

**TOWN OF MILTON DEVELOPMENT REVIEW BOARD**  
**PUBLIC NOTICE OF MEETING & AGENDA**  
**Regular Meeting on Thursday, May 14, 2015 at 7:00 p.m.**

---

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

---

- 6:00 p.m. Site Visit to Camp Precast (78 Precast Road)**
- 7:00 p.m. Call to Order, Attendance, Agenda Review**
- 7:00 p.m. Public Forum**
- 7:00 p.m. Site Plan Application – Route 7 South 385-387 – Armand Turner Jr., Owner/Applicant.** The Applicant is requesting Site Plan approval for the construction of a 43,500 square foot, 400-unit self-storage facility, located at 385-387 Route 7 South and described as SPAN# 13730, Tax Map 26, Parcel 12. The subject property is served by municipal water and sewer. The subject property contains approximately 3.75 acres and is located within the “Checkerberry” (M4) Zoning District. (Continued from April 9 Meeting).
- 7:15 p.m. Final Plan Application, Planned Unit Development (PUD) Industrial, Boundary Line Adjustment & Site Plan Application – Precast Road 78 & 59 Catamount Drive – Camp Precast, LLC, Owner/Applicant, Bellavance Properties, LLC, Owner.** The Applicant is requesting Final Subdivision Plan and Site Plan approval for a proposed PUD located at 78 Precast Road, described as Tax Map 3, Parcels 20 & 20-2, SPAN #s 10583 & 10582. Two lots within the PUD are proposed; Lot 1 is proposed to contain the existing telecommunications tower and use on 2.41 acres. Lot 2 is proposed to contain the existing manufacturing facility on 21.75 acres, as well as a new 14,400 square foot precast concrete manufacturing building and a new 6,000 square foot office building. Access is proposed via Precast Road. Also proposed is a Boundary Line Adjustment with 59 Catamount Drive. The proposal would transfer 1.37 acres from Lot 22/59 Catamount Drive, described as Tax Map 3, Parcel 8-22, SPAN #10664, to Lot 2/78 Precast Road. The subject properties contain a total of approximately 31.78 acres and are all located within the “General Industrial” (I2) Zoning District.
- 7:25 p.m. Boundary Line Adjustment Application – 182 & 201 Cooper Road – Chad & Shelia Eaton and Richard & Cynthia Harlow, Trustees, Owners/Applicants.** The Applicants are requesting Boundary Line Adjustment approval to adjust the property boundary between two adjacent lots located at 182 & 201 Cooper Road described as SPAN #s 14175 and 12461, Tax Map 20, Parcels 26 and 25. The proposal would transfer a total of 0.50 acres (21,783 square feet) acres from the Harlow lot to the Eaton lot. The subject properties contain a total of approximately 6.19 acres and are located within the “Shoreland Residential” (R6), “Transitional Residential” (R4), and “Flood Hazard” (FH) Zoning Districts.
- 7:55 p.m. Other Business**  
➤ Staff Update
- 8:00 p.m. Minutes**  
➤ April 23, 2015
- 8:05 p.m. Optional Deliberative Session (Private Session per 1 VSA 312)**

8:30 p.m. Adjournment

---

**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/dr.b.html>.

**TOWN OF MILTON  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

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



---

**MEMO**

**TO: Development Review Board**  
**FROM: Jacob Hemmerick, Town Planner**  
**DATE: May 8, 2015**  
**CC: Armand Turner Jr., Applicant and Chad Branon, Engineer**  
**RE: RESPONSE TO CLAIMS MADE AT 4/9 HEARING**

The DRB held a hearing on April 9, 2015 at 7:00 p.m. to consider a Site Plan application for a 400-unit public warehousing facility located at 385-387 US Route 7 South submitted by Armand Turner Jr. At that hearing, several claims were made by the Applicant and his representative. The DRB continued the hearing requesting further evidence on claims made, primarily concerning the application submission and communication with staff.

**#1 The Applicant and his Engineer stated that they submitted a complete application on 9/23/14, which they thought was under review by the Town for several months and for which they received no communication from Staff.**

On 9/23/14 Armand Turner Jr. dropped off an application form with a single set of plans in person, and he requested that I look it over to let him know what he must submit in order to make the application complete. I saw that the application did not have the required number of copies and told Armand that the application was incomplete, but Mr. Turner asked me to hold it and look it over to see if anything else is needed, which I did. He wanted to pay the application fee while he was in the office that day, and I agreed that we would hold payment, since I understood that Mr. Turner planned to complete the application in the near future. We do our best to provide reasonable flexibility as a customer service; however, payment of an application does not make it complete.

The first page of the application form that Mr. Turner signed and submitted (**ATTACHMENT A**) says the following in **bold**:

Applications for Site Plan approval must be accompanied by four (4) sets of plans drawn to scale with (15) reductions of the plans (11" x 17" or 8.5" x 11") and supporting written materials. All Site Plans shall include the following information: [list of requirements].

The DRB Bylaws (Article 8, Paragraph 9) state:

To be considered for review at a specific meeting of the Board, a complete application must be delivered to the Board through the Planning 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 within any given evening if such volume will extend the meeting beyond 10:00 p.m. while allowing for transaction of routine Board business. [emphasis added]

Within two or three days of 9/23/14, I spoke with Mr. Turner and told him that he would have to submit a landscaping plan, building elevations, and reminded him that he would have to submit the required number of

copies. I can't recall if this was over the phone or in person; it could have been either since Mr. Turner occasionally calls or stops by the office to check in, and generally operates in an informal style.

In an e-mail (**ATTACHMENT B**) to Bonnie Turner, Mr. Turner's wife, dated 10/10/14, I wrote the message below. Mrs. Turner's e-mail is on file in the Planning Office and is occasionally used to communicate with Armand. Mrs. Turner will also occasionally call or visit the Planning Office with inquiries and helps manage Mr. Turner's projects. You'll see that Mrs. Turner's e-mail is also the e-mail address used by the Engineer for communication with the Applicant in e-mails shown in **ATTACHMENT K**. Seven days after Armand first stopped by, I wrote.

*Armand,  
I'm sending out the Technical Advisory Committee Review packets today for the Oct. 23 meeting. If I don't get all the plans/copies for your mini-storage project by noon today, the next available DRB date is November 13<sup>th</sup>.  
Thanks,  
Jake*

The attached e-mail shows that I communicated that the application was incomplete and explained the deadlines they had to meet to advance the project. We often use e-mail because it is faster and more cost-effective; it saves Milton taxpayers money in labor, office supplies and postage costs.

I did not make a formal written statement that the application was incomplete, because I understood that the message was clearly delivered. In retrospect, the Planning Office should always be formal to avoid situations like this, and should have mailed a written determination that the application was incomplete and why. Going forward, I will make a written determination when an application is incomplete, mail a letter, and add a copy to the file. Nevertheless, Mr. Turner had been notified on three occasions within seven days of 9/23/14 that the application was incomplete.

Also at the hearing, the DRB asked if I had documented anything about this application's progress in my Staff updates. The project was mentioned in six staff updates, including the first update I did for DRB on 9/24/14, the day after Mr. Turner first stopped by with this project. I do not recall hearing about this proposal prior to Taylor's departure or starting as Town Planner on 3/3/2014, although I may have been copied communication to Taylor.

1) In an e-mail update to the DRB dated **9/24/14 (ATTACHMENT C)**, I wrote:

***Consultations to prepare applications since last meeting:***

<u>Person</u>	<u>Project</u>	<u>Location</u>
Armand Turner	Site Plan for Mini-Storage	US 7 in Checkerberry

I wrote that the application was in preparation, but did not state that it had been submitted, because the application was incomplete.

2) In an update to the DRB dated **10/2/14 (ATTACHMENT D)**, I wrote:

***Consultations:***

*-US 7 South – Site Plan for Mini Storage – Armand Turner*

3) In an update to the DRB dated **12/11/14 (ATTACHMENT E)** I wrote:

***Consultations:***

*US Route 7 South - Site Plan for Self-Storage - Turner*

*-Spoke with Armand on what's needed to complete his application.*

4) In an update to the DRB dated **2/6/14 (ATTACHMENT F)** I wrote:

***Consultations***

*US Route 7 South, SP Public Warehousing (Self-Storage), Turner*

*-Spoke with potential applicant in December about what's needed to submit a complete application for a large self-storage project in the Town Core.*

-Engineer called on 2/5 to schedule a meeting for 2/6 to discuss application requirements.

5) In an update to the DRB dated **2/11/14(ATTACHMENT G)** I wrote:

**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.*

6) In an update to the DRB dated **March 6, 2015 (ATTACHMENT H)** I wrote:

**4/9 Meeting, Upcoming Applications:**

*US Route 7 South, Site Plan for Public Warehousing*

In sum, the 9/23/14 application was not complete, Mr. Turner was not made to understand that it was under review, there were several communications via phone, in-person and by e-mail on steps Mr. Turner had to take to complete the application, and the progress was documented in six staff updates to the DRB.

**#2 The Applicant and his Engineer stated that the application had been in progress for more than a year and should therefore be vested for rights to be reviewed according to the Zoning Regulations active on 9/23/14.**

According to Vermont Law an application is vested for rights to review under a set of regulations when a proper application is filed. The Applicant is right that developers can be working on and communicating with permitting specialists for many months prior to submitting an application. However, the formal process and review only begins when a complete application is submitted. Vermont Law states that "rights to review under existing regulations vest when a 'proper' application is filed" unless the Town has given notice of its intent to amend its Zoning Regulations (Vermont Supreme Court Decision *Smith v. Winhall* 140 VT 178,181-182 (1981)). In the case of the Zoning Regulations with an effective date of January 5, 2015, the most recent notice of intent to amend the standing bylaw was published in the *Milton Independent* on October 30, 2014.

The application that was considered by the DRB on 4/9/15 was the form signed and submitted by the Applicant on 2/23/15 (**ATTACHMENT I**) and deemed complete. Staff holds that the completion date of 2/23/15 makes the application subject to the current Zoning Regulations effective 1/5/15.

**#3 The Engineer stated that Staff did not initially communicate with him, and that all indications showed that the application was straightforward.**

Our internal practice is to communicate with the person that submits the application. In this case, Armand Turner Jr. submitted the 9/23/14 application in person, and Bonnie Turner submitted the 2/23/15 application in person.

The Planning Department generally doesn't communicate with engineers unless they submit the application on behalf of their client, or unless instructed by the applicant to do so. Many developers prefer to manage their own projects to save on engineer costs.

For these reasons, it is true that I did not have contact with the project's engineer until he called on 2/5/2015, requesting an opportunity to sit down to discuss the project. I cleared time within a 24-hour time frame to accommodate his request to meet for some initial feedback. I made time to meet with this engineer on short-notice because he is an out-of-state engineer and was in town that day.

We met from 4:30 to 5:00 p.m. on 2/6/2015 to go over the project. During this 30-minute meeting, I glanced at the plans and provided informal feedback. I expressed concerns about turn radii, highway access, and consistency with the Comprehensive Plan as well as the need for building elevations and a bike rack. I voiced my concerns, and made clear that issues could arise once an application has been submitted and we have had

time to do our normal review.

The Applicant is correct that I did not foresee the impact that ZR540 (the one principal structure provision). There were many changes in two amendments to the Zoning Regulations this past year, and I first noticed the impact of this change when I sat down with the complete application for the first time to go through the formal review. It was claimed that staff delayed the process in order to make the application subject to this provision included in the 1/5/15 amendment. This is false. I was caught by surprise on this one. I regret and apologize that I missed this during the initial sit-down with Mr. Branon on 2/6/14.

The Applicant's also appeared to argue that an oversight made during an initial, 30-minute review is a valid reason to ignore problems that were identified during the formal review of a complete application. *While the Town of Milton strives to be thorough and accurate in all communications, any comments made in consultation are not final decisions of the Town and should not be relied on as definitive statements as to the interpretation or application of land use laws and development regulations.* We do our best, but Development Review takes time, particularly for new staff members.

The formal process for review begins with the submission of a complete application; Staff conducts a thorough review and the DRB holds a hearing. Consultations are not a definitive review, they are a courtesy. A quick glance under the hood of the car rarely tells you the whole story.

Ultimately, the responsibility falls to the Applicant to follow publicly noticed legislative changes, read the Regulations, and present an application that can be approved. To my knowledge, the Applicant did not attend any recent public hearings Zoning Amendments to voice support or opposition.

**#4 The Engineer stated that the Town Planner deemed the application incomplete because the proposal did not have a bike rack.**

The basis for deeming an application incomplete is failure to meet the application requirements, not regulatory standards like bike racks. I informed the Engineer of the bike rack requirement at our meeting on 2/5/15, but I did not cite it as a reason for why the initial application was deemed incomplete.

I only deem applications incomplete when they don't meet the application requirements as defined in the Zoning Regulations and listed on the application forms. If a proposal fails to address a standard, I propose it as a condition of approval for the DRB's consideration. The initial application was deemed incomplete because the submission did not include a landscaping plan, building elevations, or have the required number of copies.

I also recognize that the amendment to ZR819 requiring bike racks has been seen as somewhat impractical by the DRB. I agree that the bike rack requirement is not practical for all uses subject to site plan review; however, my job in development review is to literally interpret the Regulations as they are written; despite any legislative opinions that I may have. If a provision of the Regulations isn't functioning well, or could be improved, we are all well-served by recommending a legislative change to the Planning Commission.

**#5 The Engineer stated that the Town Planner obstructed communication with the Fire Department.**

If an applicant or their representative wants to talk to any Town department prior to submitting an application, I would encourage them to do so. However, after an application is submitted, we have process and procedure that works and is a result of gamesmanship done by some Applicants.

The Town has learned from experience that it is best to have one internal point of contact to manage an application going through the review process, and this falls to the Planning Department. What has happened in the past is that some developers or their agents will go from office to office to office to later present conflicting staff opinions at hearings. When the aim of this behavior is to: fragment the Town's departments, undermine the regulations, or cause confusion, this is generally not in the public interest.

To deal with this problem, I understand that the Town established the Technical Advisory Committee (TAC), which meets and makes sure Staff members are all "on the same page", and their formal comments are then attached to the Staff Report to be addressed at the hearing. We have found that this process works; however, we are always open to suggestions for improvement.

I ask that the DRB understand that once the review process begins, re-designing the application and revising plans and proposals mid-stream is very cumbersome. To get a sense of target review timeline, please refer to **ATTACHMENT M**. Also, the TAC Memo also outlines the review process and timeline we have in place (**ATTACHMENT J**).

In this case, the Engineer sought some clarification 3/17/15 while review was in progress, and roughly a month after the application was submitted, in order to correct turn radii issues that were raised as an issue prior to submission on 2/6/15. It appears that the Applicant did not contact the Fire Department prior to submission of the application.

Mr. Branon made the case that the Town obstructed communication. The e-mails below show that I facilitated a conversation between the Fire Department and Engineer to help answer a question in preparation for the hearing, in a manner consistent with our practice. This communication is detailed below and in **ATTACHMENT K**.

On 3/19/2015 the Engineer called me asking about turn radii issues after I told Armand over the phone that I thought that would be one of the issues that would come up.

On 3/19/2015 at 12:06 p.m. I sent the Engineer two attachments to follow-up on that conversation.

- The TAC Memo
- Fire Truck Specifications

On 3/20/2015 at 8:29 a.m. the Engineer replied with the following e-mail:

*Hi Jake,  
Thank you for sending me the Fire Truck specifications. Were those located within the regulations, I am just curious if I missed it? I did have an opportunity to check the site and the current layout does handle this design vehicle as well. There would be no required plan revisions to accommodate the Fire Truck outlined in the specifications. As I indicated on the phone yesterday I would gladly meet with the Fire Department to review the plans and make sure we have addressed all of their concerns. I know per our discussion that you do not want me contacting anyone directly so please facilitate this dialogue.*

On 3/20/2015 at 8:59 a.m. I sent the following to the Engineer.

*I'll send this over to the Asst. Fire Chief. Thanks Chad.*

On 3/20/2015 at 8:39 a.m. I forwarded the Engineers e-mail and sent this to Chris Poirier at the Fire Department:

*FYI.*

On 3/20/2015 at 9:41 a.m. Chris sent the following to me:

*Hi Jake, I don't see the need to meet with Chad until after he has a chance to respond to the TAC comments. I do have some other concerns with the project. As far as the turning radiuses. Prior to Amanda issuing a certification of compliance we will have a truck over there to see if I can make the turns. if it is unable to make the corners he will have to fix the problem then.*

On 3/20/2015 at 9:42 a.m. I sent the following to Chris:

10-4. I'll let Chad know he can address TAC concerns at the hearing.

On 3/20/2015 at 9:49 a.m. I sent the following to the Engineer:

*Chad, The Asst. Fire Chief says you can address his concerns at the hearing. The TAC comments will be attached to the Staff Report. Thank you for your willingness to bring this into compliance with local equipment. We have identified a need to make our regulatory standards clearer to communicate exactly what Milton expects, but this is the language and process we have in place.*

In sum, I delivered a response from the Fire Department to the Engineer within 1 hour and 10 minutes of his inquiry. I consider getting an answer to a question within an hour good customer service, particularly from a Volunteer Fire Fighter at the eleventh hour in the review process.

As always, if the DRB or the Applicant has ideas we can improve the way we process applications and communicate, we value the opportunity to evaluate ways to do better. One way we're working to improve right now: the Director of Public Works is going through the Public Works Specifications to proposed Amendments for the Select board's consideration this fall and I have begun some review of the Zoning Regulations to make sure both Ordinances speak in the same voice and make as clear as possible the Town's expectations. That said the Regulations never cover all scenarios, and some projects are site specific review needs. In retrospect, I wish I had asked Mr. Branon to touch base with the Fire Dept. after our meeting on 2/6/2015, when I raised the fire truck turn radii as a possible concern.

**#7 The Applicant and Engineer claimed that the Town Planner is partial and Interim Zoning played a role in Staff's recommendation.**

At the hearing, the Applicant acknowledged that the 2/23/15 application was completed prior to Interim Zoning due to the fact that I informed them about Interim Zoning in an e-mail dated 2/19/2015 (**ATTACHMENT L**), as well as a follow-up phone call conversation with Mrs. Turner on 2/19/15. I notified them because Interim Zoning places a hold in Public Warehousing throughout Milton. I notified them by stating:

*Chad,*

*The Selectboard warned the attached hearing to consider Interim Zoning. The proposal would affect Armand Turner's proposed public warehousing project. The hearing is on 3/16. Could you confirm receipt?*

*Jake*

Had I been trying to stop or slow this project, as was stated, I would not have gone above-and-beyond to personally notify the Applicant that his project would be affected by Interim Zoning. I felt that it was fair to make them aware of the proposal, given that I was aware of the pending application.

The key question for the DRB is: did I give a fair evaluation of the application despite recommending that the Selectboard take legislative action to restrict this use, and in light of the subsequent adoption of the Interim Zoning Bylaw? There are a few facts to consider:

**One**, the recently adopted Interim Zoning Bylaw is immaterial and not applicable to this application.

**Two**, my review was based solely on the duly adopted language in existence on the date the application was completed and properly submitted.

**Three**, no mention of Interim Zoning appears in the Staff Report. If the application had been subject to Interim Zoning, it would be going through an entirely different review process, including Selectboard review.

**Four**, I made the applicant aware of the Interim Bylaw, which enabled and motivated the Applicant to submit a

complete application prior to Interim Zoning going into effect.

**Five**, My recommendation for a denial is rooted on a literal interpretation of the Zoning Regulations in effect prior to the adoption of Interim Zoning. My recommendation is not the result of a legislative opinion; it's the result of a judicious review.

When we talk about how to fix what's not working, we are providing legislative feedback to advise the Planning Commission and Selectboard, both of which act in a legislative capacity. It is often the case that Planners assist in both the legislative and quasi-judicial spheres, and many Planning Commissions across the USA work in both capacities, and must remain cognizant of which role they are serving in to be fair. In Milton, the legislative duties of the PC and SLB are separated from the quasi-judicial duties that are vested in the DRB.

There are few people who won't be able to point to sections of the Regulations they don't agree with, including me. That, however, doesn't mean that I cannot literally interpret and evaluate the regulations in a quasi-judicial capacity to make a recommendation for the DRB. A fair Planning Staff Report gives an evaluation of a proposal's relationship to all applicable sections of the regulations in order to: determine how the proposal does or does not meet the standards established by the Regulations; clearly frame discretionary decisions for the DRB; and to provide professional recommendations rooted in the adopted language and defined purposes. I literally applied the regulations as they are written. Additionally, in the past year, I have worked to improve the Staff Reports in order that the regulations are more thoroughly applied in a systematic and non-discretionary way.

The real question is not about a quote in the newspaper, it's whether I gave a fair analysis. I'll be the first to acknowledge that I don't always get it right, and can sometimes feel pulled in four directions on tough questions. Fortunately, I'm just one set of eyes in a process with a lot of stakeholders that results in a public hearing where due process is given. The DRB should always question if Staff gave a fair assessment, and should always ask if a project can stand on its own merits when held up against the Zoning Regulations.

**#8 The Applicant and Engineer stated that the Comprehensive Plan does not have standing because the language is subject to interpretation.**

The Comprehensive Plan is adopted in a similar way to the Zoning Regulations and establishes goals for the Regulations. Comprehensive Plans are put together every five years with broad public participation to establish a vision for the community.

A defined purpose of the Zoning Regulations is to guide the use of land in accordance with the Comprehensive Plan. The Comprehensive Plan, in other words, lays out the Town's destination and says where we want to go. The Zoning Regulations are the vehicle to get us there. The DRB has the difficult task of determining if the Zoning Regulations are giving the right directions.

A Site Plan Review standard that the DRB may consider (according ZR802.2(h)) is consistency with the Comprehensive Plan. While the Applicant is right that there may be disagreement about what the Plan means, the DRB is prompted to interpret what the Plan means and the vision the people of Milton had when they put the plan together.

Where actions of a local government can be supported by clear language of a comprehensive plan, those actions are generally not struck down in the courts as arbitrary or capricious.

**SUMMARY RESPONSE**

The Applicant and his Engineer presented a picture of Staff mismanagement, obstruction and misinformation. I appreciate that the DRB chose to continue the hearing to give me a chance to defend my position and professional integrity. Given the history and interactions documented above, I was taken by surprise at the hearing by the testimony. Above is my case why the claims made don't add up.

I take the statement I make under oath seriously, and the record shows the following facts:

- The September 23, 2014 application was not complete.
- Mr. Turner was notified several times that the application was incomplete.
- Mr. Turner was informed what was needed to complete the application.
- I kept the DRB informed on this application's progress.
- The Applicant became vested for rights to review according to the January 5, 2015 Zoning Regulation upon submission of a complete application on February 23, 2015.
- I quickly replied to all submissions and inquiries made by the engineer.
- I literally interpreted and applied the Regulations, as written, and did not take Interim Zoning into account;
- I did not deem the application incomplete because of failure to show a bike rack on the plans.
- I delivered a response from the Fire Department to the Engineer within 1 hour and 10 minutes of the inquiry in a manner consistent with internal practice.
- The Comprehensive Plan has Regulatory standing in Site Plan review.

My recommendation to the Board remains unchanged. Thank you for your consideration.

RECEIVED

APR 10 2015

TOWN OF MILTON



SEP 23 2014

Planning & Economic Development  
Milton, Vermont

DEVELOPMENT REVIEW BOARD APPLICATION

Site Plan, Site Plan Amendment, Administrative Review

Property Address: Rt 7 South

Lister's Tax Map Reference:  
SPAN# \_\_\_\_\_  
Map # \_\_\_\_\_ Parcel # \_\_\_\_\_

Zoning District: M4

Deed Reference:  
Book # \_\_\_\_\_ Page # \_\_\_\_\_

Proposed Use: Self Storage

Owner(s): Armen O. Turner Jr.

Applicant(s): \_\_\_\_\_

Mailing Address: PO Box 405468

Mailing Address: \_\_\_\_\_

Telephone: 802 893 6473

Email Address: \_\_\_\_\_

Signature(s): [Signature]

Telephone: \_\_\_\_\_

Date: 9.23.14

Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

Site Plan approval, granted by the Milton Development Review Board (DRB) in accordance with the Milton Zoning Regulations, is required before a Zoning Permit may be issued for any use in any Zoning District with the exception of single family dwellings, duplexes, and owner-occupied triplexes on single lots, accessory residential structures, and all agricultural uses. A Minor amendment to Site Plans may be approved by the Zoning Administrator/ Acting Zoning Administrator if the amendment meets the criteria in Section 801.2.

**Applications for Site Plan approval must be accompanied by four (4) sets of plans drawn to scale with fifteen (15) reductions of the plans (11" x 17" or 8.5" x 11") and supporting written materials. All Site Plans shall include the following information:**

- 803.1 Project title and site address. Name and address of the Applicant, the property owner of record, and adjoining landowners. Name and address of the person or firm preparing the map. Scale of the map, north point and date.
- 803.2 Deed reference(s), Lister's tax map and parcel number, and copies of any deed restrictions or covenants.
- 803.3 All existing features, including but not limited to, boundaries, total area of the lot, contours, drainage patterns and storm drainage systems, structures and land uses, trees, shrubs, and other vegetation, wetlands, floodplains, rock outcroppings, streets (public and private) and the associated rights of way, driveways, outdoor lighting, signage, sidewalks, alternate transportation paths, easements and rights of way.
- 803.4 A survey of the entire property is required.



