not a boundary survey. Boundary lines are based on Tax Map information and are considered approximate.
- This survey was made without the benefit of Dig Safe markings. The contractor shall contact Dig Safe before commencing any work.
- This plan may be copied to the extent necessary to comply with Vermont State Laws pertaining to accessibility to public records. Use of these plans for construction purposes requires the permission of Krebs & Lansing Consulting Engineers.

- These plans have been prepared for State and local review and are subject to review and approval by pertinent local and State agencies.
- The hours of operation shall be from 7:00 a.m. to 5 p.m. Monday through Friday, 8:00 a.m. to 2 p.m. on Saturdays, with no operations on Sundays, state and federal holidays, or Green Up Day. The rate of retraction shall be restricted to no more than 10 truckloads per hour, 60 truckloads per day, and 400 truckloads per month. No operations will be allowed during the Town of Milton's posted spring thaw period.
- No extraction may occur within 75' of any property line, within 50' of any wetlands, or within 3' of the groundwater table.

**Legend**

- Existing railroad tracks
- Approximate Property Line
- 75' Setback to extraction operation
- Existing 10' Contour interval
- Existing 10' Contour interval
- Finish Grade 10' Contour Interval
- Finish Grade 2' Contour Interval
- BF Barrier Fence
- Silt Fence

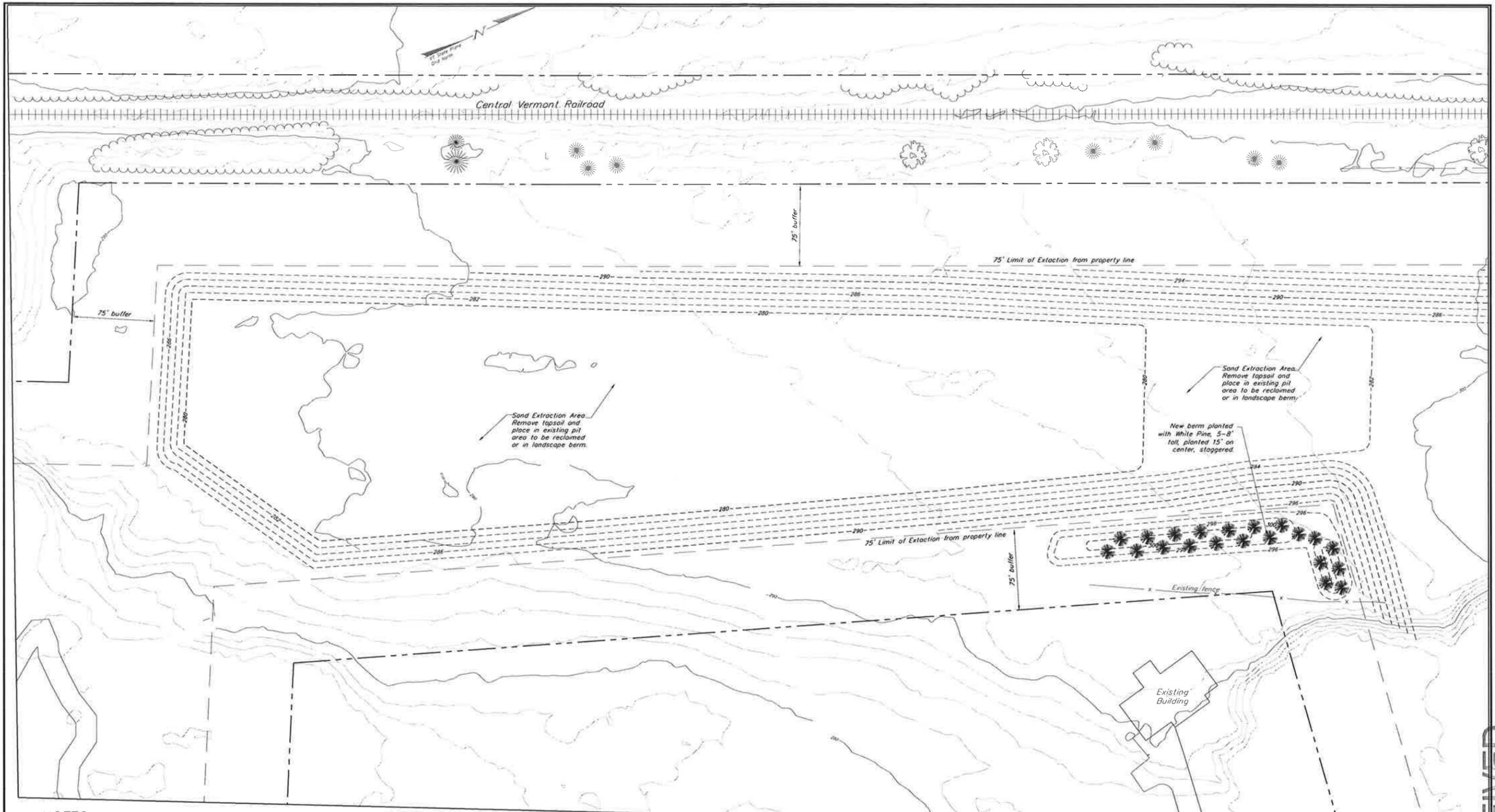


Date revised	Description	Checked
Design SWH	<b>Site Plan</b>  <b>J. &amp; M. Sand Jenkins Sand Pit</b>	
Drawn SWH		
Checked		
Scale 1" = 40'		
Date Jan. 12, 2015		
Project 1215.3	McMullen Road	Milton, Vermont
<b>KREBS &amp; LANSING Consulting Engineers, Inc.</b> 164 Main Street, Colchester, Vermont 05446		C-2

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Planning & Economic Development



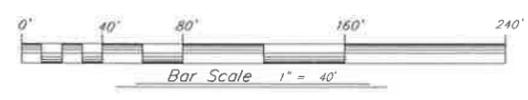
**NOTES:**

1. The topographic conditions shown on this plan are based on orthophotographic mapping by the Vermont Mapping Company.
2. This is not a boundary survey. Boundary lines are based on Tax Map information and are considered approximate.
3. This survey was made without the benefit of Dig Safe markings. The contractor shall contact Dig Safe before commencing any work.
4. This plan may be copied to the extent necessary to comply with Vermont State Laws pertaining to accessibility to public to public records. Use of these plans for construction purposes requires the permission of Krebs & Lansing Consulting Engineers.
5. These plans have been prepared for State and local review and are subject to review and approval by pertinent local and State agencies.

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**Legend**

- Existing railroad tracks
- Approximate Property Line
- 75' Setback to extraction operation
- Existing 10' Contour interval
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- Finish Grade 10' Contour Interval
- Finish Grade 2' Contour Interval
- Barrier Fence
- Silt Fence



Date revised	Description	Checked
Design	SMH	
Drawn	SMH	
Checked		
Scale	1" = 40'	
Date	January 12, 2015	
Project	1215J	
	McMullen Road	
	Milton, Vermont	

**Site Plan**

**J. & M. Sand Jenkins Sand Pit**

<p>KREBS &amp; LANSING Consulting Engineers, Inc. 164 Main Street, Colchester, Vermont 05446</p>	<p>C-3</p>
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Milton, Vermont

**GENERAL EPSC NOTES: (A)**

- Erosion prevention and sediment control (EPSC) practices shall be implemented in all areas where there is an increased risk of erosion, and where there is potential for discharge of sediment laden stormwater runoff (either direct or indirect) to a water body.
- EPSC measures shall be installed prior to any earth disturbing activities within a given drainage area.
- EPSC measures shall be installed pursuant to the construction phase stormwater discharge permit for the project, this EPSC Plan, the Vermont Standards and Specifications for Erosion Prevention and Sediment Control (2006), Vermont Erosion Prevention and Sediment Control Field Guide (2006), and any other relevant project permits.
- Permission must be granted by VT DEC prior to use of any support activities occurring outside of the approved project boundaries.

**CONSTRUCTION EPSC NOTES: (B)**

- Existing vegetation shall be protected and maintained to the extent practicable. Clearing limits shall be demarcated as required per plans.
- A vegetated buffer shall be maintained for water bodies where feasible (e.g., wetlands and streams).
- To the extent practicable, surface flow shall be diverted away from exposed soils via diversion ditches, earth dikes, perimeter dikes/swales, temporary swales, water bars, and/or check dams (see details).
- Resource areas (e.g., wetlands, streams, RTE plant species) shall be flagged prior to any construction related activities occurring within close proximity to those areas.
- Effluent from dewatering operations shall be filtered or passed through an approved sediment trapping device, or both, and discharged in a manner that does not violate water quality standards or contribute to erosion. Dewatering details shall be reviewed and approved by OSCP prior to use.
- Trench Excavation and Backfill: Subsoil and topsoil from trench excavation shall be separated and piled individually for reuse so far as possible. See construction conditions for wetland areas.  
In ledge areas, blasted rock is not suitable for trench backfill. It shall be piled in approved locations along the downgrade side of the Right-of-Way, removed to areas requested by landowner, or removed to approved offsite dump.
- Disturbed areas bordering or draining to existing roads shall have an appropriate sediment barrier (e.g., silt fence) spanning the edge of the disturbance to prevent washing of sediment onto roadways or into road ditches.
- In advance of predicted rainfall or snowmelt, all EPSC measures that are located in active areas of earth disturbance shall be inspected and repaired as needed. If necessary, this shall include temporary stabilization of all disturbed soils on the site in advance of the anticipated runoff period.
- Dust control shall be handled via water application to roadways and other areas where dust may be generated.
- Finish grading and preparation for seeding: Finish grading shall be as required to restore the disturbed area to the pre-construction condition, such as mowed lawn, cropland, pasture, wetland or forest.
- The final backfill of the pipe trench shall be crowned to allow for settling and to prevent surface runoff from following the trench. Permanent water bars shall be constructed 90 degrees to the pipe line to divert runoff from the trench area.
- In general, stones, rocks and debris shall be removed from the surface. All breaks in grade shall be well rounded. The surface shall be thoroughly raked, dropped, or otherwise mechanically smoothed. When necessary the soil shall be loosened to a 2" depth. The degree of finished grading shall be as necessary to produce a surface consistent with the surrounding area and the pre-construction condition. At a minimum, disturbed areas shall be graded with a small dozer, seeded and mulched.
- Where existing lawns or other mowed grass areas are disturbed, the friable topsoil, lime, fertilizer and seed shall be applied as necessary to bring the disturbed area to the pre-construction condition.
- Where the existing topsoil cannot be saved for reuse, supplemental topsoil shall be obtained from other sources.
- Topsoil: Topsoil shall be applied to match the original depth on lawns and other mowed grass areas. Topsoil shall be of a quality to support vigorous plant growth. It shall be a workable loam, free of refuse, roots, stones, brush, weeds or other material detrimental to plant growth. Topsoil shall not contain less than 3% organic matter, humus, by weight.
- Lime: Lime shall be applied in areas where required at the rate of 2 tons/acre or 100 lbs./1,000 sq. ft., or as necessary to bring the soil pH to 6.
- Fertilizer: Fertilizer, 10-20-20, shall be applied in areas where required at 500 lbs./acre or 11 lbs./1,000 sq. ft.
- In general, areas to be seeded shall receive the following seed mix, depending on soil conditions, applied at the minimum rate, pounds per acre, indicated.

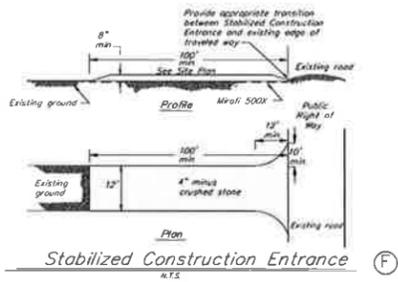
SEED	WT/PACE	RECOMMENDED VARIETY
Tall Fescue	50 lbs	Ky 31
Creeping Red Fescue	54 lbs	Pennlawn, Watergreen, Ensigne
Crown Vetch	6 lbs	Pennkill, Chemung
Annual Rye	30 lbs	
Perennial Rye	20 lbs	
White Clover	20 lbs	
Kentucky Bluegrass	20 lbs	
Total 200 lbs per acre		

After October 1st the area of any earthwork disturbance shall be kept to a minimum.

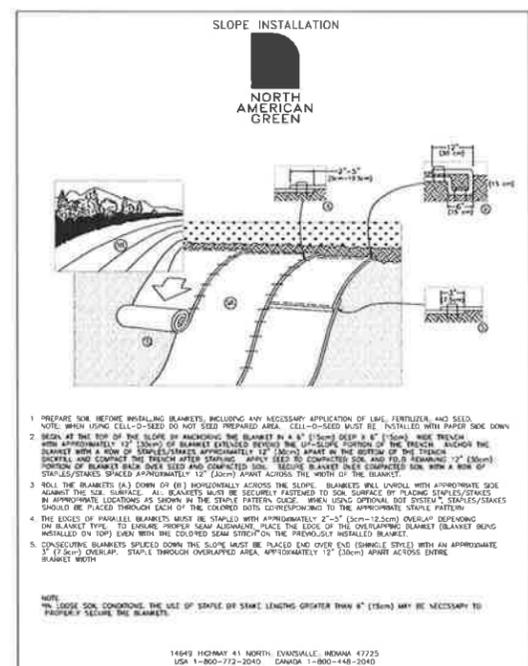
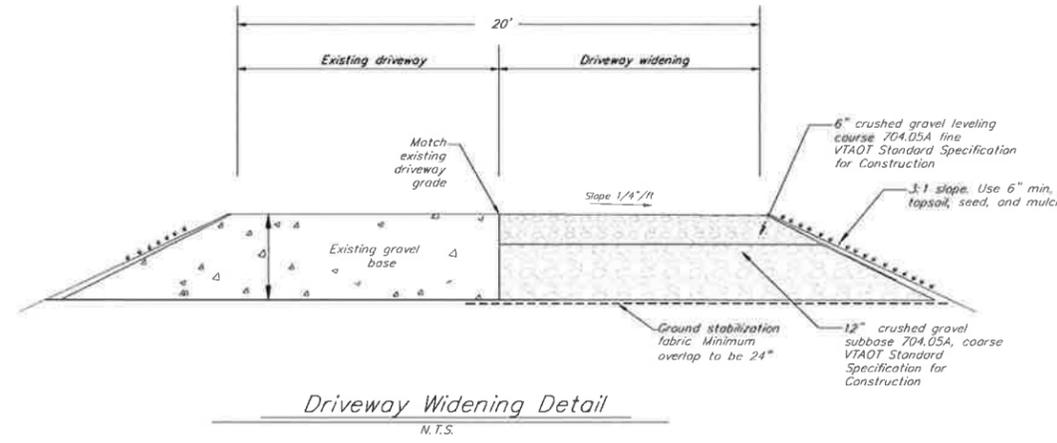
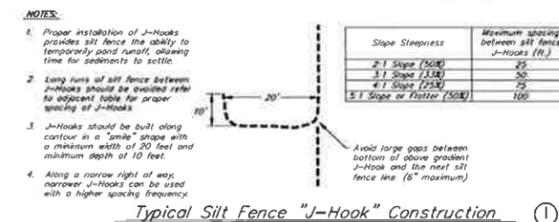
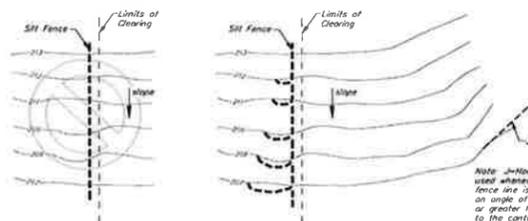
- Mulch: Application of mulch hay shall immediately follow seeding operations, and in no case greater than 24 hours later. Use of mulch and type of mulch used shall be approved by landowner. Mulch shall be applied at the rate of 2 tons/acre, or a uniform 2" to 3" depth. Mulch shall be secured in wind swept areas and on slopes by the trow and peg method, netting, tracking with a dozer, disk harrow, or other approved means. In wind swept areas or on slopes, "North American Green S-75" or equal erosion control blanket, installed in accordance with the manufacturer's instructions, may be substituted for the mulch.
- Mulch hay shall consist of mowed and properly cured grass or legume mowing, reasonably free from swamp grass, weeds, twigs, debris or other deleterious material. It shall be free from rot or mold.
- Erosion Control Blanket: Erosion control blanket, "North American Green S75BN" or approved equal shall be installed on disturbed road side embankments, disturbed steep slopes, and adjacent to waterways and other critical areas. Erosion control blanket shall be installed in accordance with the manufacturer's written instructions.
- Erosion Control Channel Lining: Erosion control channel liner, "North American Green C125" or approved equal shall be installed on steep water course banks, adjacent slopes and where indicated in intermittent water courses and ditches. Erosion Control Channel Lining shall be installed in accordance with manufacturer's written instructions.

**TEMPORARY AND FINAL STABILIZATION NOTES: (E)**

- All areas of earth disturbance associated with this project must be stabilized within 14 days of initial disturbance. After this initial 14-day period all earth disturbance areas associated must be stabilized on a daily basis, with the following exceptions:
  - Stabilization is not required if work is to continue within the area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
  - Stabilization is not required if the work is occurring in a self-contained excavation (i.e., no outlet for stormwater) with a depth of 2 feet or greater (e.g., underground line installation).
  - The maximum area of earth disturbance at any one time shall not exceed 5 acres.
- Soil stabilization shall be achieved by seed and mulch (see details), hydeseeding with mulch tackifier, sod, stone, and/or rated erosion control products (e.g., erosion control blanket; see detail). Mulch shall be comprised of straw, hay, compost, woodchips, wood stump grindings, and/or erosion control mix (see detail). Tracked in mulch (See Detail Sheet D-4) can be useful for areas with repeated disturbance.
- Appropriate seed mix shall be applied to designated areas per this EPSC Plan and seed specifications (see details). For an area to be stabilized for winter by vegetated cover, seeding must be completed by September 15.
- Areas to be stabilized for winter that do not have established vegetation by October 15 shall be stabilized by anchored mulch of the winter application rate, or after approved stabilization measures (e.g., rolled erosion control product; see detail). Dormant seeding with Winter Rye is recommended (see detail).
- All temporary EPSC measures shall be removed within 30 days after final site stabilization or after the temporary EPSC measures are no longer needed, unless otherwise authorized and approved in writing by the Owner.
- Following temporary or permanent stabilization, maintenance shall be performed as necessary to ensure continued stabilization until project completion.
- Except as noted below, all areas of disturbance shall be seeded and stabilized with EPSC measures (e.g., mulch, erosion control mix, rock rip rap, or rolled erosion control product), including areas where construction has been suspended or sections completed. The following shall also apply:
  - Stabilized construction entrances shall be maintained to control equipment and vehicles from tracking material off site.
  - Permanent seeding shall only be undertaken in the spring season from April through May and in late summer and early fall until September 15; summer planting may be conducted if adequate watering is provided. During the peak summer months and in the fall after September 15, an appropriate temporary stabilization shall be implemented. Temporary summer planting may suffice for permanent seeding if adequate natural rainfall allows for vigorous growth during the mid summer period.
  - Temporary sediment trapping devices (e.g., silt fence) shall not be removed until permanent stabilization is established in all contributory drainage areas.



- Notes:**
- Contractor shall stabilize construction entrance as required to prevent tracking of sediment off-site.
  - Contractor to use M-5000 under stone for temporary construction roads.
  - Crushed stone shall be added or replaced when 80% of the voids are filled with sediment.
  - Stone size shall be 1-4".
  - All surface water flowing or diverted toward construction entrance shall be piped beneath entrance. If piping is impractical, a mountable berm with 5:1 slopes is allowed.
  - The entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way, oil sediment spilled, dropped, washed or tracked onto public rights-of-way must be removed immediately.



**Erosion Control Blanket (P)**  
North American Green S75BN

**Material Specifications**  
Erosion control blanket shall be a machine-produced mat of 100% agricultural straw.

The blanket shall be of consistent thickness with the straw evenly distributed over the entire area of the mat. The blanket shall be covered on the top side with 100% biodegradable natural organic fiber netting having an approximate 1/2" x 1" mesh and be sewn together with biodegradable thread.

Straw erosion control blanket shall be S75BN as manufactured by North American Green, Inc. (812-867-6632) or equivalent. Erosion control blanket shall have the following properties:

Installed as per manufacturer's specifications.

**Material Content**

Straw	100%	(50 lbs./sq.yd.) (27 kg/m <sup>2</sup> )
Netting	One side only, Long Woven 100%	biodegradable natural organic fiber
Thread	Biodegradable	

**Physical Specifications (Roll)**

Width	6.67 feet (2.03m)
Length	108 feet (32.92m)
Weight	46.4 lbs +/- 10% (21.05 kg)
Area	80 sq. yds. (50m <sup>2</sup> )

**North American Green C125**  
**Material Specifications**

Erosion control blanket shall be a machine-produced mat of 70% agricultural straw and 30% coconut fiber matrix.

The blanket shall be of consistent thickness with an even distribution of straw and coconut. The blanket shall be covered on both the top and bottom with 100% biodegradable natural organic fiber netting having an approximate 1/2" x 1" mesh and be sewn together with biodegradable thread.

Straw/Coconut erosion control blanket shall be C125 as manufactured by North American Green, Inc. (812-867-6632) or equivalent.

Installed as per manufacturer's specifications.

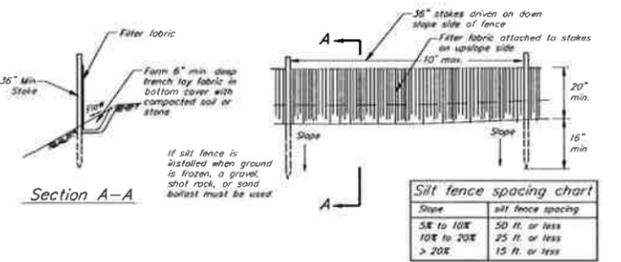
**Material Content**

Matrix	70% straw fiber	(.35 lbs./sq.yd.) (19 kg/m <sup>2</sup> )
	30% coconut fiber	(.15 lbs./sq.yd.) (7.08 kg/m <sup>2</sup> )
Netting	Two sides, Long Woven 100%	biodegradable natural organic fiber
Thread	Biodegradable	

**Physical Specifications (Roll)**

Width	6.67 feet (2.03m)
Length	108 feet (32.92m)
Weight	52.22 lbs +/- 10% (26.69 kg)
Area	80 sq. yds. (56.6m <sup>2</sup> )

**Erosion Control Blanket (K)**  
N.T.S.



**Typical Temporary Silt Fence (H)**  
N.T.S.

Date revised	Description	Checked
Design	SWH	
Drawn	SWH	
Checked		
Scale	n.t.s.	
Date	Jan. 12, 2015	

**Site & Erosion Control Details**

**J. & M. Sand Jenkins Sand Pit**

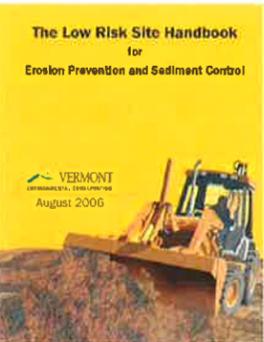
Project 12153 McMillen Road Milton, Vermont

KREBS & LANSING Consulting Engineers, Inc.  
164 Main Street, Colchester, Vermont 05446

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Milton, Vermont



**The Low Risk Site Handbook for Erosion Prevention and Sediment Control**

Any construction activity that disturbs the soil or more acres of land or a part of a larger development plan that will disturb 1.0 or more acres, requires a Vermont state permit for sediment discharge from construction sites.

Consult an General Permit, 3-9020 guides via signposts in the determination of the permit. All projects to water quality from the construction activity and categories of the permit are: Low Risk, Moderate Risk, or High Risk as per the Vermont State Permit.

The standards in this handbook follow the Vermont Erosion Prevention and Sediment Control Plan for construction activities determined to be Low Risk under 03-340-000.

**Contact Information**  
 VT DEC Water Quality Division  
 Stormwater Section  
 103 South Main Street, 3rd Floor North  
 Waterbury, VT 05671-0108  
 Tel: 802-241-3170 or 1-800-241-3170  
 www.vermont.gov/permits

**How to Install**

**Back Slope:** Install a row of 1.5x4.4 inch stakes.  
**Depth:** 8 inches in minimum.  
**Width:** 12 feet minimum.  
**Length:** 40 feet minimum (or length of contour, if slope is steep).  
**Access:** 15-foot wide cut under and a gravel bed.  
**Maintenance:** Process with clean stone or aggregate to keep sediment from backing onto the slope.



**How to Install**

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Example Site Inspection Form	Y	N	NA
<b>1. Sediment Barriers</b>			
• Are they in place and in good condition?			
• Are they installed according to the permit?			
<b>2. Disturbance Areas</b>			
• Are they protected by sediment control?			
<b>3. Check Slopes</b>			
• Are they protected by sediment control?			
• Are they protected by sediment control?			
<b>4. Stabilize Exposed Soil</b>			
• Are they protected by sediment control?			
• Are they protected by sediment control?			
<b>5. Winter Stabilization</b>			
• Are they protected by sediment control?			
• Are they protected by sediment control?			
<b>6. Dewatering Activities</b>			
• Are they protected by sediment control?			
• Are they protected by sediment control?			
<b>7. Inspect Your Site</b>			
• Are they protected by sediment control?			
• Are they protected by sediment control?			

**Section 3 Additional Resources**

How to calculate slope:  $\text{Slope Rate} = \frac{\text{Vertical Rise}}{\text{Horizontal Run}} \times 100\%$

**Appropriate Slope Determination**

Slope	Stake	Stake	Stake	Stake
0-10%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
10-15%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
15-20%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
20-25%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
25-30%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
30-35%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
35-40%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
40-45%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
45-50%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
50-55%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
55-60%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
60-65%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
65-70%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
70-75%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
75-80%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
80-85%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
85-90%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
90-95%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
95-100%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4

**Table of Contents**

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**Section 1 Introduction**

**What is erosion prevention and sediment control?**

Sediment is a natural byproduct of erosion. Sediment control is a series of practices that prevent erosion and sediment from leaving a construction site.

**Do I need a permit?**

Any construction activity that disturbs 1.0 or more acres of land or a part of a larger development plan that will disturb 1.0 or more acres, requires a Vermont state permit for sediment discharge from construction sites.

**Section 2 The Requirements**

**1. Mark Site Boundaries**

**Purpose:** Mark the site boundaries to identify the limits of construction. Confirming your site will help you determine the extent of your permit.

**Requirements:** Mark the site boundaries with stakes and string. The stakes should be placed at least 50 feet from the site boundaries.



**How to comply:** Before beginning construction, mark the site boundaries with stakes and string. The stakes should be placed at least 50 feet from the site boundaries.

**2. Limit Disturbance Area**

**Purpose:** Limit the area of soil exposed to erosion to the minimum amount possible.

**Requirements:** The disturbed area should be limited to the minimum amount possible. The area should be stabilized as soon as possible.



**3. Stabilize Construction Entrance**

**Purpose:** A stabilized construction entrance helps prevent soil from being tracked onto adjacent roads.

**Requirements:** The entrance should be stabilized with a gravel bed and stakes. The gravel bed should be at least 15 feet wide and 8 inches deep.

**4. Install Silt Fence**

**Purpose:** Silt fences are used to filter sediment from runoff before it leaves the site.

**Requirements:** Silt fences must be installed on the down-slope side of the disturbance area. They should be made of clean, washed aggregate.



**Where to place:** Silt fences should be placed on the down-slope side of the disturbance area. They should be placed at least 10 feet from the edge of the disturbance area.

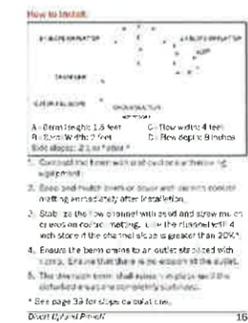


**How to comply:** Silt fences should be placed on the down-slope side of the disturbance area. They should be placed at least 10 feet from the edge of the disturbance area.

**7. Construct Permanent Controls**

**Purpose:** Permanent stormwater treatment practices are used to filter sediment from runoff before it enters water bodies.

**Requirements:** Permanent stormwater treatment practices should be installed on the down-slope side of the disturbance area. They should be installed at least 10 feet from the edge of the disturbance area.



**8. Stabilize Exposed Soil**

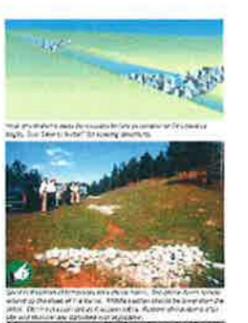
**Purpose:** Stabilizing exposed soil helps prevent erosion and sediment from leaving the site.

**Requirements:** Exposed soil should be stabilized with a gravel bed and stakes. The gravel bed should be at least 15 feet wide and 8 inches deep.

**5. Slow Down Channelized Runoff**

**Purpose:** Slow down channelized runoff to prevent erosion and sediment from leaving the site.

**Requirements:** Channelized runoff should be slowed down using a gravel bed and stakes. The gravel bed should be at least 15 feet wide and 8 inches deep.



**How to comply:** Channelized runoff should be slowed down using a gravel bed and stakes. The gravel bed should be at least 15 feet wide and 8 inches deep.



**How to comply:** Channelized runoff should be slowed down using a gravel bed and stakes. The gravel bed should be at least 15 feet wide and 8 inches deep.

**10. Stabilize Soil at Final Grade**

**Purpose:** Stabilizing soil at final grade helps prevent erosion and sediment from leaving the site.

**Requirements:** Soil at final grade should be stabilized with a gravel bed and stakes. The gravel bed should be at least 15 feet wide and 8 inches deep.



**12. Dewatering Activities**

**Purpose:** Dewatering activities help prevent erosion and sediment from leaving the site.

**Requirements:** Dewatering activities should be performed in a way that prevents erosion and sediment from leaving the site.

**6. Winter Stabilization**

**Purpose:** Winter stabilization helps prevent erosion and sediment from leaving the site during winter months.

**Requirements:** Winter stabilization should be performed using a gravel bed and stakes. The gravel bed should be at least 15 feet wide and 8 inches deep.



**How to comply:** Winter stabilization should be performed using a gravel bed and stakes. The gravel bed should be at least 15 feet wide and 8 inches deep.