RECEIVED

APR 10 2015

Planning & Economic Development  
Milton, Vermont

- 803.5 All proposed improvements, including but not limited to, structures, driveways, contours depicting site grading, off street parking and loading spaces, circulation, sidewalks, alternative transportation paths and signs.
- 803.6 A landscaping plan showing locations of all existing and proposed plantings, a plant list with species, size and quantity. A written cost estimate of all landscaping prepared by a professional landscape architect or landscape contractor.
- 803.7 Building elevations indicating location and HEIGHT of all existing and proposed structures.
- 803.8 An outdoor lighting plan showing locations and designs of existing and proposed outdoor lighting. This shall include all flood and/or security lights, building mounted lights, and parking and streetlights. At a minimum, outdoor lighting specifications shall be provided showing photometric data, types of fixtures and lamps, and mounting height of fixtures.
- 803.9 A utility plan showing existing and proposed public water and sewer, private sewage disposal systems, wells, storm drainage facilities and fire protection details.
- 803.10 Estimate of daily and peak hour traffic generation and a report on traffic impacts at project access points, major intersections nearby and other locations.
- 803.11 Any other data or information that the Development Review Board shall view as necessary in applying the Site Plan review standards.

**Note:** Section 803.12 of the Zoning Regulations authorizes the Development Review Board to waive any of the above requirements of Site Plan review. All requests for waivers must be submitted in writing. Although this application is intended to convey the intent of Site Plan review, it does not list all requirements of the Milton Zoning Regulations, Public Works Specifications, Comprehensive Plan, or any State or Federal requirements.

**Landscaping Plan Requirements:**

For a complete description of the Town's landscaping requirements, please refer to Section 806 of the Zoning Regulations.

**Parking and Loading Requirements:**

Details regarding the Town's parking and loading requirements can be found in Section 810 of the Zoning Regulations.

**Outdoor Lighting Requirements:**

Details regarding the Town's outdoor lighting requirements are provided in Section 820 of the Zoning Regulations.

**Sign Requirements:**

The Town's sign requirements are listed in Section 830 of the Zoning Regulations.

**Special Provisions Applicable to the M1, M2, M3, & M4, DB1 Zoning Districts:**

If your property is located in the M1, M2, M4, or DB1 Zoning District, please see Section 804 of the Zoning Regulations for special provisions that apply to your application. If your property is located in the M3 Zoning District, please see Section 805 of the Zoning Regulations.

(B)

**Jacob Hemmerick**

---

**From:** Jacob Hemmerick  
**Sent:** Wednesday, October 01, 2014 8:28 AM  
**To:** (bturner@kitchnkaboodle.com)  
**Subject:** Mini-Storage Project

Armand,

I'm sending out the Technical Advisory Committee Review packets today for the Oct. 23 meeting. If I don't get all the plans/copies for your mini-storage project by noon today, the next available DRB date is November 13<sup>th</sup>.

Thanks,  
Jake

---

JACOB HEMMERICK  
Town Planner  
Town of Milton Planning & Economic Development Department  
43 Bombardier Road, Milton, Vermont 05468  
jhemmerick@town.milton.vt.us  
802.893.1186  
[www.miltonvt.org](http://www.miltonvt.org) -- Learn more about Milton in our *Resident* and *Business Guides*.



**Jacob Hemmerick**

---

**From:** Jacob Hemmerick  
**Sent:** Wednesday, September 24, 2014 1:06 PM  
**To:** A Lasell; Allen Lasell; B Jenkins; Bruce Jenkins; C Forgan; Clayton Forgan; D Conley; David Conley; M McClellan; Mitch McClellan; T Cole; T Cole  
**Cc:** Katherine Sonnick; Amanda Pitts; Meghan Grant  
**Subject:** DRB Meeting Reminder and Update

DRB,

I'm writing to remind you that you have a regular meeting tomorrow. Packets are available in the Planning Office. Please let me know if you will be unable to attend, so I know you'll have a quorum.

Below is an update on Planning Dept. Activities to keep you in the loop. I'll go over some of this again at the meeting.

**The Improvements Committee:**

Katherine has been working with this Committee and they are finalizing recommendations to improve the Route 7 Corridor. This is consistent with the Selectboard's adopted Goals for 2014 to work with other Commissions and Boards to develop a program to improve the Route 7 Corridor.

**The Conservation Commission:**

I'm working with the Conservation Commission and a trail designer to arrive at a design solution for the Bove Connector Trail at the Town Forest. This trail has some serious mud problems. The CC is also undertaking a review of the Town Forest Management Plan.. Their last Minutes are [here](#).

**The Planning Commission:**

The Planning Commission is finalizing another smaller round of revisions to the Zoning Regulations, and will be undertaking the formal public hearing process in the near future. Their last minutes are [here](#). I'll send you the warning when it's ready.

**Regional Planning Commission (RPC) US Route 7 Corridor Study:**

I forwarded you details in a previous email about this.

**Permitting:**

-Marty's Auto: It has been an uphill battle finalizing the 327 Route 7 South BLA & Site Plan, but he's getting close to being eligible for a Zoning Permit. The Selectboard approved the sidewalk surety on Monday, and I'm bringing the Plat for signature tomorrow.

-Boves: We're waiting on final plan revisions and they are close to closing out the conditions; however I spoke with Mark and they might be coming back for some architectural and minor footprint changes.

**Environmental Court:**

-The 345 North Road Banquet Hall CU approval for HW Ventures was appealed by a neighbor.

-The Final Plan and Site Plan Southerberry Amendment denial was appealed by the Applicant.

-Katherine attended mediation for the appealed PUD-M Sketch Plan approval for DKRE at Chrisemily – Bob Brisson.

**Consultations to prepare applications since last meeting:**

Person	Project	Location
Milton Public Works	Site Plan for Landscape Changes	Town Hall
Armand Turner	Site Plan for Mini-Storage	US 7 in Checkerberry
Cathedral Square	BLA and Site Plan for Elderly Housing	Bombardier
HW Ventures	Site Plan Incomplete; Waiting on Revisions	North Road

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

www.miltonvt.org  
(802) 893-1186



## MEMO

**TO:** Development Review Board  
**FROM:** Jacob Hemmerick, Town Planner  
**DATE:** October 2, 2014

**RE:** Staff Update

### Upcoming Applications for October 23, 2014

- McMullen 26 - Subdivision Amendment - Provost/North
- 345 North Rd. - Site Plan - HW Ventures
- North Road – Boundary Line Adjustment - Waters

### Meeting Schedule:

Second November meeting falls on Thanksgiving  
Second December Meeting falls on Christmas  
These are both Town holidays.

If we get a backlog of applications, I may ask you to consider a re-schedule.

### Joint Meeting with Selectboard

The Selectboard would like you to attend a joint meeting on Monday, October 20<sup>th</sup> at 6:00 p.m. to touch base on how things are going. Please let me know if you are not able to attend.

### Environmental Court:

No news from the Environmental Division of the Superior Court other than DKRE LLC did not participate in the last status conference with the Court post-mediation regarding PUD-M off Chrisemily Lane. Another was scheduled. The Planning Department has offered to mediate a discussion between DRKE and the Appellant, Bob Brisson, to see if we can't help them come to agreement without the expense of a Court mediator. We are awaiting news from both parties.

### DRB Permitting:

- Marty's Auto on US 7 South has filed their BLA Mylar and a Zoning Permit has been issued.
- Boves (Catamount Industrial Park) are still working through Decision conditions.
- 2 out of the 3 CU approvals for Flood Hazard Retaining Walls (from August) have been permitted.

### Improvements Committee

They will present their proposals to the Selectboard on Oct. 20th. Street trees/landscaping, wayfinding signage, underground utilities and lighting have been identified as the top four priorities. Additional priorities were also identified.

### Planning Commission

The Warning for the next round of Zoning Regulations Amendments is below.



## Warning for New Zoning Regulation Amendments

### TOWN OF MILTON PUBLIC HEARING NOTICE

Notice is hereby given that pursuant to 24 V.S.A. § 4441(d), the Milton Planning Commission has scheduled a public hearing for Tuesday October 14, 2014 at 7:00 p.m. in the Community Room of the Town Municipal Building at 43 Bombardier Road in Milton, Vermont. The purpose of the hearing is to take public comments on the proposed amendments to the Town of Milton Zoning Regulations.

The Planning Commission is proposing to amend several sections of the Milton Zoning Regulations (main section numbers are listed here): Sections 140, 1010, 1012, Certificate of Compliance/Occupancy; Section 357, Conversion of Seasonal Dwellings; Section 393, Conditional Uses in the I2 Zoning District; Section 468, Conditional uses in the DB1 Zoning District; Section 520.4, Non-Complying Structure; Section 540, Number of Building on Lots; Section 580.7, Accessory uses; Section 801, Administrative Site Plan Review; Section 803.4, Submission of Site Plans and Supporting Data; Section 819, Bicycle Parking Space; Section 853, PUD Bonus Density; Section 893, Elderly Housing Complex Standards; Section 1002, Issuance of a Zoning Permit; Section 1002.1, Complete Zoning Permit Applications; Section 1050, Violations and Penalties and Section 1100, Definitions. A new Section, Adult Oriented Businesses, Section 910, has been added.

This purpose of this set of amendments is to add detailed regulations, including requirements for adult uses, clarifying several sections, and correcting inconsistencies and misconstrued sections. Copies of the full text of the proposed amendments may be obtained or viewed at the Town Clerk's Office or the Planning and Economic Development Office during normal business hours in the Town Office Building at 43 Bombardier Road in Milton, Vermont. The full text of the proposed amendments may also be viewed and downloaded from the Town's website at <http://miltonvt.org/departments/planning.html>. Any comments or questions may be directed to the Planning Director at (802) 893-1186.

Dated September 16, 2014  
Katherine Sonnick  
Planning Director

#### **Consultations:**

Consultations slowed this past week. Some items mentioned last week are ongoing.

- US 7 South – Site Plan for Mini Storage – Armand Turner
- Centre Drive – Admin. Site Plan Amendment for Minor Exterior Changes – Gabe Handy
- North Road – Possible BLA – Warren Robenstien
- Gonyeau Road – Possible Site Plan Amendment – NG Advantage

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

www.miltonvt.org  
(802) 893-1186



---

## MEMO

---

**TO:** Development Review Board  
**FROM:** Jacob Hemmerick, Town Planner  
**DATE:** Finalized on December 5, 2014

**RE:** Staff Update for 12/11/2015

### Upcoming Applications for January 8, 2015

None

### Potential Applications:

- ▶ Blackberry Final
- ▶ Turner Self-Storage
- ▶ Final Bernier' Road Subdivision

### DRB Decisions Drafted

- ▶ Middle Road 28 – Recycling Yard Conditional Use – McRae
- ▶ Middle Road 28 – Site Plan for Residence & Personal Service – McRae
- ▶ Cold Spring Road – Boundary Line Adjustment (BLA) & Variance – Hastings/Clark
- ▶ North Road – BLA & Variance – Hepp/Hebert/Waters
- ▶ Bernier Road 60 – Minor Conventional Subdivision Sketch
- ▶ Catamount 11 – Minor Conventional Subdivision Final

### DRB Staff Reports Drafted

- ▶ 444 Route 7 South – PUD-M - Sawyer
- ▶ Misty Bay & Lake Road – BLA – Gibbs/Hayes/Lombard

### Consultations since Last Update of November 20th

#### Haydenberry Drive – Residential PUD – Carroll

- ▶ Applicant gave me some revised plans on 11/21. TAC reviewed them with me on 11/25. The plans show a slightly different lot layout, driveway configurations, playground equipment, parking etc.
- ▶ I spoke with Superintendent Barone's Executive Assistant who explained to me that the School works with their contractor to identify school bus stop locations. If there's a specific request, they examine this on a case-by-case basis.
- ▶ Met with Assistant Fire Chief Chris Poirier on 12/1 to discuss hammerhead layouts.
- ▶ Met with Applicant on 12/1 to review draft Final Plans and Preliminary Decision in preparation for Final Plan application submission.

#### US Route 7 South – General Zoning Inquiry – Stannard House Committee

- ▶ Undertook a subdivision review of a proposed lot layout on behalf of the Committee; this was covered by the *Milton Independent*.

#### Clapper Road – PUD Site Plan Amendment – Carter's Cars

- ▶ Spoke w/Carter's Cars principal on 11/24 about amending the owner's PUD to add 2 vehicle service bays in the new barn. I have to look into if the PUD included any footprint subdivision and investigate the approval to see what is possible here. I hope to look at this next week.

#### Turner Estates – PUD-M Amendment – Turner

- ▶ Spoke with Armand about his and density calculation and if he can get additional residential units. He saw Sawyer's LaCross property proposal and said he should be able to get more units. I didn't fully review the original Turner States decision or three amendments, but it appears that he may be

eligible for an additional unit unless there are other restrictions that would otherwise come into play  
US Route 7 South – Site Plan for Self-Storage – Turner

- ▶ Spoke with Armand on what's needed to complete his application.

Westford Raod -- Boundary Line Adjustment - HW Ventures

- ▶ Reviewed a rough sketch of a BLA for Cross Consulting Engineers.

US Route 7 South – Boundary Line Adjustment -- Spiller

- ▶ Met with Stever to talk about a possible BLA.

## **DRB Decision Follow-up & Permitting**

Gonyeau Road 10/12 – Site Plan for Self-Storage – Gintoff

- ▶ No action since approval.

401 Route 7 South – Site Plan – Milton Mobile Home Co-op

- ▶ The Co-op hasn't pulled a permit for the approved retention wall, but we met to discuss an intermediary stabilization project for one lot. The ZA and I saw no problem with this.

Southerberry – PUD-M - Sawyer

- ▶ Spoke with Chris Boyd of the State Division of Fire Safety to see if there's anything they can do to get Mr. Sawyer to add an extra layer of pavement to make the parking lot at Southerberry ADA compliant by adding another layer of pavement.

Haydenberry Drive – Site Plan for Elderly Housing– Black Bay

- ▶ Logan and Shenk stopped by to talk about addressing. They want a Haydenberry address, but because they had to establish a private road (because they have more than 3 units), their address must be the name of the new private road. They're working with the Zoning Administrator and Jim Carroll to find a name that works for everyone.

Catamount 17 – Site Plan for Manufacture – Bove

- ▶ The groundbreaking target date has been pushed off to April 1. The Boves are working on some revisions to the interior of the building that will they hope will allow them to amend the local water/wastewater use to reduce the amount of allocation cost. They received the last State permit on 11/29 (Water Supply Permit to Construct), so -- other than permits that may need to get amended over the winter -- they are completely green lighted from the State.

Mackey 29 – Minor Conventional Subdivision – Camerons Run

- ▶ Applicant hasn't pulled zoning permit to demolish house, which they have to do before they can record the plat.

28 and 34 Valley View - Residential BLA - Reiner & Santo

- ▶ The Surveyor dropped off a revised Plat, and said that there is something else on its way from Trudell. I'll be looking at this next week.

North Road 345 – Site Plan for Banquet Hall– HW Ventures

- ▶ No follow-up actions yet from decision.
- ▶ Responded to inquiry from State Compliance Officer Aaron Brondike about HW Ventures holding banquet events.

Bernier Road 60 – BLA – Bernier

- ▶ Applicant recorded the Plat on 11/26.

Sanderson 150 – Conditional Use for Extraction – JM Sand

- ▶ No actions.

Main Street 55 – Site Plan for Cemetery Road – Town/Village Cemetery

- ▶ No actions.

McMullen 26- Minor Conventional Subdivision Amendment II – Provost

- ▶ Bob needs to set up the Letter of Credit Agreement and submit a mylar for signature.
- ▶ He asked that our attorney talk with his banker, but his legal escrow is also \$150 in the red. He's going to re-establish escrow.

Middle Road 28 – Site Plan for Residence & Personal Service – McRae

- ▶ Spoke briefly about next steps on 11/21, and advised Applicant to contact State for project review, and to let me write up a decision in the meantime.

Route 7 South 450 – Site Plan Landscaping – Sawyer

- ▶ A Memo from the ZA is attached requesting permission that the site not be subject to the proposed landscaping.

## **Environmental Division of the Superior Court News**

Chrisemily Lane – PUD-M Sketch Plan – DKRE, LLC

- ▶ The Town's Attorney had another conference call (on 11/24) with the Judge of the Environmental Division of Vermont Superior Court. It appears that Applicant, Dave Quinlan (DKRE, LLC), and Appellant, Bob Brisson, are heading towards a trial on Mr. Brisson's appeal of the DKRE, LLC PUD-M

Sketch Plan. He anticipates a one- or two-day trial in the late spring or early summer. The Town is monitoring the case.



#### North Road 345 – Site Plan for Banquet Hall– HW Ventures

- ▶ An abutting property owner mentioned that he intends to appeal the Site Plan Decision.

#### **Selectboard & Zoning Regulations Amendments**

- ▶ The Selectboard will conduct a second hearing on the proposed Amendments to the Zoning Regulations on December 15, 2014 at 6:00 p.m. Revisions to the original proposal are being considered.
- ▶ Any DRB members who want a printed copy just need to let me know.

#### **Planning Commission**

- ▶ Jay Mitiguy was recently appointed to the Commission. They now have full membership.
- ▶ They met on 11/4 to consider priorities for another round of Zoning Amendments.
- ▶ They met on 12/2.

#### **Other Town Planner Activities/News**

- ▶ Met with Improvements Committee Chair, Town Manager, and Planning Director on 11/24 to follow-up on Improvements Committee recommendations. The Town Manager is preparing a Resolution for the Selectboard to accept the Report and determine budgetary actions.
- ▶ Prepared a proposed 2015 calendar for the DRB's consideration on 11/24 (see attachment).
- ▶ Met with Town's Photovoltaic Solar Project RFP Review Committee on 11/25. The project is for a solar net metering array at Town facilities and a community solar park at the former landfill. We are reviewing these closed bid responses. At this time, it appears that this proposal will be exempted from Local Regulations through Public Service Board rules.
- ▶ Attended the Conservation Commission's meeting on 11/25; drafted Minutes on 11/26.
- ▶ Conducted the Technical Advisory Review Committee on 11/25 to review the December 11<sup>th</sup> DRB Applications.
- ▶ Reached out to RPC and Cochlester's Planning Director to float the Chair's DRB Summit idea. The RPC said that there are no funds for the RPC to do a summit this FY, but they could do something next year if there's enough interest from other DRB's. They are reaching out to see if there's a demand for this program.
- ▶ Gil Rhoades stopped by inquiring about the duties of a DRB Alternate. He intends to apply for appointment.

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

www.miltonvt.org  
(802) 893-1186



---

## MEMO

---

**TO:** Development Review Board  
**CC:** Planning Staff  
Planning Commission  
**FROM:** Jacob Hemmerick, Town Planner  
**DATE:** Finalized on Friday, February 6, 2015  
*(Last Update Issued on January 16, 2015)*

**RE:** STAFF UPDATE FOR FEBRUARY 12, 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/CR	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
ZA	Zoning Administrator
ZP	Zoning Permit
ZR	Zoning Regulations

### DRB Staff Reports Drafted for the 2/12 Meeting

- ▶ 241 Eagle Mountain Harbor, Variance, Fletcher
- ▶ 444-452 Route 7 South, PUD-M Sketch for Residential/Commercial, Sawyer

### DRB Decisions Drafted for the 2/12 Meeting

- ▶ 60 Bernier Road, mCS Final, J. Bernier

### Plats Finalized & Ready for Signature

- ▶ 26 McMullen, mCS Amendment II, Provost
- ▶ North Road, BLA, Waters/Hepp/Hebert

### Upcoming Applications for February 26, 2015

- ▶ McMullen Road, CU & SP for Mineral Excavation, J&M Sand
- ▶ Pre-Cast Road, PUD-I Sketch for Manufacture, Pre-Cast

### Upcoming Applications for March 12, 2015

- ▶ Haydenberry Drive - PUD-R Final - C-11 & Blackberry Commons LLC  
(Pending application completion: last spoke on 2/3 about incomplete items).

### Consultations

- ▶ US Route 7 South, General Zoning Inquiry, Stannard House Committee  
-Met with Committee Chair on 1/19 to explain questions that State permitting specialists should answer before

submitting a subdivision application. This is so they can avoid proposing a subdivision that can't get the required State approvals.

F

-Replied to VTrans e-mail on 1/20 about highway access, and have had some ongoing communication with the Committee Chair since.

▶ 27 Racine Rd., PUD-M for Residential & Public Warehousing (Self-Storage), Brunette

-Met with potential applicant on 1/19. Informed him that his previous PUD-M has expired. He is interested in re-submitting a similar project to include a new house, public warehousing (self-storage) and an existing mobile home (to be removed). He asked me to issue-spot his proposal based on his past design, which I hope to have time to do next week.

▶ 950 US Route 7 South, SP, Charlebois

-Met with engineer to discuss construction of a third building. Turned out the proposed structure already has SP approval and just needs a ZP. Handed this off to the ZA, but also communicated regulations about outdoor storage and recycling/yard salvage yards, in case there are any issues they may need to be addressed prior to a CO.

▶ 121 Gonyeau Rd., SP, NG Advantage

-Met with NG Advantage business manager about a storage shed relocation and new filling station. This will require a DRB SP amendment approval.

▶ 53 Cadreact Rd., General Zoning Inquiry, C. LeWhite

-Spoke with potential applicant on 1/26 about a conditional use home occupation in order to be able to host outdoor weddings as side business.

▶ Hibbard Road, BLA, Rowley

-Spoke with Rowley on 1/28 about a BLA proposal to relocate an existing lot.

▶ Bombardier Rd., BLA & SP for Elderly Housing, Cathedral Square

-Sent status inquiry on 1/21 to see how the project is progressing. They continue to pursue and line-up funding sources.

-Spoke with architect on 2/2 about setbacks and ZR804 design standards.

-Spoke with architect on 2/6 about app. req'ts; they plan to submit for the 4/23 meeting.

▶ US Route 7 South, SP Public Warehousing (Self-Storage), Turner

-Spoke with potential applicant in December about what's needed to submit a complete application for a large self-storage project in the Town Core.

-Engineer called on 2/5 to schedule a meeting for 2/6 to discuss application requirements.

### Potential Applications w/ No Recent Activity

▶ 327 Route 7 South, PUD-C for 2 Principal Uses, Fitzgerald

-Saw applicant on 1/6 and asked if he left enough spacing for approved frontage landscaping. He inquired about the possibility of adding a separate insurance sales business within the principal structure. Staff discussed this as a team and found that the Regulations require that the site be established as a PUD-C to add a second principal commercial use.

-Met again on 1/8 to provide a PUD-C Sketch application to add a second principal use.

▶ 161 Cooper Road, General Zoning Inquiry, Pecor/Emery

-Met with potential applicants on 1/5 to discuss the possibility of 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 clearly a gray area -- a determination would rest with the DRB through a conditional use and site plan application. No word since.

▶ East Road, mCS, Martell

-Met with owner on 1/8 to discuss the subdivision process. This site has two (possibly more) expired sketch approvals. I have an appt. on 2/9 with a developer.

### DRB Decision Follow-up (Date is Date of Meeting)

▶ 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.

▶ 2014.09.25, Valley View 28/34, BLA, Reiner & Santo

-Plat recorded on 2/4.

▶ 2014.10.09, Sanderson Road 150, CU, J&M Sand

-Contacted engineer on 1/20. No action since Decision issued & conditions are pending.



- ▶ 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.
- ▶ 2014.10.23, McMullen Rd. 26, mCS Amendment II, Provost
- Town Attorney approved legals with revisions on 1/23. Plat is ready to record.
- ▶ 2014.11.13, Catamount Dr./Lot 11, 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.
- ▶ 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. He agreed. I am cautiously optimistic.
- ▶ 2014.11.20, North Rd. 357/367/375, BLA & Variance, Waters/Hepp/Hebert
- Received legals approved by our attorney on 1/23.
- Last met with surveyor on 1/8 and explained required Plat revisions; reviewed another plat on 1/27 and 1/29. Revisions submitted 2/4.

#### **Outstanding DRB Decisions w/ No Recent Activity**

- ▶ 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.
- ▶ 2014.12.11, Misty Bay and Lake Rd., BLA, Gibbs/Hayes/Lombard
- Last met with Gibbs on 1/13 to go over Decision conditions; he established legal escrow.
- Waiting on legals from applicant.

#### **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  
Haydenberry Drive, PUD-R - Blackberry/C11  
Chrisemily Lane, PUD-M Sketch, DKRE

#### **Planning Commission**

- ▶ The PC forwarded an Interim Zoning Warning to the Selectboard for consideration, but this was pulled at the advice of counsel for revisions.
- ▶ Met on 2/4 to revise Interim Zoning Warning and language for the Selectboard's consideration; discuss amendment schedule; and consider small future amendments. If the language is Warned by SLB, I'll attach it to a subsequent update.
- ▶ Minutes are available [online](#).

#### **Selectboard Activities Related to Planning/Development**

- ▶ Accepted infrastructure/roadways of Phase I and Phase II of Clearview Estates at their January 20, 2015 meeting with the exception of the sidewalk on Westford Road. (Coordinated by ZA.)
- ▶ Accepted Horseshoe Circle and Dustin Drive as Town Highways at their February 2, 2015 meeting. (Coordinated by ZA.)
- ▶ Approved dissolving unused street name Colchester Loop Road. Section of road that was previously called Middle Road is now called Galvin Hill Road as indicated on the VTrans maps and our Town Roadmap. (Coordinated by ZA.)

▶ Warned a hearing for Interim Zoning on 1/20 which was reconsidered and approved on 1/26. The hearing was scheduled for 2/14 but another discussion on Interim Zoning was held on 2/2, at which they acted on legal advice to withdraw the previously issued Warning for the hearing and consider a new Warning on 2/17. You can learn more about the statute behind Interim Zoning, at [24 VSA 4415](#).

▶ You can now watch Selectboard meetings LIVE at <http://new.livestream.com/lcatv> without the week-long delay for LCATV to post online. I tried it out, and even with my slow internet connection at home, it worked well.

▶ Minutes are available [online](#).

### **Regional Planning Commission - US 7 Corridor Study**

▶ The US Route 7 Corridor Study held a public meeting is 1/29 at 6:00 PM in the Community Room. RPC Staff and consultants highlighted conceptual improvements to US 7: new connections, intersection changes, streetscape improvements, and new pedestrian/bicycle infrastructure. The complex governance/funding context of how these projects are realized -- and what role the corridor study play in that process could have been explained better; some residents mistook them for concrete proposals. Residents present also voiced concern over new roadway connections that might increase traffic on cul-de-sacs -- as well as sign/site lighting and general property neglect. I explained that Milton does not regulate property maintenance or building design, but I will be looking more closely at site and sign lighting when reviewing site lighting plans for DRB applications -- particularly as they impact roadway visibility. Many developers avoid including a sign in a DRB application but want to get a sign permit post-approval, nevertheless ZR830 has several provisions that say sign review should be part of DRB approval, particularly 831.3(4), and 831.4(1). Residents were especially critical of sign lighting that shines directly into windshields without a "cut-off" or shield component, of which there are many along US 7 and which ZR834(3) prohibits.

▶ Meeting materials can be found [online](#).

### **Conservation Commission**

▶ No meeting since last update due to cancellation. Next meeting is on 2/9.

▶ Minutes are available [online](#).

### **Town Planner Activities**

▶ Attended community solar array presentations on 1/20 and 1/23 by closed bidders. Additional questions have been forwarded to 2 finalists.

▶ Prepared and issued Conservation Commission agenda & packet on 1/20.

▶ Attended Selectboard meeting on 1/20 to represent Recreational Trails Grant Program (RTP) application, which was unanimously approved by the Board and submitted to the State on 1/29.

▶ Met with Chris Brunelle on 1/20, a State Permitting Specialist for stream crossings, to go over the RTP proposal, and discuss any needed permits. Our work is non-reportable for this permit program, which means it requires no permit.

▶ Toured Chittenden County Solid Waste District Facilities on 1/22, as Milton's Alternate Representative to the CSWD Board, to become more familiar with operations, facilities and equipment.

▶ Attended Selectboard's Budget Social on 1/24; there were few questions from the public on the Town Budget; a strong majority of attendees appeared to be officers/staff of the Town or School, but it was good inter-governmental conversation and outreach nonetheless.

▶ Reached out to Curt Carter of GBIC on 1/26 and sent an economic development letter advertising I-2's accessory use zoning to the Vermont Brewer's Association.

▶ The Commissioner of Forest Parks and Recreation appointed me to the Land Water Conservation Fund Grant Review Committee. This involves a full day in Montpelier in March and some grant review time. If the Town ever wants to submit another LCWF application, then this will be good training.

▶ Reached out to the Milton High School's Vice-Principal on 1/26, at the DRB's request, about the possibility of having a student apply for appointment to be a DRB Alternate. No interest so far.

▶ Attended Selectboard meeting on 1/26 to follow the Interim Zoning Warning.

▶ Finalized closeout paperwork on the Association of Vermont Conservation Commission's 2014 Tiny Grant on 1/27, which funded the trail engineering/design work in preparation for the RTP grant.

▶ Researched what is involved with the declassification/discontinuance of Class 4 Town Highway for Frazier Road on 1/27, at the request of Jason Stoddard. Did not hear back.

▶ Chaired the DRB's TAC Committee meeting on 1/27; weather, emergency calls and illness interfered, and

F

the Police Chief was the only one free to attend. The key application is at the sketch stage, so there will be additional opportunities for review.

- ▶ Managed the weather cancellation of a Conservation Commission's 1/27 meeting and rescheduled for 2/9.
- ▶ Attended VLCT's Municipal Solid Waste Management Workshop in Montpelier on 1/28 focusing on the impact of Act 148 (Universal Recycling Law) on municipalities.
- ▶ Attended CSWD Board Meeting, as Milton's Alternate, on 1/28 at 6 p.m. Key items were a discussion of the implementation of Act 148 with ANR's Secretary Markowitz and the strategic future of drop-off centers.
- ▶ Attended the RPC's US Route 7 Corridor Study Public meeting on 1/29 at 6 p.m.
- ▶ Tried to update DRB page on 1/30 after major content loss in December, but ran into tech difficulties with website logins. Got it corrected on 2/2, and the site is back up (although formatting could be better). It has helpful information to make the DRB process more approachable.
- ▶ Was unable to do the DRB Bylaw markup for this meeting; the Planning Office was short-staffed due to illness, professional development, and well-earned vacation between 2/22-30. I plan to bring it back for your next meeting.
- ▶ Attended the Selectboard's 2/2 meeting to follow Interim Zoning Warning developments.

### Zoning Administrator Update

- ▶ Did a site visit to 4 Clapper Road (re: PUD-M Amendment) on 1/27 to inspect for SP compliance and issued a letter to applicant/owner/engineer.
- ▶ Received the following Site Plan Amendments this week that can be done administratively:
  - 327 Route 7 South – Display Ramp for Marty's Auto
  - 43 Bombardier Road - Adding Perennial beds along Bombardier Road in front of Municipal Building
  - 28 Landfill Road – Adding 4'x20' area for pallets to sell compost bags at CSWD Drop-Off
- ▶ Consulted with Jamie Parent regarding possibilities at 204-210 Route 7 South. Currently approved for dance studio at 210 Route 7 South, retail sales at 204 Route 7 South and outdoor display area for sale of compact equipment (Zoning Permit that was approved for outdoor display area was not CO'ed and it appears that this proposal was abandoned by applicant).
  - ▶ Zoning Permit applications are slow as to be expected this time of year. CO's seem a bit higher than usual. Approved Sign Permit application for building mounted sign at Lucky Buffet in Milton Square. Have not heard an anticipated opening date though.
  - ▶ Working on a comparison report of the ALI and GIS databases for E911.

### Other News/Topics/Continuing Education

- ▶ The Interim Town Manager, Paul Bohne (pronounced boney, like a filet of Northern Pike) held an all-staff meeting with the Selectboard Chair on 2/2. He made a nice introduction, and will be working part-time until a new Manager is selected. The goal is to have someone in by June.
- ▶ At the first January meeting, while reviewing the DRB Bylaws, the DRB inquired into the circumstances under which a member may be removed from office. The answer is found in 24 VSA 4460 (c) which states, "Each member of a board of adjustment or a development review board may be removed for cause by the legislative body [Selectboard] upon written charges and after public hearing." The Rules of Procedure and Ethics Manual (included in the DRB Resource binder) suggests that cause would be failure to recuse oneself when circumstances suggest recusal is appropriate. Since DRB members are most likely to know when a member has failed to appropriately recuse him or herself, the DRB can recommend removal by a majority vote to the Selectboard. Presumably Staff could as well. DRB Bylaws also encourage the DRB to recommend removal for repeated, unexcused absences. The public could also forward a conflict of interest concern to the Charter Compliance Committee, which can issue reprimands or public sanctions. For those reading this not on the DRB, this is a good governance and accountability discussion and not a current problem before the board.
- ▶ On 2/3 the Planning staff discussed the regulatory basis for the BLA application. The Planning Act does not mention this phrase and the only mention of "boundary line adjustment" in the Zoning or Subdivision Regulations appears in ZR621, which articulates when a boundary can be adjusted between two existing, non-conforming lots. The conclusion I've drawn is that what Milton has been treating as BLAs are actually "resubdivision" applications according to the SR (a defined term); and the definition of "subdivision" states that "resubdivision" shall be treated as a subdivision application. This means that BLA apps should be treated as such since there is no regulatory basis, of which we're aware, that authorizes us to do otherwise. In the interest of efficiency, staff is discussing the legality of combining sketch and final review; but on the other hand, BLA applications have been the source of several variance requests; in which case, perhaps a sketch review

has merit. The subject property that sparked the conversation concerned the dissolution of a boundary line, which is not addressed in either the ZR or SR, and Milton's definition of "subdivision" does not apply to boundary dissolution. We're cautiously looking into this to make sure we haven't missed anything.

► The DRB should remain aware that unprofessional conduct by licensed engineers is defined and prohibited by 26 VSA 1191.

Unprofessional conduct includes:

(5) making any material misrepresentation in the practice of engineering, whether by commission or omission;

(11) engaging in dishonorable or unethical conduct in the practice of professional engineering of a character likely to deceive, defraud, or harm the public;

This means that the evidence presented to you should be exactly accurate, and thoroughly reviewed prior to submission. It may, unfortunately, be necessary to remind engineers of this from time to time.

G

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



www.miltonvt.org  
(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//C/R ..... Planned Unit Development Mixed-Use / Industrial / Commercial / Residential
- 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 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 Sonnicks, 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. [\[Learn More & Sign Up\]](#)

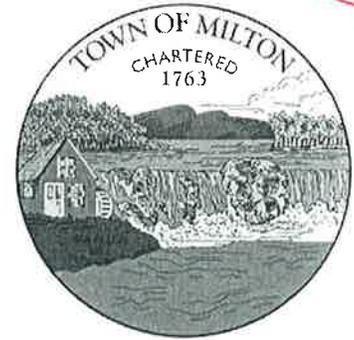
▶ **Lamoille River Paddlers' Trail Initiative**

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  
Planning & Economic Development Department  
43 Bombardier Road  
Milton, VT 05468-3205  
jhemmerick@town.milton.vt.us  
www.miltonvt.org  
(802) 893-1186



## MEMO

---

**TO:** Development Review Board  
Planning Commission  
Economic Development Commission  
Conservation Commission

**FROM:** Jacob Hemmerick, Town Planner

**CC:** Planning Staff  
Town Manager  
Technical Advisory Committee

**DATE:** Finalized on Friday, March 6, 2015

**RE:** PLANNING DEPARTMENT STAFF UPDATE (2/23-3/6)

---

*This Memo has an adapted for use an update to Planning Boards/Commissions/Committees.*

### BOARD/COMMISSION ACTIVITY

#### Selectboard (Planning & Zoning Activity)

- ▶ Agendas and minutes are available [online](#).
- ▶ **3/2 Meeting:** Met prior to pre-Town Meeting to hold hearing on a road re-name for which no action was taken and accept a Easement Deeds and Release of Surety for Milton Diner/Ivy Land Condo.
- ▶ **3/16:** Will hold public hearing on Interim Zoning.

#### Planning Commission

- ▶ Agendas and minutes are available [online](#).
- ▶ **3/4 Meeting:** Met to prepare for Selectboard hearing on Interim Zoning.

#### Regional Planning Commission

- ▶ **2/18 Meeting:** Met to discuss major Transportation Improvement Program Amendments and warn a public hearing. Minutes are available [online](#).
- ▶ **RPC US Route 7 Corridor Study**

Next public meeting date is scheduled for May 4, 2015 at the Milton Selectboard meeting at 6:00 p.m. Project materials can be found [online](#).

#### Economic Development Commission

- ▶ Agendas and minutes are available [online](#).
- ▶ **2/11 Meeting:** Discussed development projects, and what can be done to help find a new tenant for the Apollo Diner.

#### Conservation Commission

- ▶ Agendas and minutes are available [online](#).

H

▶ **2/24 Meeting:** Solidified meeting, volunteer days, and outing schedule for 2015; identified the priority initiatives for 2015 and assigned them to the calendar, re-capped discussion from a meeting on the Lamoille Paddlers Trail the night before, and discussed how to move forward on the kiosk content with Lake Champlain Land Trust.

**Development Review Board**

▶ Agendas and minutes are available online.

▶ **2/26 Meeting**

Conducted the three hearings below and approved Minutes.

- 2-4 Clapper Road, PUD-M (warehousing, personal service, dwelling) Final Amend. III, Sawyer Hearing *CONTINUED to next meeting.*
- McMullen Road, CU & SP for Mineral Excavation, J&M Sand Hearing in *DELIBERATION.*
- Pre-Cast Road, PUD-I Sketch for Manufacture, Pre-Cast Application *APPROVED.*

**3/12 Meeting's Upcoming Applications:**

Haydenberry Drive, 31-Unit/27-Lot PUD-R Final, C-11 & Blackberry Commons LLC/Carroll (Continued) 2-4 Clapper Road, PUD-M Final Plan Amend. III, Clapper Road LLC/Sawyer

**3/26 Meeting, Upcoming Applications:**

Westford Road, mCS/PUD-R Inquiry, Cross Consulting

**4/9 Meeting, Upcoming Applications:**

US Route 7 South, Site Plan for Public Warehousing, A. Turner

**Pending Environmental Court 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

**CITIZEN PLANNER CONTINUING EDUCATION / OFFICER DEVELOPMENT**

There are several development opportunities below. If you are interested in attending any of the following, please let me know, so we can put in a purchase order request and arrange registration. In order to leverage the Town's investment and build a culture of knowledge sharing, I encourage attendees to write up a short summary of key takeaways from the event to share with town stakeholders.

▶ **Roundabout Design Workshop on 3/31**

On Tuesday, March 31, two Burlington Neighborhood Planning Assemblies will host a one-day workshop that addresses the basics of roundabout design and benefits. 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. VTrans also put out this video on roundabouts (Michael is on the US7 Corridor Committee):

<https://www.youtube.com/watch?v=Bo8GnJRZoWE>.

▶ **VLCT Spring Planning & Zoning Forum on 6/3**

Will be held on June 3, 2015 in Fairlee Vermont from 8 a.m. to 3:30 p.m. The Agenda has not yet been issued. Many Vermont DRB members attend this biannual event. If any of you are interested, please save the date and let me know. I expect we'll be able to arrange a carpool.

▶ **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. [\[Learn More\]](#) While staff estimates the findings from participants are most likely not representative of the general Vermont population, they do cite interesting trends, including:

- This is the first period in US History since WWII that number of miles driven has decreased; young adults are leading this trend by biking more, walking more and taking public transportation more for a variety of reasons stated in the report, cost being a key factor.
- Young Vermonters acknowledged cars as a necessity in Vermont, but mentioned that transportation options to reduce automobile dependence are a key factor in determining how attractive they find a place to settle. Respondents said walking and biking infrastructure would lead them to walk and bike more. Transit and technology (particularly car sharing apps) are a factor in behavior shifts.

#### ▶ **Urban & Community Forestry Wednesday/Saturday Evening Training Program 3/18 - 4/18**

The Vermont Urban & Community Forestry Program will offer the [SOUL program](#) in March and April. The 5-class program is designed for individuals who are interested in:

- Enhancing their understanding of trees and proper tree care.
- Understanding urban forestry as a field and in the context of Vermont.
- Being part of a cohort of regional citizens who are committed to improving their community's environmental, social, and economic quality through trees.

The cost is \$65 for early registration.

#### ▶ **Regional Energy Roundtable Gathering on 3/31 in Winooski**

The goal of the roundtable is to discuss challenges and opportunities, as well as highlight some potentially useful and new tools communities can use to advance thoughtful solar projects. Tuesday, March 31, Winooski – 5:30-8:00. (*Snacks and mingling at 5:30 p.m., meeting starts at 6 p.m.*) CCRPC conference room, 110 W Canal St. #202, Winooski. RSPVP to Ben at [bciviletti@vnrc.org](mailto:bciviletti@vnrc.org).

## **GENERAL PLANNING NEWS**

### ▶ **VTrans On-Road Bicycle Plan Development**

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. They have a website where people can identify areas of concern. The more people that identify US7 in Milton as a priority, the more likely Milton is to have funding and improvements directed our way. 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. [\[Learn More\]](#)

### ▶ **Town of Milton Public Work Specifications Review**

The Director of Public Works announced yesterday that over the next several months he will be reviewing and updating the Public Works Specifications. There have been several State Regulations that have changed, or will be changing, that need to be incorporated into the specifications. He hopes to have the update finished late this fall.

### ▶ **Chittenden County Real Estate Market 2014 Trends**

Hickok and Boardman [reports](#) that Chittenden County saw a 0.8 percent decline in residential sales from 2013, but an increase in median sales price.. There was a surge in the last quarter. Milton's 2014 median home sale price was \$220,000 up 9.10%. The only communities with greater increases included Winooski, Shelburne, and Richmond.

### ▶ **Chittenden County Real Estate Market January 2015:**

[VT Realtor's](#) show a YTD (Jan. 2014-Jan. 2015) 5.5% decrease in median sale price of e SF homes, but a 17% median sale price increase for Town houses Townhouses/Condos.

### ▶ **Tracey Estates Streetlights**

Planning Assistant worked with Tracey Estates Association leaders to outline process for acceptance of the streetlights by the Town.



## TOWN PLANNER REPORT

### Development Review Consultations

#### ▶ 444-452 Route 7 South, PUD-M Sketch for Residential/Commercial, Sawyer

Replied to e-mail from Engineer on 2/23 with questions about Interim's Zoning's impact. Interim Zoning, if approved, would put this project on hold.

#### ▶ 27 Racine Rd., SP for Public Warehousing (Self-Storage), Brunette

ZA and I spoke with potential applicant on 2/23 as follow-up to meetings on 1/18 and 2/18. He was aiming to submit a SP for Public Warehousing prior to the Interim Zoning Warning, but did not.

#### ▶ Tracy Estates PRD, Streetlight Question, P. Sumner

Planning Assistant informed Association leaders on steps required to have Town accept streetlights as public infrastructure according to PWS110.

#### ▶ Liquor Licensing

Fielded a call about the liquor licensing process from someone interested in purchasing a local restaurant in DB1.

#### ▶ Duffy Rd, 2-Lot mCS, Bordeaux

ZA and I discussed the process and criteria for a 2-lot subdivision with potential applicant.

#### ▶ 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. Spoke with Engineer again on 3/5 about roadway/driveways standards, and recommended that the application also include a Variance application to vary from the requirement that says any drive serving three or more dwelling units must be a private road, which (for elderly housing or multi-family uses) doesn't seem to have a logical basis.

### DRB Decision Follow-up (*Date is Date of Last Hearing*)

#### ▶ 2014.08.14, Catamount Dr. Lot 17, SP for Manufacture, Bove

Spoke with Engineer on 2/26 about revisions required by State for permits. We're meeting on Monday so we can determine what's needed to close this out and get them eligible to apply for a Zoning Permit.

#### ▶ 2014.11.20, Middle Rd. 28, SP Amendment for Dwelling & Personal Service, McRae

Called the applicant on 1/20 and requested that he submit revised site plans by 2/20; he agreed. Called the applicant on 2/23, and George said Patricia has been working on the drawings. Pat dropped off revisions 2/6.

#### ▶ 2014.12.11, Misty Bay and Lake Rd., BLA, Gibbs/Hayes/Lombard

Surveyor picked up plat on 2/19, and dropped off revisions on 2/20. Received revisions of legals requested by Town attorney on 3/3. Will examine revisions prior to the 3/12 meeting to see if the Plat is ready for signature.

#### ▶ 2014.08.14, Everest Road 708, CU for Retaining Wall, Martin

Talked with Craig on 3/2 to close out Decision and get him ready for his permit.

### Other Main Activities

#### ▶ DRB Meeting Preparation

Replied to inquiry from citizen about application in preparation for 2/26 DRB hearing.

#### ▶ Staff Report & Decision Comparison

Requested Planners from Essex, Colchester and Williston to send over example staff reports and decisions for complex applications in order to compare them with ours to see if there are any techniques worth mimicking. This is part of an ongoing project to make Staff Report writing and Decision writing more systematic.

#### ▶ Regulation Inquiry

On 2/23, I inquired into a legal issue between ZR851's language on preliminary/final plan review for major PUDs, and its potentially conflicting relationship with the Act's warning guidelines and the Act's



language on regulatory applicability. Counsel acknowledged that Milton's wording on combined preliminary/final as awkward, but so long as the Town warns the Final hearing (whether combined with preliminary or not), then the Act's subdivision warning requirements are met. The only time it wouldn't be combined is when the DRB states in the Sketch Decision that three hearings will be required. The intent of this combined review is to speed up the process for well-prepared, or less complex applications.

▶ **Act 250 Hearing for North Rd. 345, SP & CU for Banquet Hall, HW Ventures**

Attended Act 250 hearing on 2/23. The appellant of the DRB Decision appears to have reached an agreement in Superior Court mediation with the applicant. This agreement may require some local site SP changes, but we may be able to handle them administratively -- depending upon what Act 250 and the settlement require.

▶ **Liquor Board Applications**

Investigated the processing of applications for Liquor Board consideration with the TM Office.

▶ **Lamoille River Paddler's Trail Steering Committee**

Attended this meeting in Milton on 3/12. A steering committee is spearheading the effort with the VT River Conservancy acting as the fiscal agent. They have identified public properties along the river as well as portage routes, and potential campsites (at 5 mile intervals); the campsite concept is to have them isolated and accessible only by the river. The meeting was attended by outdoor recreation enthusiasts and representatives from the Northwest Regional Planning Commission, Colchester Conservation & Recreation Commissions, Fairfax Recreation Commission, Johnson Planning Commission, Milton Conservation Commission, Milton Recreation Dept., Milton Planning Commission, Green Mountain Power, Agency of Natural Resources, and the River Conservancy. The attendees discussed short, medium and long-term priorities -- as well as guiding principles. The Steering Committee will begin reaching out to landowners, pursuing easements, funding and partnerships with local communities. Two portages and a handful of campsites were proposed in Milton. The Milton portage around the upper dams would be the longest portage, and could create some local business opportunities. The group will draft a shared vision statement that towns could consider endorsing to be recognized as a project partner.

▶ **TAC**

Chaired the TAC Meeting on 2/24 in preparation for 3/12 DRB Meeting, and Issued TAC Memo on 3/3 in preparation for 3/26 meeting. Held special TAC meeting on 3/5 to discuss Clapper Road and Blackberry Commons.

▶ **CC Meeting**

Attended CC meeting on 2/24; drafted Minutes of 2/25.

▶ **Class IV Discontinuance**

Spoke with Jason Stoddard about the discontinuance of Frazier Road as Class 4 Road. He plans to submit a petition to the Selectboard in March.

▶ **J&M Sand Follow-up**

Responded to approximately a dozen calls/e-mails following up on the hearing. I explained that the hearing is closed and now in deliberation. I informed stakeholders that a written decision would be available by 3/27, at the earliest.

▶ **PC Meeting**

Attended PC meeting on 3/4.

▶ **Green Infrastructure/Stormwater Investigation**

Did some research on ways to balance curbing and best practices for stormwater management/green infrastructure.

**ZONING ADMINISTRATOR, HEALTH OFFICER & E-911 COORDINATOR REPORT**

**Zoning Permits Issued/Denied**



13 Zoning Permits Approved since January 1, 2015:

- 2 accessory apartments,
- 2 duplexes,
- 2 sign permits,
- 1 industrial,
- 5 residential alterations/accessory structures or amendments,
- 1 demolition of existing residential structures at 34 Bartlett Road (burn scheduled by the Fire Department on March 28, 2015).

One Zoning Permit was denied at 27 Racine Road for a PUD-M (Residential/Public Warehousing) because the DRB approval has expired.

**Certificates of Compliance Issued/Denied**

Issued CO for NG Advantage Office Trailers  
CO's for Milton Shopping Center (in progress)

**Administrative Site Plan Amendments**

No new applications received.

**Zoning Voluntary Compliance Letters/Violations Issued**

450 Route 7 South – Trac Auto – Not parking according to SP – VCL  
384 Route 7 South – Banner without Sign Permit and location of two dumpsters not on SP – VCL  
15-17 Haydenberry Drive – Sign without Permit - VCL

**Litter Voluntary Compliance Letters/Violations Issued**

350 Route 7 South – More than 1 Unregistered Vehicle - Violation

**Health Voluntary Compliance Letters/Violations Issued**

None.

**Addresses Assigned**

None.

**Other Activities**

Anticipated opening of Lucky Buffet is next week.

**GLOSSARY**

BLA.....	Boundary Line Adjustment
CO.....	Certificate of Occupancy/Use
CU.....	Conditional Use
mCS.....	Minor Conventional Subdivision
MCS.....	Major Conventional Subdivision
PUD-M//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

RECEIVED

TOWN OF MILTON  
DEVELOPMENT REVIEW BOARD APPLICATION

FEB 23 2015

Site Plan, Site Plan Amendment, Administrative Review

Planning & Economic Development  
Milton, Vermont

Property Address:

Rt 7 South

Lister's Tax Map Reference:

SPAN#

Map # 26 Parcel # 12



Zoning District:

M-4

Deed Reference:

Book # 330 Page # 13

Proposed Use:

Self Storage

Owner(s):

Armen P. Turner Jr.

Applicant(s):

SAME

Mailing Address:

P.O. Boxes Rd. 4 05468

Mailing Address:

\_\_\_\_\_

Email Address:

Email Address:

\_\_\_\_\_

Telephone:

802 893 6473

Telephone:

\_\_\_\_\_

Signature(s):

[Signature]

Signature(s):

\_\_\_\_\_

Date:

2/23/15

Date:

\_\_\_\_\_

Site Plan approval, granted by the Milton Development Review Board (DRB) in accordance with the Milton Zoning Regulations, is required before a Zoning Permit may be issued for any use in any Zoning District with the exception of single family dwellings, duplexes, and owner-occupied triplexes on single lots, accessory residential structures, and all agricultural uses. A Minor amendment to Site Plans may be approved by the Zoning Administrator/ Acting Zoning Administrator if the amendment meets the criteria in Section 801.2.

Applications for Site Plan approval must be accompanied by four (4) sets of plans drawn to scale with fifteen (15) reductions of the plans (11" x 17" or 8.5" x 11") and supporting written materials. All Site Plans shall include the following information:

803.1 Project title and site address. Name and address of the Applicant, the property owner of record, and adjoining landowners. Name and address of the person or firm preparing the map. Scale of the map, north point and date.

803.2 Deed reference(s), Lister's tax map and parcel number, and copies of any deed restrictions or covenants.

803.3 All existing features, including but not limited to, boundaries, total area of the lot, contours, drainage patterns and storm drainage systems, structures and land uses, trees, shrubs, and other vegetation, wetlands, floodplains, rock outcroppings, streets (public and private) and the associated rights of way, driveways, outdoor lighting, signage, sidewalks, alternate transportation paths, easements and rights of way.