**How to comply:** Winter stabilization should be performed using a gravel bed and stakes. The gravel bed should be at least 15 feet wide and 8 inches deep.

**11. Inspect Your Site**

**Purpose:** Inspecting your site helps ensure that erosion prevention and sediment control measures are working properly.

**Requirements:** Your site should be inspected regularly to ensure that erosion prevention and sediment control measures are working properly.



**How to comply:** Your site should be inspected regularly to ensure that erosion prevention and sediment control measures are working properly.

**Additional Resources**

How to calculate slope:  $\text{Slope Rate} = \frac{\text{Vertical Rise}}{\text{Horizontal Run}} \times 100\%$

**Appropriate Slope Determination**

Slope	Stake	Stake	Stake	Stake
0-10%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
10-15%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
15-20%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
20-25%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
25-30%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
30-35%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
35-40%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
40-45%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
45-50%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
50-55%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
55-60%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
60-65%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
65-70%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
70-75%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
75-80%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
80-85%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
85-90%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
90-95%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
95-100%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4

**Additional Resources**

How to calculate slope:  $\text{Slope Rate} = \frac{\text{Vertical Rise}}{\text{Horizontal Run}} \times 100\%$

**Appropriate Slope Determination**

Slope	Stake	Stake	Stake	Stake
0-10%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
10-15%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
15-20%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
20-25%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
25-30%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
30-35%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
35-40%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
40-45%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
45-50%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
50-55%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
55-60%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
60-65%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
65-70%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
70-75%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
75-80%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
80-85%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
85-90%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
90-95%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
95-100%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4

**Additional Resources**

How to calculate slope:  $\text{Slope Rate} = \frac{\text{Vertical Rise}}{\text{Horizontal Run}} \times 100\%$

**Appropriate Slope Determination**

Slope	Stake	Stake	Stake	Stake
0-10%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
10-15%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
15-20%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
20-25%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
25-30%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
30-35%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
35-40%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
40-45%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
45-50%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
50-55%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
55-60%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
60-65%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
65-70%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
70-75%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
75-80%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
80-85%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
85-90%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
90-95%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
95-100%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4

**Additional Resources**

How to calculate slope:  $\text{Slope Rate} = \frac{\text{Vertical Rise}}{\text{Horizontal Run}} \times 100\%$

**Appropriate Slope Determination**

Slope	Stake	Stake	Stake	Stake
0-10%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
10-15%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
15-20%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
20-25%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
25-30%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
30-35%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
35-40%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
40-45%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
45-50%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
50-55%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
55-60%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
60-65%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
65-70%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
70-75%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
75-80%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
80-85%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
85-90%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
90-95%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4
95-100%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4

**Additional Resources**

How to calculate slope:  $\text{Slope Rate} = \frac{\text{Vertical Rise}}{\text{Horizontal Run}} \times 100\%$

**Appropriate Slope Determination**

Slope	Stake	Stake	Stake	Stake
0-10%	1.5x4.4	1.5x4.4	1.5x4.4	1.5x4.4



### **PROJECT SUMMARY AND INTRODUCTION**

**Comments:** Jacob Hemmerick, Town Planner; and Amanda Pitts, Zoning Administrator, herein referred to as staff, have reviewed the plan submitted and have the following comments.

**Application & Applicant:** The application for Sketch Plan approval for a proposed Industrial Planned Unit Development (PUD-I) was submitted by Camp Holding, LLC on January 26, 2015 and deemed complete by Planning Staff. A copy of the application is available for public inspection at the Planning & Economic Development Office.

**Ownership:** The subject properties are owned by Camp Holding, LLC and Bellavance Properties, LLC the deeds of ownership is recorded in the Town's Land Records in volume Volume 325, Page 418 and Volume 413, 491, respectively.

**Notice/Warning:** Public notice was issued by the Department of Planning and Economic Development for the February 26, 2015 hearing according to Vermont Statutes Annotated Chapter 24 §4464. Abutting property owners notified include: GFA Realty, T&M Realty LLC, Gary and Linda King, Dorothy and Kenneth Babin, John and Joyce McCutcheon, Cobble Hill Property Management LLP, Bay State Realty LLC, and Earl and Ann Long.

**Applicable Regulations:** The application is subject to and reviewed according to the Town of Milton Zoning Regulations (ZR) last amended on January 5, 2015 (approved by the Milton Selectboard on December 16, 2014), the purposes of which are stated in Section 100. This application is also subject to the Town of Milton Subdivision Regulations (SR), last amended on June 28, 2010, the purposes of which are stated in SR120.

**Location:** The subject property is located at 78 Precast Road and 63 Catamount Drive and is shown on Milton's Tax Map 3 as Parcel 20 and 20-1 as well Tax Map 3, Parcel 8-22. The corresponding School Parcel Account Numbers (SPAN) are 10583,10582, and 10664.

**Size/Area:** According to the evidence presented, the total area of the four existing lots is approximately 33.09 acres. Milton's Grand List shows the total area as 30.8 acres. The area to be included in the PUD is 24.21 acres.

**Zoning District:** The subject property is located within the General Industrial (I-2) Zoning District described on the Town of Milton Zoning Map on record and display at the Municipal Offices and available on the Town's website.

**Existing Conditions & Use:** The subject area is comprised of four lots, three of which are current developed with the Camp manufacturing facility with outdoor storage. The fourth lot hosts an industrial/commercial use in the Catamount Industrial Park and is not part of the PUD, but is part of the subdivision.

**DRB History:** Prior Decisions for the subject properties are maintained in the Planning Department's records and are available for public inspection. These will undergo review by staff prior to Final to ensure that unpermitted site alterations that are inconsistent with the Regulations and depicted in the existing conditions plan are not formalized through this application.

**Disclosed Restrictions or Covenants:** The application form states the following restrictions depicted on the plans:

- a. VT Gas Systems Utility Easement

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- b. GBIC Access Easement
- c. T-Mobile Lease and Easement

**Proposed Development & Use:** The Applicant is requesting PUD-I Sketch Plan approval for the addition of a 14,400 square foot precast concrete fabrication building and a 6,000 square foot office building to the existing Camp Precast facility. The subdivision would include the dissolution of three boundary lines among four lots and the creation of two new boundary lines, resulting in three lots, shown as Lot 1, Lot 2, and Lot 22 on the plans. Lot 2, as proposed, would assume approximate 59,107 square feet from Lot 22. The PUD is proposed to be comprised of Lots 1 and 2. Lot 1 is proposed to contain the existing telecommunications facility and Lot 2 is proposed to contain the Camp Precast manufacturing facility's existing and proposed fabrication and office facility. Lot 22 is not proposed as part of the PUD, but is included in the subdivision in order to transfer land to the PUD.

### **APPLICATION CLASSIFICATION**

**Zoning Regulation Applicability:** 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.

**Classification as a PUD:** ZR1110 defines a PUD as follows:

The development of one or more lots, involving one or multiple owners, with multiple USES in one or more BUILDINGS on the lot or lots; the plan of which may not correspond to the area, density or dimensional requirements or allowable number of STRUCTURES and USES per lot as established in any one or more ZONING DISTRICTS.

The proposal includes the development of one or more lots, multiples uses, in multiples buildings on the lot or lots.

ZR850 states:

The following categories of PUDs may be permitted in all ZONING DISTRICTS in which such development is identified as a permitted USE, as authorized in Articles II and III. Each category may have unique purposes and requirements, as set forth below in this article. The categories are:

- Planned Unit Development – Industrial (PUD-I);
- Planned Unit Development – Commercial (PUD-C)
- Planned Unit Development – MIXED USE (PUD-M)
- Planned Unit Development – Residential (PUD-R)

**Classification as PUD-I:** ZR854 groups PUD-I and PUD-C into a single category and neither is defined by the Regulations, although these are always listed as distinct uses within the district dimensional requirements. The basis for the category is that they are PUDs that do not include residential uses. The proposed uses within the PUD do not include a residential use, therefore the proposal is a PUD-I/C.

**PUD Major/Minor Subdivision Classification:** ZR852.1 states that "PUDs shall be considered a minor subdivision when the proposed total number of units is six or less; the proposal shall be considered a major subdivision when the total number of units is seven or more." The proposed units for this PUD are lots. 2 lots are proposed. The proposal is therefore a minor PUD, requiring no preliminary review."

**PUD Sketch Review:** ZR852.2 states:

All PUDs shall be required to undergo Sketch Plan Review and obtain a special conceptual approval from the Development Review Board prior to pursuing subdivision approval in accordance with the Milton Subdivision Regulations. PUDs, regardless of their type, shall be granted only when the Development Review Board finds that the project conforms with the purposes of this provision, as identified in Section 850 herein.

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

**Re-Subdivision Classification:** SR200.10 defines "resubdivision" as follows:

Any change to 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 of the Town of Milton.

SR200.13 defines "subidivision" to include "amended subdivisions and resubdivision".

Because this application requires boundary changes precedent to but conditional upon PUD approval, the project also meets the definition of a Boundary Line Adjustment (or re-subdivision).

**Application Classification Conclusion:** The application, therefore, requires PUD-I Sketch Plan review according to Zoning Regulation Section 850 (Planned Unit Developments), the referenced provisions therein, all other applicable provisions Zoning Regulations; as well as Minor Conventional Subdivision Review for the adjustment of boundary lines precedent to but conditional upon PUD approval.

1. In order to transfer land from Lot 22 to Lot 2, the minor PUD-I/C Final Plan application shall also include a Boundary Line Adjustment application and undergo concurrent with the Final Plan application; the BLA shall require a separate plat to be recorded prior to the PUD plat.

### **ZONING DISTRICT REGULATIONS**

**Zoning District:** The subject property is located within the "General Industrial" (I2) Zoning District. The purpose of this District according to ZR391 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.

**Zoning District Permitted & Conditional Uses:** No change is proposed to the existing use on Lot 22. The proposed use for Lots 1 and 2 is a PUD-I/C.

**Zoning District Dimensional Requirements:** ZR150 states:

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

The I2 Zoning District defines required dimensional requirements in ZR394. The table below shows the existing and proposed dimensional requirements. These requirements are subject to the general standards outlined in ZR160 and ZR550.

**Proposed Lot 1**

I-2 Dimensional Requirements ZR394	Required	Proposed
Minimum LOT AREA (sq. ft.)	100,000	105,095
Minimum Road FRONTAGE (linear ft.)	200	275
Minimum FRONT SETBACK (linear ft.)	50	275
Minimum SIDE SETBACK (linear ft.)	35	130
Minimum REAR SETBACK (linear ft.)	35	130
Maximum BUILDING COVERAGE	n/a	N/A
Maximum LOT COVERAGE (%)	75	6.2
Height Maximum (ft) (ZR560)	35	121

The proposed lot has an existing telecommunication tower 121 feet in height, which the applicant reports was approved by the DRB in 2009.

With the exception of an existing structure's height, the proposal for Lot 1 meets the standards established by ZR394.

**Proposed Lot 2**

I-2 Dimensional Requirements ZR394	Required	Proposed
Minimum LOT AREA (sq. ft.)	100,000	947,483
Minimum Road FRONTAGE (linear ft.)	200	1,714
Minimum FRONT SETBACK (linear ft.)	50	50
Minimum SIDE SETBACK (linear ft.)	35	173
Minimum REAR SETBACK (linear ft.)	35	198
Maximum BUILDING COVERAGE	n/a	n/a
Maximum LOT COVERAGE (%)	75	72.1
Height Maximum (ft) (ZR560)	35	67

The proposed lot has an existing silo and batch plant 67 feet in height that the applicant reports was approved by the DRB in 1987 and 2006. The applicant proposed to retain both non-conforming structures and requests approval for three additional batch plant silos 55 feet in height. The applicant requests a waiver according to ZR852.6 from the height restriction.

With the exception of an existing and proposed height, the proposal for Lot 1 meets the

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standards established by ZR394.

Since the applicant is approaching the maximum lot coverage, it's worth pointing out how that is calculated to ensure future compliance:

ZR1100 defines LOT COVERAGE as follows:

That part or percent of a lot occupied by buildings, STRUCTURES, including accessory buildings, driveways, parking areas, sidewalks, alternative transportation paths, vehicle travel lanes, overhead canopies above unpaved areas, utility facilities, storage tanks for commercial use, and designated storage areas including storage areas for boats, trailers, or other vehicles. For the purposes of these regulations, lot coverage does not include private septic systems or wells. Additionally, lot coverage does not include aboveground public infrastructure located within easements across private property. Lot coverage applies to all uses other than single-family, duplex and three-unit residences

ZR1100 defines a STRUCTURE as follows:

Anything constructed or erected, the use of which requires location on or within the ground or attachment to something having location on or within the ground. For the purposes of these regulations, MOBILE/MANUFACTURED HOMES shall be considered STRUCTURES. For the purposes of these regulations, a driveway, parking area, sidewalk or bicycle path, sign, bicycle rack, recreational vehicle, trailer or other vehicle on wheels not regularly used for the manufactured purpose, private septic system or well is not considered a structure. For the definition of STRUCTURE in the Special Flood Hazard Area, see Appendix A, Section X1.

2. The final plans shall show and label all existing structures to be retained or removed as well as proposed structures.

**Proposed Lot 22**

I-2 Dimensional Requirements ZR394	Required	Proposed
Minimum LOT AREA (sq. ft.)	100,000	332,110
Minimum Road FRONTAGE (linear ft.)	200	195.5
Minimum FRONT SETBACK (linear ft.)	50	404
Minimum SIDE SETBACK (linear ft.)	35	35
Minimum REAR SETBACK (linear ft.)	35	397
Maximum BUILDING COVERAGE	n/a	n/a
Maximum LOT COVERAGE (%)	75%	69.6
Height Maximum (ft) (ZR560)	35	<35

Lot 22, as proposed, does not meet the fully meet the dimensional requirements of the district, but the proposed boundary adjustment does not impact the road frontage.

The Applicant does not propose to make any non-compliance greater than what has already been approved.

**PUD REVIEW, ZR850**

**Uses within the PUD:** ZR850 states that PUDs may be permitted in all ZONING DISTRICTS in

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which such development is identified as a permitted USE. A PUD-I/C is a permitted use in the I-2 District (per ZR392).

**PUD Basis For Approval:** ZR850 states the basis upon which the DRB may approve a PUD.

No PLANNED UNIT DEVELOPMENT will be approved by the Development Review Board until the applicant has demonstrated complete compliance with the intentions and requirements of this Section [850] and the Town of Milton's Comprehensive Plan.

**PUD Purpose:** ZR 850 states:

The purpose of PLANNED UNIT DEVELOPMENTS is to provide for flexibility in site and lot layout, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the Comprehensive Plan and bylaws; conservation of OPEN SPACE; efficient use of public facilities and services; to encourage energy efficient development and to meet the purposes, goals and objectives of the Milton Comprehensive Plan.

**PUD Application Requirements, ZR851**

**PUD Application Requirements, Subdivision & Site Plan Review:** ZR851.1 states:

An application for a PLANNED UNIT DEVELOPMENT shall include all elements required for a subdivision under the Milton Subdivision Regulations and all elements required under Section 800 Site Plan Review of the Milton Zoning Regulations, except as noted.

**Minor Subdivision Sketch Plan Application Requirements, SR Article III**

It has been established above that this application is subject minor conventional subdivision review.

**Submittal of Sketch Application:** SR 300 lists 10 application requirements, all of which have been met by the applicant.

**Attendance Requirements:** SR310 requires that the subdivider, or an authorized representative attend the hearing.

**Classification:** SR320 requires that the DRB classify the subdivision as minor major.

**Basis for Sketch Approval:** SR330 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.

**Effect of Sketch Approval:** SR340 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."

**Return to PUD Application Requirements, ZR851**

**PUD Application Requirements, PUD Survey:** ZR851.2 requires a survey unless waived by the DRB according to this section because the project does not involve subdivision. This application meets the definition of subdivision above, and will therefore require at least one survey.

**PUD Application Requirements, PUD Undevelopable Land:** ZR851.3 requires the plan to identify undevelopable lands due to environmental limitations. The engineer attests that there are no undevelopable lands, as defined by this section, on the subject property.

**PUD Application Requirements, PUD Open Fields, Woods, Agricultural Lands:** ZR851.4 requires the plan to identify open fields wooded areas and prime and statewide agricultural land. Comprehensive Plan Map 7 shows that the site hosts Statewide agricultural land. The goal for the I-2 District is principally industrial, although ZR391 states:

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.

3. The final plans shall show all features required by ZR851.4.

**PUD Application Requirements, PUD Main Elements:** ZR851.5 states:

The Subdivision Plan shall include all proposed lot lines, BUILDABLE ENVELOPES, the location, HEIGHT and space of all existing and proposed buildings, OPEN SPACE, landscaping, streets, driveways and off-street parking spaces and all other physical features. Elevations prepared by an architect or landscape architect shall depict the relationship of buildings, landscaping and parking areas.

The requirement is mostly met, but open space is not delineated. This is addressed below.

**PUD Application Requirements, PUD Narrative:** ZR851.6 requires narrative responses to questions within this section. The narrative is **ATTACHED**, but does not address the specific items for PUD-I/Cs, addressed in more detail below.

**PUD Requests for Waivers:** ZR851.7 states that request for waivers their justifications shall be submitted in writing by the applicant for consideration by the DRB. The applicant has asked for a height waiver, which the DRB is authorized to grant according to 852.6.

**PUD Site Plan & Markers:** ZR851.8 & ZR851.9 requires a site visit and provides instruction on how to mark the site.

4. A site visit shall be scheduled prior to the DRB's final hearing, if approved.

**PUD General Standards, ZR852**

**PUD Subdivision Review:** ZR852.1 and 852.2 outlines the subdivision process already addressed above and adds:

The Development Review Board reserves the right, however to require additional supporting information from applicants as would typically be required if the application

was being reviewed in accordance with the Milton Subdivision Regulations (e.g., traffic studies, drainage plans).

## **SUBDIVISION REVIEW**

### **Subdivision Planning Standards, SR Article VII**

**Standards of Evaluation:** SR700 identifies standards for evaluation for approval of any subdivision

- 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

5. The final application shall include responses to the standards established by Section 700.

### **Required Improvements and Design Standards, SR Article VIII**

**Streets:** SR800 outlines standards for streets proposed as part of a subdivision. No streets are proposed.

**Curbs, Sidewalks:** SR810.1 states that the DRB may require curbs and sidewalks may be required when deemed appropriate by the DRB. At this time, staff does not see the need for curbs or sidewalks.

**Pedestrian Access:** SR810.2 states, "The DRB may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat." The Comprehensive Plan's Map 11 identifies a proposed pathway on the western boundary of the proposed PUD.

6. The final plans shall show a conceptual easement to the Town of Milton for a recreational path, as called for by the Comprehensive Plan Map 11, for review by the TAC and consideration by the DRB at final.

**Outdoor Lighting:** SR820 allows the DRB to require lighting where appropriate to illuminate streets, sidewalks and parking areas. The site plan application requires a lighting plan be provided. This can be reviewed in further detail at final.

**Shade Trees:** SR830 allows the DRB to require shade trees. Staff finds that the Precast road streetscape could be improved by the installation of street trees, but finds that this can be better evaluated at final.

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**Drainage:** SR840 requires a drainage plan. The plans show no changes to existing drainage, which directs most flow off site. The existing method for handling drainage with increased development will undergo greater scrutiny at final.

**Water System:** SR850 lists water provision criteria. The PUD is proposed to be served by an existing well on Lot 1. The DRB can require that the applicant connect to municipal water.

**Sewage Disposal:** SR860 lists sewer provision criteria. The PUD is proposed to be served by an septic. It is unclear if it is existing for proposed. The DRB can require that the applicant connect to municipal sewer.

7. The final plans shall indicate existing and proposed septic.

**Utilities:** SR870 allows the DRB to ensure that easement of sufficient width are provided to serve the subdivision and anticipated development outside the subdivision.

8. The applicant and DRB should discuss if a water service easement from Lot 1 to Lot 2 across Lot 1 is merited.

**Layout:** SR880 allows the DRB to consider the layout of the PUD and states the Lots shall conform to the Town's Zoning regulations. Staff finds that the lots are well-designed, and, as shown above, consistent with the Town's Zoning Regulations.

**Subdivision Waivers:** SR930 allows the DRB to waive provisions of the SR according to the criteria established.

**Final Plat Submission:**

9. 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.

***Return to PUD General Standards, ZR852***

**PUD Site Plan Review:** ZR852.3 states that all PLANNED UNIT DEVELOPMENTS shall be subject to Site Plan Review in accordance with Section 800 of these regulations.

11. The final plan application shall also include a site plan application, including all requirements listed in ZR800.

**Uses Within PUD:** ZR852.4 states:

PLANNED UNIT DEVELOPMENTS may contain any combination of permitted and CONDITIONAL USEs, and uses that do not differ substantially from the permitted and CONDITIONAL USEs within the ZONING DISTRICT in which it is located. If the proposed PLANNED UNIT DEVELOPMENT contains CONDITIONAL USEs, CONDITIONAL USE approval will be required by the Development Review Board. PLANNED UNIT DEVELOPMENTS may be within one or more STRUCTURES on a singular lot, except as noted in this section. To allow for consolidated appeals and to expedite the permitting process site plan and conditional use review may be conducted concurrently with the process for final subdivision approval, as long as the notice, hearing

and decision requirements are issued simultaneously.

The uses proposed within the PUD are unclear at the time, but observable existing uses include telecommunication facilities, manufacturing and associated retail sales, outdoor storage, and activities that could meet the definition of a recycling yard.

12. The applicant shall state the permitted and conditional uses, as listed in ZR392 and 393, that are proposed in the PUD, and the final plan application shall designate all uses and their locations on the site.

***Information on Outdoor Storage, Screening, Junk, and Junk Motor Vehicles***

One of the purposes of the I2 district is to allow OUTDOOR STORAGE, and uses are defined by the Zoning Regulations in ZR1100. The definition for OUTDOOR STORAGE is, "The storage of materials, screened from view in other than a completely ENCLOSED STRUCTURE"

ENCLOSED STRUCTURE is defined as, "Located entirely within a STRUCTURE."

This means that any outdoor storage must be screened from view or within an enclosed structure. Additionally, the application should pay attention to junk and junk motor vehicles.

The definition of a RECYCLING YARD is listed below and subject to special Conditional Use approval as outlined in ZR900:

Any place of OUTDOOR STORAGE or deposit which is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling JUNK or as a scrap metal processing facility. "RECYCLING YARD" also means any place of OUTDOOR STORAGE or deposit, not in connection with a business, which is maintained or used for storing or keeping four (4) or more JUNK MOTOR VEHICLES which are visible from any portion of a public highway or adjacent property. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than ninety (90) days for inspection or repairs. It further does not mean a bottle redemption center or bottle deposit center.

JUNK is defined as, "Any scrap copper, brass, iron, steel and other scrap or nonferrous material, including but not limited to rope, rags, batteries, glass, plastic, fiberglass, rubber debris, waste, trash or any dismantled, wrecked, scrapped or ruined motor vehicles or parts thereof. "

JUNK MOTOR VEHICLES is defined as, "A discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof, or one other than an on-premise utility vehicle which is allowed to remain unregistered for a period of ninety (90) days from the date of discovery."

Without an approved recycling yard use, ZR710 limits the applicant to one junk vehicle; it states:

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

The applicant may want to evaluate the site for compliance and reconsider the proposed landscaping, berming, and screening prior to final.

**PUD Use Permitting:** ZR852.5 states:

Individual USES occupying a planned commercial and/or industrial park shall be subject to the receipt of a Zoning Permit for USES occupying an individual unit for the first time. Changes of USE shall be subject to all applicable provisions of these Regulations. CONDITIONAL USES for which approvals are sought after a preliminary subdivision or final subdivision approval has been granted by the Development Review Board shall be subject to CONDITIONAL USE review by the Development Review Board.

**PUD Dimensional Requirements Waivers:** ZR852.6 authorizes the DRB to grant waivers from certain dimensional requirements, such as height.

**PUD Within Existing Building:** ZR852.7 is not applicable.

**PUD Concentration of Land Use:** ZR852.8 states:

The Development Review Board may allow greater concentration or density of land USE within some sections of the development than in others, if they determine that it is necessary to enable innovation in design and layout and more efficient USE of land. In granting approval of a greater concentration or density of land USE, the Development Review Board may require that it be offset by a lesser concentration in another section, or sections, of the PLANNED UNIT DEVELOPMENT.

**PUD Ownership Structure:** ZR852.9 states:

Ownership within a PLANNED UNIT DEVELOPMENT can be conveyed or leased along building lines. In addition, PLANNED UNIT DEVELOPMENTS may be configured as FOOTPRINT LOTS. Such transfers will not violate lot coverage, minimum lot area, frontage or setback requirements. For the purposes of a PLANNED UNIT DEVELOPMENT, lot is defined as a parcel of land dedicated to the entire PLANNED UNIT DEVELOPMENT, and not any subdivision or leasing of land and/or building within the PLANNED UNIT DEVELOPMENT.

13. The applicant shall state the intended ownership structure of the PUD.

**PUD Municipal Sewer Connection:** ZR852.10 says DRB can require municipal sewer.

**PUD Municipal Water Connection,** ZR852.11 says the DRB can require municipal water.

**PUD Access:** ZR852.12 says that PUD access is governed by ZR800 and ZR590. These will be reviewed at final, if approved.

**PUD Driveways:** ZR852.13 states preferred driveway layouts. These can be reviewed at final.

**PUD Phasing:** ZR852.14 allows the DRB to require phasing. No phasing is proposed.

**PUD Open Space:** ZR852.15 is not applicable to PUD-I/C.

**Bonus Density:** ZR853 is not applicable since to residential units are proposed.

**PUD-I/C Buildable Envelopes/Height/Landscaping/Screening:** ZR854.1 states:

PLANNED UNIT DEVELOPMENTS- Industrial and Commercial shall select appropriate

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BUILDABLE ENVELOPES and building HEIGHTS which will minimize the visual impact of proposed developments from existing STREETS and adjacent residential developments, and where applicable, retain rural community characteristics. The use of landscaping is a key element of the design of PLANNED UNIT DEVELOPMENTS-Industrial and Commercial, and shall assist with preserving and enhancing site aesthetics, buffering developments from adjacent residential developments, and for noise and lighting attenuation. In all cases, PLANNED UNIT DEVELOPMENTS-Industrial and Commercial shall result in the creation of BUILDABLE ENVELOPES which are situated in the best possible location after an evaluation of the unique characteristics and natural features of the site in which it is to be located.

14. The final plat shall include buildable envelopes, per ZR854.1.

**PUD-I/C Open Space:** ZR 854.2-4 states:

The PLANNED UNIT DEVELOPMENT-Industrial and Commercial shall provide for the preservation of OPEN SPACE which is designed to be an integral part of the development. The size, shape and locations of OPEN SPACE shall be approved by the Development Review Board. Landscaped areas required for parking areas in accordance with Section 814.6 "Landscaping for Parking Lots" shall not be included in the calculation for required OPEN SPACE.

The OPEN SPACE shall be protected by appropriate legal devices to ensure the continued USE of such lands for the purpose of AGRICULTURE, FORESTRY, recreation or conservation. Such mechanisms include dedication of development rights, conservation easements, property owners' associations, restrictive covenants, conveyance to land trusts, or other appropriate grants or restrictions approved by the Development Review Board. Permitted future USES of the OPEN SPACE shall be specifically identified as part of the final approval decision of any PLANNED UNIT DEVELOPMENT-Industrial and Commercial.

15. The applicant shall state the area and location of proposed open space and what legal devices are proposed for open space preservation; these shall be indicated on the final plans.

A BUFFER STRIP shall be maintained along the lot line(s) of all PLANNED UNIT DEVELOPMENTS-Industrial where they abut residential properties. The Development Review Board, at its discretion, may require an increase in the size of the BUFFER STRIP. The required BUFFER STRIP shall be kept free of buildings or STRUCTURES and the Development Review Board shall require that this area be landscaped, screened or protected by natural features such that buffering exists during all seasons of the year. The BUFFER STRIP may be included in the calculation for required OPEN SPACE.

Zoning District	Required BUFFER STRIP
I1	15 feet
I2	25 feet
I3	100 feet

16. The final plans shall denote the buffer strip within which no structures other than fences may be placed.

**Waivers for PUD-I/C:** ZR854.5 states:

The granting of waivers shall result in a design, which is sensitive to the preservation of natural features identified in this Section.

**Buildable Envelopes in Industrial Zoning Districts:** ZR854.6 is met.

**RECOMMENDATION**

This application was submitted without consultation with Planning Office. Based on the above review, Staff recommends that the DRB **approve** the PUD-I Minor Sketch Plan at 78 Precast Road, described as Tax Map 3, Parcels 20 & 20-2, subject to the conditions proposed above.

Respectfully submitted,



---

Jacob Hemmerick, Town Planner

Copy to: Owner, Applicant & Engineer

**TOWN OF MILTON**  
**DEVELOPMENT REVIEW BOARD APPLICATION**  
Planned Unit Development  
Sketch Plan

JAN 26 2015

**SKETCH PLAN NARRATIVE**

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**Camp Holdings, LLC**  
78 Precast Road  
Milton, VT 05468  
802-893-2401  
[kcamp@campprecast.com](mailto:kcamp@campprecast.com)

**Project Description**

The existing CAMP Precast fabrication facility is located on Parcel 1-3 located on the south side of Precast Road. Manufacturing operations include the production of concrete precast structures including concrete utility structures, box structures, pump stations, bridges, and associated products. The site operation incorporate stocking of raw aggregate material for the precast production and the storage of completed products and associated materials in the yard. The existing production building includes batch plant, production space, employee break area, and office space. The proposed additional facility (14,400 SF) and office space (6,000 SF) is intended to provide improved working space for both office and manufacturing employees as well as an enhanced production area. This facility also provides additional interior space for concrete forms and production of larger/specialized precast products.

In conjunction with the proposed buildings, site plans will be incorporate enhancements to the Precast Road accesses, on-site circulation, stormwater treatment, and landscape buffers. Existing parcels 2 & 3 would be combined to consolidate the entire facility and yard area into one parcel (Lot 2). This will include a boundary line adjustment with Catamount Industrial Park Lot 22 (owned by Bellavance Properties) to allow for improved buffer zone along the interstate on the west side. The boundary line between the remaining Lot 1 an Lot 2 would be shifted to the east. This would provide three lots meeting the General Industrial (I2) zoning requirements.

**Planned Unit Development Application Responses**

(13) *Please read Section 850 of the Zoning Regulations describing the purposes of Planned Unit Developments and then answer the following questions:*

A) How does the proposed design provide for the purposes of planned unit developments? Specifically, describe how the proposed design will provide for flexibility in site and lot layout, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities

JAN 20 2015

and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the Comprehensive Plan and bylaws; conservation of open space; efficient use of public facilities and services; to encourage energy efficient development and to meet the purposes, goals and objectives of the Milton Comprehensive Plan.

**The proposed precast facility building and associated office building have been clustered around the existing facility to develop an improved site circulation and enhancement to the manufacture process flow. This site layout including incorporation of the three building into Lot 2 provides for an increased setback of the facility from U.S. Route 7 as well as the adjacent residential properties.**

B) Please read and review Section 854: *PUD-Industrial and PUD-Commercial*; or Section 855: *PUD-Mixed Use*; or Section 856: *PUD-Residential*, depending on which you are applying for, and provide a narrative for how you meet the specific purposes and provisions within the appropriate Section.

C) Provide a description of the proposed number of units and how the design preserves the natural features of the land and site characteristics.

**The current precast concrete fabrication manufacturing use will be amended to incorporate a new primary fabrication facility building and office building. The existing facility building will be maintained to provide secondary storage and fabrication. The incorporation of the facility buildings in the west end of the property will allow for improved site circulation for both the fabrication work as well as customer pickups.**

D) What are the benefits to the Town of the proposed PUD compared to a conventional development?

**The CAMP precast fabrication facility has enjoyed a significant presence in the Town of Milton with a stable employment. The development of a new primary fabrication facility will allow for continued precast efficiencies and improved employee work space. The development of this project under a PUD allows for these buildings to be clustered on a single property and setback from US Route 7.**

E) Provide the proposed uses of the open space lands and the mechanisms for its protection.

**Landscape plantings, grassed and treed buffer zones will be developed to provide for site open space as well as site stormwater treatment.**

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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 26, 2015

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

02.04.15

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

Police

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

BRIE VAN NORDT

Site Plan and Conditional Use Application – Jenkins Family Trust c/o Joan Jenkins,  
Trustee, Owners – J&M Sand c/o Paul Jarvis, Applicant.

NO COMMENTS OR CONCERNS.

Sketch Plan Application, Planned Unit Development (PUD) Industrial – Precast Road 78 –  
Camp Precast, LLC, Owner/Applicant.

NO COMMENTS OR CONCERNS.

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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, February 26, 2015

Date of Review: 2/04/2015  
Department: Milton Town School District  
TAC Member: John Barone, Superintendent

Site Plan and Conditional Use Application – Jenkins Family Trust c/o Joan Jenkins,  
Trustee, Owners – J&M Sand c/o Paul Jarvis, Applicant.

*No Concerns.*

Sketch Plan Application, Planned Unit Development (PUD) Industrial – Precast Road 78 –  
Camp Precast, LLC, Owner/Applicant.

*No Concerns.*

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# TAC \ PUBLIC WORKS

Roger Hunt

To: Jacob Hemmerick  
Cc: Nathan Lavalley (nlavalley@town.milton.vt.us); dkeely@town.milton.vt.us; Christian Poirier; Brett Van Noordt  
Subject: February 26 DRB - Development Review Comments

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Jake,

I have reviewed the proposed development plans and applications and have the following comments & requirements:

- **Site Plan and Conditional Use Application -Jenkins Family Trust c/o Joan Jenkins, Trustee, Owners -J&M Sand c/o Paul Jarvis, Applicant.**
  - Due to deteriorating road surface conditions, the designated travel route for trucks with a carrying capacity >24,000 pounds ***shall be*** McMullen Road east to Hobbs Road, Bombardier Road and onto US Rt 7.
    - A left turn only sign shall be placed at the exit of the quarry.
    - Railroad Street ***IS NOT*** an approved truck route. Due to its current condition on the northeast side of the railroad crossing, and the failed intersection of Middle/Railroad & Rt. 7, use of Railroad Street shall not be allowed. Resurfacing of Railroad Street is not scheduled until spring 2020. The Middle/Railroad/RT 7 intersection upgrade is still several years away.
    - The Traffic Impact Assessment by Lamoureux & Dickinson concludes that the use of East Road as a travel route is not recommended. Public Works staff concurs.
    - Middle Road south is not acceptable due to its current condition. Resurfacing of Middle Road is not scheduled until spring 2021.
    - North Road from Husky to the Georgia town line shall not be used due to its condition. Reconstruction of this section is scheduled for Spring FY 17.
  - The maximum carrying capacity of all trucks shall be 16 cubic yards.
  - Trucks shall not be allowed to enter the surrounding neighborhood prior to 7:00 a.m. (8:00 a.m. Saturdays) and shall not wait at the entrance of the facility with engines running.
  - The plans show (C-2) exiting from the east lane and entering from the west. This does not conform to the Town of Milton Public Works Specifications, Drawing #7, Commercial Drive Highway Access. Is there a reason for this?
  - The width of the commercial drive shall be a minimum 24' as required by PWS Dwg. #7.
  - The existing driveway culvert shall be inspected and replaced if needed. The minimum size of the culvert shall be 18" per PWS Dwg. #3 – Typical Private R.O.W. Cross Section.
  - The plans shall show the commercial drive highway access radius per PWS Dwg. #7.
  - A trip counter shall be required. The approximate location shall be shown on the plans.
    - Trips shall be limited to 20 per day average, 60 per day maximum
  - Does the applicant propose a weight scale? If so, the location should be indicated on the plans.
  - The Traffic Impact Assessment utilizes peak hour volume counts performed by the CCRPC in 2006 & 2007 as a baseline. This data is outdated and requires update.
  - Request that the DRB limit operations to between May 1 & December 21 annually. See the Morse (now J & M) sandpit decision(s).
- **Sketch Plan Application, Planned Unit Development (PUD) Industrial-Precast Road 78-Camp Precast, LLC, Owner/Applicant**
  - The new highway access onto Precast Road shall conform to the PWS Dwg. #7 Commercial Drive Highway Access.

- Recommend the DRB require a lot circulation plan to show how emergency vehicles can access the property and new buildings.
- Precast Road is a 49.5' public right of way. Part or all of the "modular block wall" is located within the ROW. Request as a condition of approval that this wall be moved out of the public ROW to allow for future highway maintenance & paving the spring of 2017.

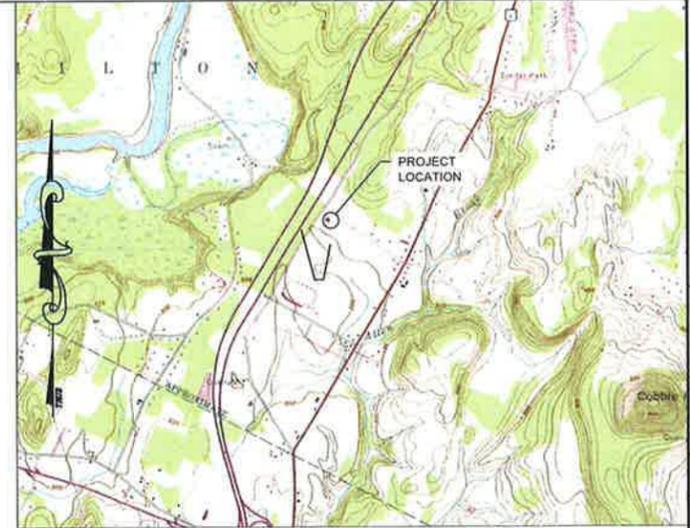
Sincerely,



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

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# CAMP PRECAST MANUFACTURER EXPANSION



PROJECT LOCATION MAP  
1" = 2000' ±

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**NOT FOR CONSTRUCTION PRELIMINARY PLANS**

MANUFACTURER EXPANSION  
MILTON, VERMONT 05468

JANUARY 2015



engineering

planning

management

development

6 GREEN TREE DRIVE  
SOUTH BURLINGTON, VERMONT 05403  
PHONE: (802) - 878 -7661  
FAX: (866) - 783 - 7101

**LIST OF DRAWINGS**

TITLE	SHEET NO.
<u>CIVIL DRAWINGS</u>	
C-0 TITLE SHEET	
C-1 GENERAL NOTES AND LEGEND	
C-2 EXISTING CONDITIONS AND REMOVALS PLAN	
C-3 PROPOSED SITE PLAN	
C-4 PROPOSED GRADING & DRAINAGE PLAN	
C-5 PROPOSED UTILITY PLAN	
<u>LANDSCAPING PLANS</u>	
L-1 LANDSCAPE PLAN & DETAILS	
<u>ARCHITECTURAL DRAWINGS</u>	
A-1 EXTERIOR ELEVATIONS	
A-2 EXTERIOR ELEVATIONS	

NO.	DATE	DESCRIPTION	BY	CK'D



PRECAST MANUFACTURER EXPANSION  
MILTON, VT

SHEET TITLE  
TITLE SHEET

DRAWN BY TJD	DATE JAN 2015
CHECKED BY LDC	D&K PROJECT # 522006P1
PROJ. ENG. LDC	D&K ARCHIVE #

SHEET NUMBER  
**C-0**  
SHEET 1 OF 9

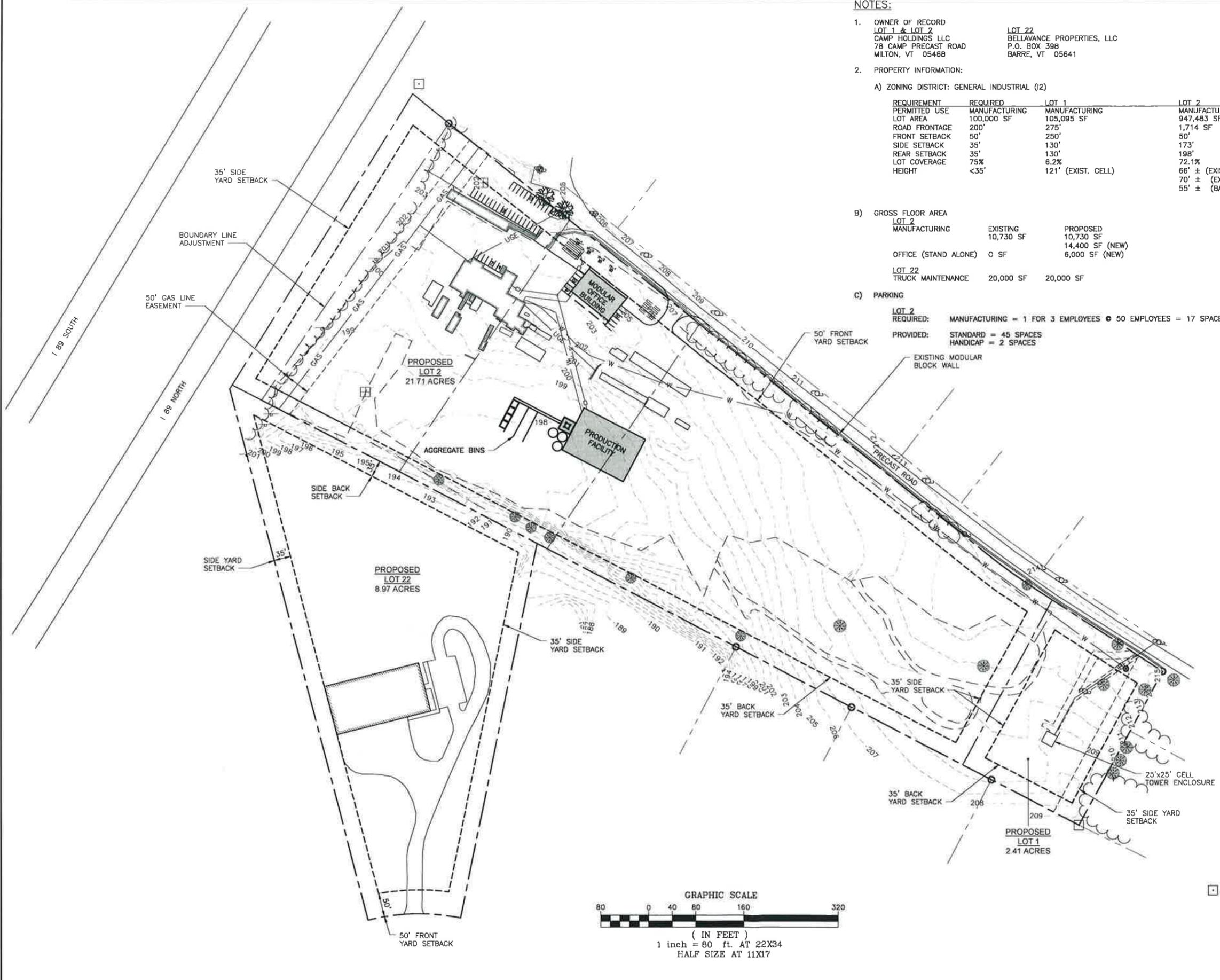
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Milton, Vermont

TOWN OF MILTON  
P.U.D. SKETCH PLAN  
01/26/2015

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**NOTES:**

1. OWNER OF RECORD  
 LOT 1 & LOT 2  
 CAMP HOLDINGS LLC  
 78 CAMP PRECAST ROAD  
 MILTON, VT 05468

LOT 22  
 BELLAVANCE PROPERTIES, LLC  
 P.O. BOX 398  
 BARRE, VT 05641

2. PROPERTY INFORMATION:

A) ZONING DISTRICT: GENERAL INDUSTRIAL (I2)

REQUIREMENT	REQUIRED	LOT 1	LOT 2	LOT 22
PERMITTED USE	MANUFACTURING	MANUFACTURING	MANUFACTURING	
LOT AREA	100,000 SF	105,095 SF	947,483 SF	332,110
ROAD FRONTAGE	200'	275'	1,714 SF	195.5
FRONT SETBACK	50'	250'	50'	404'
SIDE SETBACK	35'	130'	173'	35'
REAR SETBACK	35'	130'	198'	397'
LOT COVERAGE	75%	6.2%	72.1%	69.6%
HEIGHT	<35'	121' (EXIST. CELL)	66' ± (EXIST. SILO)	<35
			70' ± (EXIST. BATCH PLANT)	
			55' ± (BATCH PLANT/SILOS)	

B) GROSS FLOOR AREA

LOT 2	EXISTING	PROPOSED
MANUFACTURING	10,730 SF	10,730 SF
OFFICE (STAND ALONE)	0 SF	14,400 SF (NEW)
		6,000 SF (NEW)

LOT 22

TRUCK MAINTENANCE	EXISTING	PROPOSED
	20,000 SF	20,000 SF

C) PARKING

LOT 2  
 REQUIRED: MANUFACTURING = 1 FOR 3 EMPLOYEES • 50 EMPLOYEES = 17 SPACES

PROVIDED: STANDARD = 45 SPACES  
 HANDICAP = 2 SPACES



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NO.	DATE	DESCRIPTION	BY	CK'D

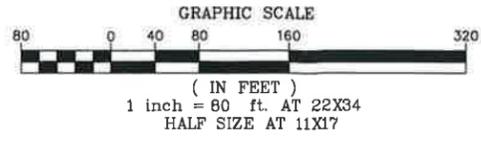


PRECAST  
 MANUFACTURER  
 EXPANSION  
 MILTON, VT

SHEET TITLE  
 PROPOSED SITE  
 PLAN

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 Milton, Vermont



TOWN OF MILTON  
 P.U.D. SKETCH PLAN  
 01/26/2015

SHEET NUMBER  
**C-3**  
 SHEET 4 OF 9

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**NOT FOR  
CONSTRUCTION  
PRELIMINARY  
PLANS**

NO.	DATE	DESCRIPTION	BY	CK'D

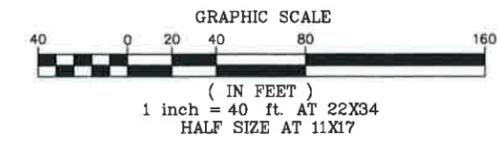
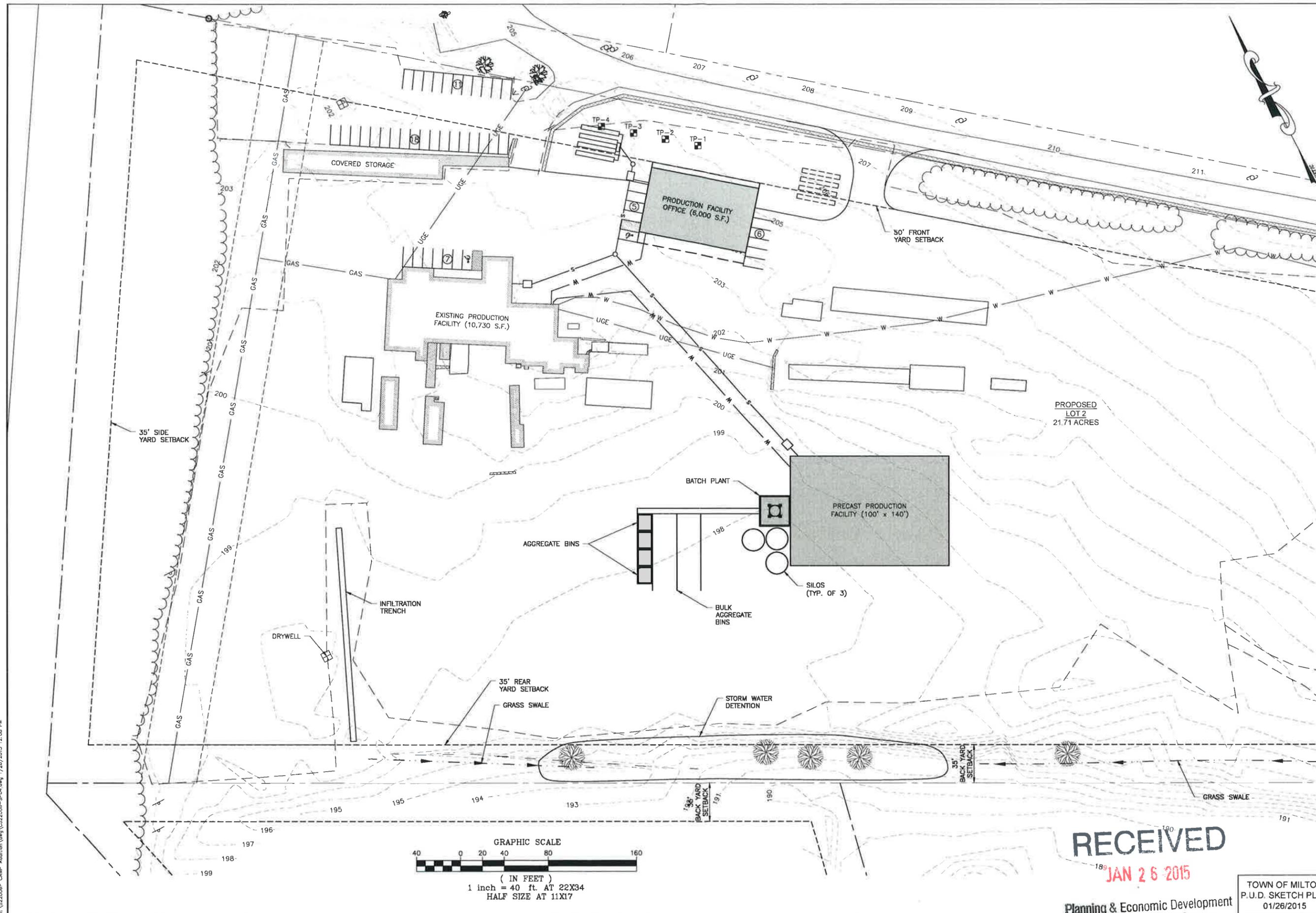


**PRECAST  
MANUFACTURER  
EXPANSION**  
MILTON, VT

**SHEET TITLE**  
PROPOSED  
GRADING &  
DRAINAGE  
PLAN

DRAWN BY	DATE
TJD	JAN 2015
CHECKED BY	D&K PROJECT #
LDC	522006P1
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JAN 26 2015

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Milton, Vermont

TOWN OF MILTON  
P.U.D. SKETCH PLAN  
01/26/2015

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**NOT FOR  
CONSTRUCTION  
PRELIMINARY  
PLANS**

NO.	DATE	DESCRIPTION	BY	CK'D

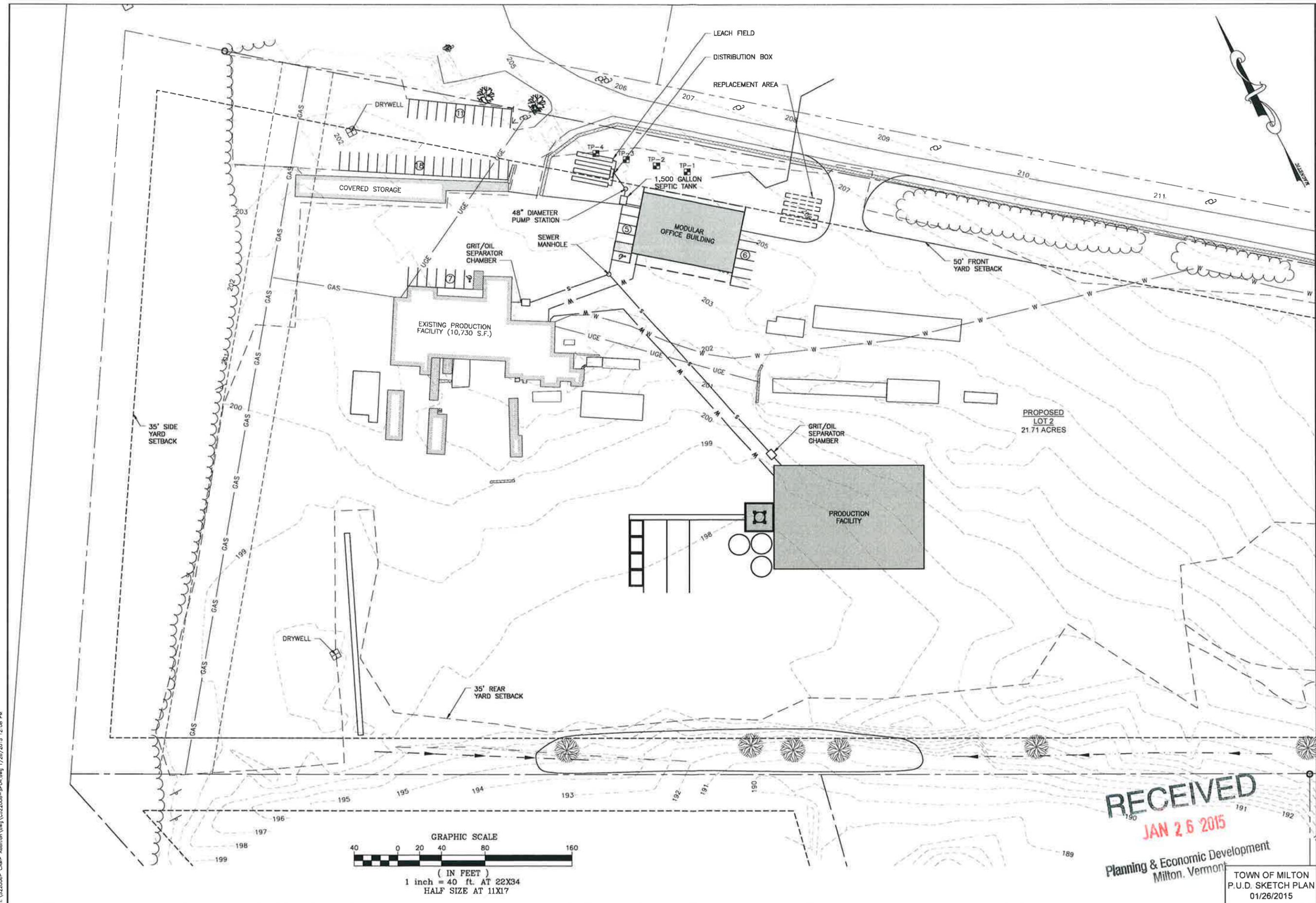
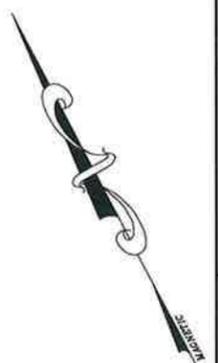


PRECAST  
MANUFACTURER  
EXPANSION  
MILTON, VT

SHEET TITLE  
PROPOSED  
UTILITY PLAN

DRAWN BY	DATE
TJD	JAN 2015
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LDC	522006P1
PROJ. ENG.	D&K ARCHIVE #
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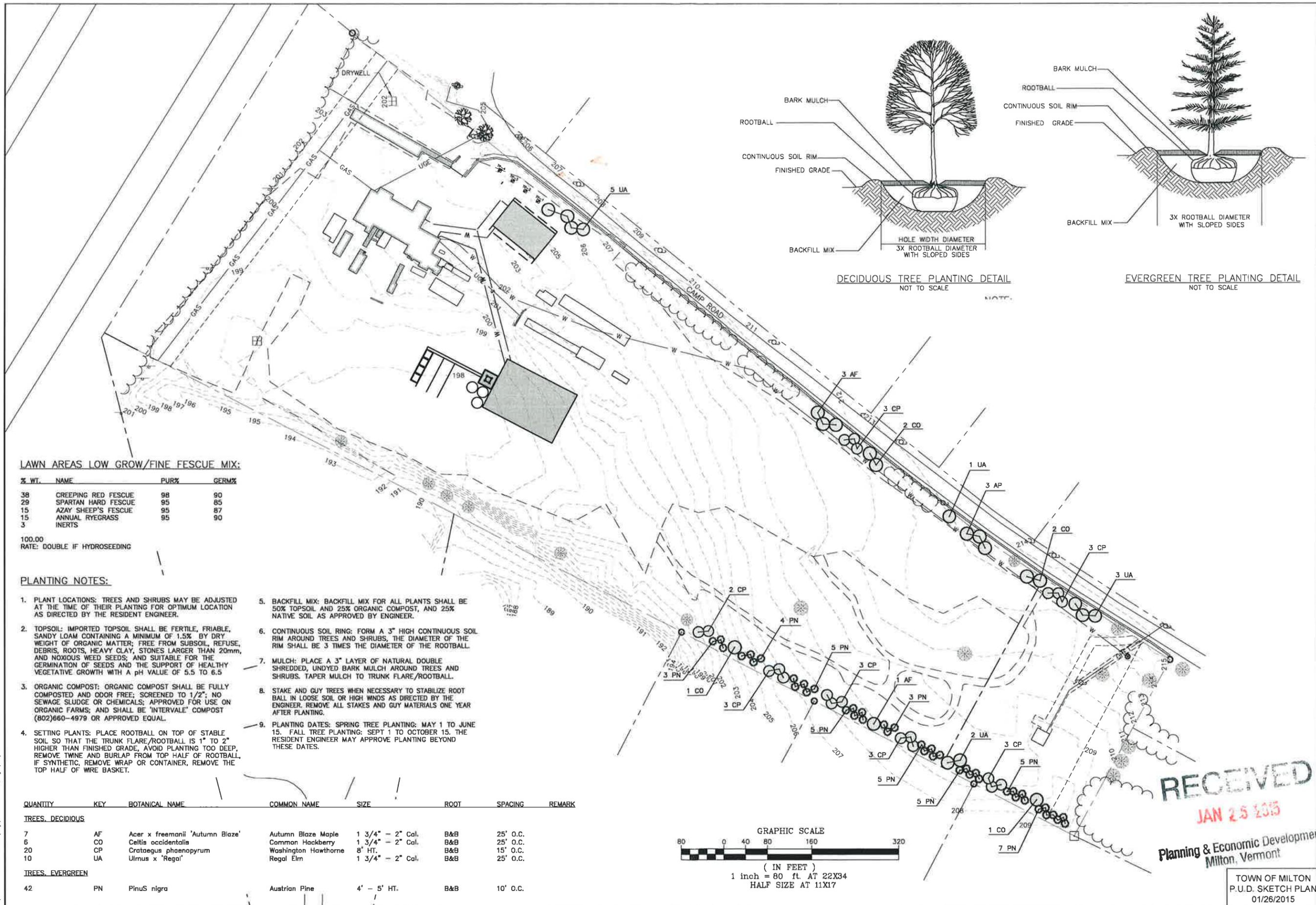
SHEET NUMBER  
**C-5**  
SHEET 6 OF 9



**RECEIVED**  
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Planning & Economic Development  
Milton, Vermont

TOWN OF MILTON  
P.U.D. SKETCH PLAN  
01/26/2015

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**LAWN AREAS LOW GROW/FINE FESCUE MIX:**

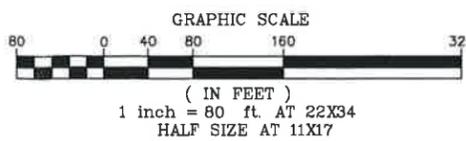
% WT.	NAME	PUR%	GERM%
38	CREeping RED FESCUE	98	90
29	SPARTAN HARD FESCUE	95	85
15	AZAY SHEEP'S FESCUE	95	87
15	ANNUAL RYEGRASS	95	90
3	INERTS		

100.00  
RATE: DOUBLE IF HYDROSEEDING

**PLANTING NOTES:**

- PLANT LOCATIONS: TREES AND SHRUBS MAY BE ADJUSTED AT THE TIME OF THEIR PLANTING FOR OPTIMUM LOCATION AS DIRECTED BY THE RESIDENT ENGINEER.
- TOPSOIL: IMPORTED TOPSOIL SHALL BE FERTILE, FRIABLE, SANDY LOAM CONTAINING A MINIMUM OF 1.5% BY DRY WEIGHT OF ORGANIC MATTER; FREE FROM SUBSOIL, REFUSE, DEBRIS, ROOTS, HEAVY CLAY, STONES LARGER THAN 20mm, AND NOXIOUS WEED SEEDS; AND SUITABLE FOR THE GERMINATION OF SEEDS AND THE SUPPORT OF HEALTHY VEGETATIVE GROWTH WITH A pH VALUE OF 5.5 TO 6.5
- ORGANIC COMPOST: ORGANIC COMPOST SHALL BE FULLY COMPOSTED AND ODOR FREE; SCREENED TO 1/2"; NO SEWAGE SLUDGE OR CHEMICALS; APPROVED FOR USE ON ORGANIC FARMS; AND SHALL BE "INTERVALE" COMPOST (802)660-4979 OR APPROVED EQUAL.
- SETTING PLANTS: PLACE ROOTBALL ON TOP OF STABLE SOIL SO THAT THE TRUNK FLARE/ROOTBALL IS 1" TO 2" HIGHER THAN FINISHED GRADE, AVOID PLANTING TOO DEEP, REMOVE TWINE AND BURLAP FROM TOP HALF OF ROOTBALL, IF SYNTHETIC, REMOVE WRAP OR CONTAINER, REMOVE THE TOP HALF OF WIRE BASKET.
- BACKFILL MIX: BACKFILL MIX FOR ALL PLANTS SHALL BE 50% TOPSOIL AND 25% ORGANIC COMPOST, AND 25% NATIVE SOIL AS APPROVED BY ENGINEER.
- CONTINUOUS SOIL RING: FORM A 3" HIGH CONTINUOUS SOIL RIM AROUND TREES AND SHRUBS, THE DIAMETER OF THE RIM SHALL BE 3 TIMES THE DIAMETER OF THE ROOTBALL.
- MULCH: PLACE A 3" LAYER OF NATURAL DOUBLE SHREDDED, UNDYED BARK MULCH AROUND TREES AND SHRUBS. TAPER MULCH TO TRUNK FLARE/ROOTBALL.
- STAKE AND GUY TREES WHEN NECESSARY TO STABILIZE ROOT BALL IN LOOSE SOIL OR HIGH WINDS AS DIRECTED BY THE ENGINEER. REMOVE ALL STAKES AND GUY MATERIALS ONE YEAR AFTER PLANTING.
- PLANTING DATES: SPRING TREE PLANTING: MAY 1 TO JUNE 15. FALL TREE PLANTING: SEPT 1 TO OCTOBER 15. THE RESIDENT ENGINEER MAY APPROVE PLANTING BEYOND THESE DATES.