~~803.4 A survey of the entire property is required.~~



RECEIVED

FEB 27 2015

Planning & Economic Development  
Milton, Vermont

- 803.6 A landscaping plan showing locations of all existing and proposed plantings, a plant list with species, size and quantity. A written cost estimate of all landscaping prepared by a professional landscape architect or landscape contractor.
- 803.7 Building elevations indicating location and height of all existing and proposed structures.
- 803.8 An outdoor lighting plan showing locations and designs of existing and proposed outdoor lighting. This shall include all flood and/or security lights, building mounted lights, and parking and streetlights. At a minimum, outdoor lighting specifications shall be provided showing photometric data, types of fixtures and lamps, and mounting height of fixtures.
- 803.9 A utility plan showing existing and proposed public water and sewer, private sewage disposal systems, wells, storm drainage facilities and fire protection details.
- 803.10 Estimate of daily and peak hour traffic generation and a report on traffic impacts at project access points, major intersections nearby and other locations.
- 803.11 Any other data or information that the Development Review Board shall view as necessary in applying the Site Plan review standards.

Note: Section 803.12 of the Zoning Regulations authorizes the Development Review Board to waive any of the above requirements of Site Plan review. All requests for waivers must be submitted in writing. Although this application is intended to convey the intent of Site Plan review, it does not list all requirements of the Milton Zoning Regulations, Public Works Specifications, Comprehensive Plan, or any State or Federal requirements.

#### **Landscaping Plan Requirements:**

For a complete description of the Town's landscaping requirements, please refer to Section 806 of the Zoning Regulations.

#### **Parking and Loading Requirements:**

Details regarding the Town's parking and loading requirements can be found in Section 810 of the Zoning Regulations.

#### **Outdoor Lighting Requirements:**

Details regarding the Town's outdoor lighting requirements are provided in Section 820 of the Zoning Regulations.

#### **Sign Requirements:**

The Town's sign requirements are listed in Section 830 of the Zoning Regulations.

#### **Special Provisions Applicable to the M1, M2, M3, & M4 Zoning Districts:**

If your property is located in the M1, M2, or M4 Zoning District, please see Section 804 of the Zoning Regulations for special provisions that apply to your application. If your property is located in the M3 Zoning District, please see Sections 804 and 805 of the Zoning Regulations.

TOWN of MILTON  
Planning & Economic Development  
43 Bombardier Road  
Milton, VT 05468-3205  
jhemmerick@town.milton.vt.us  
www.miltonvt.org  
(802) 893-1186



---

## MEMO

---

**TO:** **Technical Advisory Committee Members:**  
Roger Hunt, Director of Public Works  
Nathan Lavallee, Water/Wastewater Superintendent  
Dustin Keelty, Public Works Supervisor  
Brett Van Noordt, Police Department  
Christian Poirier, Fire & Rescue Department Assistant Chief  
John Barone, Superintendent of Schools

**CC:** Zoning Administrator, Planning Assistant, Town Manager

**FROM:** **Jacob Hemmerick, Town Planner**

**DATE:** **Tuesday, March 17, 2015**

**RE:** **Preparation for DRB Meeting of Thursday, April 9, 2015**

<b>TAC Meeting:</b>	<b>Tuesday, March 24 at 3:30 p.m.</b> (Listers' Conference)
<b>TAC Comments Due:</b>	<b>Tuesday, March 31 by 5:00 p.m.</b>

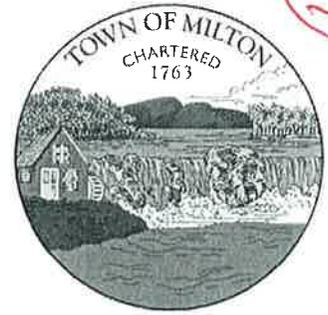
*Please review the applications below and phrase your comments either as recommendations or conditions of approval (with regulatory reference). If you do not submit comments, I will conclude that you have no concerns. I welcome any questions you may have at 891-8016.*

**Site Plan Application – Route 7 South 385-387 – Armand Turner Jr., Owner/Applicant.**  
The Applicant is requesting Site Plan approval for the construction of a 43,500 square foot, 400-unit self-storage facility, located at 385-387 Route 7 South and described as SPAN# 13730, Tax Map 26, Parcel 12. The subject property is served by municipal water and sewer. The subject property contains approximately 3.75 acres and is located within the “Checkerberry” (M4) Zoning District.

**NOTE: This application was submitted prior to Interim Zoning's warning date; it is therefore not subject to Interim Zoning.**

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, April 9, 2015

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

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

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

Site Plan Application – Route 7 South 385-387 – Armand Turner Jr., Owner/Applicant.

④

## Jacob Hemmerick

---

**From:** Jacob Hemmerick  
**Sent:** Friday, March 20, 2015 9:49 AM  
**To:** 'cebranon@fieldstonelandconsultants.com'  
**Subject:** FW: TAC Memo and Fire Truck Specifications - A. Turner Ministorage

Chad,

The Asst. Fire Chief says you can address his concerns at the hearing. The TAC comments will be attached to the Staff Report. Thank you for your willingness to bring this into compliance with local equipment. We have identified a need to make our regulatory standards clearer to communicate exactly what Milton expects, but this is the language and process we have in place now.

Jake

Jacob Hemmerick - Town Planner  
802.893.1186 - [jhemmerick@town.milton.vt.us](mailto:jhemmerick@town.milton.vt.us)

**From:** Chris Poirier [<mailto:cp.poirier@comcast.net>]  
**Sent:** Friday, March 20, 2015 9:41 AM  
**To:** Jacob Hemmerick  
**Subject:** Fwd: TAC Memo and Fire Truck Specifications - A. Turner Ministorage

Hi Jake, I don't see the need to meet with Chad until after he has a chance to respond to the Tac comments. I do have some other concerns with the project. As far as the turning radiuses. If approved, and prior to Amanda issuing a certification of compliance we will have a truck over there to see if I can make the turns. if it is unable to make the corners he will have to fix the problem then.

Sent from my iPhone

Begin forwarded message:

**From:** Christian Poirier  
**Date:** March 20, 2015 at 8:39:29 AM EDT  
**Subject:** FW: TAC Memo and Fire Truck Specifications - A. Turner Ministorage

---

From: Jacob Hemmerick  
Sent: Friday, March 20, 2015 8:39:28 AM (UTC-05:00) Eastern Time (US & Canada)  
To: Christian Poirier  
Subject: FW: TAC Memo and Fire Truck Specifications - A. Turner Ministorage

FYI.

Jacob Hemmerick - Town Planner  
802.893.1186 - [jhemmerick@town.milton.vt.us](mailto:jhemmerick@town.milton.vt.us)

From: Chad Branon [<mailto:cebranon@fieldstonelandconsultants.com>]  
Sent: Friday, March 20, 2015 8:29 AM

To: Jacob Hemmerick  
Cc: 'Bonnie Turner'; 'Bonnie Turner'  
Subject: RE: TAC Memo and Fire Truck Specifications



Hi Jake,

Thank you for sending me the Fire Truck specifications. Were those located within the regulations, I am just curious if I missed it? I did have an opportunity to check the site and the current layout does handle this design vehicle as well. There would be no required plan revisions to accommodate the Fire Truck outlined in the specifications. As I indicated on the phone yesterday I would gladly meet with the Fire Department to review the plans and make sure we have addressed all of their concerns. I know per our discussion that you do not want me contacting anyone directly so please facilitate this dialogue.

Thank you, Chad

Chad E. Branon, P.E.

Civil Engineer / Project Manager

[FLC-email\_signature-2.png]

206 Elm Street – Milford NH 03055

Tel: 603.672.5456 - Fax: 603.413.5456

Cell: 603.499.5799

[CEBranon@FieldstoneLandConsultants.com](mailto:CEBranon@FieldstoneLandConsultants.com)<<mailto:cebranon@fieldstonelandconsultants.com>>

[www.FieldstoneLandConsultants.com](http://www.fieldstonelandconsultants.com)<<http://www.fieldstonelandconsultants.com/>>

[facebook-

3]<<https://www.facebook.com/pages/edit/?id=128075403894043&sk=permissions#!/pages/Fieldstone-Land-Consultants-PLLC/128075403894043>>

From: Jacob Hemmerick [<mailto:jhemmerick@town.milton.vt.us>]

Sent: Thursday, March 19, 2015 12:06 PM

To:

[CEBranon@fieldstonelandconsultants.com](mailto:CEBranon@fieldstonelandconsultants.com)<<mailto:CEBranon@fieldstonelandconsultants.com>>

Subject: TAC Memo and Fire Truck Specifications

#### HELPFUL LINKS:

Milton's Home Page<<http://miltonvt.org/>>

Planning & Economic Development Page<<http://miltonvt.org/departments/planning.html>>

Development Review Board Page<<http://miltonvt.org/government/boards/drj.html>>: Schedule, Process, Agendas, Meeting Materials, & Minutes

Application Forms & Fees<<http://miltonvt.org/departments/planning/applications.html>>

Zoning Regulations<<http://miltonvt.org/departments/planning/zoningregs.html>>

Zoning Districts Map<<http://miltonvt.org/images/pdf/files/maps/ZoningMap.pdf>>

Subdivision Regulations<<http://miltonvt.org/departments/planning/zoningregs.html>>

Town Ordinances<<http://miltonvt.org/government/officialdocs/ordinances.html>>: Public Works Specifications, Street Naming, Water/Wastewater/Stormwater, etc.

Comprehensive Plan<<http://miltonvt.org/images/pdf/files/government/docs/CompPlan.pdf>>

Milton's Interactive Online Map<<http://map.ccrpcvt.org/miltonmapviewer/>>

Resident

Guide<[http://miltonvt.org/images/pdf/files/department/townmanager/Resident\\_Guide\\_2014-15\\_for\\_Web.pdf](http://miltonvt.org/images/pdf/files/department/townmanager/Resident_Guide_2014-15_for_Web.pdf)>

Economic Development (Business)

Guide<[http://miltonvt.org/images/pdf/files/department/planning/Business\\_Guide-Web.pdf](http://miltonvt.org/images/pdf/files/department/planning/Business_Guide-Web.pdf)>



Jacob Hemmerick - Town Planner

Town of Milton, Vermont

802.893.1186 - [jhemmerick@town.milton.vt.us](mailto:jhemmerick@town.milton.vt.us)

Planning & Economic Development

Department<<http://miltonvt.org/departments/planning.html>> - 43 Bombardier Road - Milton, VT  
05468

[www.miltonvt.org](http://www.miltonvt.org)

---

Disclaimer, please be advised that your email communication to the Town may be considered public record and may be subject to disclosure under the Vermont Open Public Records Act.

---

Disclaimer, please be advised that your email communication to the Town may be considered public record and may be subject to disclosure under the Vermont Open Public Records Act.



**Jacob Hemmerick**

---

**From:** Jacob Hemmerick  
**Sent:** Friday, March 20, 2015 9:42 AM  
**To:** 'Chris Poirier'  
**Subject:** RE: TAC Memo and Fire Truck Specifications - A. Turner Ministorage

10-4. I'll let Chad know he can address TAC concerns at the hearing.

Jacob Hemmerick - Town Planner  
802.893.1186 - [jhemmerick@town.milton.vt.us](mailto:jhemmerick@town.milton.vt.us)

**From:** Chris Poirier [<mailto:cp.poirier@comcast.net>]  
**Sent:** Friday, March 20, 2015 9:41 AM  
**To:** Jacob Hemmerick  
**Subject:** Fwd: TAC Memo and Fire Truck Specifications - A. Turner Ministorage

Hi Jake, I don't see the need to meet with Chad until after he has a chance to respond to the Tac comments. I do have some other concerns with the project. As far as the turning radiuses. Prior to Amanda issuing a certification of compliance we will have a truck over there to see if I can make the turns. if it is unable to make the corners he will have to fix the problem then.

Sent from my iPhone

Begin forwarded message:

**From:** Christian Poirier <[cpoirier@town.milton.vt.us](mailto:cpoirier@town.milton.vt.us)>  
**Date:** March 20, 2015 at 8:39:29 AM EDT  
**To:** "[cp.poirier@comcast.net](mailto:cp.poirier@comcast.net)" <[cp.poirier@comcast.net](mailto:cp.poirier@comcast.net)>  
**Subject:** FW: TAC Memo and Fire Truck Specifications - A. Turner Ministorage

---

From: Jacob Hemmerick  
Sent: Friday, March 20, 2015 8:39:28 AM (UTC-05:00) Eastern Time (US & Canada)  
To: Christian Poirier  
Subject: FW: TAC Memo and Fire Truck Specifications - A. Turner Ministorage

FYI.

Jacob Hemmerick - Town Planner  
802.893.1186 - [jhemmerick@town.milton.vt.us](mailto:jhemmerick@town.milton.vt.us)

From: Chad Branon [<mailto:cebranon@fieldstonelandconsultants.com>]  
Sent: Friday, March 20, 2015 8:29 AM  
To: Jacob Hemmerick  
Cc: 'Bonnie Turner'; 'Bonnie Turner'  
Subject: RE: TAC Memo and Fire Truck Specifications

Hi Jake,  
Thank you for sending me the Fire Truck specifications. Were those located within the



**Jacob Hemmerick**

---

**From:** Jacob Hemmerick  
**Sent:** Friday, March 20, 2015 8:39 AM  
**To:** Christian Poirier  
**Subject:** FW: TAC Memo and Fire Truck Specifications - A. Turner Ministorage

FYI.

Jacob Hemmerick - Town Planner  
802.893.1186 - [jhemmerick@town.milton.vt.us](mailto:jhemmerick@town.milton.vt.us)

**From:** Chad Branon [<mailto:cebranon@fieldstonelandconsultants.com>]  
**Sent:** Friday, March 20, 2015 8:29 AM  
**To:** Jacob Hemmerick  
**Cc:** 'Bonnie Turner'; 'Bonnie Turner'  
**Subject:** RE: TAC Memo and Fire Truck Specifications

Hi Jake,  
Thank you for sending me the Fire Truck specifications. Were those located within the regulations, I am just curious if I missed it? I did have an opportunity to check the site and the current layout does handle this design vehicle as well. There would be no required plan revisions to accommodate the Fire Truck outlined in the specifications. As I indicated on the phone yesterday I would gladly meet with the Fire Department to review the plans and make sure we have addressed all of their concerns. I know per our discussion that you do not want me contacting anyone directly so please facilitate this dialogue.

Thank you, Chad  
**Chad E. Branon, P.E.**  
Civil Engineer / Project Manager



206 Elm Street – Milford NH 03055  
Tel: 603.672.5456 - Fax: 603.413.5456  
Cell: 603.499.5799  
[CEBranon@FieldstoneLandConsultants.com](mailto:CEBranon@FieldstoneLandConsultants.com)  
[www.FieldstoneLandConsultants.com](http://www.FieldstoneLandConsultants.com)



**From:** Jacob Hemmerick [<mailto:jhemmerick@town.milton.vt.us>]  
**Sent:** Thursday, March 19, 2015 12:06 PM  
**To:** [CEBranon@fieldstonelandconsultants.com](mailto:CEBranon@fieldstonelandconsultants.com)  
**Subject:** TAC Memo and Fire Truck Specifications

**HELPFUL LINKS:**  
[Milton's Home Page](#)  
[Planning & Economic Development Page](#)  
[Development Review Board Page:](#) Schedule, Process, Agendas, Meeting Materials, & Minutes



## Jacob Hemmerick

---

**From:** Jacob Hemmerick  
**Sent:** Thursday, March 19, 2015 12:06 PM  
**To:** 'CEBranon@fieldstonelandconsultants.com'  
**Subject:** TAC Memo and Fire Truck Specifications  
**Attachments:** 2015.04.09\_TAC Memo.docx; 0258\_001.pdf

### HELPFUL LINKS:

[Milton's Home Page](#)

[Planning & Economic Development Page](#)

[Development Review Board Page](#): Schedule, Process, Agendas, Meeting Materials, & Minutes

[Application Forms & Fees](#)

[Zoning Regulations](#)

[Zoning Districts Map](#)

[Subdivision Regulations](#)

[Town Ordinances](#): Public Works Specifications, Street Naming, Water/Wastewater/Stormwater, etc.

[Comprehensive Plan](#)

[Milton's Interactive Online Map](#)

[Resident Guide](#)

[Economic Development \(Business\) Guide](#)

Jacob Hemmerick - Town Planner

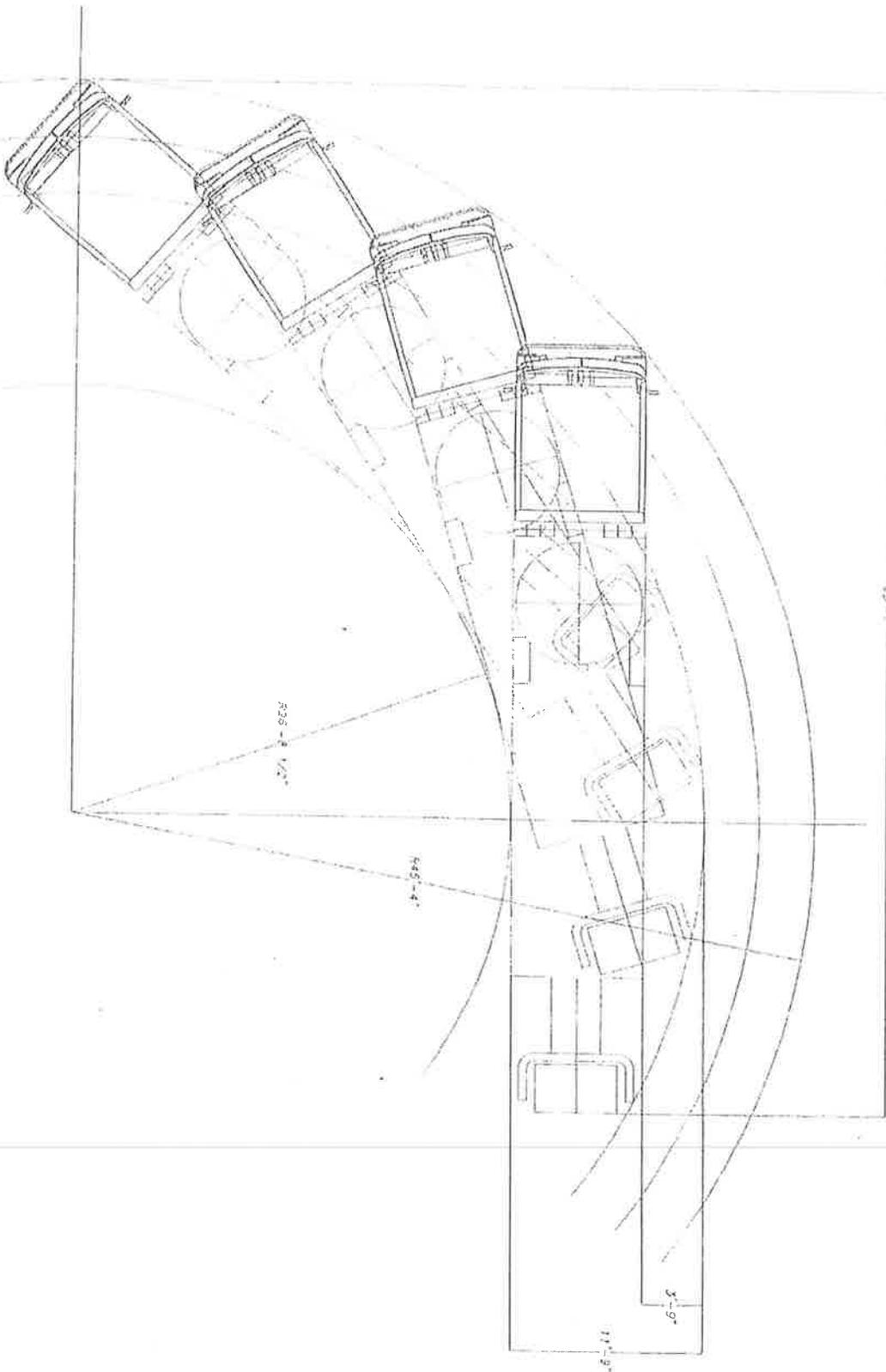
Town of Milton, Vermont

802.893.1186 - jhemmerick@town.milton.vt.us

Planning & Economic Development Department - 43 Bombardier Road - Milton, VT 05468

[www.miltonvt.org](http://www.miltonvt.org)

(K)



REVISED & REDRAWN 4/13/98  
S. PHEN CORPORATION  
100' PLATFORM  
252TURN

DATE	4/13/98
BY	J. HALL/ACV
NO.	252TURN



**Jacob Hemmerick**

---

L

**From:** Jacob Hemmerick  
**Sent:** Thursday, February 19, 2015 3:00 PM  
**To:** 'CEBranon@fieldstonelandconsultants.com'  
**Subject:** Interim Zoning Change  
**Attachments:** 4775\_001.pdf

Chad,

The Selectboard warned the attached hearing to consider Interim Zoning. The proposal would affect Armand Turner's proposed public warehousing project. The hearing is on 3/16.

Could you confirm receipt?

Jake

Jacob Hemmerick - Town Planner  
Town of Milton, Vermont  
802.893.1186 - jhemmerick@town.milton.vt.us  
Planning & Economic Development Department - 43 Bombardier Road - Milton, VT 05468  
www.miltonvt.org



## TARGET APPLICATION REVIEW TIMELINE

### DRB Review Stages

	Occurs On
Application Deadline	31 Days Prior to Meeting by 5PM
Review Application for Completion; Deemed Complete or Incomplete	31/30 Days Before
Project Summary Written	30/29 Days Before
Summary Reviewed and Approved	29/28 Days Before
29/28 Days Before	
27 Days Before 5PM	
TAC Memo Issued to Committee Members	23 Days Before
Warning Published in Independent - Ad Placed in Application File	21 Days Before
Write Draft Staff Report	21, 20, 17, 16, 15, 14 Days Before
Draft Agenda/Notice Made, Hearing Times Assigned	17 Days Before
TAC Meeting	16 Days Before 3:30 (unless re-assigned)
Warning Posted/ Abutters Notices Sent	16/15 Days Prior to Meeting
Statutory Warning Deadline	15 Days Prior to Meeting
Send out Draft Staff Report for Review by ZA and PD	14 Days by 5 PM
Draft Staff Report Review by ZA and PD	13, 10 Days Before
Draft Decisions from Prior Meeting	13, 10, 9 Days Prior to Meeting
TAC & Staff Report Comments Due	9 Days Prior to Meeting by 5PM
Draft Decisions Deadline for Sendout & Review	8 Days Prior to Meeting
Agenda/Notice Finalized	8 Day Prior to Meeting
Agenda/Notice Posted	8/7 Days Prior to Meeting
Revise Staff Reports Based on Comments	8 Days Prior to Meeting
Send Out Draft Decision for Review by ZA and PD	9 Days Prior to Meeting by 5PM
Draft Decision Review by ZA and PD	9/8 Days Prior to Meeting
Draft Decision Review Comments Due	8 Days Prior to Meeting by 5PM
Final Review of DRB Staff Reports by TP	8 Days Prior to the Meeting
Final Review of DRB Draft Decisions by TP	7 Days Prior to the Meeting (AM)
DRB Packets Assembled by PA	7 Days Prior to the Meeting (PM)
DRB Packets Mailed by PA	6 Days Prior to the Meeting (A.M. Mail)
Pre-Format Decisions	0, 1, 2 Days Prior to the Meeting
DRB Meeting	
1 day After Meeting	
Save, File & Mail Signed Decisions	1 Day After Meeting
Save, File & Mail Signed Minutes	1 Day After Meeting
Add Approval /Appeal Expiration/Deadlines into Planning Calendar	1 Day After Meeting
Draft Minutes Written	1, 4, 5 Days After Meeting
Draft Minutes Reviewed and Filed	5 Days After Meeting
Draft Minutes Reviewed/Filed w/ Clerk	5 Days After Meeting
Decision Issued	Within 45 Days of Hearing's Close



Advanced Topics in Zoning and Subdivision Review  
Milton Development Review Board  
Jim Barlow, Staff Attorney  
Vermont League of Cities and Towns  
May 24, 2007

**I. Conducting and Managing Site Visits**

- A. There is no express statutory reference to site visits in Vermont's zoning statutes.
1. Nonetheless, they are recognized as serving an important function in rendering a zoning or subdivision decision.
  2. Vermont Rules of Environmental Court Proceedings, Rule 2(e)(2): One or more site visits may be conducted when appropriate to assist the court in rendering a decision.
  3. While not every application requires a site visit, site visits can be particularly helpful in putting evidence and arguments received at the hearing into context.
  4. "Site visits are a necessary tool for any entity charged with reviewing zoning or subdivision applications." Appeal of Tepper et al. 225-12-04 Vtec (Feb. 2006).
- B. Scheduling the site visit.
1. If the board/chair/staff member determines that a site visit will be helpful, it can be scheduled immediately prior to the start of the hearing.
    - a. District Commissions will typically conduct a site visit before the hearing starts.
    - b. Remember that a pre-hearing site visits must still be publicly noticed in accordance with 24 V.S.A. §§ 4464(a)(1), (2).

2. Site visits can also be scheduled during a hearing.
  - a. Recess the hearing to a specified date and time. Announce that date and time and make sure it is included in the record.
  - b. Schedule the site visit to occur during the recess. Announce the date and time of the site visit. Make sure it is in the record.

3. Are site visits open to the public?

- a. There is no case law or controlling statute, but in all likelihood the answer is yes.
  - i. At a minimum, the applicant would probably be required to allow the board and interested persons to participate at the site visit.

4. Could an application be denied if the applicant refused to allow a site visit?

- a. There is no case law or controlling statute, but in all likelihood the answer is yes.
  - i. Environmental Court rules allow site visits. The importance has been recognized in local zoning and Act 250. Appeal of Tepper et al. 225-12-04 Vtec (Feb. 2006); In re: Quechee Lakes Corp., 154 Vt. 552 (1990).
  - ii. More likely than not, the Environmental Court would find that failure to allow a site visit prevented the board from holding a hearing or rendering a decision.
  - iii. But appeals to the Environmental Court are *de novo*. \_At the end of the day, it may not matter.

5. Could an applicant be liable if a member of the public/interested person/board member is injured on the property?

- a. Potentially yes.

C. The primary concern arising out of site visits relates to observations or conclusions developed at the site visit and affording interested persons the opportunity to respond.

1. Court findings can be grounded on knowledge acquired from site visits, as long as such examinations are not the exclusive basis for the findings.

2. Administrative tribunals can base their decisions on a broader, not narrower, range of evidence than courts.

3. Site visit observations on which the DRB intends to rely must be placed on the record in order to preserve the right of rebuttal and to facilitate review. Quechee Lakes.

4. Conclusion: If there is a particular observation or fact gathered at the site visit that was not presented in the hearing and the DRB believes that it might rely on that observation or fact in issuing its decision, the DRB should, when the hearing is reconvened, place the fact or observation on the record and give the parties the opportunity to respond.

a. “While I on the site visit, I observed \_\_\_\_\_. I’d like to ask the following question: \_\_\_\_\_. Ms. Applicant, would you respond to this?”

D. With regard to *ex parte* communication, the DRB must be careful to avoid taking testimony at the site visit.

1. *Ex parte* communication is direct or indirect communication between a board member and any party (or representative of a party) or person interested in the outcome of a proceeding, on any issue in the proceeding, while the proceeding is pending, without notice and opportunity for all parties to participate.

2. Everyone likes to talk at the site visit, but the site visit is not a hearing. Attendees do not have to be placed under oath and the site visit does not have to be recorded. Appeal of Tepper.

3. Remind attendees that the primary function of the site visit is to put evidence and testimony in context. No one is under oath and the site visit is not recorded.

4. If an attendee would like to have a comment or observation put on the record, he/she should do so when the hearing is reconvened.

## II. Writing Good Decisions

A. The basic law of zoning decisions:

1. All development review proceedings must be concluded with a written decision that includes a “statement of the factual bases on which the

appropriate municipal panel has made its conclusions and a statement of the conclusions.” 24 V.S.A. § 4464(b)(1).

2. Decisions must be issued within 45 days after adjournment of the hearing. 24 V.S.A. § 4464(b)(1).
3. Copies of the decision must be sent to the applicant and the appellant by certified mail, and to all those appearing and having been heard at the hearing. Copies must also be filed with the zoning administrator and the town clerk., 24 V.S.A. 4464(b)(3).

B. There is no legally prescribed form or format for zoning decisions, but at a minimum, every decision must contain two elements: findings of fact and conclusions.

1. Findings of fact are the basis upon which the board will make its conclusions.
  - a. The factual determinations made by the board after board members hear testimony and review, analyze, and deliberate over the evidence presented at the hearing.
    - i. Not all evidence presented at the hearing needs to be contained in the board’s decision as a finding of fact. Only that evidence that the board finds most credible and relevant to the application.
    - ii. Boards will likely hear multiple assertions of fact about a particular topic. Findings show which assertions it believes and now considers to be a fact.
  - c. The statement of the board’s findings of fact should be sufficient to inform interested persons of the reasons for the decision. City of Rutland v. McDonald’s Corp., 146 Vt. 324 (1985).
2. Conclusions are the ultimate decisions of the board with regard to the applicable criteria, as supported by the findings.
  - a. There should be a conclusion with regard to every relevant criterion at issue in the application.

C. As a best practice, the written decision should contain:

1. An introduction identifying the applicant/appellant and property owner.
2. The procedural history of the issue.
3. The approval requested.

4. Findings of fact gleaned from the evidence presented at the hearing.
  5. Conclusions based upon application of the facts to the applicable legal criteria or standards.
  6. A simple sentence of the board's decision granting or denying the relief requested.
  7. Any conditions the board places on the approval.
  8. Notice of the parties' appeal rights.
- D. Findings that explain how and why a particular decision was reached allow the board to differentiate between applications. Well written decisions also avoid bad precedents to be set.

### **III. Subdivision**

- A. Issue: DRB has a difficult time shifting between the formality of site plan, conditional use, zoning administrator appeals and the relative informality of the preliminary stages (sketch plan and preliminary plat approval stages) of subdivision.
1. Site plan approval, conditional use, zoning administrator appeals other activities of the DRB typically involve one hearing (which may be continued several times), a site visit and a decision.
  2. But subdivision review is typically a multi-step process. Statute authorizes towns to develop procedures for "conceptual, preliminary, partial, and other subdivision review preceding submission of a subdivision plat." 24 V.S.A. 4418(1)(A).
    - a. Usually a three-step process: sketch plan, preliminary plat approval, and final plat approval.
    - b. Allows the developer and the DRB to come to a general agreement on the form of the subdivision and the application of the relevant standards, before requiring the subdivider to undertake the more significant expense required for final approval.
    - c. Why?
      - i. Subdivision regulations typically also have more flexibility and potentially allow the exercise of greater discretion by the DRB.

ii. The focus of subdivision is arguably more on maximizing the efficient use of land rather than ensuring that development conforms to a rigid standard. For example, statute allows bylaws to contain:

*“Provisions allowing the [DRB] to waive or modify, subject to appropriate conditions, the provisions of any or all improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not in the requisite interest of public health, safety, and general welfare or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.” 24 V.S.A. 4418(2)(A).*

d. The multi-step process is to enable the subdivider to save time and expense in reaching general agreement as to the form of the subdivision and the requirements of the regulations, which are inherently more flexible and probably more difficult to apply than zoning regs.

3. Could an applicant appeal a preliminary plat decision? A bylaw will typically provide that approval of a preliminary plat does not constitute approval of a subdivision.

a. Without a final approval of the plat, there is probably no right to appeal (even though 24 V.S.A. § 4471(a) states that an interested person who has participated may appeal a “decision.” to the environmental court).

b. The Vermont Supreme Court has stated, “We doubt that the interested party can appeal from a decision that reflects only a ‘general agreement’ between the developer and the DRB and that can be changed as a result of further study”.... Appeal of Carroll, -- A2d. – (March 9, 2007).

c. However, if the preliminary plat decision were such that prevented an applicant from reaching final approval stage, appeal would probably be possible.

4. My general sense: Some towns are very formal in their approach to subdivision applications, issuing formal decisions at every step. Others are less formal (but are probably less formal with zoning applications, as well).

5. Bottom line: The nature of subdivision, the multi-step process, and that statutory flexibility give boards the opportunity to be less formal in subdivision than in zoning. This informality at the preliminary stages was intentionally crafted into the statute to reduce costs to applicants. Take advantage of it.

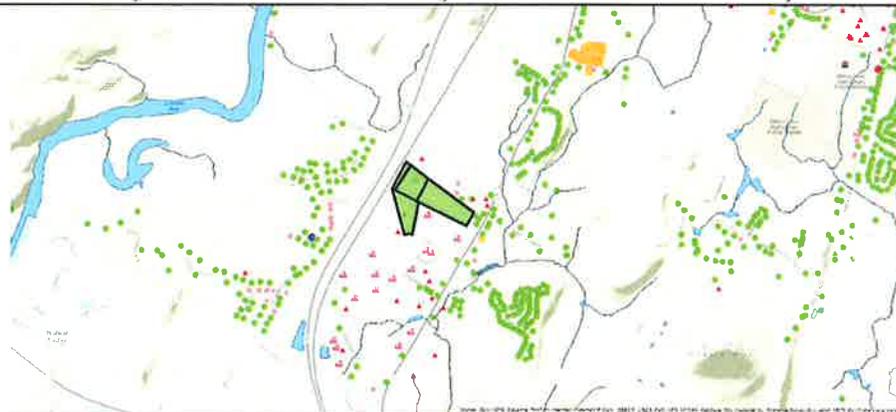
# TOWN OF MILTON DEVELOPMENT REVIEW BOARD

Planning & Economic Development Department  
43 Bombardier Road  
Milton, Vermont 05468-3205  
www.miltonvt.org  
(802) 893-1186



## STAFF REPORT

<b>Hearing Date/Time:</b> May 14, 2015 at 7:15 p.m. (proceeding Site Visit at 6:00 p.m.)						
<b>Case No:</b> 2015-14						
<b>Application(s):</b> Boundary Line Adjustment and Planned Unit Development - Industrial Preliminary/Final Plan						
<b>Existing and Proposed Use:</b> Manufacturing						
<b>Application Received:</b> April 28, 2015 (prior to Sketch Decision issuance)						
<b>Staff Report Finalized:</b> Friday, May 8, 2015						
<b>Owner/Applicant</b> Camp Holdings, LLC 78 Precast Road Milton, VT 05468 802.893.2401 kcamp@campprecast.com				<b>Owner:</b> Bellevance Properties LLC PO Box 398 Barre, VT 05461		
<b>Engineer:</b> DuBois & King ATTN: David Conger P.E. (No. 7689) 6 Green Tree Drive S. Burlington, VT 802.728.7225 dconger@dubois-king.com				<b>Surveyor:</b> Joe Flynn, L.S. (No. 714)		
<b>Existing Properties</b>						
Parcel	Address	Approx. Acreage	SPAN	Tax Map, Parcel	Deed Vol. & P.	Owner
1	78 Precast	15.50	10583	3,20-1	325,418	Camp
2	78 Precast	5.01	10582	3,20	325,418	Camp
3	78 Precast		10582	3,20	325,418	Camp
22	59 Catamount	10.34	10664	3,8-22	413,491	Bellevance
<b>Total Area:</b> Approximately 32 acres in total; the PUD area is 22 acres.						
<b>Zoning District(s):</b> "General Industrial" (I-2)						
<b>Comprehensive Plan Planning Area:</b> Catamount Planning Area (Map 2)						
<b>Location:</b> west of US Route 7, south of Precast Road, north of Catamount Drive, east of I-89						



## INTRODUCTION

**Comments:** Jacob Hemmerick, Town Planner; and Amanda Pitts, Zoning Administrator, herein referred to as Staff, have reviewed the application, materials and plans submitted and have the following comments. The numbered items below recommend conditions of approval, ask clarifying questions, or frame discretionary decision for the DRB.

**Application and Applicant:** The application was submitted by DuBois & King Inc. on behalf of the Applicant on March 9, 2015 prior to the issuance of the Sketch Plan approval on March 27, 2015, and was deemed complete by the Town Planner. The application form was signed by the Applicant on March 9, 2015, hereafter referred to as "the Applicant". A copy of the application and all supporting materials are maintained in the application file and available for public inspection during Planning and Economic Development Department business hours.

**Ownership:** Parcels 1, 2, and 3 located at 78 Precast road are owned by Camp Holdings LLC and a deed of ownership is recorded in the Town's Land Records in Volume 325, Page 14. Lot 22 is owned by Bellevance Properties LLC and a deed of ownership is recorded in the Town's Land Records in Volume 413, Page 491.

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

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

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

- (1) Final Plan Narrative (Including Traffic Generation Numbers)
- (2) Section 700 Responses
- (3) Civil Drawings
  - a. C-0 Title Sheet
  - b. C-1 General Notes and Legend
  - c. C-2 Existing Conditions & Removals Plan
  - d. C-3 Proposed Site Plan
  - e. C-4 Proposed Grading and Drainage Plan
  - f. C-5 Proposed Utility Plan
  - g. C-6 EPSC Low Risk Handbook Sheet 1 of 2
  - h. C-7 EPSC Low Risk Handbook Sheet 2 of 2
- (4) Landscaping Plans
  - a. L-1 Landscape Plan & Details
- (5) Architectural Drawings
  - a. A-2 General Arrangement Plan
  - b. A-3 Roof Plan
  - c. A-4 Exterior Elevations
  - d. A-5 Exterior Elevations
  - e. A-6 Building Section

**Existing & Proposed Development & Use:** The Boundary Line Adjustment would transfer 1.37 acres from Lot 22/59 Catamount Drive, described as Tax Map 3, Parcel 8-22, SPAN #10664, to Lot 2/78 Precast Road. Two lots within the PUD are proposed. No change is proposed to the existing uses. Within the PUD, Lot 1 is

proposed to contain the existing telecommunications tower and use on 2.41 acres. Lot 2 is proposed to contain the existing manufacturing facility on 21.75 acres, as well as a new 14,400 square foot precast concrete manufacturing building and a new 6,000 square foot office building. Staff understands that the office building is solely to support the existing manufacturing facility and will not host independent businesses, which would be subject to site plan amendment and the possible creation of an association to maintain any shared amenities.

**Access/Utilities:** For the BLA, no change is proposed to existing access to 59 Catamount Drive. For the PUD, access is proposed via Precast Road from two driveways: one existing, and one proposed. The site is proposed to be served by on-site water and wastewater.

**Location:** Lot 1 is shown on Milton's Tax Map 3 as parcel 20-1, with a corresponding School Parcel Account Number (SPAN of 10583. Lots 2 and 3 are shown on Milton's Tax Map 3 as Parcel 20 with a corresponding SPAN number of 10582. These lots are associated with 78 Precast Road. Lot 22 is shown on Milton's Tax Map 3 as Parcel 8-22 with a corresponding SPAN number of 10664. This Lot is addressed as 59 Catamount Drive.

**Existing Lot Size/Area:** According to the Assessor's Grand List:

- Lot 1 is 15.5
- Lot 2/3 is 5.01
- Lot 22 is 10.34
- The Assessor calculates the total area as 30.85 acres.

According to the Applicant

- Lot 1 is shown as 12.93 acres.
- Lot 2 is shown as 4.84 acres.
- Lot 3 is shown as 4.98 acres.
- Lot 22 is shown as 10.33 acres.
- The Applicant calculates the total area as 33 acres.

The area to be included in the PUD is 24.21 acres.

**Zoning District:** The subject properties are located within the "General Industrial" (I2) Zoning District, described on the Town of Milton Zoning Map last amended August 22, 2011 on record and display at the Municipal Offices and available on the Town's website. None of the subject properties' boundaries share a Zoning District Boundary.

**Disclosed Restrictions or Covenants:** The application form states the following restrictions comprised of 69,881 square feet:

- VT Gas Systems Utility Easement
- GBIC Access Easement
- T-Mobile Lease and Easement

Additionally, the Applicant proposes a water easement within the PUD across proposed Lot 1 to benefit proposed Lot 2. (The well for the manufacturing facility on Lot 2 is located on Lot 1.) An alternative to an easement could be the establishment of an association if proposed Lot 1 were to be conveyed.

**Sketch Approval:** The DRB granted Sketch Plan approval date March 26, 2015. 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." **ATTACHED** for the DRB's reference is the Sketch Plan Conditions of Approval. Since the Final application was submitted prior to the issuance of the DRB's Decisions, the plans do not account for all conditions of the DRB Sketch Decision and are therefore be built into this report as a proposed condition.

## BOUNDARY LINE ADJUSTMENT REVIEW

**SR130, Subdivision Jurisdiction:** The subdivision regulations apply to boundary line adjustments. "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." The application did not include a Survey Plat, but Sheet C-3 shows the Boundary Line Adjustment. Condition 3 of the DRB's Sketch Decision states, "The BLA shall require a separate plat to be recorded prior to the PUD Plat." This is included in a proposed condition below, and is done because Lot 22 is not proposed to be part of the PUD.

**SR200.10, Resubdivision:** While Boundary Line Adjustment (BLA) is term that does not appear in the Subdivision Regulations, Milton has traditionally categorized BLAs as "resubdivisions" and treated them as subject to a single hearing. The SR define subdivision to include "resubdivision". In other words, a BLA is a minor conventional subdivision that undergoes a single hearing for a boundary change.

**SR300 & SR610 Plat Requirements:** These two sections outline the requirements for information that must be included on a Plat. The Surveyor is advised to closely review these to ensure that all required elements are shown.

1. The Final Survey Plats (BLA & PUD) shall be submitted in accordance with SR300 and SR610.

## SUBDIVISION/BOUNDARY LINE ADJUSTMENT PLANNING STANDARDS

**SR700, Standards for Evaluation:** states "Final approval of any subdivision [. . .] shall be based on a finding by the DRB that the subdivision is in accord with the following standards" summarized as follows:

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

The Applicant's responses to these standards are **ATTACHED**. As these criteria concern the BLA, Staff specifically evaluates the consistency with the Plan/ Regulations(700.5), and provision for pedestrian traffic (700.9) below.

## COMPREHENSIVE PLAN REVIEW

The subject property is located in the Catamount Planning Area, for which the plan says the following.

### 9.2. Catamount Area Goals

There are two primary future land uses recommended for this section of Milton: low density clustered residential development and industrial development. The proposed uses in the Catamount Area are not intended to compete with the services and land uses planned for the Town Core Area. The Zoning Regulations

were amended in 2010 to allow for certain retail uses. Only large-scale retail uses such as garden centers, construction and agricultural equipment sales, home supplies, and retail associated with manufacturing establishments are permitted so that they do not compete with the services and land uses planned for the Town Core Area.

There are three recently developed large parcels in the Catamount Area: the new Gardner's Supply distribution facility and the Highview Estates residential development on the west side of Route 7, and the Charlebois Company and Premier Coach on the east side of Route 7, adjacent to Colchester. This area is close to the Vermont Agency of Transportation maintenance facility and the Colchester Park and Ride; therefore it would be useful to establish a bike/multi-use path within this area.

**Goal 9.7.1.** Encourage high quality industrial development in a sub-regional growth center, which will provide greater employment opportunities and broaden the tax base.

**Objective 9.7.1.a.** Develop standards to enhance the appearance and quality of development in this major gateway into the Town of Milton.

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

**Goal 9.7.2.** Ensure an aesthetically pleasing approach into Milton.

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

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

**Goal 9.7.3.** Enhance multi-modal transportation opportunities. [emphasis added]

Additionally, **Map 11** of the Comprehensive Plan (**ATTACHED**) shows a proposed recreational pathway connecting West Milton Road to Catamount Industrial Park along I-89 consistent with goal 9.7.3 above. This map was included in the 2013 adoption of the Comprehensive Plan and is the result of a 8-year Planning effort by Milton to establish right-of-ways for recreational paths. The effort began in 2007 when the Milton Planning Commission hosted a public input session where they learned a majority of the people were interested in a bike path. In addition, the number one new facility requested through a Town-wide survey -- conducted for the Milton Recreation 20- year Recreation Master Plan 2007-2027 -- was pedestrian and bicycle paths. As a result of this, the Selectboard created the Ad Hoc Recreation Pathways Committee to advise the Selectboard regarding potential recreational pathway locations in 2007. By 2009, the Committee released the *Ad Hoc Recreation Pathways Committee Evaluation Report* to describe the process through which the Committee arrived at a Prioritized List of Pathways and contained a list of 19 possible pathways. In 2013, the Comprehensive Plan was amended to add several goals related to recreational pathways, and half of the 19 proposed pathways. With pathways identified in the Comprehensive Plan, The Selectboard retired the Recreation Pathways Committee in July 2013 and requested that the Town's Planning Boards continue to the work. Prior to 2013, the Subdivision Regulations granted the DRB authority to require easements 20 feet in width according to SR810.2, but there was no solid planning/policy basis at the level for the DRB to rely on. There now is.

**SR810 Pedestrian Access:** 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."

Condition 8 of the DRB's Sketch Decision stated, "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." This was not shown.

Staff recommends that the DRB require the dedication of an easement along the western edge of the portion of land being transferred as well as the western edge of Lot 22 in order to create a connection between Precast

Road and Catamount Drive as depicted below. If the DRB were to require the easement, this would be the first link of Trail #6 shown on Map 11 of the Comprehensive Plan and listed as a goal for this Planning Area. Staff estimates that it could be seven or more years before the Town could acquire all the easements to construct the proposed trail, which crosses 10 parcels. The DRB should note that Map 11 shows the conceptual trail extending south for a connection to Gonyeau Road, not to Catamount Drive. However, a connection to Catamount, as proposed below, could shorten the amount of time for the Town to acquire easements, by reducing the number of parcels crossed by three.



2. The Final Survey Plats shall show a 20' wide pathway easement to be dedicated to the Town of Milton along the western edge of the portion of land being transferred as well as the western edge of Lot 22, pursuant to SR810.

**BOUNDARY LINE ADJUSTMENT ZONING REGULATION REVIEW:**

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

**ZR620, Reduction of Lot Size:** Lots 22 and proposed Lot 2 are the subjects of the Boundary Line Adjustment. "No lot shall be so reduced in area so that the total area, setback areas, lot width, frontage, coverage, or other requirements of these Regulations shall be other than herein prescribed for the district in which the lot is located."

**ZR400 Residential Dimensional Requirements:** The table below shows the required dimensional requirement for the residential uses within the I-2 Zoning District, within which both lots are located as well as the existing and proposed compliance.

<b>Existing Lot 3/Proposed Lot 2</b>	<b>I2 Required</b>	<b>Existing</b>	<b>Proposed</b>
Minimum LOT AREA (sq. ft.)	100,000	215,736	947,483
Minimum Road FRONTAGE (linear ft.)	200	1,217	1,714
Minimum FRONT SETBACK (linear ft.)	35	71	50
Minimum SIDE SETBACK (linear ft.)	35	83	173
Minimum REAR SETBACK (linear ft.)	35	300	198
Maximum BUILDING COVERAGE	n/a	n/a	n/a
Maximum LOT COVERAGE (%)	75	92.8	72.1

Note that the proposed dimensions include the PUD's proposal to transfer additional land to Lot 2, not the existing Lot as it is. The proposal would make the lot conform by bringing lot coverage into compliance.

<b>Lot 22</b>	<b>I2 Required</b>	<b>Existing</b>	<b>Proposed</b>
Minimum LOT AREA (sq. ft.)	100,000	450,410	332,110
Minimum Road FRONTAGE (linear ft.)	200	195.5	195.5
Minimum FRONT SETBACK (linear ft.)	35	404	404
Minimum SIDE SETBACK (linear ft.)	35	35	35
Minimum REAR SETBACK (linear ft.)	35	397	397
Maximum BUILDING COVERAGE	n/a	n/a	n/a
Maximum LOT COVERAGE (%)	75%	27.2	69.6

The reduction in size would not impact the existing road frontage non-conformity.

**ZR650 Construction Trailers:** The Applicant should note that 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.

### FINAL SURVEY/SUBDIVISION PLAT SUBMISSION

**SR920, Legal Review:** states, "The DRB may require the filing of legal data as it deems necessary in the enforcement of these regulations."

3. **Easement Dedication Legal Documents:** The Boundary Line Adjustment Survey Plat and PUD Subdivision Plat shall be accompanied by a certificate of title showing the ownership of all property and easements to be dedicated to the Town. All proposed deeds conveying property or easements to the Town shall also accompany the final application. Additionally, a draft of all restrictions of all types which will run with the land and become covenants shall be filed with the final application.
  
4. **Other Legal Documents:** The Applicant shall submit deeds and any other associated legal instruments for all impacted lots for review and approval by the Town Attorney. All requested revisions must be complete before the Plat may be recorded. Only instruments approved by the Town may be recorded in the Town of Milton Land Records.

**SR910, Fees:** This section allows for the collection of fees. The Selectboard has established a fee for legal review.

5. **Legal Escrow:** The Applicant shall submit \$500 to cover the legal review of the revised 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

The Applicant should note that "Any person who sells, transfers, or agrees to sell or transfer any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined not more than Fifty Dollars (\$50), and each lot, parcel or unit sold, transferred or agreed to be sold or transferred shall be deemed a separate violation", per SR1020

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

6. **Survey Markers:** The final Plat shall show that the iron pipes have been set, and the Surveyor shall also submit a letter or e-mail attesting that all corner markers have been set prior to recording the final Plat.
7. **Staff Review of Revisions:** The Applicant shall submit one paper or PDF version of the revised final Boundary Line Adjustment Plat and PUD Subdivision Plat for review and approval by Staff prior to submitting the Final Plat. The Applicant shall also submit full-sized (to scale) paper Final Plats and 11x17 paper plats depicting any requested changes, to be maintained in the Planning Office's application file.
8. **Final Plat Submission:** The Final Boundary Line Adjustment Survey Plat and PUD Subdivision Plat shall be prepared in accordance with SR610 and submitted on mylar (18" x 24"), signed by the licensed surveyor and the Chair of the DRB, and recorded in the Town Clerk's Office within 180 days of the date of the DRB's Final Approval Decision per SR940 and ZR851.2. Both Plats shall be filed the same date, with the Boundary Line Adjustment Plat recorded first.

The Applicant should note that approval expires if not filed within 180 days, unless extended by the Zoning Administrator for pending local or state approvals. In the event a plat is recorded without complying with the above requirement, the plat shall be considered null and void.

9. **Digital Plat Submission:** The Final Plat shall be submitted in JPEG, TIF or DWG digital format to save on Tax Map update costs.

**SR950, Changes, Erasures, Modifications & Revisions:** The Applicant should note, that if approved, no changes, erasures, modifications, or revisions shall be made on any subdivision plat after the final approval, unless said plat is first resubmitted to the DRB and the DRB approves the modifications. In the event a subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.

**SR960, Effect of Final Approval:** If the DRB opts to require the public dedication of the pathway easement:

10. Final approval by the DRB shall not be deemed to constitute or be evidence of an acceptance by the Town of any street, easement, utility, park, recreational area or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Legislative Body (Selectboard).

If the DRB requires the dedication, the Town Planner will take the proposed certificate of Title and easement to the Selectboard for formal acceptance at the next available Selectboard meeting.