QUANTITY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPACING	REMARK
<b>TREES, DECIDUOUS</b>							
7	AF	Acer x freemanii 'Autumn Blaze'	Autumn Blaze Maple	1 3/4" - 2" Cal.	B&B	25' O.C.	
6	CO	Celtis occidentalis	Common Hackberry	1 3/4" - 2" Cal.	B&B	25' O.C.	
20	CP	Crataegus phenopyrum	Washington Hawthorne	8' HT.	B&B	15' O.C.	
10	UA	Ulmus x 'Regal'	Regal Elm	1 3/4" - 2" Cal.	B&B	25' O.C.	
<b>TREES, EVERGREEN</b>							
42	PN	Pinus nigra	Austrian Pine	4' - 5' HT.	B&B	10' O.C.	



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Milton, Vermont

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SO BURLINGTON, VT 05403  
TEL (802) 878-7661  
FAX (866) 783-7101  
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LACONIA, NH  
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PROFESSIONAL SEAL

**NOT FOR CONSTRUCTION PRELIMINARY PLANS**

NO.	DATE	DESCRIPTION	BY
			CKD

**CAMP**  
PRECAST CONCRETE PRODUCTS  
78 PRECAST ROAD  
MILTON, VT 05468  
PHONE: (802) 885-2401  
FAX: (802) 885-1542

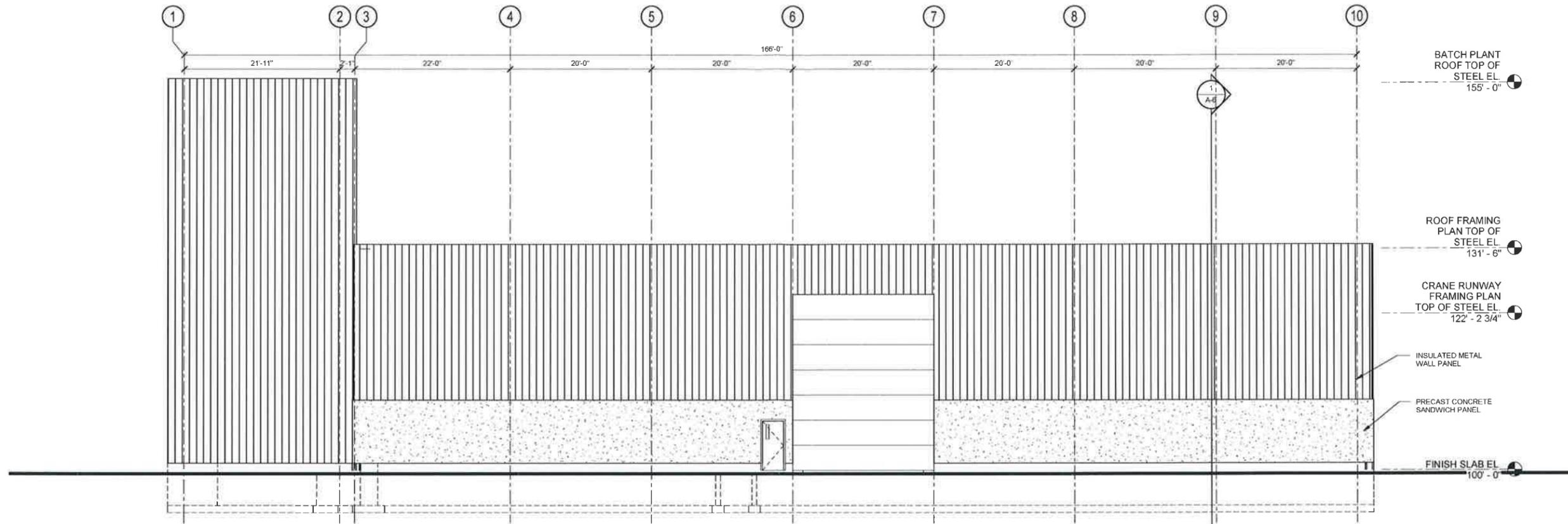
PRECAST MANUFACTURER EXPANSION  
MILTON, VT

SHEET TITLE  
LANDSCAPE PLAN & DETAILS

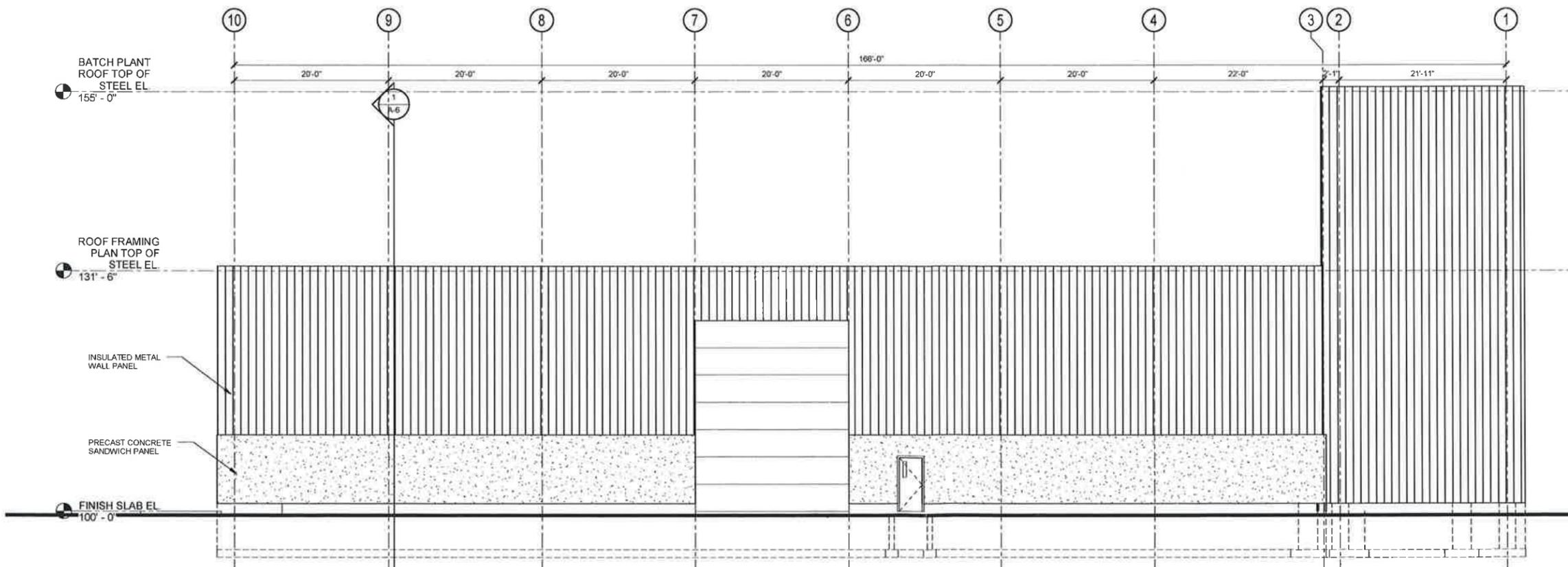
DRAWN BY	DATE
TJD	JAN 2015
CHECKED BY	D&K PROJECT #
LDC	522006P1
PROJ. ENG.	D&K ARCHIVE #
LDC	

SHEET NUMBER  
**L-1**  
TOWN OF MILTON  
P.U.D. SKETCH PLAN  
01/26/2015  
SHEET 7 OF 9

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**SOUTH ELEVATION**  
1/8" = 1'-0"



**NORTH ELEVATION**  
1/8" = 1'-0"

NO	DATE	DESCRIPTION	BY	CKD

**CAMP**  
PRECAST CONCRETE PRODUCTS  
78 PRECAST ROAD  
MILTON, VT 05468  
PHONE: (802) 893-2401  
FAX: (802) 893-1542

**PRECAST  
MANUFACTURER  
EXPANSION**  
  
MILTON, VT

SHEET TITLE  
  
EXTERIOR  
ELEVATIONS

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JAN 26 2015

Planning & Economic Development  
Milton, Vermont

TOWN OF MILTON  
P.U.D. SKETCH PLAN  
01/26/2015

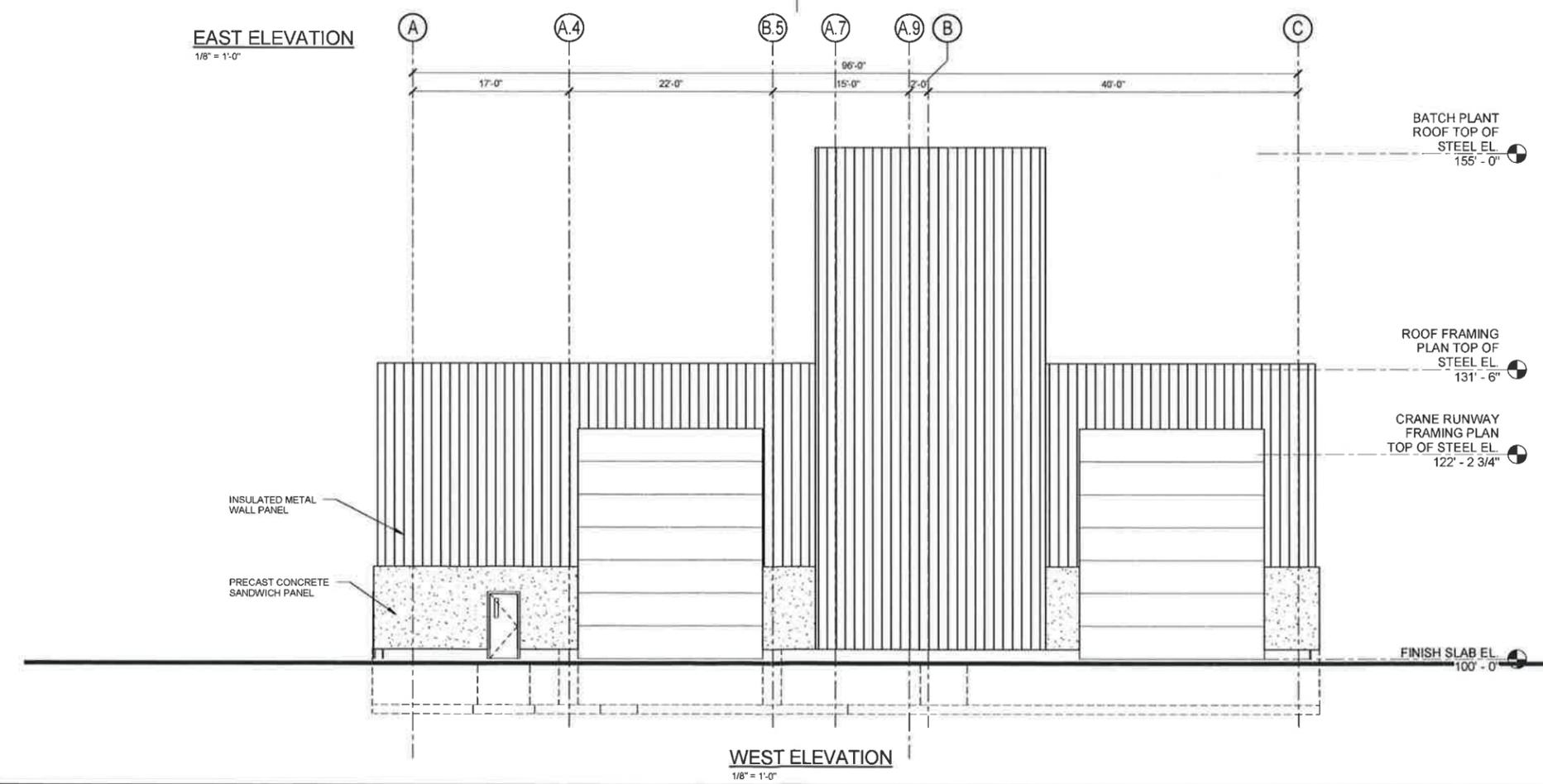
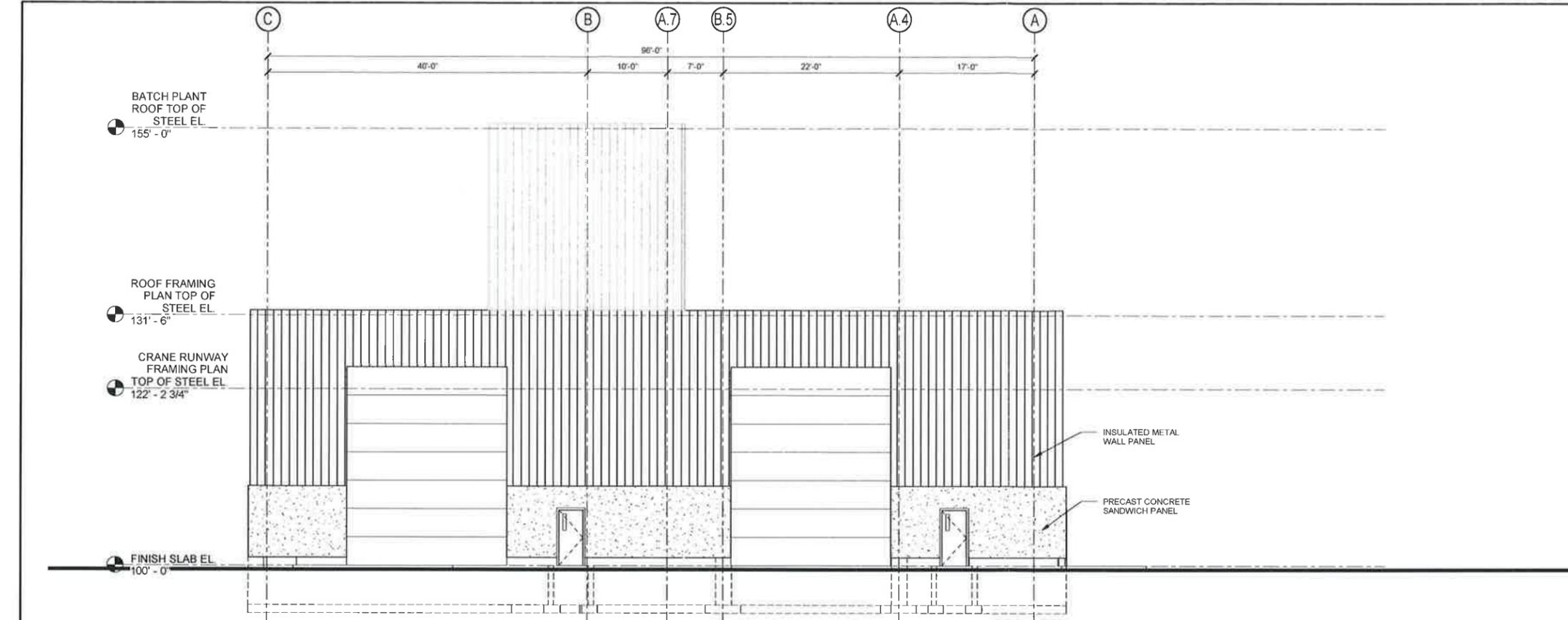
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PROJ. ENG	D&K ARCHIVE #

SHEET NUMBER  
**A-1**  
SHEET 8 OF 9

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NO.	DATE	DESCRIPTION	BY	CKD

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CHECKED BY	D&K PROJECT # 522006P
PROJ. ENG	D&K ARCHIVE #



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JAN 26 2015  
Planning & Economic Development  
Milton, Vermont  
TOWN OF MILTON  
P.U.D. SKETCH PLAN  
01/26/2015

# STAFF REPORT

**TOWN OF MILTON  
DEVELOPMENT REVIEW BOARD**  
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4.final.amendmentIII.srpII

**PLANNING AND ECONOMIC  
DEVELOPMENT DEPARTMENT**  
Report Finalized: February 20, 2015  
Plans I received: December 18, 2015  
Plans II received: February 2, 2015  
Plans III received: February 12, 2015

**MIXED-USE PLANNED UNIT DEVELOPMENT  
2-4 Clapper Road  
FINAL PLAN, AMENDMENT III  
Meeting date: February 26, 2015**

**Owner(s)**  
Clapper Road LLC, c/o William Sawyer  
PO Box 69  
Milton, VT 05468  
Wrsinvest@hotmail.com  
802.893.3303

**Applicant(s)**  
Carters Cars, c/o Robert Miller  
4 Clapper Road  
Milton, VT 05468  
robert@carterscarsvt.com  
802.891.6345

**Engineer**  
O'Leary Burke Civil Associates  
c/o Brian Bertsch  
1 Corporate Drive, Suite 1  
Essex Jct., VT 05452  
[bbertsch@olearyburke.com](mailto:bbertsch@olearyburke.com)  
802.878-9990

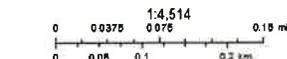
**Location**  
Tax Map 3, Parcel 13  
SPAN #13073  
Volume 276, Page 2  
General Industrial (I2)  
2.3 acres (100,000 sq. ft.)

## Location Map

2-4 Clapper Road



January 15, 2015  
**Road Centerline** — Class 2 or 3 —+— Railroad  
 — Interstate — Class 4 — River or Stream Centerline  
 — US Route Private



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, Aero, NPS, NRCAN, GEBCO, IGN, Kartchner

HEXMAP  
2014 01 15

**Location:** US Route 7 South and Clapper Road.  
**Source:** Milton Map Viewer (<http://map.ccrpcvt.org/miltonmapviewer/>)

### **PROJECT SUMMARY AND INTRODUCTION**

**Comments:** Katherine Sonnick, Planning Director; Jacob Hemmerick, Town Planner; and Amanda Pitts, Zoning Administrator, herein referred to as staff, have reviewed the plan submitted and have the following comments. PUD's are the most complex applications that come before the DRB. Irregularities on this site result in the lengthy report before the DRB. This report aims to create integrity with past approvals, existing non-compliance issues, and minimum standards established by the Regulations.

**Application & Applicant:** The application for Mixed-Use Planned Unit Development (PUD-M) Final Plan & Site Plan Amendment III was submitted by Robert Miller on February 18, 2015 and deemed complete by Planning Staff. A copy of the application and supporting materials is available for public inspection at the Planning & Economic Development Office.

**Ownership:** The property is owned by Clapper Road LLC and the deed of ownership is recorded in the Town's Land Records in volume Volume 276, Page 2.

**Notice/Warning:** Public warning and notice was issued by the Department of Planning and Economic Development for the January 22, 2015 hearing according to Vermont Statutes Annotated Chapter 24 §4464. Abutting property owners notified include: Kim Reed, Edward Bombard, Gregory & Nancy Berard, Kermit Bushey Revocable Trust, and GBIC. The hearing of January 22, 2015 was continued to February 12, 2015. The hearing of February 12, 2015 was continued to February 26, 2015.

**Additional Exhibits:** The applicant submitted plans received on December 18, 2014, February 2, 2015, and February 12, 2015. This Staff Report reviews the February 12, 2015 plans.

**Applicable Regulations:** The application is subject to and reviewed according to the Town of Milton Zoning Regulations (ZR) last amended on January 5, 2015 (approved by the Milton Selectboard on December 16, 2014), the purposes of which are stated in Section 100. This application is also subject to the Town of Milton Subdivision Regulations (SR), last amended on June 28, 2010, the purposes of which are stated in SR120. PUD Amendments are treated as Final Plan PUD applications.

**Location:** The subject property is located at 2 and 4 Clapper Road and is shown on Milton's Tax Map 3 as Parcel 13. The corresponding School Parcel Account Number (SPAN) is 13073.

**Size/Area:** According to the evidence presented, the subject parcel is approximately 2.30 acres or 100,000 square feet. In the Warning, staff mistakenly reported that the property contains approximately 2.82 acres.

**Zoning District:** The subject property is located within the General Industrial (I-2) Zoning District described on the Town of Milton Zoning Map on record and display at the Municipal Offices and available on the Town's website.

**Existing Conditions & Use:** The site is currently developed as a PUD-M with an existing single family dwelling, a private warehousing building, four public warehousing buildings, and an automobile sales with associated repair and service.

**Permitting History:** DRB decisions for the subject property are listed below and maintained in the Planning Department's records and are available for public inspection:

-The site received PUD Final Plan approval in a written Decision dated November 20, 2008.

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- The Final Plan was first amended in a written Decision dated July 8, 2010.
- The Final Plan was amended a second time in a written Decision dated August 25, 2011.
- The Final Plan was administratively amended to add ramp access to Buildings E and F on September 13, 2013.

**Compliance with Approvals:** Staff found that there are aspects of this site that have not been maintained in accordance with local approvals. The Minutes of the January 22, 2015 DRB hearing record the following agreement:

The Applicant stated he would restore the site to be consistent with approvals, with the exception of a driveway purportedly granted by the Environmental Court and permitted by VTrans without local site plan approval or update. The DRB requested that the Zoning Administrator deliver a report on violations and remedies at the next hearing. The DRB also requested more evidence on the matter of the driveway.

The Zoning Administrator conducted an inspection on January 27, 2015 to evaluate compliance with the approved Final Plans of 2011. A Voluntary Compliance Letter addressed to Clapper Road LLC and dated January 27, 2015 lists items not in compliance; this letter is maintained in the application file and **ATTACHED** to this Report.

The Zoning Administrator and Town Planner will inspect the site after the issuance of this Staff Report and prior to the hearing to inspect and report on the remaining compliance issues. Also **ATTACHED** to this Report is a Memo from Brian Bertsch dated January 29, 2015 outlining the US Route 7 highway access approval by the State, if DRB members would like the attachments referenced in this Memo, Staff can send this prior to the hearing by e-mail. This is addressed below by Staff.

1. Staff shall report on outstanding compliance issues and all remaining non-compliance must be addressed prior to issuance of the Certificate of Occupancy, unless otherwise bonded for assurance of completion.

**Disclosed Restrictions or Covenants:** The application form states the following restrictions, "There is a 20' wide drainage easement to GBIC centered on the stormline along Route 7." This is depicted but not labeled on the Site Plan.

2. The Site/Subdivision Plan shall label the GBIC easement depicted on the plans referenced in the application.

**Proposed Development & Use:** The Applicant is requesting a Final Subdivision Plan and Site Plan amendment to the 2-4 Clapper Road Mixed-Use Planned Unit Development (PUD-M) to change a portion of the private warehouse building B (shown as unit B1) from private warehousing to automobile service and repair associated with the automobile retail sales operation in Building C.

8 buildings are depicted on the plans within buildable envelopes labeled A, B, C, E, F, G, H. The following uses are assigned to each building:

- A: existing Single Family Dwelling
- B, Unit B1: existing Private Warehousing and proposed for service and repair associated with the for Retail Sales of Automobiles also occupying building C.
- B, Unit B2: existing Private Warehousing
- C: existing Retail Sales of automobiles with associated service and repair (1 service bay)
- E,F,G & H: Mini-Storage (Public Warehousing)

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Buildable envelope B is comprised of two free-standing structures, shown as Units B1 and 2. Two buildable envelopes for existing silos are shown as detached and are not labeled.

3. The final plans shall show the silo buildable envelopes as attached and as part of Unit B2.

Also proposed is the relocation (to the north) of the US Route 7 access driveway that serves the single family dwelling. The applicant notes: "The driveway has already been relocated from its approved location and the applicant is seeking an after-the-fact approval."

### **APPLICATION CLASSIFICATION**

**General Applicability:** 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.

**Permitting of Uses:** 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 and a Certificate of Compliance from the Zoning Administrator" as prescribed in the Regulations.

**Site Plan:** 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:

- Sewage Disposal - Section 570
- Roads and Drives - Section 590
- Site Plan Review - Section 800.

**Classification as a PUD:** ZR1110 defines a PUD as follows:

The development of one or more lots, involving one or multiple owners, with multiple USES in one or more BUILDINGS on the lot or lots; the plan of which may not correspond to the area, density or dimensional requirements or allowable number of STRUCTURES and USES per lot as established in any one or more ZONING DISTRICTS.

ZR850 states:

The following categories of PUDs may be permitted in all ZONING DISTRICTS in which such development is identified as a permitted USE, as authorized in Articles II and III. Each category may have unique purposes and requirements, as set forth below in this article. The categories are:

- Planned Unit Development – Industrial (PUD-I);
- Planned Unit Development – Commercial (PUD-C)
- Planned Unit Development – MIXED USE (PUD-MU)
- Planned Unit Development – Residential (PUD-R)

**Classification as PUD-M:** ZR855 describes PUD-M as "a mix of residential uses and nonresidential uses" and ZR1110 defines MIXED USE as follows:

The development of a structure or one or more tracts of land with a variety of complementary and integrated USES. USES may be comprised of any combination of permitted or CONDITIONAL USES allowed under the designated zoning district, as defined by Articles III and IV of these regulations.

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**PUD Major/Minor Subdivision Classification:** ZR852.1 states that "PUDs shall be considered a minor subdivision when the proposed total number of units is six or less; the proposal shall be considered a major subdivision when the total number of units is seven or more." With 7 units, the proposal is a major subdivision.

**Application Classification Conclusion:** The proposal maintains multiples uses in one or more buildings on a single lot, including three permitted non-residential uses as well as a residential use. The proposal continues to be categorized as a PUD-M. The application, therefore, requires review according to Zoning Regulation Section 850 (Planned Unit Developments), referenced provisions therein, and all other applicable provisions Zoning Regulations.

### **ZONING DISTRICT REGULATIONS**

**Zoning District:** The subject property is located within the "General Industrial" (I2) Zoning District. the purpose of this District according to ZR391 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.

**Zoning District Permitted & Conditional Uses:** The subject property's existing use is a Mixed-Use PUD and the existing uses within the PUD include: Enclosed Public Warehousing, Enclosed Private Warehousing, Retail Sales of Automobiles (with associated service and repair) and a Single Family Dwelling, a residential use.

The proposal maintains a Mixed-Use PUD and the existing uses within the PUD would change a portion of building B (Unit B1) from private warehousing to automobile service and repair associated with the automobile retail sales operation in Building C.

The Mixed-Use PUD use is neither a permitted nor conditional use in the I-2 District (per ZR392 and ZR393). The use is therefore a non-conforming use, and subject to ZR510.

**Zoning District Dimensional Requirements:** ZR150 states:

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

The I2 Zoning District defines required dimensional requirements in ZR394. The table below shows the existing and proposed dimensional requirements. These requirements are subject to the general standards outlined in ZR160 and ZR550.

I-2 Dimensional Requirements	Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	100,000	100,000	100,000
Minimum Road FRONTAGE (linear ft.)	200	282	282
Minimum FRONT SETBACK (linear ft.)	50	25	25
Minimum SIDE SETBACK (linear ft.)	35	12	12
Minimum REAR SETBACK (linear ft.)	35	20	20
Maximum BUILDING COVERAGE	n/a	n/a	n/a
Maximum LOT COVERAGE (%)	75%	68.3%	69%

The Applicant does not propose to make any non-compliance greater than what has already been approved.

**PUD REVIEW, ZR850**

**Uses within the PUD:** ZR850 states that PUDs may be permitted in all ZONING DISTRICTS in which such development is identified as a permitted USE. Again, the existing Mixed-Use PUD is neither a permitted nor conditional use in the I-2 District (per ZR392 and ZR393).

The uses approved *within* the PUD-M are all permitted uses within the I-2 with the exception of the single family dwelling, which is neither a permitted nor conditional use in the District (per ZR392 and ZR393).

**PUD Basis For Approval:** ZR850 states the basis upon which the DRB may approve a PUD.

No PLANNED UNIT DEVELOPMENT will be approved by the Development Review Board until the applicant has demonstrated complete compliance with the intentions and requirements of this Section [850] and the Town of Milton’s Comprehensive Plan.

**PUD Purpose:** ZR 850 states:

The purpose of PLANNED UNIT DEVELOPMENTS is to provide for flexibility in site and lot layout, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the Comprehensive Plan and bylaws; conservation of OPEN SPACE; efficient use of public facilities and services; to encourage energy efficient development and to meet the purposes, goals and objectives of the Milton Comprehensive Plan.