## **PUD CLASSIFICATION/REVIEW**

**ZR1110, Classification as a PUD:** ZR1110 defines a PUD as: "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 DRB found at Sketch that the proposal includes the development of one or more lots, multiples uses, in multiples buildings on the lot or lots, and concludes that the proposal is classified as a PUD-I (Industrial) and is a Minor PUD with fewer than six units (2 Lots), therefore requiring no preliminary review.

**ZR 852.2, PUD Subdivision & Site Plan 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."

**ZR850 Zoning District Permitted & Conditional Uses:** No change is proposed to the existing use on Lot 22 (which is not included as part of the PUD). The proposed use for proposed Lots 1 and 2 is a PUD-I. In accordance with the provisions of Title 24, V.S.A., Chapter 117, Section 4407(12) and ZR 850, PLANNED UNIT DEVELOPMENTS may be permitted in all ZONING DISTRICTS in which such development is identified as a permitted USE. A PUD-I/C is a permitted use in the I-2 District (per ZR392).

### **ZR852.5, PUD Use Permitting:**

1. "A PLANNED UNIT DEVELOPMENT may be developed in anticipation of a general range of USES. 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."

The proposal includes a single principal, MANUFACTURING use and associated RETAIL SALES (with a significant component of goods sold being produced on the premises. This is a permitted use in the I-2. The proposal also includes accessory and associated office space and outdoor storage (of a nature that would not classify it as a RECYCLING YARD USE). ZR580 states, "Only permitted or CONDITIONAL USES allowed in a district can be an ACCESSORY USE in that district." ENCLOSED OUTDOOR STORAGE is USE defined by Milton's Zoning Regulations and is a permitted use in the I-2 District. The definition of ENCLOSED OUTDOOR STORAGE is, "The storage of materials fully or partially enclosed by a STRUCTURE such that the materials are not visible from off-site or from STREETS and provide adequate safeguards." The Zoning Regulations also define OUTDOOR STORAGE as, "The storage of materials, screened from view in other than a completely ENCLOSED STRUCTURE"; and ENCLOSED STRUCTURE is defined as, "Located entirely within a STRUCTURE." In other words, outdoor storage must, at a minimum, be well screened from neighboring properties to comply with the regulations.

**ZR150, Zoning District Dimensional Requirements:** "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."

### ZONING DISTRICT DIMENSIONAL STANDARDS

**ZR391, Zoning District Purpose:** 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."

**ZR394, Zoning District Dimensional Requirements:** The table below shows the required and proposed dimensional requirements. These requirements are subject to the general standards outlined in ZR160 and ZR550.

Proposed Lot 1	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 (approved by DRB in 2009)

The proposed lot has an existing telecommunication tower 121 feet in height, approved by the DRB in 2009. The applicant proposes to retain the telecommunication facility. With the exception of an existing and permitted structure's height, the proposal for Lot 1 meets the standards established by ZR394. The proposal does include landscaping that would help better screen the tower from view.

Proposed Lot 2	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 (existing) 55 (proposed)

The proposed lot has an existing silo 66 feet in height approved by the DRB in 2006 and an existing batch plant 67 feet in height approved by the DRB in 1987. The Applicant proposes to retain both non-conforming structures and requests approval for three additional batch plant silos 55 feet in height. The Applicant requests a **waiver** from the height restriction. The DRB is granted the authority to grant this waiver according to ZR852.6. With the exception of an existing and proposed height, the proposal for Lot 2 meets the standards established by ZR394. The waiver should only be granted if the DRB finds that the proposal meets the intentions of the PUD Section, which establishes some specific expectations. ZR854.5 states, "The granting of

waivers [for PUD-I] shall result in a design, which is sensitive to the preservation of natural features identified in this Section."

11. The DRB may grant a waiver from the maximum height for the existing and proposed structures, per ZR852.6.

One concern shared by municipalities across the United States is urban blight. For this reason, staff recommends the following condition:

12. Within one year of the former silo and batch plant no longer being in operation; the height waiver shall expire and the silo and batch plant shall be demolished to prevent blight and minimize visual impact.

### **GENERAL ZONING REGULATION STANDARDS**

**ZR570, Sewage Disposal:** "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."

13. A State Water/Wastewater Permit shall be required prior to being eligible for a Zoning Permit per ZR570.

**ZR593, Driveways:** The applicant currently has one driveway and is proposing two.

#### **ZR593.2 Driveway Specifications:**

14. DRIVEWAYS must be built to the DRIVEWAY specifications as defined in the Public Works Specifications with proper drainage, per ZR593.2.

**ZR593.7 Driveway Location for Firefighting:** "The private DRIVEWAY shall reach a point near the subject building where fire equipment and personnel can be positioned to effectively fight a fire without inordinate risk to their personnel and equipment. In general the horizontal distance from the fire equipment parking spot to the house shall be no farther than 100 feet and shall include an open corridor suitable in the Rescue Department's judgment to lay out equipment, to approach the subject building, to enter the building, and to fight a fire."

15. The Final Plans shall delineate unobstructed circulation drives with 15 foot height clearance and widths in compliance with ZR814, showing access to all buildings and within which outdoor storage and parking may not occur per ZR593.7

#### **ZR594 & ZR813, Local Highway Access Permit:**

16. A Town Highway Access Permit shall be required prior to being eligible for a Zoning Permit per ZR594.

#### **ZR595, Curb Cut Inspections:**

17. "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 **Highway Superintendent** to ensure compliance with the requirements" of [ZR595].

**ZR710, Prohibited Uses:** "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." To exceed this, the site would need conditional use approval for a recycling yard as well as a license from the State. RECYCLING YARD is defined as "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." Further, JUNK MOTOR VEHICLES are 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." Additionally, Milton's Litter Ordinance also states: "A person shall not throw, dump, deposit or cause to be thrown dumped or deposited: bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, unregistered and or automobiles not inspected or parts thereof, refuse of whatever nature, or any noxious thing on lands of others or within three hundred (300) feet of the lands of others, public or private, or into the waters of this state, or the shores or banks thereof or on or within view of a public body of water or public highway."

18. The Applicant shall remove all materials that would classify the use as a Recycling Yard such as junk or junk motor vehicles (This would not apply to operational on-site utility vehicles, manufactured goods, or molds).

## PUD REVIEW

**ZR850, 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."

**ZR850 PUD Purpose:** "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."

**ZR851.6, PUD Narrative:** This section requires that the applicant provide a narrative addressing the purposes of the section. This narrative responses are (**ATTACHED**).

**ZR852.9, PUD:** "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." The PUD will encompass 2 proposed units, identified as Lots 1 & 2.

**ZR852.10/11, Water/Sewer Connection:** "Connection to municipal sewer water or the development of a community sewage disposal/water supply system may be required by the Development Review Board." Staff has not requested that they connect to municipal water or sewer.

**ZR854.1, PUD-I/C Buildable Envelopes:** "PLANNED UNIT DEVELOPMENTS- Industrial and Commercial shall select appropriate 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." [emphasis added]

The Plans do not show Buildable Envelopes.

19. The Applicant shall explain their buildable envelop proposal to the DRB and the Final Plat and Plans shall show buildable envelopes according to ZR851.1 and 854.1-4.

**ZR854.2, PUD-I/C Open Space Landscape Design:** "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 Applicant has proposed no additional open space other than that which is required by ZR854.4 for buffer strips (explained below).

**ZR854.3, PUD-I/C Open Space Protection:** 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. The Applicant has proposed a buffer strip, and staff has requested that a recreational pathway be located within the western buffer strip of Lot 2.

20. The Applicant shall explain the permitted uses within the open space to the DRB, and shall submit legal devices to ensure the permanent protection of open space according to ZR854.3; the buffer strip shall be maintained in accordance with ZR854.4.

**ZR854.4, PUD-I/C Buffer Strip:** The I-2 Zoning District requires a minimum buffer strip of 25 feet according to this section. "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." Buffer strip is defined by ZR1110 as, "An area of land designated as green space along a property line used to lessen the impact of LAND DEVELOPMENT upon adjacent property. No STRUCTURES, other than fences, shall be located within a BUFFER STRIP." Staff recommends a thirty (30) foot buffer around the entire property to more closely correspond with the side and rear setbacks, but still give some flexibility.

21. The Final Plans and Plat shall increase the proposed 25-foot buffer strip to a 30-foot strip, which would be closer to the 35-foot side and rear setbacks for the I2 District, and the 50-foot front setback -- as well as help ensure that lot coverage doesn't exceed 75%.

**ZR854.5, PUD-I/C Waiver Criteria:** The Applicant has requested a height waiver. In exchange, the Regulations ask, "The granting of waivers shall result in a design, which is sensitive to the preservation of natural features identified in this Section."

**ZR854.6 PUD-I/C Minimization of Visual Impacts:** Staff finds that one of the key goals in ZR854 is to minimize visual impacts. Buffer strip shown is in compliance with the minimum required. The plantings aim to minimize visual impact from some adjacent properties, particularly adjacent residential properties and US Route 7; however staff finds that the deciduous tree selection along with some existing deciduous vegetation does not meet the aims of ZR854, specifically the requirement that the buffer area be landscaped, screened or protected by natural features such that buffering exists during all seasons of the year. For this reason Staff recommends that:

22. The Final Plans shall show coniferous landscape buffer in the northern, southern, and western buffer strip in compliance with ZR854's requirement that the buffer strip be landscaped, screened or protected by natural features such that buffering exists during all seasons of the year.

### **SUBDIVISION REVIEW**

**SR800, Streets:** No new streets are proposed.

**SR810, Curbs, Sidewalks, and Pedestrian Accesses:** Already addressed above. Staff is not requesting sidewalks.

**SR820, Outdoor Lighting:** No street lighting is proposed. the DRB may require lighting, where appropriate.

**SR830, Shade Trees:** The DRB may require shade trees along streets. Staff proposed a coniferous buffer to screen the facility and outdoor storage from Pre-Cast Road, which is required by the Regulations.

**SR840, Drainage:** The proposal new includes drainage facilities for on-site storm water management. Previously, it appears that property drained southwest onto neighboring lots. The proposed PUD is part of a watershed that flows into Allen Brook, which Staff is aware that it is now being more closely monitored by VTDEC in the District's Basin Management Plan. The Town has a strong interest to ensure that this stream is never deemed impaired, which Staff understands would place a heavy financial and regulatory burden open the Town. Staff finds that the proposal would improve existing drainage, and encourages that best practices be used on-site.

**SR850/860, Water System/Sewage Disposal:** The DRB can require municipal or community water and waste/water. Staff has not requested municipal connection.

**SR870, Utilities:** Staff finds that the utilities have easements of sufficient width.

**SR880, Layout:** Staff finds that the lots are layed out in compliance with this section.

### **SITE PLAN REVIEW**

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

- **ZR802.2(b), Site Plan Circulation Safety,** Maximum safety of vehicular and pedestrian circulation on site, between the site and adjacent roads and sidewalks, and between the site and adjacent land uses
- **ZR802.2(c), Site Plan Circulation,** Adequacy of traffic circulation, parking, and loading facilities.
- **ZR802.2(d), Site Plan Roadway Capacity Impact,** Impacts on capacity of roadways and other transportation facilities in the vicinity.
- **ZR802.2(e), Site Plan Landscaping, Screening, Outdoor Lighting,** Adequacy of landscaping, screening, and outdoor lighting.

- **ZR802.2(f), Site Plan Municipal Impacts**, Impacts on the Town's ability to provide adequate sewer, water, fire, police, or other municipal services and facilities.
- **ZR802.2(g), Site Plan Suitability of Site for Development**, Suitability of the site for the proposed scope of development, including due regard for the preservation of existing natural and historical resources.
- **ZR802.2(h), Site Plan Consistency with the Comprehensive Plan**, Consistency with the Comprehensive Plan.

**ZR806.3, Landscape Cost Estimate & Bond**: "All landscaping plans shall be accompanied by a written cost estimate prepared by a professional landscape architect or landscape contractor. The Applicant shall provide a performance bond or other form of security to the Town to guarantee the completion of all required landscaping. The bond, or other form of security, shall also guarantee all plantings for a period of three years from installation" No cost estimate was provided.

23. The Applicant shall submit a cost estimate with the Final Plans, per ZR806, and 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 ZR806.

**ZR806.7, Residential Screening**: "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. This provision shall apply even though the adjoining property is not developed."

**ZR811, Parking Plans Details**: "The number and location of parking and loading spaces associated with any lot or USE shall comply with the following requirements: 1 for each 3 employees for a MANUFACTURING USE." The Applicant proposed 45 standard spaces and 2 handicapped. With 50 employees, they are only required to have 17 spaces. The proposal exceeds the minimum.

**ZR812.1, Parking Dimensions**: The Applicant did not provide a dimensioned plan. "A dimensioned plan showing the intended location and amount of area allocated to each parking space, the required access, the type of drainage facilities, and the location of barriers shall be submitted for Development Review Board approval with each Site Plan."

24. The Final Plans shall show dimensions in compliance with ZR812.1.

**ZR812.3, ADA Parking**:

25. The Final Plans shall show that building entrances and parking spaces are designed for access by individuals with physical DISABILITIES in accordance with ZR821.3, including signs indicating that the spaces are ADA.

**ZR812.4, Parking Surface**:

26. "The Final Plans shall denote surfacing and all parking lots shall be surfaced with at least eight (8) inches of compacted gravel or an equivalent material; the Development Review Board may require paving."

**ZR813.1, Town/State Driveway Review**: The Applicant proposes two driveways. This section states, "Unless specifically approved by the Development Review Board, there shall be not more than one DRIVEWAY for each lot." ZR814.1 states "Joint access and common/shared DRIVEWAYS are encouraged to minimize the number of DRIVEWAYS and curb cuts."

27. The Applicant shall explain to the DRB the internal site circulation and why two driveways/curb cuts are needed to meet their needs.

**ZR817 Pedestrian Circulation:** "The DRB may require pedestrian walkways to facilitate pedestrian movements to shopping, schools and recreation areas." With an easement in place, the DRB could also require the Applicant to construct a walkway according to the Public Works Specifications. Staff would discourage this at this time. If the Applicant agrees to the easement, Staff finds it best to wait until the full easement connection is made between W. Milton Road and Catamount Industrial Park prior to considering any construction.

**ZR819, Bicycle Parking Space:** "At least one bicycle parking or storage facility shall be provided for all uses subject to Site Plan Review. Additional such facilities may be required as deemed necessary by the Development Review Board."

28. The Final Plans shall show bicycle parking in compliance with ZR819.

**ZR820, Outdoor Lighting:** Staff inadvertently overlooked that no lighting plan was submitted with the application. The DRB is tasked with determining if the lighting is adequate. The utility plan does not show the location of electrical service. Buried lines are encouraged by this section. Lighting often enhances security, traffic safety, and pedestrian safety.

29. If the Applicant intends to install any lighting associated with this project, the Applicant should explain the proposal to the DRB and the Final Plans shall include a lighting plan in compliance with ZR820.

## ADMINISTRATION

### **Technical Advisory Committee:**

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

**State Project Review:** Per 24 VSA §4463 on subdivision review: "Any application for an approval and any approval issued under this section shall include a statement, in content and form approved by the Secretary of Natural Resources, that State permits may be required and that the permittee should contact State agencies to determine what permits must be obtained before any construction may commence. (Added 2003, No. 115 (Adj. Sess.), § 104; amended 2009, No. 146 (Adj. Sess.), § F28.)"

31. 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

### **ZR1000 & 1010, Zoning Permit & Certificate of Occupancy:**

32. A Zoning Permit is required and an associated Certificate of Compliance is required after construction is complete and prior to the use and occupation of the new structure.

**ZR1020, Expiration of Permits:** The Applicant should take note that "A Zoning Permit shall expire one year from the date of issue. If the work has not been completed, the Applicant shall apply to the Zoning Administrator for an extension. The Zoning Administrator may grant a single one-year extension for the identical project only."

**ZR1030, Grounds for Revocation of Approvals and Permits:** In addition to any other remedies provided for by law, a Zoning Permit, Sign Permit, 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.

**Final Plan Submission:**

33. The Applicant shall submit 3 full-sized (to scale) and 3 reduced (11 x 17) complete final plan sets depicting the requested changes. The revised plans must be deemed Final by the Town Planner prior to being eligible for a Zoning Permit from the Zoning Administrator. *The Applicant shall submit ONE electronic or paper plan set for Staff review prior to submitting all the copies of the Final Plan sets. These should be submitted with the Plats.*

**CONCLUDING REVIEW**

**SR700, Subdivision Standards for Evaluation:** states "Final approval of any subdivision [. . .] shall be based on a finding by the DRB that the subdivision is in accord with the following standards" summarized as follows:

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

**ZR850, PUD Basis For Approval:** " 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. 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."

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

- ZR802.2(b), Site Plan Circulation Safety
- ZR802.2(c), Site Plan Circulation
- ZR802.2(d), Site Plan Roadway Capacity Impact
- ZR802.2(e), Site Plan Landscaping, Screening, Outdoor Lighting
- ZR802.2(f), Site Plan Municipal Impacts
- ZR802.2(g), Site Plan Suitability of Site for Development
- ZR802.2(h), Site Plan Consistency with the Comprehensive Plan

36. The Applicant shall address any remaining concerns by the DRB related to the standards above

### STAFF RECOMMENDATION

This proposal advances the growth of a long-time high quality industrial development in Milton, will provide greater employment opportunities and broaden the tax base, would enhance multi-modal transportation opportunities by securing an easement for a key recreational pathway, would enhance the appearance and quality of development in this major gateway into the Town of Milton, and bring a site in conformity with many standards of the Regulations, including but not limited to on-site storm water management, screening and outdoor storage. Unless otherwise stated above, the proposal conforms to the Regulations.

For these reasons, Planning Staff recommends that the DRB **APPROVE** the Boundary Line Adjustment to transfer 1.37 acres from Lot 22/59 Catamount Drive, described as Tax Map 3, Parcel 8-22, SPAN #10664, to Lot 2/78 Precast Road as well as Final Subdivision Plan and Site Plan approval for a proposed PUD located at 78 Precast Road, described as Tax Map 3, Parcels 20 & 20-2, SPAN #s 10583 & 10582 and a. The subject properties contain a total of approximately 31.78 acres and are located within the "General Industrial" (I2) Zoning District, subject to the conditions proposed above.

**Respectfully Submitted:**



**Jacob Hemmerick, Town Planner**

### ATTACHMENTS:

1. Exhibits Listed Above
2. Map 11 of the Compressive Plan
3. TAC Recreation
4. TAC Public Works
5. TAC School
6. TAC Police

### COPIES TO:

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

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

**FINAL PLAN NARRATIVE**

---

**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

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.**

## Waiver Requests

Lot 2 – As part of this application, the proposed production facility will include a new concrete batch plant with associated aggregate/cement silos. These provide the concrete product mix to the two bays of the precast production floor below. These elements exceed the zoning height restriction of 35 ft with individual heights of 55 ft requiring a DRB waiver.

The existing facility currently includes a 67+/- ft batch plant and 66+/- ft silo approved under previous DRB review. The proposed 55 ft batch plant and three silos would be in keeping with the existing approved height variances on the site which also includes a 121 ft cell tower on Lot 1. To lessen any potential visual impact, the batch plant and silos have been located to the west side of the proposed production building (32 ft+/- height). This in conjunction with the improved site buffer strips and landscaping will improve the view of the site from U.S. Route 7.

## Site Plan Review Standards Response

802.2 (b) 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.

**Vehicular access to Town highways will utilize the existing accesses onto Precast Road and Catamount Drive. No modification to these accesses is proposed as part of this application:**

**Lot 1 - Existing 12 foot access from Precast Road to the T-mobile Cell Tower. This access is restricted for tower maintenance.**

**Lot 2 - Two existing approximately 30 ft wide access drives from Precast Road into the precast manufacture and product storage areas.**

**Lot 22 - Existing 30 ft wide access drive from Catamount Drive into the site.**

802.2 (c) Adequacy of traffic circulation, parking, and loading facilities.

**Lot 1- No modification to traffic circulation, parking and loading facilities is proposed as part of this application.**

802.2 (e) Adequacy of landscaping, screening, and outdoor lighting.

**Lot 1 & 2 – The surrounding land uses include Catamount industrial Park to the south, Interstate 89 to the west, commercial properties to the north across Precast Road, and two residential properties to the east along U.S. Route 7. Placement of the precast production facility has incorporated the desire to maintain separation from U.S. Route 7 and the residential properties through placement of the building further to the west of the property. Additional landscape buffering along all sides has been incorporated to enhance landscaping and screening. The primary viewshed of the property from U.S. Route 7 from the south east has been landscaped with a combination of evergreen and deciduous trees. The remaining southern boundary line will be enhanced through the inclusion of grass swales and a stormwater detention pond. The north boundary along precast Road is screened through a combination of existing landscaping and a modular block wall. This has been enhanced with the addition of tree plantings along the roadway and in the vicinity of the proposed office building. The eastern boundary line currently has an existing tree and shrub lines buffering this viewshed. The western treed area along Interstate 89 will be maintained.**

**Lot 22 – No modification to the existing approved landscaping plan with buffer along Catamount Drive is proposed as part of this application.**

802.2 (f) Impacts on the Town's ability to provide adequate sewer, water, fire, police, or other municipal services and facilities.

**Lot 1 – No change associated with the cell tower land use as part of this application.**

**Lot 2 – The proposed facility will be connected to existing/expanded on-site well and wastewater disposal systems. The access for emergency personnel would be enhanced through the improved site circulation as described above. Additional requirements of other municipal services are not anticipated.**

**Lot 22 – No change associated with the truck maintenance facility land use as part of this application.**

802.2 (g) Suitability of the site for the proposed scope of development, including due regard for the preservation of existing natural and historical resources.

**The existing parcels do not incorporate significant natural or historical resources and are currently utilized for the production facility and yards. The proposed additional production facility and offices utilizes the existing disturbed plant and yard areas to minimize impacts to additional areas.**

802.2 (h) Consistency with the Comprehensive Plan.

**The project site is located within the Catamount planning area. In accordance with the Milton 2013 Comprehensive Plan, the Catamount Area's two primary future land uses recommended for this section of Milton: low density clustered residential development and industrial development.**

Goal 9.7.1. Encourage high quality industrial development in a sub-regional growth center, which will provide greater employment opportunities and broaden the tax base.

**Enhancement of the existing Camp Precast facility will maintain and enhance a key manufacturer employer within the Town of Milton and Catamount Planning Area.**

Objective 9.7.1.a. Develop standards to enhance the appearance and quality of development in this major gateway into the Town of Milton.

**The proposed precast facility will be in keeping with other adjacent commercial buildings within the Catamount Area. This will be enhanced with improved buffer zones and landscape tree plantings.**

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

**The boundary perimeter will be enhanced through addition of grassed buffer zones including stormwater facilities and screening landscape plantings.**

Goal 9.7.2. Ensure an aesthetically pleasing approach into Milton.

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

**Viewsheds from U.S. Route 7 will be enhanced through the incorporation of landscape plantings.**

Other Requirements (if any)		
-----------------------------	--	--

**Section 700 Review**

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

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

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

**Minor subdivision is suitable for use as PUD I/C for commercial purposes in I2 General Industrial zone. No features are know which limit its suitability as such.**

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.*

**Additional screening landscaping has been incorporated as part of the site plan and PUD application to limit the visibility of this project from adjacent Route 7 corridor. No natural or historic resources requiring preservation are in the vicinity of the project.**

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

**The project site is within the General Industrial (I2) zone. No adjacent recreational uses and/or users are adjacent to this site, thus no additional provisions have been made for recreation on site.**

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

**Erosion control shall be placed during construction to prevent erosion during construction. A stormwater detention system will address runoff control.**

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

**The development has been prepared in accordance with these regulations as part of the PUD and site plan review process.**

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.*

**Stormwater treatment and control shall be performed through the use of vegetated buffer strips around the perimeter of the property and a stormwater detention basin in accordance with ANR stormwater requirements. No manufacturing process are proposed that will not contribute to air pollution.**

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

**The adjacent parcels are commercial and industrial in nature as identified in General Industrial (I2) zone. The existing residential lots to the east are screened from the site and proposed manufacturing facility.**

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

**The site is in compliance with minimum lot areas and the development of the three precast manufacturing buildings have been proposed on the western most lot to encourage clustering of these facilities as part of the manufacturing process. The layout encourages improved setbacks and perimeter buffer spaces.**

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

**The project sites are commercial manufacturing operations with need to prevent access via pedestrian traffic.**

700.10 *The proposed development will not place an unreasonable burden on the ability of local governmental units to provide municipal, educational, or governmental services and facilities.*

**No additional municipal services are anticipated to be required as part of this proposal.**

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

The DRB finds that the I-2 Zoning District requires a 25 foot buffer strip, per ZR854, and the applicant agreed that the final plans shall denote the buffer strip within which no structures other than fences may be places.

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.

### **DECISION & CONDITIONS OF APPROVAL**

**MOTION** by Bruce Jenkins, **SECOND** by Clayton Forgan, to **APPROVE** the Sketch Plan approval for a proposed Industrial Planned Unit Development located at 78 Precast Road and 63 Catamount Drive as described above, conditional upon the following items being addressed to the satisfaction of Staff:

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. Revisions/Amendments: No changes, erasures, modifications, or revisions, other than those required by this Decision, shall be made on the Plans after approval unless a revised Plan is first submitted to the Department of Planning and Economic Development.
3. Boundary Line Adjustment Application: In order to transfer land from Lot 22 to proposed Lot 2, the minor PUD-I/C Final Plan application shall also include a Boundary Line Adjustment application and undergo concurrent review with the Final Plan application; the BLA shall require a separate plat to be recorded prior to the PUD plat.
4. Structures: The final plans shall show and label all existing structures to be retained or removed and all proposed structures.
5. Natural Features: The final plans shall show all features required by ZR851.4.
6. Site Visit: A site visit shall be scheduled prior to the DRB's final hearing.
7. Section 700 Responses: The final application shall include responses to the standards established by Section 700.
8. Recreational Easement: 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.
9. Septic Depiction: The final plans shall indicate existing and proposed septic.
10. Final Plat Submission: Within six (6) months of classification by the DRB of the sketch plan as a minor subdivision, the subdivider shall submit an application for approval of a subdivision plat. The application shall contain those items set forth in Section 610 of these regulations, and shall conform to the layout shown on the sketch plan plus any

recommendations made by the DRB.