**PUD Application Requirements, ZR851**

**PUD Application Requirements, Subdivision & Site Plan Review:** ZR851.1 states:

An application for a PLANNED UNIT DEVELOPMENT shall include all elements required for a subdivision under the Milton Subdivision Regulations and all elements required under Section 800 Site Plan Review of the Milton Zoning Regulations, except as noted.

**Site Plan Application Requirements, ZR803**

**Site Plan Application Requirements:** ZR803 lists twelve requirements, outlined below.

**Basic Plan Information:** ZR803.1 is met.

**Deeds, Restrictions, and Covenants:** ZR803.2 is met.

**Existing Features:** ZR803.3 is met, although

A fence is depicted on the westernmost boundary that appears to have been removed and is being used as a garage access to a structure located on the property to the west.

4. The final plans shall accurately depict the fencing/screening.

(There is no 803.4 in the Regulations)

**Proposed Improvements:** ZR803.5 is met.

**Landscaping Plan:** ZR803.6 is met.

**Building Elevations:** ZR803.7 is not applicable, since no buildings are proposed.

**Outdoor Lighting:** ZR803.8 is not met. No lighting changes are proposed.

5. The final plans shall include a lighting plan unless the DRB waives this requirement as authorized by ZR803.12.

**Utility Plan:** ZR803.9 is not met.

6. The final plans shall include fire protection details (such as fire lane signage referenced in the plan notes), electric, gas, telephone, cable and all other utility lines.

**Traffic Generation:** ZR803.10 is not met. Staff estimates that the change of use would increase traffic generation, though not significantly.

7. The applicant shall state how the change in use would impact traffic generation based on ITE Standards.

**Other Data:** ZR803.11 states that the DRB may require "any other data or information that the DRB shall view as necessary in applying Site Plan Review Standards.

**Application Waiver:** ZR803.12 authorizes the DRB to waive the Site Plan application requirements above.

**Violation Attestation:** ZR803.13 requires a certification that there are no outstanding violations with respect to the property, or a detailed written description of any and all outstanding violations. This item has been addressed by numbered item 1 above.

### **Major Subdivision Application Requirements, SR Article V**

**Resubdivision Classification:** At the first hearing, there was doubt as to whether or not the proposal would impact the PUDs subdivision Plat.

Staff finds that the proposed changes would impact the **ATTACHED** 2010 Plat recorded on Slide 439B of the Milton Land Records. The 2010 Plat includes a proposed buildable envelope

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D, an unlabeled building where there is currently a driveway and the location of building C does not appear to correspond with the layout shown on the plans. Further, Building B's buildable envelope appears to be shown as being larger than the existing building; however this is not shown on this application's plans.

Further, SR200.10 defines "resubdivision" as follows:

Any change to 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 of the Town of Milton.

And, SR200.13 defines "subdivision" to include "amended subdivisions and resubdivision".

The application is therefore subject to Major Subdivision Final Plat Application requirements listed in SR550. SR550 states, "The application shall contain those items set forth in Section 610 of these regulations [ . . . ]."

Final Plat for Major Subdivisions: SR610.1 lists Plat standards. A plat was not submitted with this application.

8. The final Subdivision Plan shall also include a Plat, which shall comply with SR610 and address the discrepancies in the 2010 Plat as detailed above.

#### ***Return to PUD Application Requirements, ZR851***

**PUD Application Requirements, PUD Survey:** ZR851.2 requires a survey unless waived by the DRB according to this section because the project does not involve subdivision. This application meets the definition of subdivision above.

**PUD Application Requirements, PUD Undevelopable Land:** ZR851.3 requires the plan to identify undevelopable lands due to environmental limitations. No undevelopable lands are shown, and staff has no evidence otherwise.

**PUD Application Requirements, PUD Open Fields, Woods, Agricultural Lands:** ZR851.4 requires the plan to identify open fields wooded areas and prime and statewide agricultural land. Comprehensive Plan Map 7 shows that the site hosts Statewide agricultural land. The goal for the I-2 District is principally industrial, although ZR391 states:

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.

As a developed site, staff does not see an opportunity to preserve and maintain agriculture with this amendment. Nevertheless, ZR851.4 requires that it be shown on the plan.

9. The final plan shall comply with ZR851.4.

**PUD Application Requirements, PUD Main Elements:** ZR851.5 states:

The Subdivision Plan shall include all proposed lot lines, BUILDABLE ENVELOPES, the location, HEIGHT and space of all existing and proposed buildings, OPEN SPACE, landscaping, streets, driveways and off-street parking spaces and all other physical

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features. Elevations prepared by an architect or landscape architect shall depict the relationship of buildings, landscaping and parking areas.

The requirement is not met, but in this case, all buildings have been constructed. However, there are some discrepancies with the 2010 plat and the building envelope silo locations.

10. The final subdivision plan and plat shall show all items required by ZR851.5 except elevations; buildable envelopes shall be consistently and according to ZR851.5. Where buildings exist outside of existing envelopes, the envelopes shall be amended to bring the structures into compliance. Any recorded legal documents impacted shall be amended to account for this update.

**PUD Application Requirements, PUD Narrative:** ZR851.6 requires responses to the following aspects:

- (a) How Proposal Meets PUD Purposes
- (b) Description of Units & Preservation of Natural Resources
- (c) Benefits to the Town over Conventional Development
- (d) Use of Open Space & Protection Mechanisms

Staff finds that the nature of the change to this developed site is such that it would not merit detailed responses to the criteria above.

**PUD Requests for Waivers:** ZR851.7 states that request for waivers their justifications shall be submitted in writing by the applicant for consideration by the DRB. These are detailed in the Memo attached to this report from Brian Bertsch dated January 29, 2015 and addressed in the applicable sections below.

**PUD Site Plan & Markers:** ZR851.8 & ZR851.9 explains the site visit process. If the DRB would like to schedule a site visit, it may according to these sections. Staff does not see a need given compliance actions and the limited scope of this proposal.

#### **PUD General Standards, ZR852**

**PUD Subdivision Review:** ZR852.1 and 852.2 outlines the subdivision process already addressed above and adds:

The Development Review Board reserves the right, however to require additional supporting information from applicants as would typically be required if the application was being reviewed in accordance with the Milton Subdivision Regulations (e.g., traffic studies, drainage plans).

### **SUBDIVISION REVIEW**

#### **Subdivision Planning Standards, SR Article VII**

**Standards of Evaluation:** SR700 identifies standards for evaluation that have been addressed by the applicant in responses **ATTACHED** to this Report and maintained in the application file. SR700 states, "Final approval of any subdivision, including Planned Unit Developments as regulated in Section 850 of the Zoning Regulations, 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

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- 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

**PUD Public Dedication for Parkland and School Sites:** SR710 allows the DRB to require as a condition of PUD approval, the dedication of land or the payment in lieu of land thereof for public recreation or school purposes.

### **Required Improvements and Design Standards, SR Article VIII**

**Streets:** SR800 outlines standards for streets proposed as part of a subdivision. Street is a term defined by the SR, and no streets are existing or proposed in this subdivision.

**Curbs, Sidewalks:** SR810.1 states that the DRB may require curbs and sidewalks may be required when deemed appropriate by the DRB. Staff finds that parking compliance generally improves with curbing. There have been compliance issues on this site with the applicant parking in areas not designated for parking, including storm water infiltration areas and the public right of way. Staff finds that curbing could be a way to avoid future violations. Furthermore, the plans depict some curbing along the front display spaces and Building C's customer parking.

11. The final plan legend shall label curbing shown on the plans, and shall include curbing on all sides of parking spaces not adjacent to another parking space or drive in a manner that both protects stormwater retention areas and does not impede drainage, per SR810.1.

Also, there is no pedestrian access shown that links the residential parking area to the house.

12. The final plans shall show a sidewalk or gravel path to the existing single family dwelling from designated parking spaces, per SR810.1.

**Pedestrian Access:** SR810.2 allows the DRB to require pedestrian easements. Staff finds that no pedestrian easements are needed at this time.

**Outdoor Lighting:** SR820 allows the DRB to require lighting where appropriate to illuminate streets, sidewalks and parking areas.

13. The DRB may require additional lighting where appropriate, per SR820.

**Shade Trees:** SR830 allows the DRB to require shade trees. Staff finds that the streetscape could be improved by the installation of street trees, similar to those on the east side US 7 across from this project, north and south of Allen Drive. Another good example is Gardener's Supply on US 7. Staff finds that this would enhance the US 7 Corridor, in a manner that is consistent with the Comprehensive Plan Catamount Planning area goals 9.7.1.a, 9.7.2, and 9.7.2.a.

14. The DRB may require shade trees according to SR830.

**Drainage:** SR840 requires a drainage plan. The applicant provides a storm system narrative on the plan to the satisfaction of staff.

**Water System:** SR850 lists water provision criteria targeted at new development. Buildings A, B, and C are served by municipal water, as depicted on the plan.

**Sewage Disposal:** SR860 lists sewer provision criteria targeted at new development. Buildings A, B, and C are served by municipal sewer, as depicted on the plan.

**Utilities:** SR870 allows the DRB to ensure that easement of sufficient width are provided to serve the subdivision and anticipated development outside the subdivision. Staff finds that the plan does not depict all easements (addressed above), but does not see the need for additional utility easements.

**Layout:** SR880 allows the DRB to consider the layout of the PUD. Relevant to this application is 880.5 on access; this section states that lots shall be laid out so as to avoid direct access to heavily travelled streets or highways. This comes into play with the driveway proposal and is addressed in more detail below.

#### **General Application Requirements, SR Article IX**

**Application Fees:** SR910 establishes the regulatory basis for fees. Included on the fee schedule duly adopted by the Selectboard is a fee for legal review.

15. The Applicant shall submit \$500 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 Data:** SR920 outlines legal data regulation.

16. The applicant shall submit all recorded legal instruments associated with this lot as well as any revisions to those documents 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.

**Waivers:** SR930 allows the DRB to waive provisions of the SR according to the criteria established.

#### **Staff Review of Final Plat Revisions:**

17. 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.

**Final Plat Submission, SR940:**

18. 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.

**Revisions, SR950:**

19. No changes, erasures, modifications, or revisions, other than those required by the Decision, shall be made on the Plat after approval unless a revised plat is first submitted to the Department of Planning and Economic Development.

**Effect of Final Approval:** SR960 states that final approval does not constitute acceptance by the Town of any public dedication shown on the final plat.

**Expiration of Approval:** SR970 states:

20. Approval shall expire 24 months from the data of final approval if, in the DRB's judgment no substantial development has occurred, per Subdivision Regulations Section 970.

**Return to PUD General Standards, ZR852**

**PUD Site Plan Review:** ZR852.3 states that all PLANNED UNIT DEVELOPMENTS shall be subject to Site Plan Review in accordance with Section 800 of these regulations.

**SITE PLAN REVIEW, ZR800**

**Site Plan Approval:** 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.

The existing and proposed use is PUD-M.

**Site Plan Review Standards, ZR802**

**Appropriate Conditions:** ZR802.1 states:

In reviewing Site Plans, the Development Review Board may impose appropriate conditions and safeguards to meet the standards of this section.

**Site Plan Review Standards & Procedures:** ZR802.2 states, "The Development Review Board 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.

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- 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."

### **Landscape Plan**

**Landscape Plan Elements:** ZR806.2 outlines landscaping plan requirements. The applicant proposes 17 yew and 5 eastern white cedar. The cost estimates were those used in 2011 and total \$251.60.

**Landscape Cost Estimate & Bond:** ZR806.3 requires that the cost estimate be prepared by a written cost estimate prepared by a professional landscape architect or contractor. This requirement is not met. Further, the DRB may opt to add street trees according to SR830. Street trees can have the added benefit of shielding outdoor lighting from the drivers on US Route 7 and deterring parking within the right-of-way.

21. The final plans shall update the landscape costs to 2014 prices and attach a quote according to ZR806.3.
22. A landscaping surety shall be required to guarantee the completion of the approved landscaping and will be held to guarantee survival for a period of three years from installation. The surety must be established prior to the issuance of a Zoning Permit, per Zoning Regulations Section 806.3 and the Town's Policy 98-02 on *Landscape Performance Bonds*.

**Landscaping Planting Cost Schedule:** ZR806.4 allows the DRB to require landscaping according to an improvement schedule. Since staff understands that the original landscaping was never installed, the DRB may therefore opt require a minimum planting cost for development cost of this PUD.

23. The DRB may require landscaping as a percentage of the total land development cost in 2014 dollars, as determined by the Town Assessor according to the table in ZR806.4. If required, a revised landscaping plan shall be submitted.

**Credit for Existing Trees:** ZR806.5 allows the DRB to give credit for certain trees.

**Front Setback Landscaping:** ZR806.6 requires the applicant to maintain the landscaping in good condition. Failure to do so can constitute a site plan violation.

**Residential Screening:** ZR806.7 states:

In all districts other than the MIXED USE Zoning Districts, where non-residential USES are located adjacent to residential buildings, there shall be plantings or attractive solid fencing to screen all outdoor lighting and parking from the view of the ground floor of adjacent residential buildings. In residential districts, non-residential USES shall be screened from adjacent properties. This provision shall apply even though the adjoining property is not developed. In all districts where permitted, auto service stations shall be screened in the same manner from all abutting properties.

24. The final landscaping plan shall screen adjacent residential uses according to ZR 806.7.

**Waste Management Screening:** ZR806.8 states:

Landscaping and/or fencing shall be provided to screen trash/garbage containers/dumpsters from view of adjoining properties and roads. Screening shall surround the trash/garbage containers/ dumpsters on three sides.

The proposed dumpster is not screened from Clapper Road.

25. The applicant shall screen waste receptacles for all uses according to 806.8.

**Parking/Loading Plan, ZR810**

**Parking Plans:** ZR811 is met.

**Parking Dimensions:** ZR812.1 is met

**Parking Quantity:** ZR812.2 is met.

The Site is currently approved for 27 spaces, not including three residential parking spaces. The proposal would add 8 new parking spaces for a total of 38.

ZR812.2 requires:

- 3 spaces for each working space plus one for each employee for an AUTO REPAIR use.
- 2 spaces for every 1,000 square feet of gross floor area for AUTOMOBILE SALES.
- 2 spaces for SINGLE FAMILY DWELLINGS.
- 2 spaces for each three employees for WAREHOUSE uses.

The spaces are assigned as follows:

Building A (Residential): 2 spaces required, 3 proposed

B1: 8 spaces required, 8 spaces proposed

Allocated as follows: 2 employee spaces  
6 customer spaces

B2: 0 spaces required, 0 spaces proposed

C: 7 spaces required, 27 proposed

Allocated as follows: 17 Display Spaces  
8 Customer Spaces, Including 1 ADA Space  
2 Employee Spaces

E-F, 0 spaces required, 0 spaces proposed.

**ADA Parking:** ZR812.3 is met.

**Parking Barriers:** ZR812.4 is not met. No physical barriers are provided.

26. The final plans shall show parking barriers in accordance with ZR812.4

**Parking Surface:** ZR812.5 requires a minimum of 8" of compacted gravel and allows the DRB to require paving.

**Parking Drainage:** ZR812.6 requires proper drainage.

**Driveways, ZR813**

**Public Works/VTrans Driveway Review:** ZR813.1 states:

As part of the Site Plan Review, the location and design of DRIVEWAYS and their intersections with STREETS or highways shall require review by the Town Engineer. Where applicable, a letter of intent shall be submitted to the Development Review Board from the Vermont Agency of Transportation.

The **ATTACHED** Memo from Mr. Bertsch details the driveway approval history. A State highway access requires both local and State approval. The proposed configuration has been permitted by VTrans, but not by the Town. One important detail for the DRB to consider, and not included in the Memo, is the language governing the VTrans permitting program, found in 19VSA1119(b) *Permitted Use of the Right-of-Way*. It states:

(b) Driveway entrances, highway grades; drainage. It shall be unlawful to develop, construct, regrade, or resurface any driveway, entrance, or approach, or build a fence or building, or deposit material of any kind within, or to in any way affect the grade of a highway right-of-way, or obstruct a ditch, culvert, or drainage course that drains a highway, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way, without a written permit from the Agency, in the case of State highways, or the legislative body, or designee of a municipality, in the case of town highways. **As a condition of any such permit, compliance with all local ordinances and regulations relating to highways and land use shall be required.** The Agency or legislative body, within their respective jurisdictions, may make such rules to carry out the provisions of this section as will adequately protect and promote the safety of the traveling public, maintain reasonable levels of service on the existing highway system, and protect the public investment in the existing highway infrastructure, but shall in no case deny reasonable entrance and exit to or from property abutting the highways, except on limited access highways, using safety, maintenance of reasonable levels of service on the existing highways, and protection of the public investment in the existing highway infrastructure as the test for reasonableness, and except as necessary to be consistent with the planning goals of 24 V.S.A. § 4302 and to be compatible with any regional plan, State agency plan, or approved municipal plan. However, in any case involving an access permit for a development contributing 75 or more peak hour trips to State highways or class 1 town highways, the permit may include reasonable conditions and requirements to protect service levels on such highways. [Emphasis added].

Since no local approval for the State-approved configuration has been granted, and the applicant is now asking for such approval. The DRB must therefore determine if the proposal is in compliance with local ordinances and regulations relating to highways and land use. This is addressed more below.

**Public Works/VTrans Driveway Review:** ZR813.1 states:

As part of the Site Plan Review, the location and design of DRIVEWAYS and their intersections with STREETS or highways shall require review by the Town Engineer. Where applicable, a letter of intent shall be submitted to the Development Review Board from the Vermont Agency of Transportation.

**Number of Driveways:** ZR813.2 states, "Unless specifically approved by the Development Review Board, there shall be not more than one DRIVEWAY for each lot."

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**Parking Lot Design Standards:** ZR814 states that all parking lots shall comply with the minimum design standards. The DRB may also require higher standards. There is no authority given to the DRB to waive these standards.

**Minimum Driveway Spacing:** ZR814.1 states:

- Common DRIVEWAYS - Joint access and common/shared DRIVEWAYS are encouraged to minimize the number of DRIVEWAYS and curb cuts.
- Minimum spacing between DRIVEWAYS on the same side of the STREET - For ARTERIAL STREETS, the minimum distance between DRIVEWAYS shall be 150 feet for two-way DRIVEWAYS, where practical. Distances between one-way DRIVEWAYS shall be 75 feet. If DRIVEWAYS are signalized, a minimum spacing of 500 feet shall be required.
- Minimum distance between DRIVEWAYS and opposite sides of the STREET - DRIVEWAYS should be in direct alignment. If direct alignment cannot be provided, a minimum separation of 150 feet between DRIVEWAYS is required.

The aims of this section are to minimize curb cuts, encourage spacing between driveways, and encourage alignment. The former configuration approved by the DRB was directly aligned with Sweeny Farm Road and had greater isolation from the Clapper Road intersection than is proposed. Staff finds that this is a safer configuration.

**Minimum Driveway Intersection Clearance:** ZR814.2 states:

The minimum distance between an intersection and a DRIVEWAY shall be:

- ARTERIAL STREET - 200 feet
- COLLECTOR STREET - 75 feet
- LOCAL STREET - 50 feet

Where corner clearances cannot be maintained due to narrow property FRONTAGE, a minimum corner clearance of 50 feet is required, with a prohibition against left turns from the DRIVEWAY by providing DRIVEWAY or median channelization.

US Route 7 is an arterial street, and the property has 282 feet of frontage. The regulations do not grant the DRB authority to waive this or any other provision of 814. This is the minimum.

27. The final plans shall restore the US Route 7 driveway to the configuration as shown on the 2011 Site Plan and receive VTrans approval for 2011 configuration, or the plans shall remove the US Route 7 access from the plans.

**Minimum Internal Road/Driveway/Aisle Widths:** ZR814.3 states minimum parking internal road, driveway/aisle widths. The aisle in front of building C is 4 foot below the minimum and is therefore not compliant; however this has been approved.

**Minimum Width of Access Driveways:** ZR814.4 is met.

**Minimum Curb Return Radius:** ZR814.5 requires 20' minimum curb return radius.

28. The final plans shall label the radii of all curb returns in compliance with ZR814.5.

**Landscaped Parking Lots:** ZR814.6 is met.

**Minimum Driveway Queue Storage Length:** ZR814.7 is not met.

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ZR 1110 defines Queue Storage length as "The length of an exiting DRIVEWAY, measured from its intersection with a STREET, along which there is no access for vehicles to enter or cross the DRIVEWAY."

ZR814.7 states: For parking lots with thirty or more spaces, the following minimum QUEUE STORAGE LENGTHS shall be provided.

- (1) Residential Development  
Fewer than 25 units - 40 feet  
25 or more units - 60 feet
- (2) Commercial Development  
Under 20,000 sq. ft. of GROSS FLOOR AREA - 40 feet  
20,000 to 200,000 sq. ft. of GROSS FLOOR AREA - 60 feet  
Over 200,000 sq. ft. of GROSS FLOOR AREA - 100 feet
- (3) Industrial Development - 50 feet

The applicant testified at the January 22nd hearings that the gross floor area exceeds 20,000 square feet and requested a waiver. Again, the language does not grant the DRB authority to waive this because 814 provisions are minimum standards and factors of safety. This requirement would eliminate two parking spaces proposed, but there may be an opportunity to relocate these to the north of Building C.

29. The final plan shall be in compliance with ZR814.7.

**Corner Lot Visibility Triangles (ZR815.1) and Visibility Triangle (ZR815.2):**

30. The final plans shall show a visibility triangles in compliance with ZR815.1 and 815.2; and all obstructions shall be removed from these triangles.

**Access Management:** ZR816.1 states:

In order to minimize the amount of congestion and turning movements on state and principal highways by future commercial, industrial, residential, and MIXED USE development, the following shall apply:

(a)The Development Review Board shall require common access roads to serve multiple properties and/or lots located along state highways.

(b)In the event that the Development Review Board finds that meeting the above requirement is impracticable, the Board may allow curb cuts onto such highways. Wherever possible, such curb cuts shall be not less than 300 feet from the intersection of a road or highway. Wherever possible, common access points and additional connections to adjacent properties, roads and/or highways are encouraged.

(c)If a proposed development is anticipated to generate an amount of vehicles per day which may and/or will involve improvements to existing roadways, the Development Review Board may require the proposed development to include a right-of-way easement for a future access road. At such time as the developer is required to install the traffic improvements, the common access road will be constructed to the Town of Milton Public Works Specifications. Costs of such construction shall be borne by the owners of the developments affected and shall be distributed according to the share of total traffic generated as estimated by traffic counts or the most recent trip generation rates published by the institute of Transportation Engineers.

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(d)The Development Review Board may require fewer access points be provided and access be combined by common parking areas and/or common access roads **internal to the lots**. Such access roads and parking areas shall be placed on the side and rear of developments.

The proposed curb cut is within 60 feet of Clapper Road

**Pedestrian Circulation:** ZR817 allows the DRB to require pedestrian walkways.

**Off-Street Loading & Unloading Space:** ZR818 states.

Every STRUCTURE constructed or used for business, trade or industry shall provide adequate space on the premises for the unloading and loading of vehicles in addition to the required parking. A minimum of one space (10 feet by 60 feet) shall be required for each 10,000 square feet of GROSS FLOOR AREA.

The plan notes state, "That there shall be no deliveries, including car carriers at the site." and labels a paved loading area meeting the required dimensions between buildings G&H.

**Bicycle Parking Space:** ZR819 requires bicycle parking.

31. The final plans shall show bicycle parking in compliance with ZR819.

**Outdoor Lighting Minimization:** ZR820.1 encourages that lighting be minimum but adequate and that it shall not cause direct glare or illumination on adjacent properties. No changes to existing lighting are proposed.

**Outdoor Lighting Cut Off:** ZR820.2 requires that the fixtures be cut-off. Staff finds that the light fixtures on Building C and B are not cut-off, but did not have time to investigate the details to see if these were approved. Building B, however, was reconstructed prior to 2011.

32. The applicant shall state if the existing exterior lights were previously approved by the DRB with specification; if the lighting was not previously approved with specification, all lighting shall be in compliance with ZR820.

**Outdoor Lighting Height:** ZR820.3 limits the height of lighting to 20'. The lighting on building C may be higher than 20'.

33. The applicant shall state if the lighting on building C exceeds 20'.

**Outdoor Lighting Specification & Energy Consumption:** ZR820.4 describes the type of lighting permitted.

**Outdoor Lighting Electrical Service:** ZR820.5 encourages underground electrical service.

**Signs:** ZR830 establishes regulations for signs.

34. All signs shall be in compliance with ZR830.

**Return to PUD General Standards, ZR852**

**PUD Permitted & Conditional Uses:** ZR852.4 states:

PLANNED UNIT DEVELOPMENTS may contain any combination of permitted and CONDITIONAL USEs, and uses that do not differ substantially from the permitted and CONDITIONAL USEs within the ZONING DISTRICT in which it is located.

Single Family Dwellings are neither permitted nor conditional in the I-2, but the proposal does not include a change to the existing Single-Family Dwelling. All other uses within the PUD are permitted within the I-2 District.

**PUD Use Permitting:** ZR852.5 states permitting requirements addressed in a condition below.

**PUD Dimensional Requirements Waivers:** ZR852.6 outlines dimensional requirement waivers. The existing site, as approved, does not meet current front, side or rear setbacks.

**PUD Within Existing Building:** ZR852.7 is not applicable because this is not a new PUD.

**PUD Concentration of Land Use:** ZR852.8 is not applicable.

**PUD Ownership Structure:** ZR852.9 states possible ownership structures. The PUD is currently in singular ownership.

**PUD Municipal Sewer Connection:** ZR852.10 says DRB can require municipal sewer. The site is served by municipal sewer.

**PUD Municipal Water Connection:** ZR852.11 says the DRB can require municipal water. The site is served by municipal water.

**PUD Access:** ZR852.12 says that PUD access is governed by ZR800 and ZR590.

**PUD Driveways:** ZR852.13 states:

DRIVEWAYS and accesses to individual lots shall be planned to minimize direct access to Town highways and STREETS. To this extent, the USE of frontage roads for PLANNED UNIT DEVELOPMENTS shall be encouraged by the Development Review Board.

**PUD Phasing:** ZR852.14 is not applicable.

**PUD Open Space:** ZR852.15 states open space requirements for PUD-M.

The plan's notes state the following: "Prior to the lease or sale of any portion of the property, legal mechanism for the protection of open space will need to be in place."

35. The applicant shall state the legal mechanisms for open space protection in place for this project; if none are in place, the applicant shall record an appropriate legal mechanism with the revised plat.

36. The final plans shall identify open space in compliance with ZR852.15 and ZR851.5.

**Bonus Density:** ZR853 is not applicable.

**PUD-M:** ZR855 explains specific requirements for PUD-M's.

**PUD-M Aesthetic & Buildable Envelopes:** ZR855.5 states:

The use of landscaping is a key element of the design of PLANNED UNIT DEVELOPMENTS-MIXED USE, and shall assist with preserving and enhancing site aesthetics, and for noise and lighting attenuation.

**GENERAL ZONING REGULATIONS: ARTICLES V-VII**

**Non-Conformities**

**Non-Conforming Change of Use:** ZR511 is not applicable because there is no change of use from the existing non-conforming PUD-M

**Non-Conforming Use or Structure Expansion or Enlargement:** ZR512 states that a non-conforming use cannot be expanded or enlarged. Staff does not find that the proposal constitutes an expansion or enlargement, although some may find that associated auto sales and repair could be considered a more expansive use than public warehousing.

37. The DRB may determine if additional parking and internal changes to the permitted uses constitutes an expansion of use.

**Non-Complying Structures:** ZR520 outlines restrictions on non-complying structures. The proposal does not include any change to a non-complying structure.

**Roads and Drives, ZR590**

**Driveway Visibility:** ZR593.4 states that, "Intersections of DRIVEWAYS and PUBLIC ROADS shall be designed to ensure adequate visibility and safety."

**Driveway Emergency Access:** ZR593.5 states, "DRIVEWAYS shall be constructed with a minimum width of 12' with 2' shoulders; a minimum turning radius of 42'; and a maximum DRIVEWAY grade of 15%, unless otherwise expressly stated in these Regulations."

38. The final plans shall label driveway turn radii in compliance with ZR593.5.

**Driveway Maintenance Agreement:** ZR593.6 states:

39. The USE of a SHARED DRIVEWAY shall require a legally executed agreement for the perpetual maintenance of the DRIVEWAY by future owners of lots within the subdivision or for any lot utilizing the right-of-way for access regardless of whether said lot was created through the subdivision; a Homeowners Association must be established in order to ensure proper maintenance of the right-of-way in the future.

**Driveway Location for Firefighting:** ZR593.7 is met.

**Driveway Height Clearance:** ZR593.8 is met.

**Driveways for Seasonal Habitation:** ZR593.9 is not applicable.

**Curb Cut Inspections:** ZR595 states:

40. Before a Certificate of Compliance is granted by the Zoning Administrator under Section 910, all new curb cuts or amended curb cuts to an existing PUBLIC ROAD, or DRIVEWAYS on a future PUBLIC ROAD shall be inspected by the Town Engineer or Highway Superintendent to ensure compliance with the requirements of this Section.

**Zoning Permit & Certificate of Compliance:**

41. A Zoning Permit is required and an associated Certificate of Compliance is required after construction/de-construction is complete (and prior to occupation/use of Building B1).

**State Approvals:**

42. The applicant must 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

**Concluding Subdivision Standards Review:** SR700 states, "Final approval of any subdivision, including Planned Unit Developments as regulated in Section 850 of the Zoning Regulations, 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

**Concluding Site Plan Review Standards:** ZR802.2 states, "The Development Review Board 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.*

43. Unless otherwise addressed above, the applicant shall address any of the DRB's remaining concerns related to SR700 and ZR802.2 standards at this time.

**RECOMMENDATION**

This application was submitted without consultation with Planning Office. Based on the above review, Staff recommends that the DRB **approve** a Final Plan and Site Plan amendment to the 2-4 Clapper Road Planned Unit Development (PUD) located at 2-4 Clapper Road, described as Tax Map 3, Parcel 13 subject to the conditions proposed above.

Respectfully submitted,



---

Jacob Hemmerick, Town Planner

Copy to: Owner, Applicant & Engineer



## TOWN OF MILTON, VERMONT 05468-3205

THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT  
43 BOMBARDIER ROAD • 802-893-1186 • FAX: 893-1005

**RECEIVED**

JAN 28 2015

Planning & Economic Development  
Milton, Vermont

January 27, 2015

Clapper Road LLC  
P.O. Box 69  
Milton, VT 05468

To Whom It May Concern,

Based on the inspection I performed today, January 27, 2015, the following items are not in compliance with the approved Site Plan for 2-4 Clapper Road.

- There is an unscreened dumpster on the property, but not on the site plan.
- Cars are not parked according to approved site plan.
- Display cars and other cars (total of 7 cars) are parked in the area proposed on new application (by warehouse), but not on approved site plan. These cars are also parked over the septic system shown on the approved site plan.
- Cars on the southern side of the property are parked in a diagonal configuration when the site plan shows the parking spaces in a perpendicular configuration. There are 13 cars currently, when site plan is only approved for 12 cars in this location. Cars are also parked over the stormwater area.
- Two display cars are parked too close to the sign and landscaping. The designated parking spaces begin approximately 10 feet from the sign.
- There are 13 cars parked on the eastern side of property when approved site plan shows only 11 designated parking spots
- No sign displayed for the handicap parking space.
- Not all lighting on site is shown on the approved site plan.
- There is no emergency access gate and fencing as shown on approved site plan.
- The fencing on the southern property line is in disrepair.
- There are various refuse (ie. truck cap, ladders, tires, etc) around the buildings.
- Residential access from Route 7 South is not on approved site plan.

If you have any questions, please contact me at 802-893-1186.

Sincerely,

Amanda Pitts  
Zoning Administrator

CC: Robert Miller, Brian Bertsch

## Section 700 Review

*Pursuant to Section 700 of the Milton Subdivision Regulations, the following questions must be answered to the satisfaction of the Development Review Board. Also attach any and any other material that you deem necessary to support your application (ie. Traffic studies). Use separate sheets as necessary.*

Final subdivision approval shall be based on the Milton Development Review Board finding that the Planned Unit Development 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.*

There are no site constraints which make the site unsuitable for development. The current proposal to change the use of Building 'D' and add 8 new parking spaces is occurring in an area which has already been developed.

**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.*

The site does not contain any natural or historical resources.

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

Approximately 25% of the site has been left open as open space, the current proposal does not change this.

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

The proposed use change and associated site improvements are occurring in an area which has already been developed. As part of this proposal 155 sq. ft. of new impervious will be added and 125 sq. ft. of existing impervious will be removed, resulting in a net increase of 30 sq. ft. of new impervious area. Runoff from the new impervious area will be directed to an existing infiltration basin where it will infiltrate into the sites sandy soils. +

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

The proposal to convert an existing warehouse building into an auto repair studio to be used by Carters Cars is a permitted use in the General Industrial (I2) zoning district.

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.*

N/A, the project will not result in undue water or air pollution, municipal water and sewer are proposed.

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

The proposed use is consistent with surrounding properties which are all primarily commercial and industrial in nature.

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

The proposed use change and associated site improvement requires only a minor redevelopment of an already developed area.

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

N/A, no existing pedestrian infrastructure exists within the project's vicinity.

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.*

The proposed use change will not place an unreasonable burden on municipal, educational, or governmental services and facilities. Any impact will be offset by tax revenue generated by the business.

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

Building 'D' has been previously approved to connect to the Town of Milton municipal water and sewer systems. The current proposal does not involve an increase in either water or sewer demand.

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.*

The proposed change in use is not expected to alter the existing traffic patterns at the Clapper Road/US Route 7 intersection.

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**MEMORANDUM**

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**TO: JACOB HEMMERICK, TOWN PLANNER, AND THE MILTON DEVELOPMENT REVIEW BOARD**

**FROM: BRIAN J. BERTSCH**

**SUBJECT: 2 CLAPPER ROAD, SITE PLAN AMENDMENT APPROVAL**

**DATE: JANUARY 29, 2015**

**CC:**

As a follow up to the January 22<sup>nd</sup>, 2015 Development Review Board meeting we would like to submit the following supplemental information pertaining to questions raised and plan changes requested.

**Site Plan Compliance:**

The applicant has agreed to restore the site so that it is compliance with the current proposal and past Town approvals. That process has already started and, with the exception of landscaping and lawn seeding, is expected to be finished by February 12<sup>th</sup>.

**Plan Revisions:**

The following plan revisions have been made as requested at the January 22<sup>nd</sup> public hearing:

1. Revised legend to remove reference to Survey Pins to be set;
2. Added notes, stormwater narrative and landscape schedule shown on the final plans approved on 08-25-11;
3. Revised land use terminology to be consistent with Milton Zoning Regulations;
4. Updated parking requirements, labeled type and dimensions;
5. Added drive to access Building C service bay;
6. Added existing site lighting;
7. Added dumpster;

Enclosed please find one (1) full size and six (6) reduced copies of plan sheet 1 'Site Plan-30 Scale'.

**Waiver Request:**

The applicant requests a 10' waiver to the 60' driveway queue storage length requirement to allow for construction of two (2) employee parking spaces located on

O'Leary-Burke Civil Associates, PLC  
1 Corporate Drive, Suite 1 Essex Jct., VT 05452  
802-878-9990 Fax 802-878-9989

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Milton, Vermont

the north side of building 'C'. A total of 50' queue length storage will be provided between the two (2) proposed parking spaces and Clapper Road. We feel this request is justified because the parking spaces which require the waiver have been designated as employee only and are not expected interfere will traffic at the project intersection with Clapper Road.

The applicant also requests a waiver to the 10'x60' loading space requirement as previously approved by the Development Review Board on August 25, 2011; Condition 9 of the August 25, 2011 approval stated 'the applicant must request a waiver from the loading space requirement in writing prior to the issuance of a zoning permit', and condition 10 stated 'there shall be no deliveries, including car carriers at the site'.

The current proposal for eight (8) new parking spaces and a use change to building 'B' and does not require changes to those past approval conditions. A note that 'there shall be no deliveries, including car carriers' remains on the plan.

### Driveway Approval:

This project has a long permit history with the Town and State regarding the access off of US Route 7. Historically the parcel contained an old farm house, barn and snack bar all accessible via two driveways off of US Route 7.

A brief summary of the permit history is as follows:

- **April 2003** – Property owner Frank Viens applied to convert the snack bar into a 3 bay garage and to convert the existing barn into cold storage. The Vermont Agency of Transportation ("VTrans") approved a highway access permit but included a permit condition which stated:

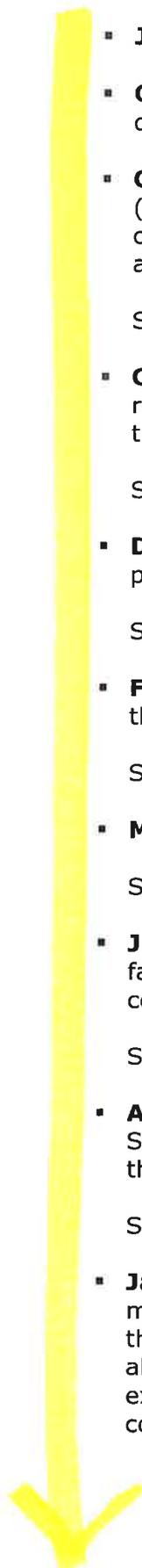
*"All other drives, other than the access being permitted, that now serve this single-family dwelling shall be eliminated. Any and all access that is to be used for commercial purposes shall be located on the town highway. At no time shall the commercial and residential access be connected."*

See Attachment #1 for copy of the 2003 Highway Access Permit

- **August 2005** – Milton DRB granted approval for two new cold storage buildings accessible from US RT 7, this approval was contingent on obtaining a state highway access permit.
- **September 2005** – VTrans denied the access to the two proposed cold storage buildings citing the previous condition from the 2003 permit which prohibited commercial traffic from using the projects US RT 7 access.
- **October 2005** – Clapper Road LLC appealed the VTrans denial which prohibited commercial traffic at the projects US RT 7 access.
- **December 2005** – VTrans Hearing Examiner upheld VTrans decision to deny the 2005 permit application.

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- 
- **January 2006** – Clapper Road LLC appealed to Chittenden Superior Court.
  - **October 2006** – Clapper Road LLC withdrew their appeal of the 2005 decision.
  - **October 2008** – Milton DRB granted approval to reconstruct the garage (approved in 2003) as an automobile repair shop and sales facility with access onto US RT 7, this approval was contingent on the obtaining a state highway access permit.

See Attachment #2 for a copy of the Town Approval.

- **October 2008** – VTrans denied the access to the reconstructed garage, referring back to the 2003 permit condition which prohibited commercial traffic at the projects US RT 7 access.

See Attachment #3 for a copy of the VTrans denial.

- **December 2008** – Clapper Road LLC appealed the VTrans denial which prohibited commercial traffic at the projects US RT 7 access.

See Attachment #4 for a copy of the appeal.

- **February 2009** – VTrans Hearing Examiner upheld VTrans decision to deny the 2008 permit application.

See Attachment #5 for a copy of the hearing decision.

- **March 2009** – Clapper Road LLC appeal to the Transportation Board.

See Attachment #6 for a copy of the appeal.

- **July 2010** – Milton DRB granted approval for an Automotive Repair and Sales facility with 15 parking spaces with access onto US RT 7, this approval was contingent on obtaining a state highway access permit.

See Attachment #7 for a copy of the approval.

- **August 2011** – Milton DRB granted approval for an Automotive Repair and Sales facility with 31 parking spaces and relocated driveway to be used for the single family home and emergency access only.

See Attachment #8 for a copy of the approval.

- **January 2012** – William Sawyer (Clapper Road LLC) and Rob Hall (VTrans) meet on site to review the access, at this meeting Mr. Sawyer requested that the access be moved approximately 40' toward the existing farm house to allow for more separation between the farm house and the car lot. In exchange Mr. Sawyer agreed to drop his pending appeal requesting commercial access off of RT. 7. Mr. Hall found this solution to be acceptable

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and agreed that the relocated access provided acceptable separate between the car lot to the south, Clapper Road to the north and Sweeny Farm road to the east. A highway access application was submitted for the access in its current location by O'Leary-Burke Civil Associates.

See Attachment #9 for a copy of an email from Rob Hall dated 1/29/15 which summarizes the site visit.

- **April 2012** – Clapper Road LLC withdrew their appeal to allow commercial access off of US RT 7.

See Attachment #10 for a copy of the dismissal order.

- **July 2012** - VTrans approved the highway access application for the current configuration for the residential, emergency access only, driveway.

See Attachment #11 for a copy of the approved highway access location.

We request that the DRB approve the plan as proposed with the driveway in its current location; the driveway is intended to serve the single family home only and as second means of ingress and egress to the car lot and warehouse buildings in the case of an emergency. Many years of negotiations and legal action have gone on which has led to a resolution that both the applicant and state are satisfied with.

By shifting the driveway closer to the single family home its provides further separation from the car lot and is likely to confuse customers of the car lot or storage units and is consistent with the original intent of the Agency of Transportation which was to restrict use of the US RT 7 driveway to residential traffic only.

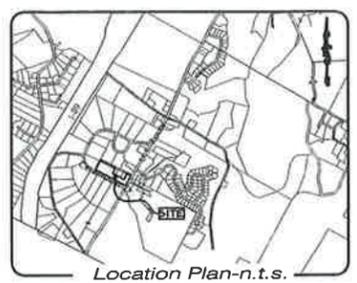
US Route 7 is a state maintained highway and the Agency of Transportation controls all access onto and off of US Route 7. Through issuance of the most recent highway access application has Agency of Transportation has restricted commercial access off of US Route 7 and approved the driveway location for the single family home. During their approval process they reviewed the expected trip generation from the farm house, safety, driveway alignment and separation of the driveway to Clapper Road, the car lot, and Sweeny Farm Road.

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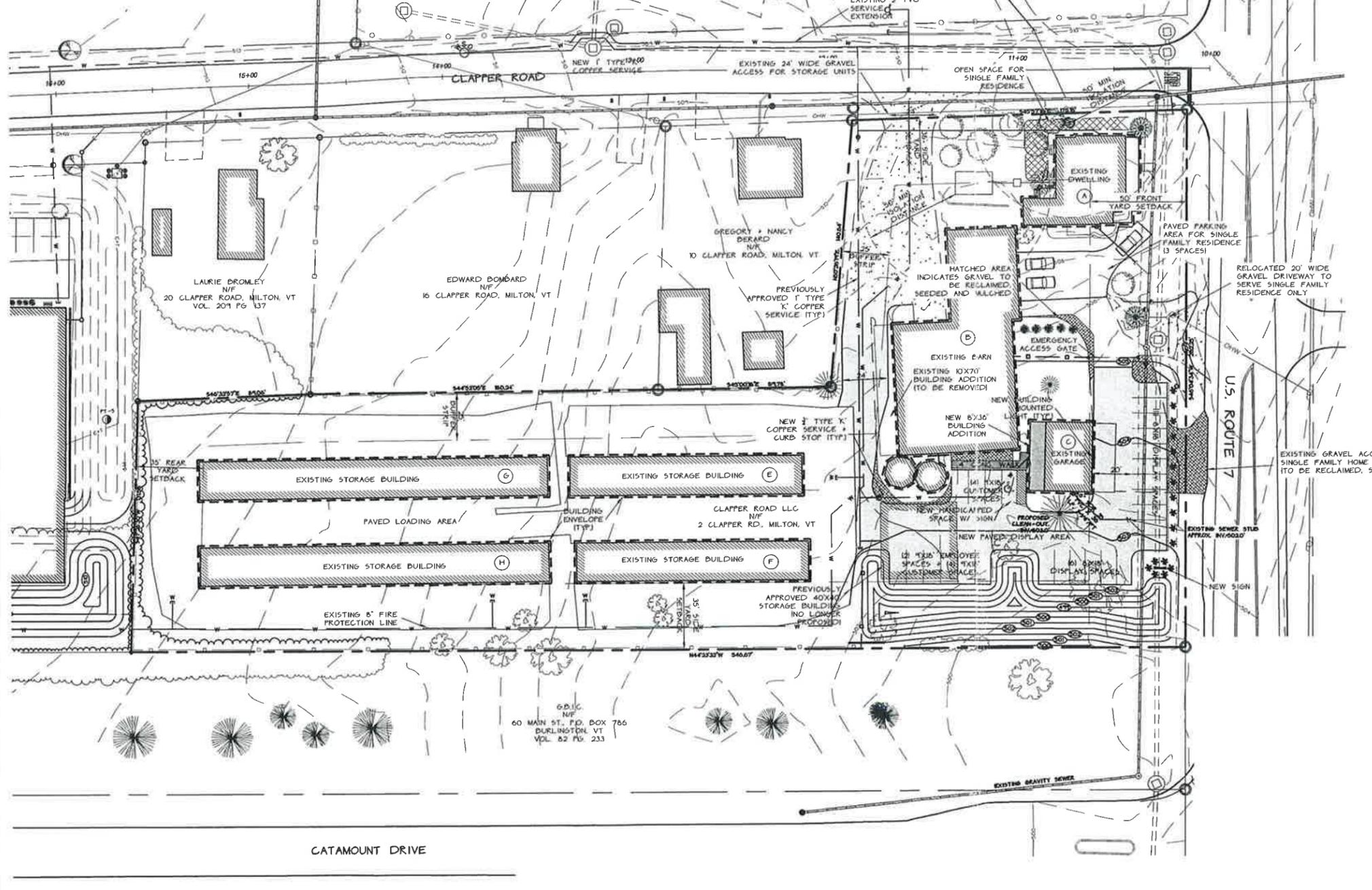
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**Legend**

- Project Boundary Line
- - - Proposed Property Line
- Adjoining Property Line
- Treeline
- - - 514 Existing Grade Contour
- - - 513 Finish Grade Contour
- Iron Pipe Found
- Iron Pipe to be set
- OHW Existing Utility Pole with Overhead Wires
- - - W Existing Water Line
- - - G Existing Gas Line
- - - Existing Catch Basin and Storm Line
- Fence
- PT-2 Percolation Test
- Building Mounted Luminaire
- Parking Area Luminaire



**STORM SYSTEM NARRATIVE**

**NARRATIVE:**  
 THE 230 ACRE PROJECT SITE IS CURRENTLY DEVELOPED WITH AN EXISTING SINGLE FAMILY HOME, STORAGE BARN AND FOUR SELF STORAGE BUILDINGS AND ASSOCIATED INFRASTRUCTURE. THE CURRENT PROPOSAL IS TO REDEVELOP A PORTION OF THE SITE TO REPAIR AND SELL AUTOMOBILES. THE CURRENT PROPOSAL ADDS APX 4,742 SQ. FT. OF NEW IMPERVIOUS AREA AND REDEVELOPS APX 13,900 SQ. FT. OF EXISTING IMPERVIOUS AREA. THE PROJECT SITE IS CHARACTERIZED BY HIGHLY PERMEABLE SOILS (ADAMS-WINDSOR SAND) AND DRAINS WEST TO EAST AND NORTH TO SOUTH. RUNOFF FROM THE REDEVELOPED IMPERVIOUS AREAS WILL BE DIRECTED BY SHEET FLOW INTO A PERMANENT INFILTRATION AREA. THE INFILTRATION BASIN HAS BEEN SIZED TO PROVIDE THE NECESSARY VOLUME TO INFILTRATE THE WATER QUALITY VOLUME (131.50 FT<sup>3</sup>) CHANNEL PROTECTION VOLUME (3,441.50 FT<sup>3</sup>) AND THE OVERBANK FLOOD VOLUME (8,712.50 FT<sup>3</sup>). A TOTAL BASIN VOLUME OF 13,175.50 FT<sup>3</sup> HAS BEEN PROVIDED. THERE IS NOT EXPECTED TO BE ANY OFF-SITE DISCHARGE WITH THE SYSTEM AS DESIGNED.

**Parking Calculations**

**REQUIREMENTS (BUILDING #C)**  
 AUTOMOTIVE REPAIR/FILLING STATION 3 SPACES FOR EACH WORKING SPACE PLUS 1 FOR EACH EMPLOYEE  
 - ASSUME 2 EMPLOYEES + 2 WORKING SPACES

**TOTAL PARKING REQUIRED: 6 SPACES**  
**TOTAL PARKING PROPOSED: 27 SPACES**  
 (2 EMPLOYEE, 6 CUSTOMER + 17 DISPLAY SPACES)

**Project Data**

TAX MAP 3, PARCEL 13-2  
 TOTAL PROJECT AREA - 230 ACRES  
 ZONING DISTRICT: GENERAL INDUSTRIAL (I2) DISTRICT

DIMENSIONAL REQUIREMENTS			
	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE	100,000 SF	100,000 SF	100,000 SF
SETBACKS:			
FRONT YARD	50 FEET	25 FEET	25 FEET
SIDE YARD	35 FEET	12 FEET	12 FEET
REAR YARD	35 FEET	20 FEET	20 FEET
MAXIMUM LOT COVERAGE			
TOTAL COVERAGE EXISTING	75%	74.7%	66.3%
MINIMUM ROAD FRONTAGE	200 FEET	262 FEET	262 FEET

**Proposed Landscape Schedule**

SYMBOL	QUANTITY	COMMON NAME	BOTANIC NAME	SIZE	COST
✳	17	YEW	TAXUS X MEDIA 'WARDII'	24"-30"	\$55.20
✳	9	EASTERN WHITE CEDAR	THUJA OCCIDENTALIS	5'-6' HGT.	\$90.30

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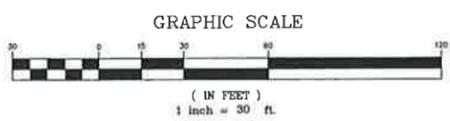
2011  
 FINAL  
 PLANS

**Owner & Applicant**

CLAPPER ROAD, LLC.  
 P.O. BOX 69  
 MILTON, VT 05468

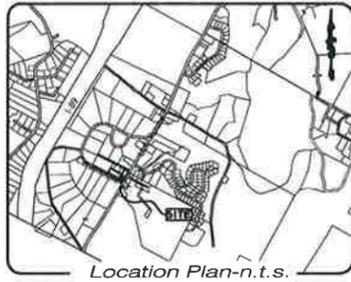


DATE: 08-30-11	REVISION: RECORD DRAWING	BY: BB
SURVEY: OBCA	DESIGN: OBCA	DATE: 08-21-11
DRAWN: ELB	CHECKED: RAO	SCALE: AS SHOWN
SCALE: 1"=30'	PROJECT: CLAPPER ROAD, LLC	PLAN SHEET # 1
<b>O'LEARY-BURKE CIVIL ASSOCIATES, P.C.</b>		
<b>SITE PLAN - 30 SCALE</b>		



- NOTES:**
- PRIOR TO THE LEASE OR SALE OF ANY PORTION OF THE PROPERTY, LEGAL MECHANISMS FOR THE PROTECTION OF OPEN SPACE WILL NEED TO BE IN PLACE.
  - THE PARKING AREA FOR THE AUTO REPAIR/SALES BUSINESS SHALL BE LIMITED TO 17 DISPLAY SPACES WITH 10 SPACES REMAINING FOR CUSTOMERS AND EMPLOYEES.
  - THERE SHALL BE NO DELIVERIES, INCLUDING CAR CARRIERS, AT THE SITE.
  - THE EMERGENCY ACCESS GATE SHALL BE FOR EMERGENCY USE ONLY AND SHALL HAVE FIRE LANE SIGNS ON BOTH SIDES OF THE GATE, AND A KEY BOX IF THE GATE IS TO BE LOCKED.
  - FOR PROPERTY AND BOUNDARY INFORMATION SEE PLAN ENTITLED 'CLAPPER ROAD, LLC - PROPERTY PLAT' PREPARED BY O'LEARY-BURKE CIVIL ASSOCIATES, DATED 10/27/06, LAST REVISED 08/30/11 AND RECORDED IN THE TOWN OF MILTON LAND RECORDS.

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



### Legend

	Project Boundary Line		Existing Utility Pole with Overhead Wires
	Adjoining Property Line		Existing Water Line w/ Curb Stop, Service, and Blow Off
	Existing Treeline		Existing Catch Basin and Storm Line
	Existing Grade Contour		Existing Sewer Line w/ Service and Cleanout
	Finish Grade Contour		Building Envelope
	Iron Pipe Found		Existing Building Mounted Luminaire
	Existing Fence		MUTCD Drive Drive Sign
	Proposed Fence		Proposed Dumpster
	New Gravel/Pavement		
	Gravel/Pavement (to be removed)		
	Existing Tree/Shrub (to remain)		

### Proposed Landscape Schedule

SYMBOL	QUANTITY	COMMON NAME	BOTANIC NAME	SIZE	COST
	17	YEW	TAXUS X MEDIA WARDII	24"-30"	\$68.20
	5	EASTERN WHITE CEDAR	THUJA OCCIDENTALIS	5'-6' HGT.	\$103.40

### Project Data

TAX MAP 3, PARCEL 13-2  
TOTAL PROJECT AREA - 2.30 ACRES  
ZONING DISTRICT - GENERAL INDUSTRIAL (I2) DISTRICT

BUILDING (A) EXISTING SINGLE FAMILY DWELLING - 2,230 GFA  
BUILDING (B) UNIT B1 EXISTING PUBLIC WAREHOUSE SPACE - 1,750 GFA  
PROPOSED AUTOMOTIVE SALES W/ ASSOCIATED REPAIR AND SERVICE - 1,750 GFA (2 BAYS)  
UNIT B2 EXISTING PRIVATE WAREHOUSE SPACE - 4,700 GFA

BUILDING (C) EXISTING AUTOMOTIVE SALES W/ ASSOCIATED REPAIR AND SERVICE - 1,667 GFA (1 BAY)  
BUILDING (E) EXISTING PUBLIC WAREHOUSE SPACE - 4,860 GFA  
BUILDING (F) EXISTING PUBLIC WAREHOUSE SPACE - 4,860 GFA  
BUILDING (G) EXISTING PUBLIC WAREHOUSE SPACE - 3,600 GFA  
BUILDING (H) EXISTING PUBLIC WAREHOUSE SPACE - 3,650 GFA

### DIMENSIONAL REQUIREMENTS

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE	100,000 SF	100,000 SF	100,000 SF
SETBACKS:			
FRONT YARD	50 FEET	25 FEET	25 FEET
SIDE YARD	35 FEET	12 FEET	12 FEET
REAR YARD	35 FEET	20 FEET	20 FEET
MAXIMUM LOT COVERAGE			
TOTAL COVERAGE EXISTING	72%	65.31	61.02
MINIMUM ROAD FRONTAGE	200 FEET	262 FEET	262 FEET

### Parking Requirements

- RESIDENTIAL USE: 2 SPACES PER DWELLING UNIT
- WAREHOUSING, PUBLIC OR PRIVATE: 2 FOR EACH 3 EMPLOYEES
- AUTOMOTIVE REPAIR AND FILLING STATION: 3 SPACES FOR EACH WORKING SPACE PLUS 1 FOR EACH EMPLOYEE
- AUTOMOTIVE SALES: 2 SPACES FOR EVERY 1,000 SF OF GROSS FLOOR AREA

BUILDING 'A' (RESIDENTIAL) SINGLE FAMILY HOME  
REQUIRED: 2 SPACES

BUILDING 'B', UNIT B1 (AUTOMOTIVE REPAIR AND FILLING STATION): 2 EMPLOYEES + 2 SERVICE BAYS  
REQUIRED: 12 EMPLOYEES X (EMPLOYEE) + 12 WORKING SPACES X 3/WORK SPACE + 5 SPACES

BUILDING 'B', UNIT B2 (PUBLIC WAREHOUSE): 0 EMPLOYEES  
REQUIRED: 0 SPACES

BUILDING 'C' (AUTOMOTIVE SALES/AUTOMOTIVE REPAIR AND FILLING STATION): 2 EMPLOYEES, 1 SERVICE BAY, + 650 SQ. FT. OF SALES SPACE  
REQUIRED: 12 EMPLOYEES X (EMPLOYEE) + 11 WORKING SPACES X 3/WORK SPACE + 1550 SQ. FT. OF GFA + 2/1000 SQ. FT. OF GFA + 7 SPACES

BUILDING 'E' (PUBLIC WAREHOUSE): 0 EMPLOYEES  
REQUIRED: 0 SPACES

BUILDING 'F' (PUBLIC WAREHOUSE): 0 EMPLOYEES  
REQUIRED: 0 SPACES

BUILDING 'G' (PUBLIC WAREHOUSE): 0 EMPLOYEES  
REQUIRED: 0 SPACES

BUILDING 'H' (PUBLIC WAREHOUSE): 0 SPACES  
REQUIRED: 0 SPACES

**TOTAL PARKING REQUIRED: 17 SPACES**  
**TOTAL PARKING PROPOSED: 38 SPACES**  
**13 RESIDENTIAL SPACES, 16 EMPLOYEE/CUSTOMER/REPAIR SPACES + 17 DISPLAY SPACES**

### STORM SYSTEM NARRATIVE

NARRATIVE:

THE 2.30 ACRE PROJECT SITE IS CURRENTLY DEVELOPED WITH AN EXISTING SINGLE FAMILY HOME, PRIVATE WAREHOUSE BUILDING, AND FOUR PUBLIC WAREHOUSE BUILDINGS, AND AN AUTOMOTIVE SALES WITH ASSOCIATED REPAIR AND SERVICE. THE CURRENT PROPOSAL IS FOR A USE CHANGE TO A PORTION OF THE PRIVATE WAREHOUSE BUILDING TO REPAIR AND SERVICE CARS WITH 6 NEW PARKING SPACES, AND RELOCATE THE DRIVEWAY FOR THE SINGLE FAMILY HOME. NOTE: THE DRIVEWAY HAS ALREADY BEEN RELOCATED FROM ITS APPROVED LOCATION AND THE APPLICANT IS SEEKING AN AFTER-THI-FACT APPROVAL.

THE PROJECT SITE IS CHARACTERIZED BY HIGHLY PERMEABLE SOILS (ADAMS-WINDSOR SAND) AND DRAINS WEST TO EAST AND NORTH TO SOUTH. RUNOFF FROM THE NEW AND EXISTING IMPERVIOUS AREAS ARE DIRECTED BY SHEET FLOW INTO A PERMANENT INFILTRATION AREA. THE INFILTRATION BASIN HAS BEEN SIZED TO PROVIDE THE NECESSARY VOLUME TO INFILTRATE THE WATER QUALITY VOLUME CHANNEL PROTECTION VOLUME (1-YR STORM) AND THE OVERBANK FLOOD VOLUME (10-YR STORM).