11. Site Plan Application: The final plan application shall also include a site plan application, including all requirements listed in ZR800.
12. Use Depiction: The final plans shall clearly designate the locations of all principal and accessory uses proposed in the PUD.
13. Buildable Envelopes: The final plat shall include buildable envelopes, per ZR854.1.
14. Open Space & Buffer Depiction: The final plans shall indicate open space, identify legal devices to protect the open space, including a 25 foot buffer strip within which no structures other than fences may be placed, per ZR854.
15. TAC: The final plans shall address all comments made by the Technical Advisory Committee and maintained in the application's file.

**VOTE RECORD**

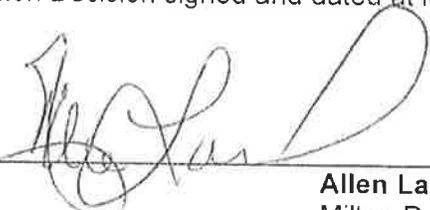
Allen Lasell, Chair:	<b>yea</b> /nay/abstain/absent/recusal
Bruce Jenkins, Vice-Chair:	<b>yea</b> /nay/abstain/absent/recusal
Thomas Cole, Clerk:	<b>yea</b> /nay/abstain/absent/recusal
Clayton Forgan:	<b>yea</b> /nay/abstain/absent/recusal
David Conley:	<b>yea</b> /nay/abstain/absent/recusal

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

YEA   5  ; NAY   0  ; ABSTAIN   0  ; ABSENT   0  ; RECUSAL   0  

Vote taken at the Meeting on **February 26, 2015**

Written Decision signed and dated at Milton, Vermont, this   26<sup>th</sup>   day of   March  , 2015

By  \_\_\_\_\_  
**Allen Lasell, 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.

# Map 11:

## Pathways

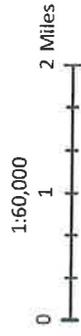
### Milton, Vermont 2013 Comprehensive Plan

#### Legend

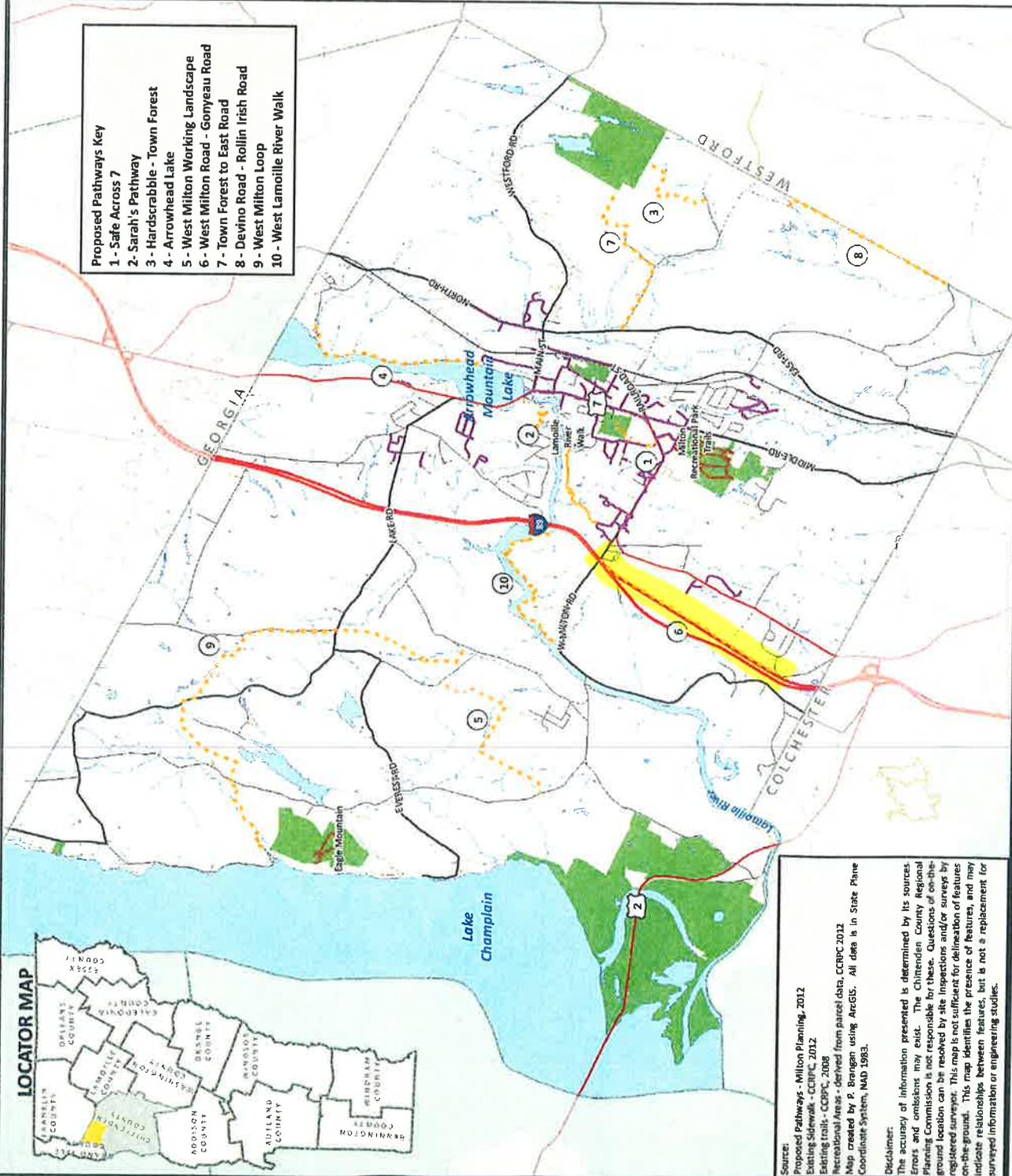
- Proposed Pathway\*
- Existing Pathway
- Existing Trail
- Existing Sidewalk
- Road Centerline
- Interstate Highway
- US/State Highway
- Town Highway Class 2
- Town Highway Class 3
- Town Highway Class 4
- Private/Unknown
- Railroad
- Stream Centerline
- Water Body
- Town/State Recreational Area



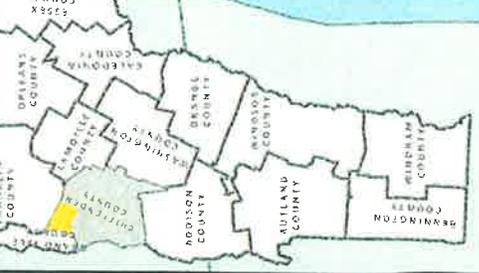
**\*Note: All proposed pathway locations are conceptual and subject to change. This map does not constitute an Official Map.**



- Proposed Pathways Key**
- 1 - Safe Across 7
  - 2 - Sarah's Pathway
  - 3 - Hardscrabble - Town Forest
  - 4 - Arrowhead Lake
  - 5 - West Milton Working Landscape
  - 6 - West Milton Road - Gonyeau Road
  - 7 - Town Forest to East Road
  - 8 - Devino Road - Rollin Irish Road
  - 9 - West Milton Loop
  - 10 - West Lamolle River Walk



#### LOCATOR MAP



**Source:**  
Proposed Pathways - Milton Planning, 2012  
Existing Sidewalk - CCRPC, 2012  
Existing Trails - CCRPC, 2008  
Recreational Areas - derived from parcel data, CCRPC, 2012  
Map created by P. Bragan using ArcGIS. All data is in State Plane Coordinate System, NAD 1983.

**Disclaimer:**  
The accuracy of information presented is determined by its sources and omissions may exist. The Chittenden County Regional Planning Commission is not responsible for these. Questions of on-the-ground location can be resolved by site inspections and/or surveys by registered surveyors. This map is not sufficient for delineation of features on-the-ground. This map identifies the presence of features, and may indicate relationships between features, but is not a replacement for surveyed information or engineering studies.

**TOWN OF MILTON  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

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



---

**TECHNICAL ADVISORY COMMITTEE REVIEW SHEET**

Development Review Board Meeting of Thursday, May 14, 2015

Date of Review: 5/4/15

Department: PUBLIC WORKS

TAC Member: Roger Hunt

Final Plan Application, Planned Unit Development (PUD) Industrial, Boundary Line Adjustment & Site Plan Application – Precast Road 78 & 59 Catamount Drive – Camp Precast, LLC, Owner/Applicant, Bellavance Properties, LLC, Owner.

ON sheet C-3 -

- Property line does not match Legend
- Existing Modular Wall needs to be moved out of town right of way.

Boundary Line Adjustment Application – 182 & 201 Cooper Road – Chad & Shelia Eaton and Richard & Cynthia Harlow, Trustees, Owners/Applicants.

No Comment

**TOWN OF MILTON  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

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



---

**TECHNICAL ADVISORY COMMITTEE REVIEW SHEET**

Development Review Board Meeting of Thursday, May 14, 2015

Date of Review: 4-28-15

Department: Recreation

TAC Member: Kym Buchesnecker

Final Plan Application, Planned Unit Development (PUD) Industrial, Boundary Line Adjustment & Site Plan Application – Precast Road 78 & 59 Catamount Drive – Camp Precast, LLC, Owner/Applicant, Bellavance Properties, LLC, Owner.

*I am an adjoining property owner -  
I recuse myself from any recommendations*

Boundary Line Adjustment Application – 182 & 201 Cooper Road – Chad & Shelia Eaton and Richard & Cynthia Harlow, Trustees, Owners/Applicants.

*Recommend pedestrian access easement per SR 810.2, & Map 11 of the Comprehensive Plan.*

**RECEIVED**  
APR 28 2015  
Planning & Economic Development  
Milton, Vermont

**TOWN OF MILTON**  
**PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**  
43 Bombardier Road  
Milton, Vermont 05468-3205  
www.miltonvt.org  
(802) 893-1186



---

## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, May 14, 2015

Date of Review: April 27, 2014

Department: Milton Town School District

TAC Member: John Barone, Superintendent

Final Plan Application, Planned Unit Development (PUD) Industrial, Boundary Line Adjustment & Site Plan Application – Precast Road 78 & 59 Catamount Drive – Camp Precast, LLC, Owner/Applicant, Bellavance Properties, LLC, Owner.

*No concerns. I support the proposal as presented.*

Boundary Line Adjustment Application – 182 & 201 Cooper Road – Chad & Shelia Eaton and Richard & Cynthia Harlow, Trustees, Owners/Applicants.

*No concerns. I support the proposal as presented.*

**TOWN OF MILTON  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

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



---

**TECHNICAL ADVISORY COMMITTEE REVIEW SHEET**

Development Review Board Meeting of Thursday, May 14, 2015

Date of Review: 04.27.15

Department: Police

TAC Member: Brett Van Noordt

Final Plan Application, Planned Unit Development (PUD) Industrial, Boundary Line Adjustment & Site Plan Application – Precast Road 78 & 59 Catamount Drive – Camp Precast, LLC, Owner/Applicant, Bellavance Properties, LLC, Owner.

NO COMMENTS or CONCERNS

Boundary Line Adjustment Application – 182 & 201 Cooper Road – Chad & Shelia Eaton and Richard & Cynthia Harlow, Trustees, Owners/Applicants.

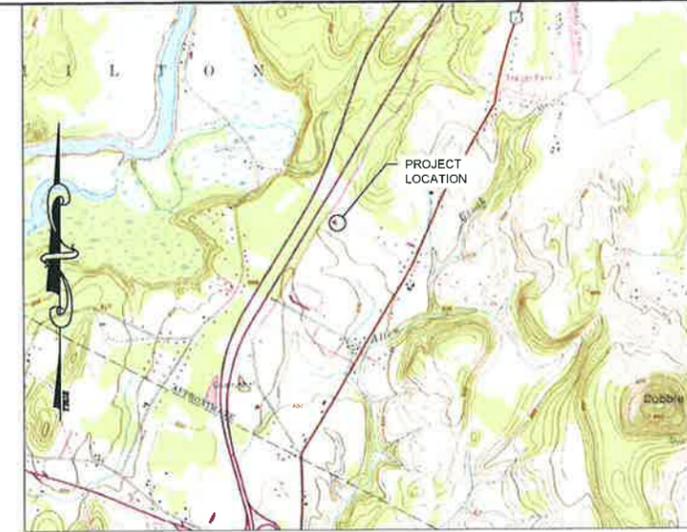
NO COMMENTS or CONCERNS

**RECEIVED**

APR 27 2015

Planning & Economic Development  
Milton, Vermont

# CAMP PRECAST MANUFACTURER EXPANSION



PROJECT LOCATION MAP  
1" = 2000' ±



ENGINEERING • PLANNING •  
MANAGEMENT • DEVELOPMENT  
6 GREEN TREE DRIVE  
SOUTH BURLINGTON, VT 05403  
TEL: (802) 878-7661  
FAX: (866) 783-7101  
www.dubois-king.com  
RANDOLPH, VT  
SPRINGFIELD, VT  
BEDFORD, NH  
LACONIA, NH

© Copyright 2015 DuBois & King Inc.

PROFESSIONAL SEAL

**NOT FOR  
CONSTRUCTION  
PRELIMINARY  
PLANS**

NO.	DATE	DESCRIPTION	BY	CK'D

MANUFACTURER EXPANSION  
MILTON, VERMONT 05468

MARCH 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	
C-6 EPSC LOW RISK HANDBOOK SHEET 1 OF 2	
C-7 EPSC LOW RISK HANDBOOK SHEET 2 OF 2	
<u>LANDSCAPING PLANS</u>	
L-1 LANDSCAPE PLAN & DETAILS	
<u>ARCHITECTURAL DRAWINGS</u>	
A-2 GENERAL ARRANGEMENT PLAN	
A-3 ROOF PLAN	
A-4 EXTERIOR ELEVATIONS	
A-5 EXTERIOR ELEVATIONS	
A-6 BUILDING SECTION	



PRECAST MANUFACTURER EXPANSION  
MILTON, VT

SHEET TITLE

TITLE SHEET

RECEIVED

MAR 09 2015

Planning & Economic Development  
Milton, Vermont

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

SHEET NUMBER

**C-0**

TOWN OF MILTON  
PUD APPLICATION  
3/9/15











NO.	DATE	DESCRIPTION	BY	CK'D



PRECAST  
MANUFACTURER  
EXPANSION  
MILTON, VT

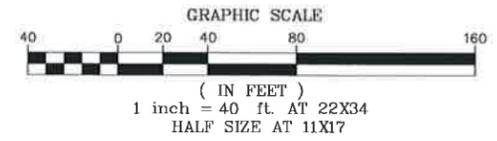
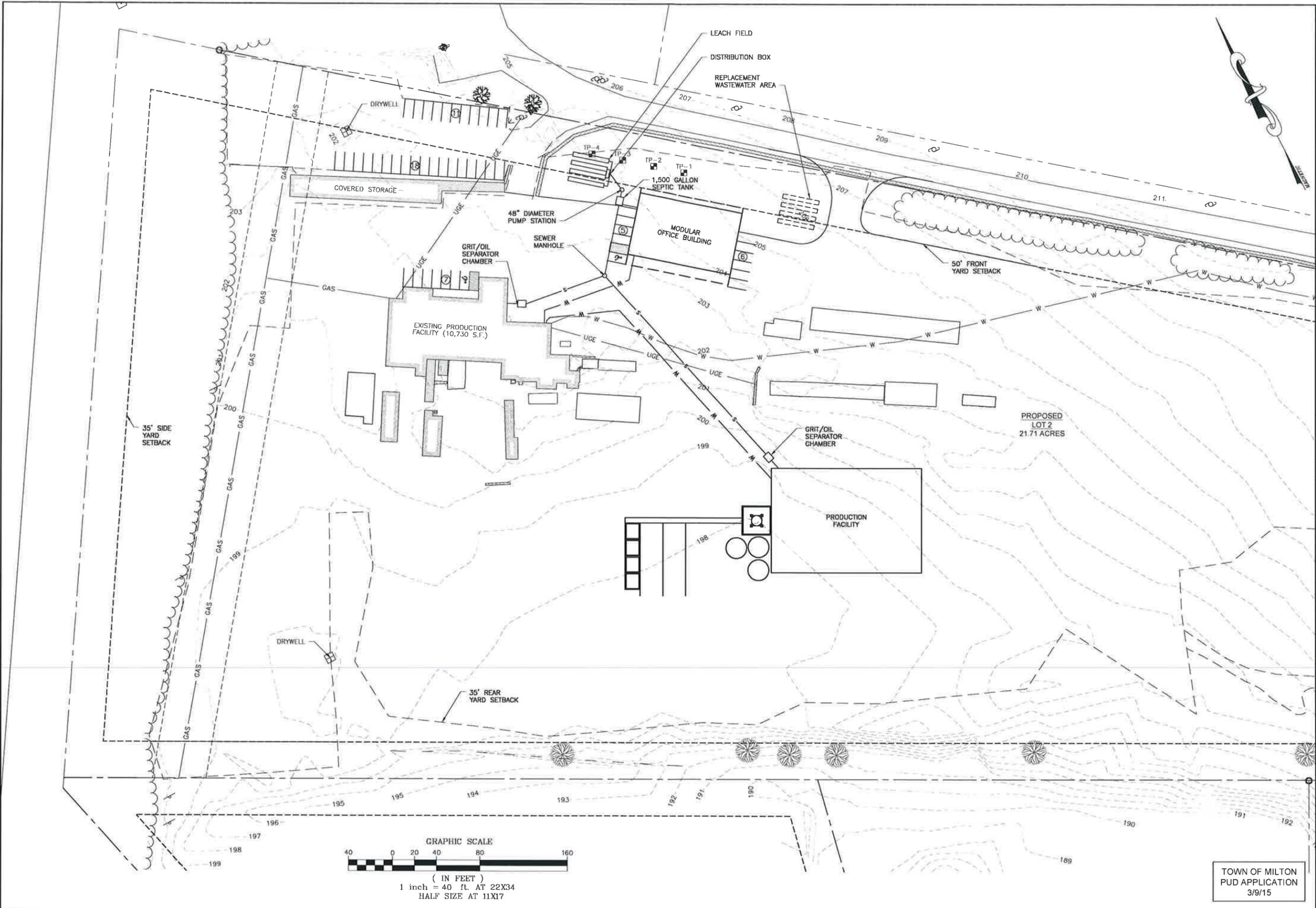
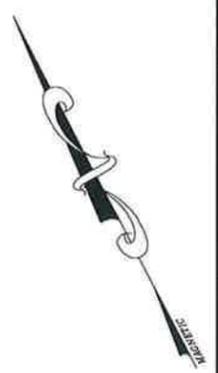
SHEET TITLE  
PROPOSED  
UTILITY PLAN

DRAWN BY TJD	DATE MAR 2015
CHECKED BY LDC	DATE PROJECT 522006P1
PROJ. ENG. LDC	DATE ARCHIVE #

SHEET NUMBER

**C-5**

TOWN OF MILTON  
PUD APPLICATION  
3/9/15



I:\522006P\_CAMP\_Addition\Drawings\C522006-SPO4.dwg 3/9/2015 2:29 PM



**NOT FOR  
CONSTRUCTION  
PRELIMINARY  
PLANS**

NO.	DATE	DESCRIPTION	BY	CK'D

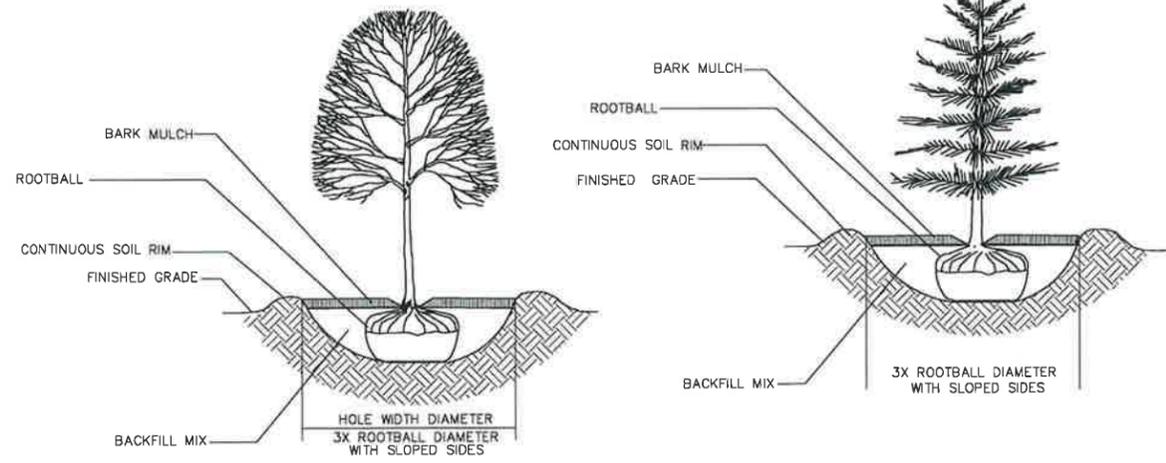


PRECAST  
MANUFACTURER  
EXPANSION  
MILTON, VT

SHEET TITLE  
LANDSCAPE PLAN  
& DETAILS

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

SHEET NUMBER  
**L-1**



**DECIDUOUS TREE PLANTING DETAIL**  
NOT TO SCALE

**EVERGREEN TREE PLANTING DETAIL**  
NOT TO SCALE

NOTE:  
IF NECESSARY USE VAOT'S LOW GROW/FINE MIX FESCUE.

**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 phaenopyrum	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.	