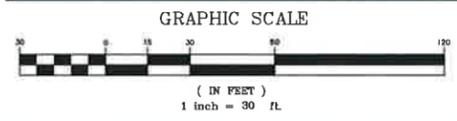
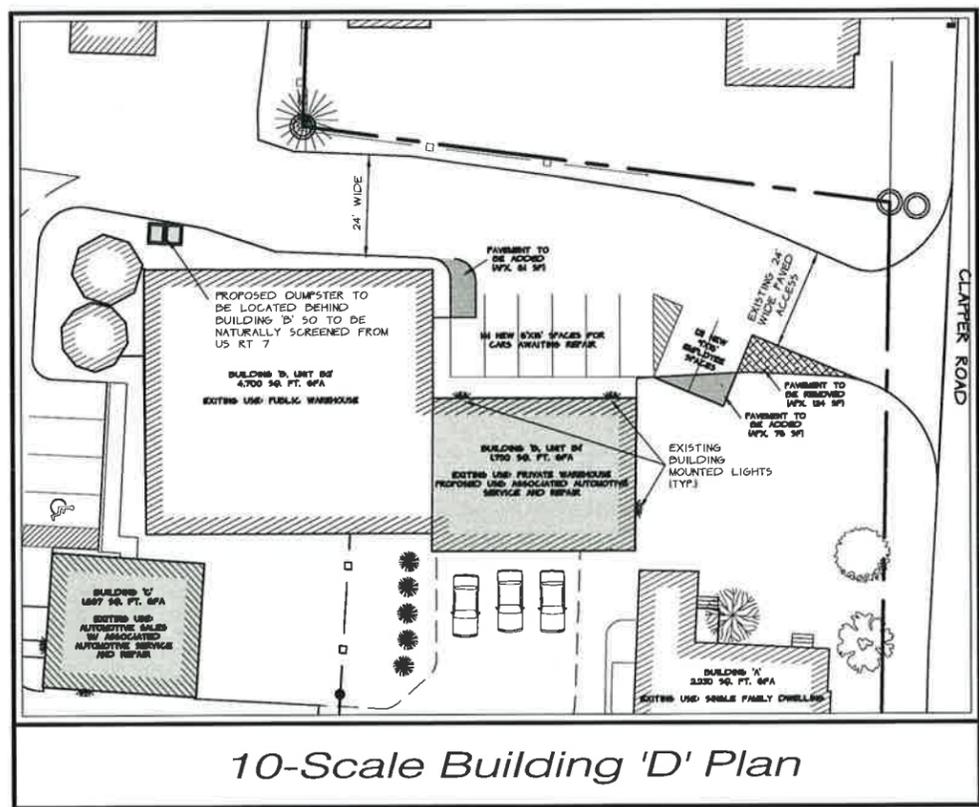
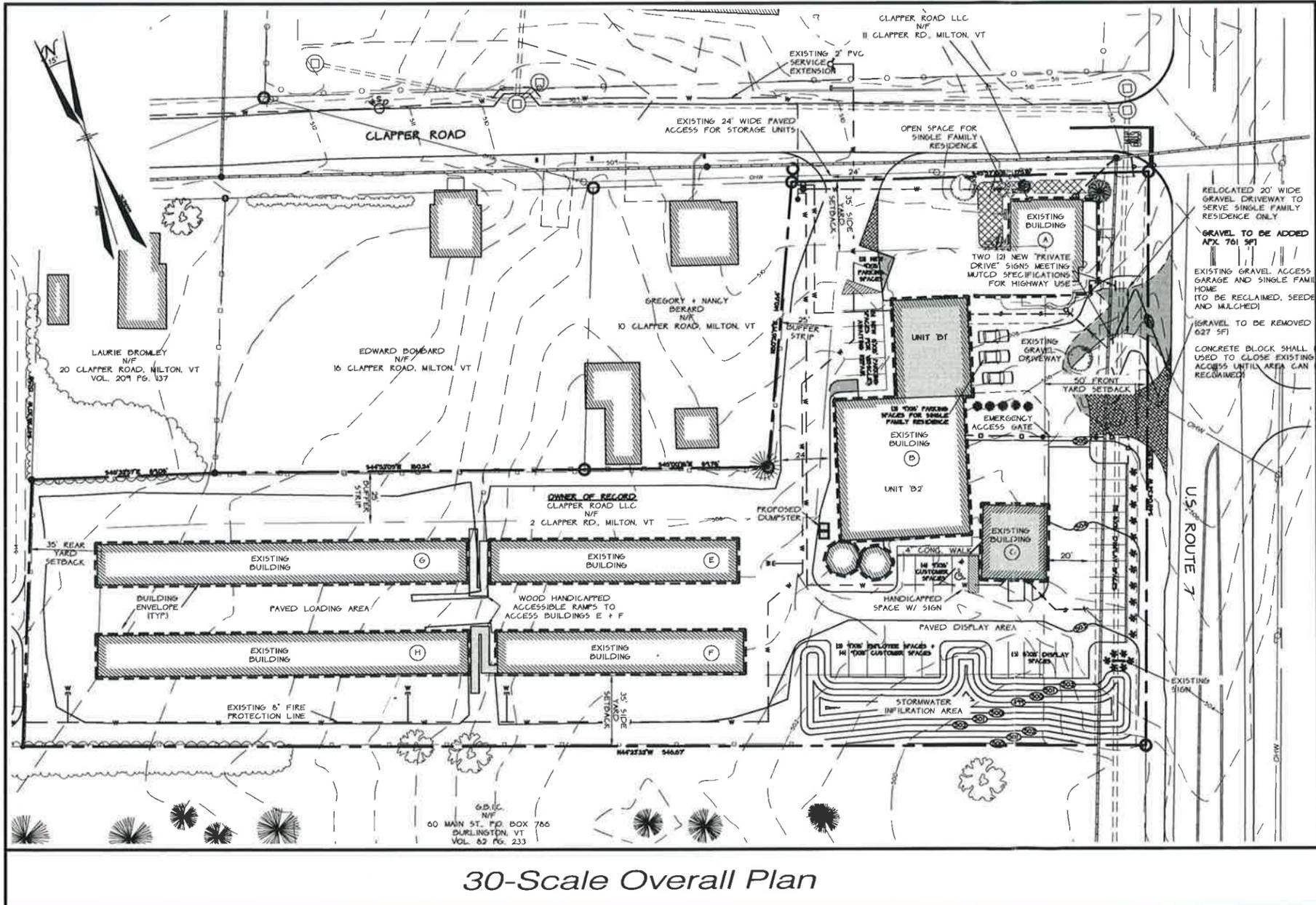
THE CURRENT PROPOSAL TO ADD 6 NEW PARKING SPACES AND RELOCATE THE RESIDENTIAL ACCESS ADDS APPROXIMATELY 100 SQ. FT. OF IMPERVIOUS AREA WHILE REMOVING APPROXIMATELY 791 SQ. FT. FOR A NET INCREASE OF 169 SQ. FT. OF IMPERVIOUS AREA.

IN ADDITION BUILDING RAMPS WERE ADDED TO BUILDINGS E + F IN 2013 AND THE IMPERVIOUS COVERAGE WAS NEVER UPDATED, INCLUDING THIS COVERAGE TO THE PROPOSED INCREASE RESULTS IN A TOTAL INCREASE OF 601 SQ. FT. OF IMPERVIOUS COVERAGE.

UPDATING THE STORMWATER MODEL TO ACCOUNT FOR THE PROPOSED INCREASE IN IMPERVIOUS COVERAGE SHOWS THAT DURING THE WATER QUALITY STORM A STORAGE VOLUME OF 5051 CU. FT. IS REQUIRED. DURING THE 1-YEAR STORM A STORAGE VOLUME OF 312 CU. FT. IS REQUIRED AND DURING THE 10-YEAR STORM A STORAGE VOLUME OF 6,487 CU. FT. IS REQUIRED.

A TOTAL STORAGE VOLUME OF 1,317 CU. FT. HAS BEEN PROVIDED, WITH THE SYSTEM AS DESIGNED THERE IS NOT EXPECTED TO BE ANY OFFSITE DISCHARGE.

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FEB 12 2015  
Planning & Economic Development  
Milton, Vermont



NOTES:

- 1) PRIOR TO THE LEASE OR SALE OF ANY PORTION OF THE PROPERTY, LEGAL MECHANISMS FOR THE PROTECTION OF OPEN SPACE WILL NEED TO BE IN PLACE.
- 2) THE PARKING AREA FOR THE AUTOMOTIVE SALES WITH ASSOCIATED SERVICE AND REPAIR BUSINESS SHALL BE LIMITED TO 17 DISPLAY SPACES, 6 SERVICE SPACES, 4 EMPLOYEE SPACES AND 6 CUSTOMER SPACES.
- 3) THERE SHALL BE NO DELIVERIES, INCLUDING CAR CARRIERS, AT THE SITE.
- 4) THE EMERGENCY ACCESS GATE SHALL BE FOR EMERGENCY USE ONLY AND SHALL HAVE FIRE LANE SIGNS ON BOTH SIDES OF THE GATE, AND A KEY BOX IF THE GATE IS TO BE LOCKED.
- 5) FOR PROPERTY AND BOUNDARY INFORMATION SEE PLAN ENTITLED "CLAPPER ROAD, LLC - PROPERTY PLAN" PREPARED BY O'LEARY-BURKE CIVIL ASSOCIATES, DATED 10/27/06, LAST REVISED 06/30/11 AND RECORDED IN THE TOWN OF MILTON LAND RECORDS.

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

DATE	REVISION	BY
02-12-13	MISC. REVISIONS PER 12-06-13 TOWN EMAIL	BLB
01-28-13	MISC. REVISIONS PER 01-22-13 CRB HEARING	BLB
12-18-14	CHANGED USE FOR BUILDING D AND ADDED PARKING SPACE, UPDATED COVERAGE ON CALCULATIONS	BLB
06-23-14	REVISED WATER AND SEWER SERVICE TO AROUND BUILDING RENOVATION	BLB
01-03-12	ADDED PRIVATE DRIVE SIGNS AND CHANGED STOCKING FENCE TO OWN LANE FENCE PER REQUEST OF AGT	BLB
01-25-12	RELOCATED DRIVEWAY TO SINGLE FAMILY HOME PER COMMENTS BY AGT	BLB
11-16-11	REVISED WATER SERVICE TO GARAGE PER AS-BUILT CONDITIONS	BLB
08-02-11	REVISION MISC. REVISIONS PER 08-11-11 CRB APPROVAL	BY BLB

DATE: 06-21-11  
JOB: 4002  
FILE: #3040.REV11  
PLAN SHEET: 1

**O'LEARY-BURKE CIVIL ASSOCIATES, P.C.**  
CLAPPER ROAD MILTON, VT  
CORPORATE DRIVE, SUITE 1  
ESSEX, VT 05732  
PHONE: 278-2680  
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**CLAPPER ROAD, LLC**  
MILTON, VT  
**SITE PLAN - 30 SCALE**

TOWN of MILTON  
Planning & Economic Development  
43 Bombardier Road  
Milton, VT 05468-3205



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(802) 893-1186

**TO:** Development Review Board  
**FROM:** Jacob Hemmerick, Town Planner  
**CC:** Planning Commission  
Economic Development Commission  
Planning Staff  
**DATE:** Finalized on Friday, February 20, 2015  
(Last Update Issued on February 6, 2015)

**RE: STAFF UPDATE FOR FEBRUARY 26, 2015 DRB MEETING**

#### Glossary

BLA	Boundary Line Adjustment
CO	Certificate of Occupancy/Use
CU	Conditional Use
mCS	Minor Conventional Subdivision
MCS	Major Conventional Subdivision
PUD-M/I/C/R	Planned Unit Development <u>M</u> ixed-Use / <u>I</u> ndustrial / <u>C</u> ommercial / <u>R</u> esidential
SP	Site Plan
SR	Subdivision Regulations
TAC	Technical Advisory Committee: Police, Fire/Rescue, Public Works & School
ZA	Zoning Administrator
ZP	Zoning Permit
ZR	Zoning Regulations

#### DRB Staff Reports Drafted for the 2/26 Meeting

- ▶ 2-4 Clapper Road, PUD-M (warehousing, personal service, dwelling) Final Amend. III, Sawyer (Continued from 1/22 and 2/12)
- ▶ McMullen Road, CU & SP for Mineral Excavation, J&M Sand
- ▶ Pre-Cast Road, PUD-I Sketch for Manufacture, Pre-Cast

#### DRB Decisions Drafted for the 2/26 Meeting

- ▶ None. Was unable to get to the following this week:
  - ▶ 241 Eagle Mountain Harbor, Variance, Fletcher
  - ▶ 444-452 Route 7 South, PUD-M Sketch for Residential/Commercial, Sawyer

#### Plats Finalized & Ready for Signature at the 2/26 Meeting

- ▶ Misty Bay and Lake Rd., BLA, Gibbs/Hayes/Lombard

#### Upcoming Applications for the 3/12 Meeting

- ▶ Haydenberry Drive, 30-Unit PUD-R Final, C-11 & Blackberry Commons LLC

## Upcoming Applications for the 3/26 Meeting

- ▶ None

## Consultations

### ▶ US Route 7 South, SP Public Warehousing (Self-Storage), Turner

Met with Engineer on 2/6 to go over proposed large-scale self-storage project in the M4, and e-mailed the engineer on 2/19 with the Interim Zoning Warning & language, informing him that it would affect this proposal. Spoke with applicant's wife on 2/20 about details.

### ▶ Tracy Estates PRD, Streetlight Question, P. Sumner

Fielded call on 2/9 about cost of streetlights that led to a time-intensive investigation of streetlight assumption policy. They would like the Town to accept the lights as public infrastructure according to Public Works Specifications 110. I'll tackle this the week of the 2/23, but it will probably take most of one day to unravel the permitting history.

### ▶ East Road, General Zoning Inquiry, Merrill

ZA and I met with an auctioneer to on 2/9 to discuss development potential for a parcel in R1.

### ▶ Westford Road, mCS/PUD-R Inquiry, Cross Consulting

Engineer sent me a draft layout on 2/6, which I reviewed and provided feedback on 2/11. They were discouraged by the PUD language and came back an two hours later with a conventional subdivision that was also problematic. They called on 2/18 asking about another configuration for the 3/26 meeting, but I was out of bandwidth for another review. I expect to see an app. on Mon.

### ▶ W. Milton Road, SP (Mineral Excavation), Gray Rock

B. Daily called about a possible amendment. Met on 2/12 to discuss a berm installation project that will require a SP Amendment per ZR680 & ZR860.

### ▶ 27 Racine Rd., PUD-M for Single Family Dwelling & Public Warehousing (Self-Storage), Brunette

Met with potential applicant on 1/18, and ZA and I met with him again on 2/18. Informed him that his previous PUD-M has expired. He is interested in re-submitting a similar project, but Interim Zoning would impact the proposal during the Warning period, and in the longer-term if adopted.

### ▶ 161 Cooper Road – Site Plan and Conditional Use – Pecor/Emery

Spoke with applicant on 2/17 about agricultural exemption retention with a residential job-training campus with caretaker residence. Staff found that this proposal could meet the definition of a "private facility", although since this is a gray area, a determination rests with the DRB through a conditional use and site plan application. Applicant says Agency of Agriculture would exempt farming aspects of job-training campus but not structures, but I'll touch base with Stephanie Smith (compliance officer) if they submit an application.

## Potential Applications w/ No Recent Activity

### ▶ 327 Route 7 South, PUD-C Final Plan Amendment for Office Use Addition, Fitzgerald

Last met w/ applicant on 1/8 to provide a PUD-C Sketch application to add second principal use for an insurance sales firm.

### ▶ 121 Gonyeau Rd., SP Amendment, NG Advantage

Last met with NG Advantage business manager on 1/23 about a storage shed relocation and new filling station.

### ▶ 53 Cadreact Rd., General Zoning Inquiry, C. LeWhite

Last spoke on 1/26 about a CU home occupation in order to be able to host outdoor weddings.

### ▶ Bombardier Rd., BLA & SP for 30-unit Elderly Housing, Cathedral Square

Last spoke with architect on 2/6 and again on 2/18 about app. req'ts; they plan to submit for the 4/23 meeting.

### **DRB Decision Follow-up (Date is Date of Last Hearing)**

▶ **2014.06.26, 327 Route 7 South, Site Plan for Personal Service (Auto Sales & Repair), Fitzgerald**  
Touched base with owner about lighting, and asked that the lights be adjusted down, so that they are parallel to the ground and not tilted up. This is so they are less aggressive to drivers along US Route 7.

▶ **2014.10.23, McMullen Rd. 26, mCS Amendment II, Provost**

Chair signed Plat on 2/9 and was recorded on 2/10. Client's attorney sent over revised Road Maintenance Agreement and Agreement and Waiver on 2/9, which was approved by the Town's attorney on 2/10. This was signed by the Acting TM on 2/18 and recorded.

▶ **2014.11.20, Middle Rd. 28, SP Amendment for Dwelling & Personal Service, McRae**

Called McRae on 1/20 and requested that he submit revised plans by 2/20. No plans were received by 2/20. I'll touch base next week.

▶ **2014.11.20, North Rd. 357/367/375, BLA & Variance, Waters/Hepp/Hebert**

Chair signed Plat on 2/9 and was recorded on 2/11.

▶ **2014.12.11, Misty Bay and Lake Rd., BLA, Gibbs/Hayes/Lombard**

Applicant provided legals on 2/9. Plat arrive 2/10. Sent legals to attorney for review 2/10, returned with some edits needed on 2/12. Reviewed Plat on 2/12; it also requires revisions. Surveyor picked up plat on 2/19, and dropped off revisions on 2/20.

### **Outstanding DRB Decisions w/ No Recent Activity (Date is Date of Last Hearing)**

▶ **2014.06.26, Gonyeau 10/12 - SP for Public Warehousing - Gintoff**

Final Plans deemed complete on 1/20. Waiting on: Landscape surety, State water/wastewater permit.

▶ **2014.08.14, Everest Road 708, CU for Retaining Wall, Martin**

Never applied for permit.

▶ **2014.08.14, Catamount Dr. Lot 17, SP for Manufacture, Bove**

Spoke with applicant on 1/20 about landscaping bond. Still planning to break ground in the spring.

▶ **2014.08.28, Mackey 29, mCS Final, Camerons Run LLP**

Waiting until spring to pull a permit for home demolition. Then, they can proceed on mCS Decision closeout.

▶ **2014.10.09, Main St. 55, SP Amendment for Cemetery, Village Cemetery**

Public Works is holding off on this project. No revised plans submitted.

▶ **2014.10.09, Sanderson Road 150, CU, J&M Sand**

Contacted engineer on 1/20. No action since Decision issued & conditions are pending. Until they close out the Decision, the timeline cannot be extended.

▶ **2014.10.23, North Rd. 345, SP for Banquet Hall, HW Ventures**

Reviewed third set of revisions on 1/20; plans need a complete lighting table and sign proposal in compliance with Decision & Regulations; spoke with engineer about sign on 2/3.

Waiting on final plan revisions, State water/wastewater Permit, State Project Review.

An Act 250 hearing will also be held on this development in Milton's Municipal Bldg. on 2/23.

▶ **2014.11.13, Catamount Dr./Lot 11, 2-lot mCS Final, GBIC**

Sent GBIC an e-mail inquiring about status on 1/20. GBIC is holding off on legal review until they are closer to a closing. Waiting on revised Plat, legal instruments, and legal escrow.

▶ **2014.11.13, Cold Spring Rd. 171/232, BLA & Variance, Clark/Hastings**

Spoke on 2/6. Parties are in price negotiation. Waiting on all Decision conditions.

### **Environmental Division of the Superior Court - Outstanding Appeals**

▶ **Route 7 South 368, PUD-M Final Plan Amendment, Southerberry Phase III, Sawyer**

▶ **North Road 345, CU for Banquet Hall, HW Ventures/Harrison**

▶ **Haydenberry Drive, PUD-R - Blackberry/C11/Carroll**

▶ **Chrisemily Lane, PUD-M Sketch, DKRE**

## Regional Planning Commission

### ▶ Exit 17 Scoping Study:

Final Report is now available online: [\[Download\]](#)

### ▶ Milton Sidewalk Scoping Project:

Project underway to evaluate alternatives for bike/ped. improvements near the Railroad Street crossing.

### ▶ US Route 7 Corridor Study:

Next public meeting date pending. Materials can be found [online](#).

### ▶ Regional Plan 2014 Annual Report Scorecard

As the saying goes, "If you can't measure it, you can't manage it." The Regional Plan's 2014 Annual Report includes a data-rich Scorecard [online](#); the full Report can be viewed [here](#).

## Selectboard Activities Related to Planning/Development

### ▶ Interim Zoning

The Selectboard Warned a hearing for Interim Zoning on 2/17. The content of the Warning is **ATTACHED** for your review and goes into effect on 2/26, the date of Warning publication. The public hearing will be held on 3/16 at 6:00 p.m. You can learn more about the enabling statute, at [24 VSA 4415](#).

Minutes are available [online](#).

## Planning Commission

### ▶ 2/17 Meeting

Met on 2/17 and developed a FAQ sheet about Interim Zoning. This is not yet final.

## Economic Development Commission

### ▶ 2/11 Meeting

Was briefed on the Camp Pre-Cast PUD-I Application and Interim Zoning. Discussed closure of Apollo. There is interest in assisting the owner in finding a new tenant.

## Conservation Commission

### ▶ 2/9 Meeting

Discussed Eagle Mountain Kiosk information design, finalized brochure for Eagle Mountain, reviewed Information Technology Use Standards Policy and approved minutes. Minutes are available [online](#).

### ▶ 2/14 Winterfest Snowshoe

Hosted a snowshoe excursion in the Town Forest attended by several people who had never been to the Town Forest before. This was also attended by a *Burlington Free Press* Reporter.

## Zoning Administrator Report

- ▶ Granted the Certificate of Occupancy for the first duplex on Hummingbird Lane (formerly the Lesage Subdivision, now owned by the Sheppards.)
- ▶ Approved two Zoning Permits for duplexes on the remaining two lots. Units are selling quicker than anticipated.
- ▶ Zoning Permits are picking up. Must be residents are starting to fantasize about the end of winter. CO's remaining steady.
- ▶ Issued Voluntary Compliance Letters for the following: unpermitted sign at the Ice Barn (384 Route 7 South) and in excess of one unregistered vehicle at Wagen Works (250-252 Route 7 South).

## Town Planner Activities

### ▶ Municipal Building Landscape Improvements

Attended meeting on Municipal Building landscape improvements on 2/9.

### ▶ Town Solar Project

Reviewed some material and attended community solar array RFP bid award on 2/10. The scoring

generated a finalist to proceed for Selectboard authorization to enter contract negotiation.

▶ **TAC Meeting for 2/26 DRB Meeting**

Chaired the TAC Meeting on 1/10.

▶ **Stannard House**

Met with Standard House Committee Chair, Bill Kaigle, and Town Manager on 2/12 to discuss Committee's progress and land-use approval process.

▶ **DRB Bylaw Amendments**

Drafted amendments to the DRB Bylaws discussed at the 1/8 Meeting on 2/12.

▶ **Going Away Social for Katherine**

Organized going-away social with Planning Assistant and Zoning Administrator on 2/13, and hosted the event on 2/19.

▶ **DRB 2/12 Meeting Re-cap**

Drafted and sent meeting re-cap to stakeholders on 2/13.

▶ **Warning Deadlines**

Evaluated best practice for warning deadlines on 2/13.

▶ **Staff Report & Decision Changes**

Worked on template for staff reports on 2/16, as well as a document banking well-developed conditions that are standard to DRB decisions. Staff has historically relied on prior reports as a template to work off of, but this doesn't prove to be the most secure method to apply the minimum standards of analysis.

My goal is fivefold:

- 1) Reduce the amount of time it takes to develop a staff report ;
- 2) Ensure that nothing is missed and conditions are well framed;
- 3) Reduce the amount of time it takes to turn a staff report into a decision;
- 4) Include applicable regulatory context that helps future readers understand the full content of the proposal.
- 5) Make the reports as concise as possible.

This means that the DRB may notice some formatting changes, and it may result in longer (although more thorough) reports than the DRB has previously seen. Once these are solid enough to build on, I aim to create an application requirements table, to use as a checklist for application completion. The applications are also in need of an update.

▶ **TAC Memo for 3/12 DRB Meeting**

Prepared and sent TAC Memo on 2/17

▶ **Conservation Commission 2/24 Meeting Prep.**

Prepared and sent Conservation Commission Agenda & Packet on 2/17.

▶ **Green Up Day Preparation**

Met with PW Director to activate Green Up Day Planning on 2/19. We volunteered to be co-chairs.

▶ **Planning Dept. Transition**

Staff attended transition meeting on 2/19 with Director to be briefed on ongoing projects.

▶ **Regulation Inquiry**

Inquired into regulatory basis to have combined Preliminary/Final review of a major PUD according to ZR852.1. The language isn't crystal clear, but Regina Mahoney, former Planning Director, confirmed that an opportunity for combined review during one hearing was the intent, so long as projects are very well presented.

## **Continuing Education/Citizen Planner Development**

▶ **Correction on PUDs and Site Plan Review**

The Planning Assistant pointed out that I erred at the 1/22 meeting in saying that the 444-452 Route 7 South PUD-M Sketch for Residential/Commercial by Sawyer is subject to Site Plan review at that stage. I was wrong. A PUD application only becomes subject to Site Plan review at Final. However, bringing up Site Plan regulations at sketch is an opportunity to raise issues that will be applicable at Final, when Site Plan review comes into play -- and -- Site Plan review factors could dramatically impact the sketch

proposal and site layout. For instance, parking, stormwater, and other site plan factors could inform the number of units that can be accommodated in proposed buildable envelopes. The more issues we can spot early on, the better off everyone is and the more likely the Town is to arrive at well-reviewed development outcomes. Nevertheless, it appears that there wouldn't be regulatory basis to hold site plan factors as conditions of sketch approval.

#### ▶ **Handling Demolition as a Condition of Approval**

I spoke with a developer about how to approach the situation above. In a recent case, the DRB required a ZP for demolition prior to recording the Plat in order to prevent the creation of a non-conforming structure if the project fell through. The Plat recording requirements, however, don't give applicants much flexibility in timing (180 days max, unless extended another 90 days by ZA). The developer mentioned that bonding is another tool to ensure demolition, and this has been used in the past. The downside is that managing bonds eats up a lot more administrative time: forms, signatures, file creation, spreadsheet tracking, communication follow-up, auditing requirements, etc. And -- even with a bond -- the problem grows if developer doesn't demolish, because it would take even more administrative time to pull a bond, and getting the money doesn't solve the problem of an existing structure made non-conforming by subdivision. The Town could not pull a demolition bond or landscaping bond for failure to meet the terms, and then go on the site and demolish the building or install landscaping. Additionally, a condition that "expires" a subdivision (according to SR970) if the demolition doesn't occur, is likely to result litigation. For these reasons, I recommend that the DRB make demolition a condition of Plat recording unless there are situations where bonding would be a good mechanism. The decision should be carefully weighed against the administrative burdens.

#### ▶ **Roundabout Design Workshop**

On Tuesday, March 31, two Burlington Neighborhood Planning Assemblies will host a one-day workshop that addresses the ABCs of roundabout design, examines its many benefits ranging from reduced delay for all to sharp pollution cuts, and analyzes a Burlington intersection for roundabout conversion. The event will be held 8am-4pm at UVM and is co-sponsored by AARP Vermont, UVM Center on Aging, Addison County RPC, Chittenden County RPC, Northwest RPC, Vermont Local Roads and VTrans. If you're interested in this workshop, please let me know. VTrans also put out this video: <https://www.youtube.com/watch?v=Bo8GnJRZoWE>.

#### ▶ **VLCT Spring Planning & Zoning Forum**

Will be held on June 3, 2015 in Fairlee Vermont from 8 a.m. to 3:30 p.m. Agenda coming soon. Many Vermont DRB members attend this biannual event. If any of you are interested in attending, please save the date and let me know. Currently, I have a conflict and don't plan to attend.

### **Other News**

#### ▶ **Planning Director Departing**

On 2/10 the Planning Director, Katherine Sonnick, announced that she has accepted a job for the town of Jericho and her last day working for Milton is 2/20. She shares, "The decision to leave Milton has not come easily but I have been offered an opportunity that will both further my growth as a planner and allow me to spend more quality time with my family. I thank you for the opportunities, experience and knowledge I have gained during my time here in Milton. I have very much enjoyed working with you all and I will miss you."

#### ▶ **Zoning Permit Indexing Improvements**

Paper copies of all Zoning Permits, COs, Administrative Decisions, and DRB Decisions are kept in the Planning Office. Memorandums of Municipal Action (for these documents) are recorded in the Land Records, and these memos send the public (particularly title searchers) to the Planning Office to get copies of the actual documents. The only electronic record-keeping Planning has for Zoning Permits and COs is a chronologically indexed mix of EXCEL and WORD files, with an individual file for each year since 1970. (There's currently no equivalent index of DRB Decisions.) Meghan Grant, Planning Assistant, is integrating the digital indexes of ZP & CO data into files by decade in EXCEL. The benefit to the public is that it will enable us to search for permits more easily and it may assist future data

integration. Each step we take to have these important land records digitally integrated, indexed, archived, and searchable, the easier it becomes for staff, title searchers, and the public to reconstruct histories -- and the safer these documents (and property titles) are from theft, vandalism, fire and water hazards.

▶ **VTrans On-Road Bicycle Plan**

VTrans is developing an On-Road Bicycle Plan in support of enhancing on-road bicycle improvements on state highways. This planning effort will use public input and roadway characteristics to categorize state highway corridors into several tiers. The plan will assist VTrans in understanding where to focus limited resources toward bicycle improvements and allow better integration into Agency projects. The second statewide public meeting on this plan will be held on April 30, 2015. They also have a site where you can identify areas of concern. [\[Learn More\]](#)

▶ **Milton and Westford Elementary Schools Selected for SRTS Safety Initiative**

Milton and Westford Elementary Schools are two of the nine statewide Safe Routes to School (SRTS) partners to be selected for the 2015 School Zone Safety Initiative offered by VTrans to upgrade their school zone. This initiative has been created to help achieve uniform applications of traffic control devices within Vermont's local school zones for the purpose of enhancing the safety of road users. These projects will be 100% federally funded using allocated Highway Safety Funds through MAP-21. [\[Learn More\]](#)

▶ **LaunchVT Accepting Applications Through March 15**

LaunchVT is a business pitch competition awarding cash and in-kind resources to entrepreneurs who deliver plans for a new business enterprise that demonstrates exceptional potential in today's market. Please share with your contacts in the business community. [\[Learn More\]](#)

▶ **VT-Alert: Sign Up and Stay Connected**

By signing up for VT-Alert, you can receive warnings and emergency information via the web, your cell phone, email and other technologies. The information relayed will include severe weather warnings, significant highway closures, hazardous materials spills, and many other emergency conditions. It is a free tool to provide you with critical information when you may need it most. You can modify what type of information you receive or unsubscribe at any time. [\[Learn More & Sign Up\]](#)

▶ **Lamoille River Paddlers' Trail Initiative**

The Lamoille River Paddlers' Trail Steering Committee, working in partnership with the Vermont River Conservancy and backed by the Green Mountain Fund and the Lake Champlain Basin Program is holding a community meeting on the initiative on Monday, February 23, 2015 in the Milton Municipal Building Community Room from 7:00 to 8:30 p.m. The Trail is an emerging effort to develop new opportunities for paddling and fishing along the Lamoille River through a network of well maintained river access points, primitive campsites, and portage trails from the river's headwaters west to Lake Champlain. They'll be sharing the results of an assessment of river access points, portage trails, and potential campsites; crafting a shared vision and guiding principles for the Paddlers' Trail; and brainstorming priority on-the-ground projects for the upcoming year. RSVP to [noah@vermontriverconservancy.org](mailto:noah@vermontriverconservancy.org).

▶ **Vermont Transportation Board Releases Report on Millennials**

The Vermont Transportation Board released its 2014 Annual Report, which documents the comments the Board collected during a recent series of public forums that focused on the transportation needs and wants of young adults. [\[Learn More\]](#)

TOWN of MILTON  
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## MEMO

**TO:** Development Review Board Members  
**FROM:** Jacob Hemmerick, Town Planner  
**DATE:** February 17, 2015  
**CC:** None  
**RE:** DRB BYLAW AMENDMENT

The objective of this Agenda item is to review Staff's markup to ensure that it is consistent with the conclusions of the January 8, 2015 meeting.

**Recommended Motion:**

Approve the DRB Bylaw amendments as presented.

**Next Action:**

If approved, I will return with a clean version for signature at your first March meeting, after which the document will be filed with the Town Clerk and made publicly available on the DRB's webpage.

**TOWN OF MILTON**  
*Markup Version*

**PROCEDURAL BYLAWS OF THE DEVELOPMENT REVIEW BOARD**

**ARTICLE I - PURPOSE**

1. The purpose of these Bylaws is to assist the Town of Milton Development Review Board (hereinafter referred to as the "Board") with carrying out its duties, meeting its responsibilities, and avoiding misunderstandings by establishing rules of procedure. By identifying what is required of the hearings, recordkeeping, and Board determinations, cases may be handled more effectively and efficiently, resulting in greater protection for the Town and more equitable treatment for applicants.

**ARTICLE II - GOVERNING RULE**

1. The Board shall be governed by the provisions of *Chapter 117, Title 24, of the Municipal and Regional Planning and Development Act*, the *Town Charter*, the Town's Administrative Code, all other applicable State statutes, local laws, and ordinances, and these *Bylaws*.

**ARTICLE III - OFFICERS AND DUTIES**

1. The Board shall organize and elect, by majority vote of all members present and voting, a Chairperson, a Vice- Chairperson, and a Clerk annually at the first regularly scheduled meeting subsequent to annual appointments by the Town of Milton Select~~b~~-Board.
2. The Chairperson shall call and preside at all meetings and hearings of the Board, decide all points of order and procedure, and appoint any subcommittees' that may be found necessary.
3. The Vice-Chairperson shall assume the duties of the Chairperson in his/her absence. ~~In addition, he/she shall edit all minutes prior to presentation at a Board meeting.~~
4. ~~The Clerk shall monitor meeting attendance and prepare and submit a quarterly report to the Board and the Select Board covering the twelve months to date. In addition, the~~ Clerk shall monitor the audience "sign-in sheet" at each meeting.
5. Members shall avail themselves of training opportunities annually.

## ARTICLE IV -MEETINGS

1. A regular meeting of the Board shall be held on the second and fourth Thursday of each month to consider applications (subdivision plans, site plans, boundary line adjustments, variances, conditional uses, and appeals of administrative decisions) and other related business.
2. The Board may schedule work sessions and joint meetings with other boards and commissions to complete its work. The Board may schedule special meetings regarding any related matter as it sees fit.
3. All meetings of the Board shall be properly warned and noticed in accordance with the *Vermont Open Meeting* law and the *Town Charter*.
- 4 The Town Planner, or designee, shall notify members as soon as possible concerning any cancellations or special meetings.
5. Members shall notify ~~the Chairperson~~ or the Town Planner as early as possible, if unable to attend any meeting. In circumstances when the Town Planner is unavailable, members shall notify the Planning Department.
6. A quorum shall consist of a majority of the designated strength of the Board.
7. The order of business at all regular meetings of the Board shall be as follows, unless otherwise re-assigned by the Chairperson:

A ~~Call to Order/Oath to the Town Planner; Zoning Administrator, and Public Forum Participants~~

B. ~~Vote to excuse absent Board members~~ Attendance

C. Additions /Deletions to Agenda

D. Public Forum

E. Applications/Oath to Planning Staff, Applicants and their representatives, and Interested Persons.

F. ~~Town Planner's Report~~ Planning Staff Report

G. ~~Zoning Administrator's Report~~

GH. ~~Approval of Minutes~~ Other Business

HI. Other Business-Approval of Minutes

I. Deliberative Session

J-K. Adjournment

8. The Board shall have the right to enter into Executive Session in accordance with *Title 1 V.S.A., Section 313.*

9. The Board shall have the right to enter into Deliberative Session in accordance with *Title 1 V.S.A., Section 312.*

910. The Chairperson may appoint subcommittees for work session items. Such subcommittees may contain less than three (3) Board members, in which event the following rules shall apply:

A. Such subcommittees may be facilitated by the Planning Staff ~~Director, Town Planner, and/or Zoning Administrator.~~

B. Members of the community, with no voting privileges, shall be encouraged to participate.

C. The subcommittee shall arrange for meeting times convenient to its members.

1011. Reports of subcommittees shall be approved, approved with conditions, or disapproved by the majority vote of the Board members present and voting.

**ARTICLE V - ~~Attendance~~ ATTENDANCE**

1. A provision for continued service on the Board by any member shall be a good attendance record.

2. Any member with unexcused absences for three (3) consecutive regular meetings ~~or six (6) regular meetings in a twelve (12) month period~~ may, by majority vote of the entire Board, be recommended to the Select Board for removal from the Board.

3. Absences will be excused by majority vote of the members present at any meeting. Valid excuses shall include: sickness, vacation, ~~death in the family,~~ professional obligations, family or personal business, military service, emergencies, and other municipal business.

4. Members are expected to attend a minimum of fifty percent (50%) of all Special, Joint, and Work Session meetings within any the same twelve (12) month period of tenure, as ~~noted above.~~

5. A Board member shall be excused from that portion of a meeting where a conflict of interest on any scheduled topic exists or is perceived to exist. Disclosure of the specific content of a conflict interest shall at the discretion of Board members.
6. Planning Staff shall annually present Board attendance to the Board and Town Manager prior to annual appointments by the Town of Milton Selectboard.

## ARTICLE VI - CONFLICT OF INTEREST

1. Members of the Board and Planning Staff are governed by Section 701 of the *Town Charter*, which reads:
  - A. A member of any appointed or elected board or commission or appointed or elected person or any person employed by the Town or School District of Milton shall not solicit or receive directly or indirectly any gift or compensation for recommending or voting on any finding, ruling, decision or report, or voting to procure any service, thing or supply purchased with public funds.
  - B. Nor shall any such member or employee receive directly or indirectly anything of value by contract or otherwise from the Town or School District unless it is received:
    - (1) As a result of a contract accepted after a public bid in accordance with law.
    - (2) In public recognition of service or achievement.
    - (3) As regular salary or expenses allowed by law for official duties performed as a member of such board or commission.
    - (4) For employment otherwise authorized by law.
  - C. No Board or commission member shall vote on any contract or purchase in which he/she has a direct or an indirect interest.
2. Members of the Board are governed by Section 703 of the *Town Charter*, which reads:
  - A. No board or commission member has any legal powers or authority unless acting at a duly warned board meeting or acting for the board after it formally grants power to act on its behalf.

B. Any board or commission member shall attend all regularly scheduled meetings in so far as possible and review study materials about the issues to be considered on each agenda.

C. Any board or commission member shall maintain confidentiality of discussion conducted in executive session and of other privileged information.

D. Any board or commission member shall abide by board decisions regardless of how individuals voted.

E. Any board or commission member shall listen to legal counsel and constructive criticism to protect the Town and school system from liability.

F. Any board or commission member shall refer complaints, requests, and concerns to the Town Manager or School Superintendent or other appropriate staff member.

G. Any board or commission member or elected or appointed official shall use the chain of command and avoid making commitments or promises that compromise Town and school system.

H. Any board or commission member or elected or appointed official shall listen to the recommendations of other board or commission members or elected or appointed officials and staff before making decisions and provide advice and counsel to improve the Town and school system.

~~23. In addition, n~~No Board member shall vote on any issue in which he/she has a direct or an indirect interest or conflict.

4. Any Board member who knowingly participates in a portion of a meeting where an established conflict of interest on any scheduled topic exists may, by majority vote of the entire Board, be recommended to the Select Board for removal from the Board.

## ARTICLE VII - RECORDS

1. A file of all material and decisions relating to each case shall be kept by the ~~Town Planner~~Planning Staff in the ~~Planning~~Department's Office as part of the records of the Board.
2. All records of the Board shall be public. Legal documents, such as mylars, deeds, covenants, memorandums of municipal action, and minutes, shall be kept on file in the Town Clerk's Office. All records shall be available for inspection by any person upon request. ~~after five (5) working days from the date of any hearing or meeting. Any request~~

~~to view records of the Board shall be made by appointment with the Town Planner or Zoning Administrator, which must be set within five (5) working days of the request~~

3. Minutes of meetings shall be distributed by the Planning Staff to the SelectbBoard, Development Review Board, Planning Commission, Town Manager, Town Clerk, Assessor, Technical Advisory Committee, Planning Director, Town Planner, and Zoning Administrator.
4. Planning Staff shall make the Board aware of training opportunities funded by the Selectboard.

### ARTICLE VIII - PROCEDURES

1. Motions shall be worded in the affirmative in order to be considered proper. Negatively worded motions shall be considered out of order.
2. Motions shall carry only when they receive an affirmative vote of no less than a quorum of Board members.
3. A polled vote shall be taken on all final approvals for subdivisions, site plans, boundary line adjustments, variances, conditional uses, and appeals of administrative decisions.
4. A polled vote shall be taken on any motion when called for by a Board member.
5. *Roberts Rules of Order Newly Revised* shall determine procedural matters unless otherwise specifically set forth in these *Bylaws*.
6. Meetings shall commence promptly at ~~6:30~~ 7:00 p.m. or as soon thereafter as a quorum of Board members is present.
7. Citizens shall be recognized for comment at the discretion of the Chairperson.
8. The time for adjournment shall be no later than 10:00 p.m. The time limit may be extended by a majority vote of Board members present
9. To be considered for review at a specific meeting of the Board, a complete application must be delivered to the Board through the Planning ~~and Zoning~~ Office. The Town Planner, or designee, shall determine if all application materials necessary have been submitted. When all application materials have been submitted, the Town Planner, at his/her discretion shall schedule the application at the next future regular Board meeting. The Town Planner shall use discretion in scheduling meeting topics, and shall not include more applications ns within any given evening if such volume will extend the meeting beyond 10:00 p.m. while allowing for transaction of routine Board business.

### ARTICLE IX - ASSIGNMENT OF ALTERNATES

1. No more than 2 alternates shall serve on the Board for any one application.
2. Alternates will have no regular assignments on the Board
3. The assignment of an alternate to the Board will come from an alphabetical roster list. The assignment will begin with the first alternate in alphabetical order and rotate through the list until all alternates have served and the rotation will be repeated.
4. The purpose of alternates is to maintain a full Board, or as close to full as possible during public meetings. The duty of the alternates is to attend public hearings where a regular Board member or members are unable to attend for any reason. If a regular member must recuse him or herself from an application, the alternate will be called to serve on the Board for that application only. For an ill or otherwise completely absent regular Board member, attendance of the alternate shall be for the complete agenda.
5. An alternate that is called upon to serve shall be required to be part of the Board until a decision is made on that application. This includes attending deliberative sessions and the continuance of the public hearing if it has been tabled or recessed.
6. The Chairperson of the Board shall appoint an alternate to serve on the Board by selecting an individual from the roster as provided in paragraph three (3) above whenever, based on one of the conditions identified in paragraph four (4) above, the Chairperson deems it appropriate to appoint an alternate. If the Chair does not appoint an alternate when one of the conditions identified in paragraph four (4) above occurs, a majority of the members of the DRB present and voting may appoint an alternate.

### ARTICLE IX - RULES OF CONDUCT AT ~~DEVELOPMENT REVIEW BOARD PUBLIC HEARINGS AND MEETINGS~~

1. At all warned or noticed hearings of the Board, or at any Board ~~regular~~ meeting involving the presence of members of the community, the following rules of conduct shall be applied:
  - A. The Chairperson shall direct the applicant or person setting forth a proposal, Planning Staff, and all (interested) parties who wish to speak on the proposal, to step forth and take an oath to tell the truth, Applicant will then be asked to present such application or proposal.
  - B. The Chairperson shall then ask persons present who have comments with regard to the application or proposal to step forward, give their name, and make their comment. The applicant or person setting forth the proposal shall then be given an opportunity to respond before the next person is asked to step forward. All

Town of Milton Development Review Board Procedural Bylaws

comments from Planning Staff, applicants, and interested persons shall be directed to the Chairperson.

- C. After all persons have been heard, the Chairperson shall open the discussion to the members of the Board. Such discussion shall occur in an orderly fashion, with no more than one person speaking at any given time.
- D. If more questions from persons present result from the discussion, the Chairperson shall repeat the procedure as set forth in item B above.

**ARTICLE XI - AMENDMENTS**

- 1. These rules may be amended at any regular meeting of the Board by an affirmative vote of a quorum of the Board provided that such amendment has been presented in writing to each member of the Board at least five (5) working days preceding the meeting at which the vote is taken.

Adopted December 11, 1997, and amended this \_\_\_\_\_ of \_\_\_\_\_,  
2015

\_\_\_\_\_  
Allen Lasell, Chairperson

\_\_\_\_\_  
Clayton Forgan

\_\_\_\_\_  
Bruce Jenkins, Vice-Chairperson

\_\_\_\_\_  
David Conley

\_\_\_\_\_  
Thomas Cole, Clerk

Filed with the Town Clerk's Office this \_\_\_\_\_ of \_\_\_\_\_, 2015

\_\_\_\_\_  
John Cushing, Town Clerk

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**Minutes from  
TOWN OF MILTON – DEVELOPMENT REVIEW BOARD  
February 12, 2015**

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**A complete audio record of the meeting is available in the Planning and Economic Development office.**

**Members Present:** Allen Lasell, Chair; Bruce Jenkins, Vice-Chair; Clayton Forgan, David Conley

**Members Absent:** Thomas Cole, Clerk

**Staff Present:** Jacob Hemmerick, Town Planner

**Others Present:** See attached sign-in sheet.

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**CALL TO ORDER**

Mr. Lasell called the meeting to order at 7:00 pm.

**ADDITIONS TO/DELETIONS FROM THE AGENDA**

Mr. Hemmerick stated that he has a decision for the DRB to consider and the Clapper Road PUD which was continued is not listed on the Agenda.

**PUBLIC FORUM**

None.

**PUBLIC HEARINGS ON APPLICATIONS**

**Variance Application – Eagle Mountain Harbor Road 241 – Alan & Lynne Fletcher, Owners/Applicants.** The Applicants are requesting a Variance in accordance with Section 520: Non-complying Structures of the Zoning Regulations. The proposal is to construct a passageway between the house and garage at 241 Eagle Mountain Harbor Road, described as SPAN #10349, Tax Map 40, Parcel 8. The subject property contains a total of approximately 0.16 acres and is located within the “Shoreland Residential” (R6) and “Flood Hazard” (FH) Zoning Districts.

Alan & Lynne Fletcher were present for this hearing. Mr. Lasell administered the oath and read the numbered items from the Staff Report.

In response to Item Number:

1. Mr. Fletcher presented his arguments for the variance and how it will enable reasonable use of the property.
1. There was discussion on the building coverage of the site. Mr. Fletcher stated that they are under 20% and he agreed to add that to the drawing.
2. Mr. Fletcher stated that the lot is nonconforming and they have already gone up one story.

- 47 3. Mr. Fletcher stated again that they are a preexisting nonconforming lot.  
48 4. Mr. Fletcher stated that they bought the property as it is now.  
49 5. Mr. Fletcher stated that with the passageway, they are not getting closer to any of  
50 the setbacks. There was discussion of removing the shed/garage from the Public  
51 ROW.  
52 6. Mr. Fletcher stated that the breezeway was the easiest way to meet the zoning  
53 regulations.  
54 7. "The DRB may determine if the required findings of ZR1071 are met," Mr. Fletcher  
55 agreed.  
56 8. Mr. Fletcher agreed to obtain a Zoning Permit prior to construction and an  
57 associated Certificate of Compliance is required after construction is complete and prior  
58 to occupation/use of the new structures.  
59 9. Mr. Fletcher agreed obtain a statement from the District 4 Permit Specialist of the  
60 Agency of Natural Resources stating that no Project Review is needed or obtain  
61 a Project Review Sheet from the District 4 Permit Specialist provide a copy to the  
62 Town, and ensure that all the necessary State permits are obtained prior to  
63 construction.  
64

65 Hearing closed at 7:30p.m.  
66

67 **Sketch Plan Application, Mixed-Use Planned Unit Development (PUD) –Route 7**  
68 **South 444-452 - 444-452 Route 7 South, LLC c/o William Sawyer,**

69 **Owner/Applicant.** The Applicant is requesting Sketch Plan approval for a proposed  
70 Mixed-Use Planned Unit Development located at 444-452 Route 7 South, described as  
71 SPAN# 11884, Tax Map 25, Parcel 18. The proposal is to remove the six existing single  
72 family homes and one existing auto repair business and construct a new 1,800 square  
73 foot commercial building and 7,500 square foot building with a mix of restaurant, retail  
74 and office space. Also proposed are twenty seven new 2-bedroom residential units split  
75 between four 2-story buildings. The primary access to the project will be off of Route  
76 7. Municipal water and sewer are proposed to serve the project. The subject property  
77 contains approximately 3.8 acres and is located within the "Checkerberry" (M4) Zoning  
78 District.  
79

80 Brian Bertsch was present for this hearing. Mr. Lasell administered the oath and read  
81 the numbered items from the Staff Report.  
82

83 In response to Item Number:

- 84 1. Mr. Bertsch stated that the front building setback would still be maintained from  
85 Route 7, just not from the proposed private ROW.  
86 2. Mr. Bertsch agreed to remove building coverage and maximum building footprint  
87 from the dimensional table.  
88 3. Mr. Bertsch agreed to label the 1,800 square foot commercial building's use as a  
89 personal service. Mr. Bertsch stated that they have no body planned for that  
90 space at the moment.  
91 4. Mr. Bertsch agreed that the preliminary/final plans shall be in compliance with  
92 SR300.4.  
93 5. Mr. Bertsch agreed that the preliminary/final plans shall be in compliance with

- 94 SR300.5.
- 95 6. Mr. Bertsch agreed that the preliminary/final plans shall be in compliance with
- 96 SR300.8.
- 97 7. Mr. Bertsch agreed that the preliminary/final plans shall include all requirements
- 98 of Zoning Regulations Section 803. There was discussion on how to grant the
- 99 density bonus without enough information given.
- 100 8. Mr. Bertsch agreed that the preliminary/final plan shall have an accurate legend
- 101 that corresponds to all lines and symbols shown on the plan; and shall not show
- 102 lines and symbols not shown on the plans.
- 103 9. Mr. Bertsch agreed to include a meets and bounds survey per ZR851.2 and
- 104 ZR855.5 with the preliminary/final application.
- 105 10. Mr. Bertsch stated that he believes it is the Applicant's intent for the project to
- 106 remain in singular ownership.
- 107 11. Mr. Bertsch stated that the property is open with no wetlands or steep slopes but
- 108 there is a groundwater issue therefore there will be no basements. They will need
- 109 to look at how to design the stormwater system.
- 110 12. Mr. Bertsch agreed to indicate that the lot hosts statewide agricultural soil
- 111 according to Map 7 of the Comprehensive Plan, per ZR851.4.
- 112 13. Mr. Bertsch agreed to include all items required ZR851.5 on the preliminary/final
- 113 plans.
- 114 14. Mr. Bertsch agreed to include a letter of intent from the Agency of Transportation
- 115 for the proposed US Route 7 accesses according to Zoning Regulations Section
- 116 813.1.
- 117 15. Mr. Bertsch agreed to schedule a site visit with the DRB in accordance with
- 118 ZR851.9, and shall place temporary markers on the land according to ZR851.8 to
- 119 enable the DRB to readily appraise the layout of the PUD.
- 120 16. Mr. Bertsch agreed to secure a preliminary water and sewer allocation.
- 121 17. Mr. Bertsch agreed to state the area and delineate all common open space
- 122 (which is distinct from community recreation space in Milton's Regulations), but
- 123 should not include buildable envelopes for which there is not a common element
- 124 on the preliminary/final plans.
- 125 18. "The DRB may consider for approval the size, shape and location of the open
- 126 space and if it is designed as an integral part of the whole development in
- 127 accordance with ZR804.6, ZR855.6 and ZR852.15," Mr. Bertsch agreed.
- 128 19. Mr. Bertsch stated that there would probably be a masters association to cover
- 129 everything.
- 130 20. Mr. Bertsch stated that everything will be maintained by the homeowners
- 131 association. They may put in a garden or playground.
- 132 21. Mr. Bertsch stated that community recreation space is over 50% and he will note
- 133 it on the plans.
- 134 22. Mr. Bertsch stated that they will establish guidelines on uses and maintenance.
- 135 23. "The DRB may require, at its discretion, that the number of units be less than the
- 136 maximum number established above according to criteria established ZR856.1,"
- 137 Mr. Bertsch agreed.
- 138 24. Mr. Bertsch stated that the Applicant would like the bonus density and will work to
- 139 meet the goals of the Comprehensive Plan.

- 140 25. Mr. Bertsch agreed to show the outline of approved structures on the parcel  
141 south of the subject property on the preliminary plans.
- 142 26. Mr. Bertsch agreed to show crosswalks and sidewalks on both sides of the  
143 private ROW and shall mimic the natural walking pattern of a person, versus  
144 having 90 degree angles that people are likely ignore. Additionally, the  
145 commercial building's entrance sidewalks shall align with the ADA parking buffer.
- 146 27. Mr. Bertsch stated that the preliminary final plans shall be in full compliance with  
147 ZR804.4
- 148 28. Mr. Bertsch stated that the preliminary final plans shall include appropriate  
149 landscaping where parking is visible from a public street in compliance with  
150 804.5.
- 151 29. Mr. Bertsch agreed to delineate the buildable envelope in compliance with  
152 ZR855.4 and ZR1110 on the preliminary/final plans and the final plans shall  
153 include landscaping as a key design element to improve aesthetics, control  
154 noise, and manage lighting in accordance with ZR855.4.
- 155 30. Mr. Bertsch agreed to demonstrate compliance with ZR592.
- 156 31. "The DRB may determine if it would allow a reduced, 40-foot wide private right-of-  
157 way according to Zoning Regulations Section 592.6 (the regular width is 60')", Mr.  
158 Bertsch agreed.
- 159 32. Mr. Bertsch agreed to clear the preliminary/final plan road name in advance with  
160 the Zoning Administrator.
- 161 33. Mr. Bertsch agreed to obtain a letter of approval for the road layout from the  
162 Town's designated public safety personnel according to ZR592.15.
- 163 34. Mr. Bertsch agreed to show all driveway(s) on the lot to fully in compliance with  
164 Zoning Regulations Section 593.
- 165 35. Mr. Bertsch stated that they will have to look at how solid waste will be managed.  
166 They will show a dumpster on the site for the commercial portion.
- 167 36. Mr. Bertsch agreed to include a dimensioned plan with specifications, per ZR811  
168 and 812.
- 169 37. Mr. Bertsch stated that they will need to obtain more information and reevaluate.
- 170 38. Mr. Bertsch agreed to denote the surface of all roadways and sidewalks in the  
171 specifications.
- 172 39. Mr. Bertsch agreed to include a stormwater plan in compliance with ZR812.6
- 173 40. Mr. Bertsch agreed to show driveways and parking in compliance with all  
174 provisions of Zoning Regulations Section 814, with attention given to 814.6.
- 175 41. Mr. Bertsch agreed to show visibility triangles in compliance with 815.
- 176 42. Mr. Bertsch stated that showing a roadway connecting to Clifford Drive will be  
177 difficult. They are not required a second access and there is 10' of private  
178 property they don't control.
- 179 43. Mr. Bertsch stated that showing a connection to the Clifford Drive sidewalk raises  
180 the same issue as above.
- 181 44. Mr. Bertsch stated that the building they are proposing does not require a  
182 loading/unloading space, per ZR818.
- 183 45. Mr. Bertsch agreed to show bike rack(s), per ZR819.
- 184 46. Mr. Bertsch agreed to show sign sizing and placement on the preliminary/final  
185 plans or elevations.

- 186 47. Mr. Bertsch agreed to address all comments by the Development Review Board  
187 Technical Advisory Committee.
- 188 48. Mr. Bertsch agreed to file a preliminary application within 6 months of the date of  
189 the Sketch Plan approval to continue according to SR500. The plans must  
190 contain those items set forth in SR600 of the regulations.
- 191 49. "Final approval of any subdivision must be based on a finding by the DRB that  
192 the proposed subdivision is in accordance with the twelve standards for  
193 evaluation contained in Section 700 of the Subdivision Regulations," Mr. Bertsch  
194 agreed.
- 195 50. Mr. Bertsch agreed to submit responses to Subdivision Regulations Section 700  
196 "Standards for Evaluation" with the preliminary application
- 197 51. Mr. Bertsch agreed to submit all draft legal documents associated with the  
198 development
- 199 52. Mr. Bertsch agreed to submit \$500.00 with the preliminary/final application to be  
200 held in escrow by the Town to cover the costs of legal review by the Town  
201 Attorney.
- 202 53. Mr. Bertsch agreed to obtain a Project Review Sheet from the Permit Specialist  
203 in the District 4 Regional Office of the Agency of Natural Resources, provide a  
204 copy to the Town, and ensure that all the necessary State permits are obtained.
- 205 54. "The DRB may require additional information according to ZR852.1, such as  
206 traffic studies or drainage plans. The preliminary plans/final plans shall show the  
207 location for mail pick-up coordinated with Milton's Post Office," Mr. Bertsch  
208 agreed.

209  
210 Hearing closed at 8:27p.m.

211  
212 **Final Plan & Site Plan Amendment Application – Planned Unit Development –**  
213 **Clapper Road 4 - Carters Cars c/o Robert Miller, Applicant, Clapper Road, LLC, c/o**  
214 **William Sawyer, Owner.** The Applicant is requesting a Final Plan and Site Plan  
215 amendment to the 2-4 Clapper Road Planned Unit Development (PUD) located at 2-4  
216 Clapper Road, described as Tax Map 3, Parcel 13. The site contains existing cold  
217 storage units and warehouse space, an existing dwelling and auto repair and sales  
218 facility. Building "D" which is currently warehouse and office space is proposed to be  
219 converted to a 2 bay auto repair studio. Also proposed are 8 new parking spaces. The  
220 subject property contains approximately 2.82 acres and is located within the "General  
221 Industrial" (I2) Zoning District.

222  
223 Brian Bertsch was present for this hearing. Mr. Lasell administered the oath and stated  
224 that he received a letter from Mr. Hemmerick stating that this hearing be continued to  
225 February 26, 2015.

226  
227 **Motion** by David Conley, **second** by Clayton Forgan to CONTINUE Carters Cars c/o  
228 Robert Miller, Applicant, Clapper Road, LLC, c/o William Sawyer, Owner's Final Plan &  
229 Site Plan Amendment Application – Planned Unit Development located at 2-4 Clapper  
230 Road tp February 26, 2015. **Discussion:** None. **Vote:** Mr. Lasell: yea; Mr. Jenkins: yea;  
231 Mr. Forgan: yea; Mr. Conley: yea. **MOTION PASSED.**

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## OTHER BUSINESS

Mr. Hemmerick presented 2 Plats:26 McMullen Road and North Road BLA.

Mr. Hemmerick went over the upcoming applications and gave a Staff update.

Mr. Hemmerick announced the departure of the Planning Director.

## APPROVAL OF MINUTES

**Motion by Clayton Forgan, second by Bruce Jenkins** to approve the minutes of January 22, 2015. Discussion: None. Vote: Mr. Lasell: yea; Mr. Jenkins: yea; Mr. Forgan: yea; Mr. Conley: yea.. **MOTION PASSED.**

## DELIBERATIVE SESSION

**Motion by David Conley, second by Bruce Jenkins** to enter Deliberative Session at 08:39 pm. Discussion: None. Vote: Mr. Lasell: yea; Mr. Jenkins: yea; Mr. Forgan; yea, Mr. Conley: yea. **MOTION PASSED.**

## PUBLIC SESSION

**Motion by Bruce Jenkins, second by Clayton Forgan** to re-enter Public Session 9:01 pm. Discussion: None. Vote: Mr. Lasell: yea; Mr. Jenkins: yea; Mr. Forgan; yea, Mr. Conley: yea. **MOTION PASSED.**

## DECISIONS

MOTION by Bruce Jenkins, second by Clayton Forgan, to **APPROVE** Alan & Lynne Fletcher, Owners/Applicant's Variance Application located at 241 Eagle Mountain Harbor Road. Vote: Mr. Lasell: yea; Mr. Jenkins: yea; Mr. Forgan; yea, Mr. Conley: yea. **MOTION PASSED.**

MOTION by Bruce Jenkins, second by Clayton Forgan, to **APPROVE** 444-452 Route 7 South, LLC c/o William Sawyer, Owner/Applicant's Mixed-Use Planned Unit Development (PUD) Sketch Plan Application located at 444-452 Route 7 South subject to conditions. Vote: Mr. Lasell: yea; Mr. Jenkins: yea; Mr. Forgan; yea, Mr. Conley: abstain. **MOTION PASSED.**

## ADJOURNMENT

**Motion by Bruce Jenkins, second by Clayton Forgan**, to adjourn the meeting at 09:01 pm. Discussion: None. Vote: Mr. Lasell: yea; Mr. Jenkins: yea; Mr. Forgan: yea; Mr. Conley: yea. **MOTION PASSED.**

278 Respectfully submitted,

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Allen Lasell

283 Chair

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\_\_\_\_\_

Meghan Grant

Planning Assistant

285 Date Approved: \_\_\_\_\_

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