TOWN OF MILTON  
PUD APPLICATION  
3/9/15

I:\522006P1\CAMP\_Architect\Drawings\522006P1-SP04.dwg 3/9/2015 2:32 PM

NO	DATE	DESCRIPTION	BY	CHKD

**PRECAST  
MANUFACTURER  
EXPANSION**  
  
**MILTON, VT**

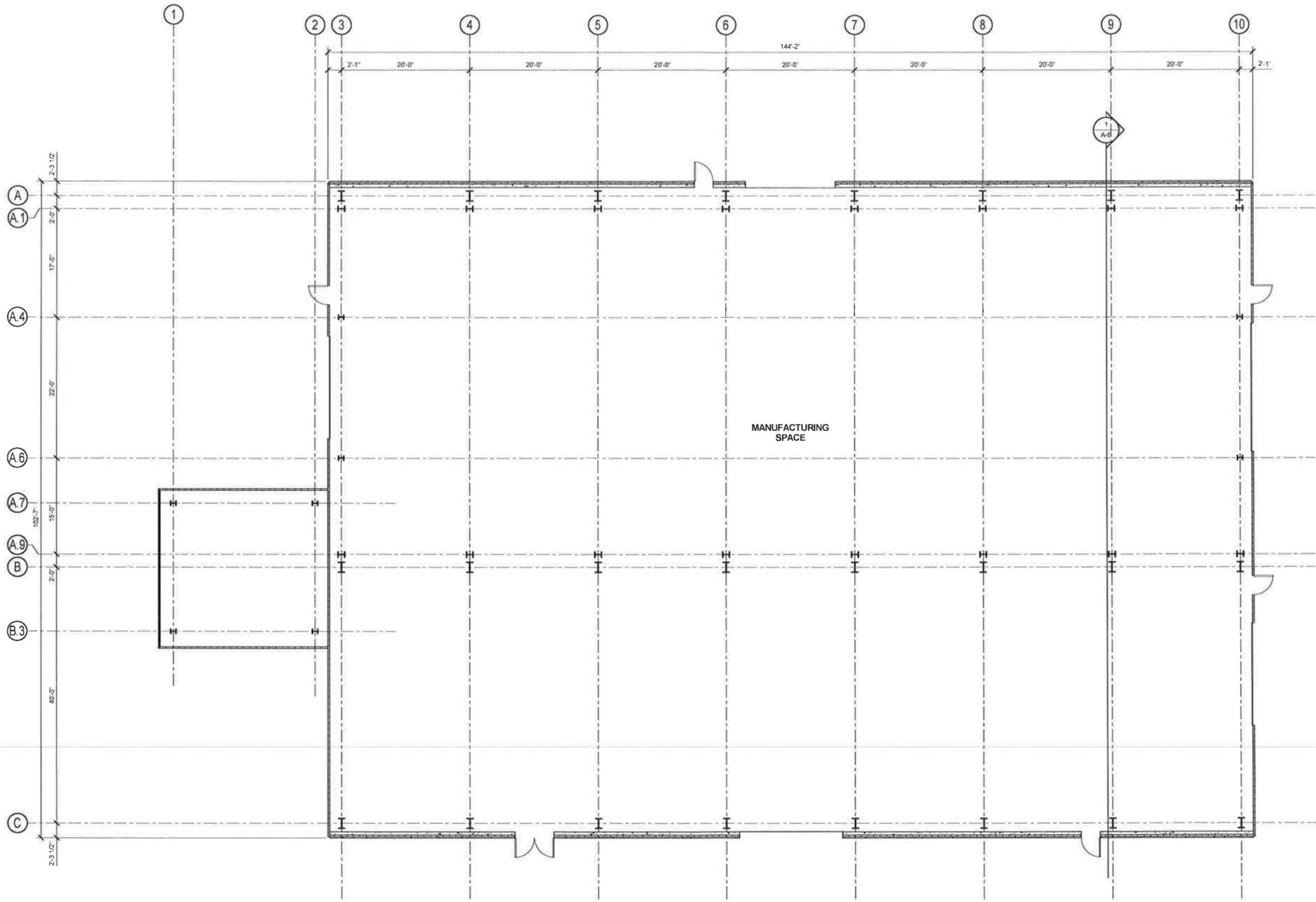
SHEET TITLE  
**GENERAL  
ARRANGEMENT PLAN**

DRAWN BY	DATE
JTM	PROGRESS
CHECKED BY	D&K PROJECT #
	522006P
PROJ ENG	D&K ARCHIVE #

SHEET NUMBER

**A-2**

SHEET OF



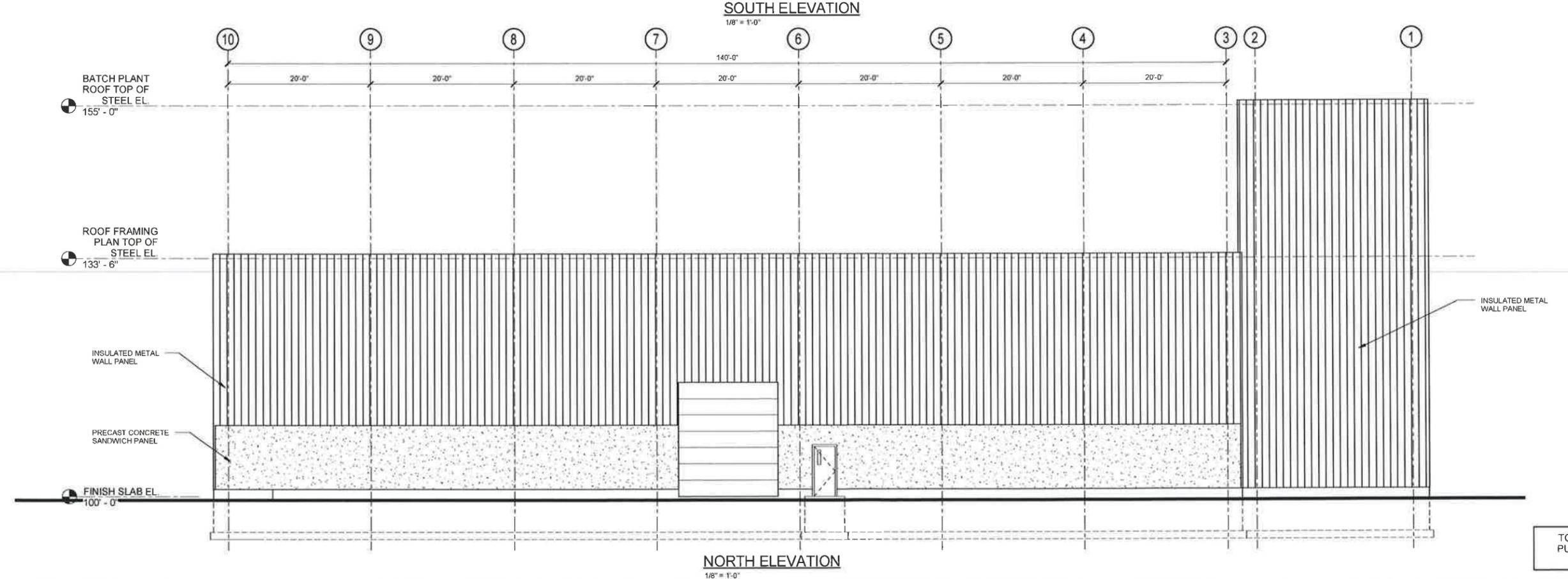
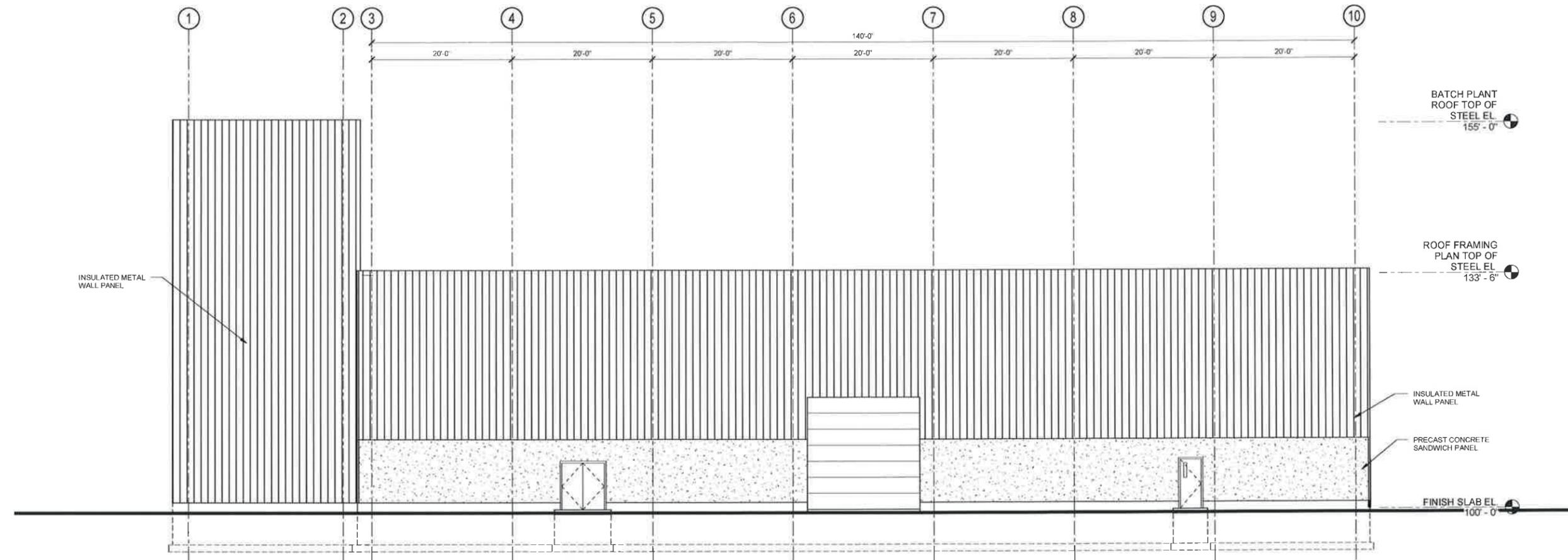
**GENERAL ARRANGEMENT PLAN**  
1/8" = 1'-0"



TOWN OF MILTON  
PUD APPLICATION  
3/9/15



NO	DATE	DESCRIPTION	BY	CKD



TOWN OF MILTON  
PUD APPLICATION  
3/9/15

C:\Users\jdm\Desktop\Revit Files\TWO Camp Expansion\_Label.rvt 3/9/2015 11:19:16 AM

PROFESSIONAL SEAL

NO	DATE	DESCRIPTION	BY	CHKD



**PRECAST MANUFACTURER EXPANSION**  
**MILTON, VT**

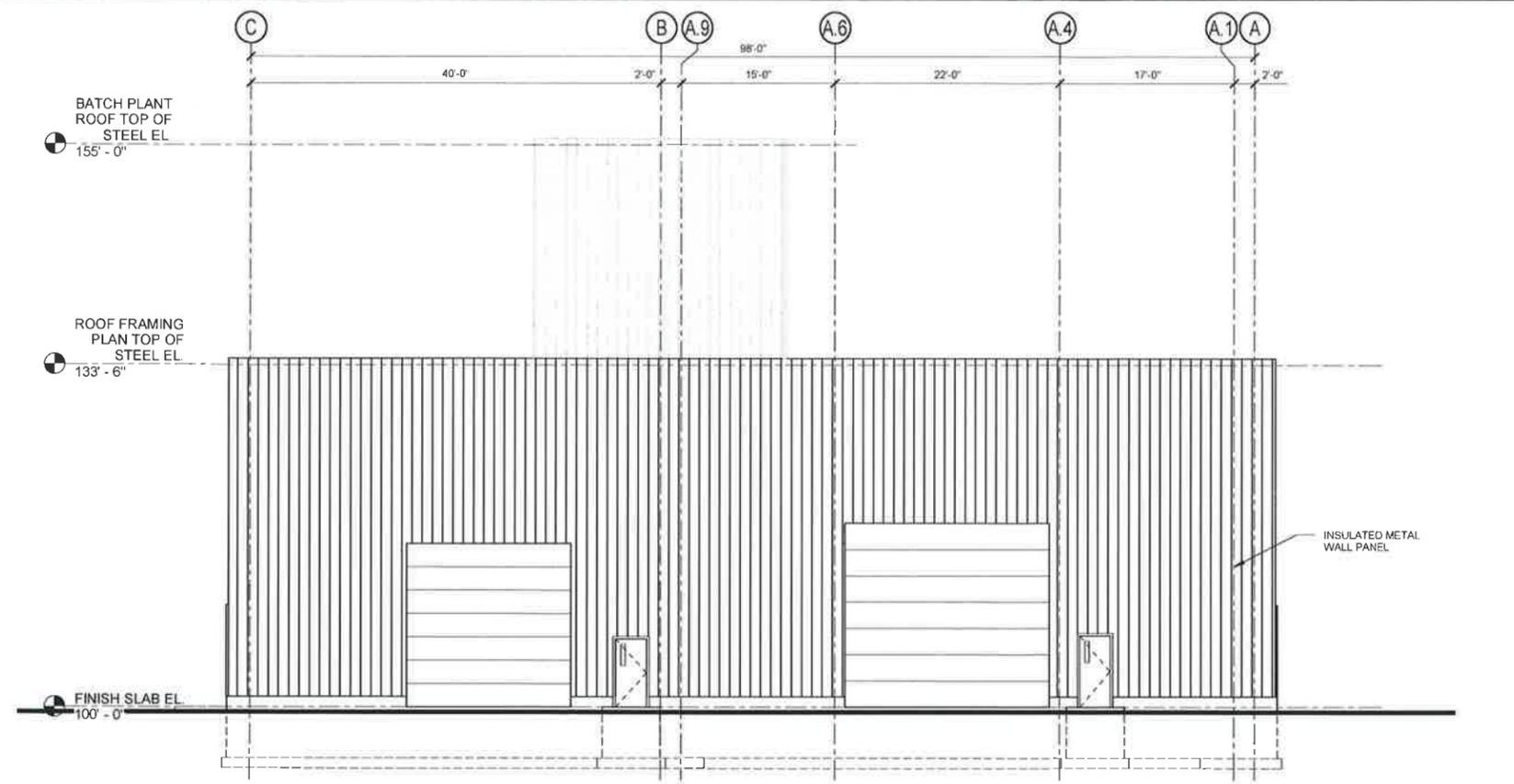
SHEET TITLE  
**EXTERIOR ELEVATIONS**

DRAWN BY	DATE
JTM	PROGRESS
CHECKED BY	D&K PROJECT #
	522006P
PROJ ENG	D&K ARCHIVE #

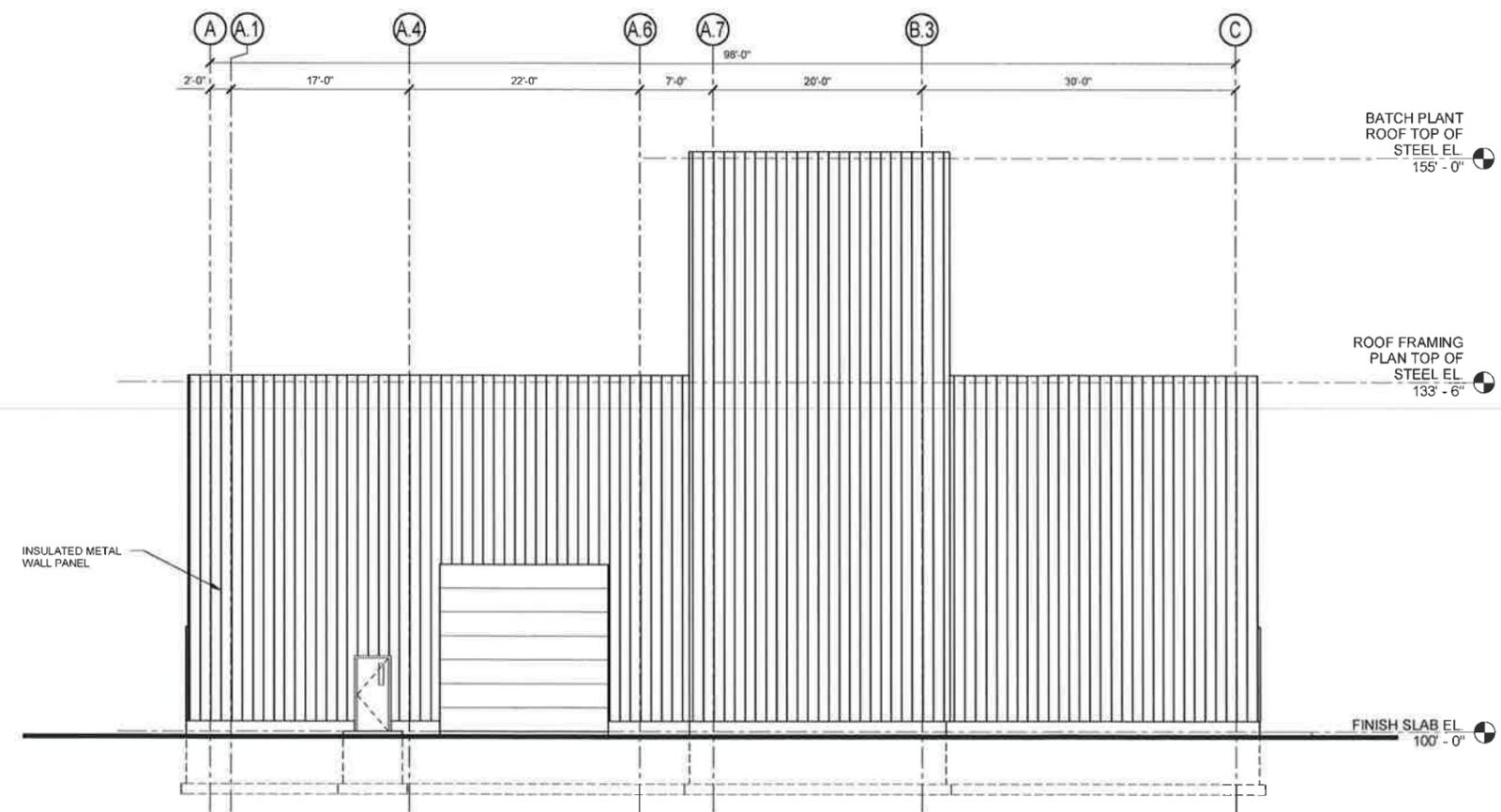
SHEET NUMBER

**A-5**

SHEET OF



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



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

TOWN OF MILTON  
PUD APPLICATION  
3/9/15

NO	DATE	DESCRIPTION	BY	CHKD

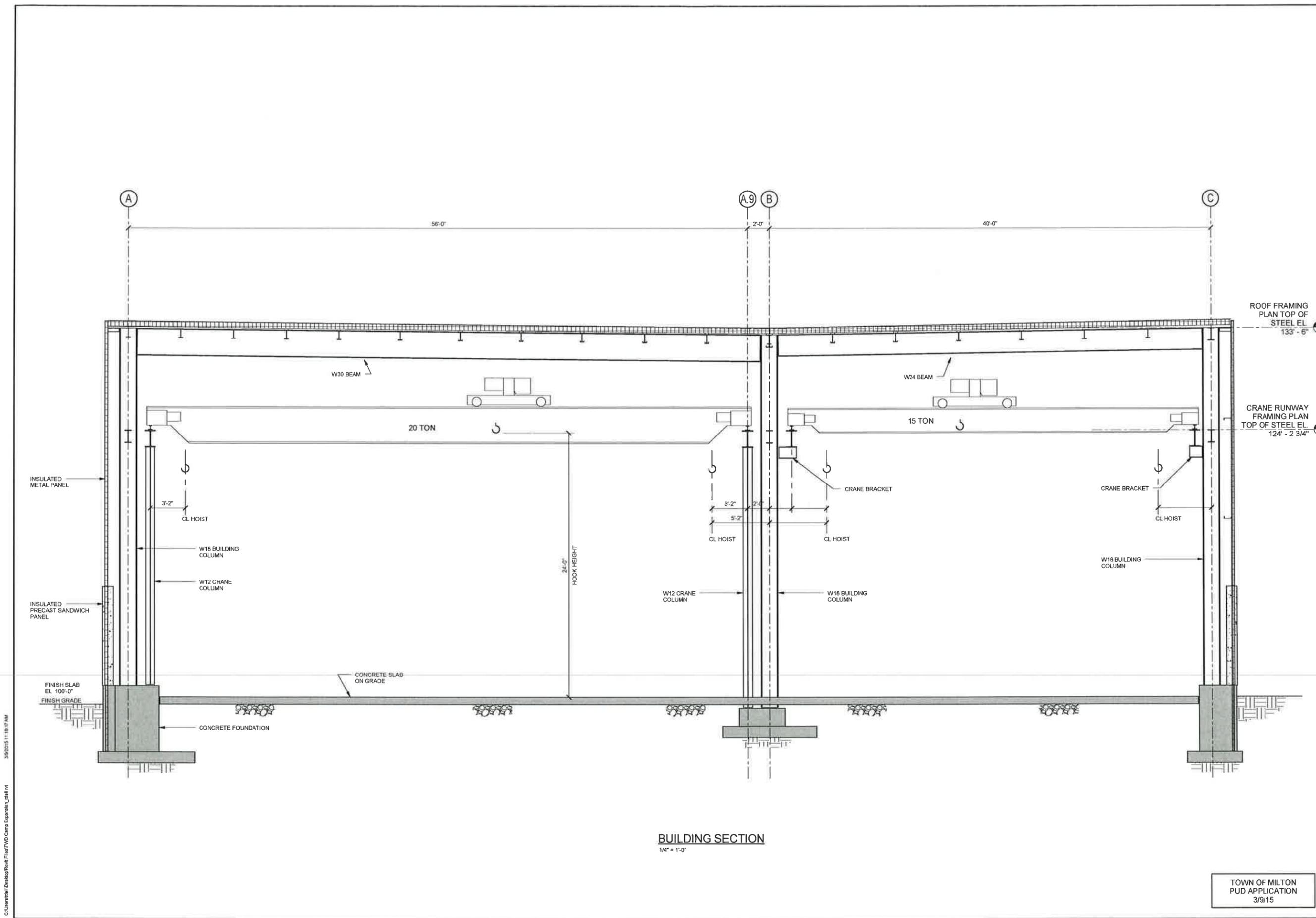


**PRECAST MANUFACTURER EXPANSION**  
**MILTON, VT**

SHEET TITLE  
**BUILDING SECTION**

DRAWN BY JTM	DATE PROGRESS
CHECKED BY	D&K PROJECT # 522006P
PROJ. ENG	D&K ARCHIVE #

SHEET NUMBER  
**A-6**  
SHEET OF



**BUILDING SECTION**  
1/4" = 1'-0"

TOWN OF MILTON  
PUD APPLICATION  
3/9/15

C:\Users\jtm\OneDrive\Files\TWO Camp Expansion.dwg 3/9/2015 11:18:17 AM

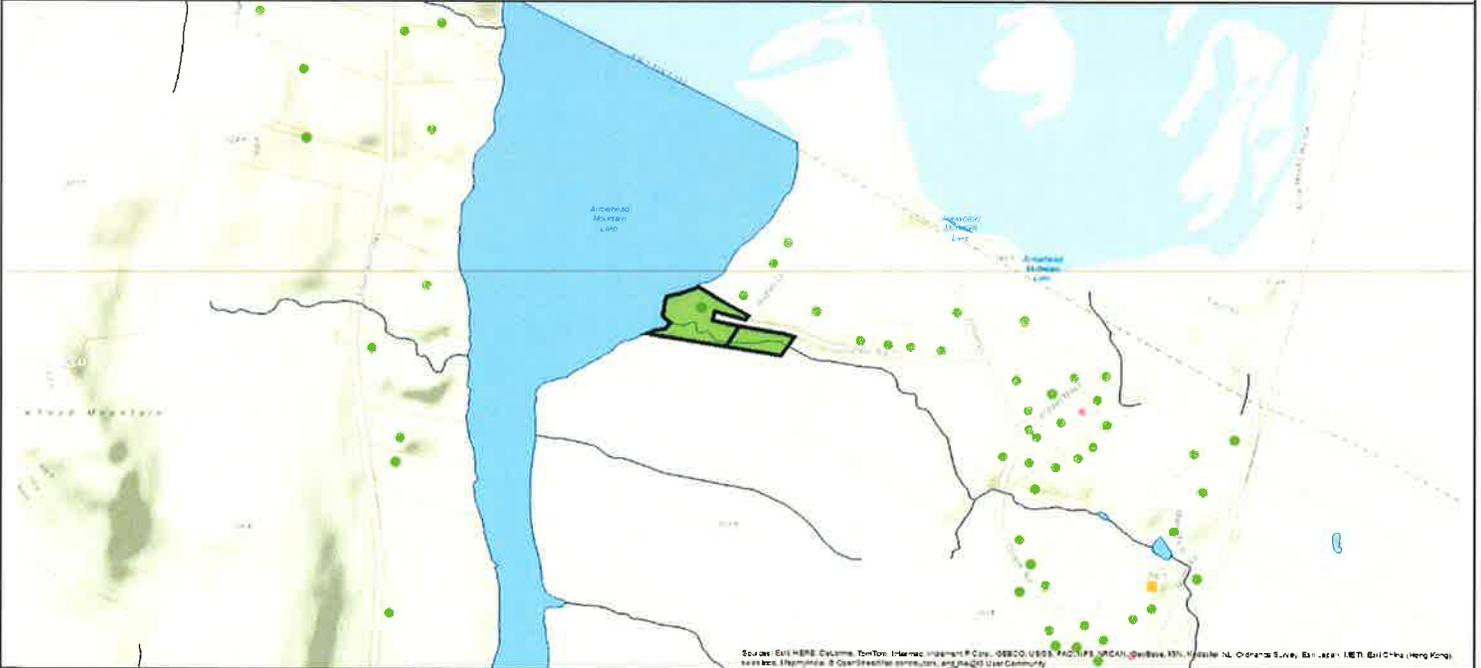
# TOWN OF MILTON DEVELOPMENT REVIEW BOARD

Planning & Economic Development Department  
43 Bombardier Road  
Milton, Vermont 05468-3205  
www.miltonvt.org  
(802) 893-1186



## STAFF REPORT

<b>Hearing Date/Time:</b> May 14, 2015 at 7:25 p.m.		
<b>Case No:</b> 2015-15		
<b>Application(s):</b> Boundary Line Adjustment		
<b>Existing and Proposed Use:</b> Single Family Dwelling		
<b>Application Received:</b> April 16, 2015		
<b>Staff Report Finalized:</b> Friday, May 8, 2015		
<b>Owner/Applicant</b> Chad & Sheila Eaton 182 Cooper Road Milton, VT 05468	<b>Owner:</b> Richard and Cynthia Harlow Revocable Trust 201 Cooper Road Milton, VT 05468	
<b>Engineer:</b>	<b>Surveyor:</b> Doug Henson, Lamoureux & Dickinson (L.S. #656) 14 Morse Drive Essex Junction, VT 05452	
<b>E-911/Postal Addresses:</b>	182 Cooper Road	201 Cooper Road
<b>Tax Map, Parcel(s):</b>	Tax Map 20, Parcel 26	Tax Map 20, Parcel 25
<b>School Parcel Account Number(s) (SPAN):</b>	14175	12461
<b>Deed(s):</b>	Vol. 312, P. 60	Vol. 387, P. 343
<b>Existing Size:</b>	64,940 sq. ft.	184,650 sq. ft.
<b>Zoning District(s):</b> "Shoreland Residential" (R6), "Transitional Residential" (R4), and "Flood Hazard" (FH)		
<b>Comprehensive Plan Planning Area:</b> Arrowhead Lake Planning Area (Map 2)		
<b>Location:</b> 9/10th of a mile west of East Road		



## INTRODUCTION

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

**Application and Applicant:** The Boundary Line Adjustment application was submitted by Lamoureux and Dickinson on behalf of the Applicant on April 16, 2015 and deemed complete by the Town Planner. The application form was signed by Chad & Sheila Eaton on April 8, 2015, hereafter referred to as "the Applicant". A copy of the application and all supporting materials are maintained in the application file and available for public inspection during Planning and Economic Development Department business hours.

**Ownership:** 182 Cooper Road is owned by Chad & Sheila Eaton and a deed of ownership is recorded in the Town's Land Records in Volume 312, Page 60. 201 Cooper Road is owned by Richard and Cynthia Harlow and a deed of ownership is recorded in the Town's Land Records in Volume 387, Page 343.

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

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

**Application Exhibits:** The following exhibits were submitted with the application and are attached to the Staff Report: "Boundary Line Adjustment Plat PL-1" by Lamoureux & Dickinson Consulting Engineers Inc. dated April 14, 2015.

**Proposed Development & Use:** No change is proposed to the existing principal single family residential dwelling uses, which is a permitted use in the R6 and R4 Zoning Districts.

**Access/Utilities:** No change is proposed to existing access or utilities. The location of the wastewater at 201 Cooper Road is not shown.

**Location:** 182 and 201 Cooper Road are respectively shown on Milton's Tax Map 20 as Parcels 26 and 25, with corresponding School Parcel Account Numbers (SPAN) as 14175 and 12461.

**Size/Area:** According to the Assessor's Grand List:

- Parcel 26 at 182 Cooper Road is 1.49 acres.
- Parcel 25 at 201 Cooper Road is 4.70 acres.
- The Assessor calculates the total area as 6.19 acres.

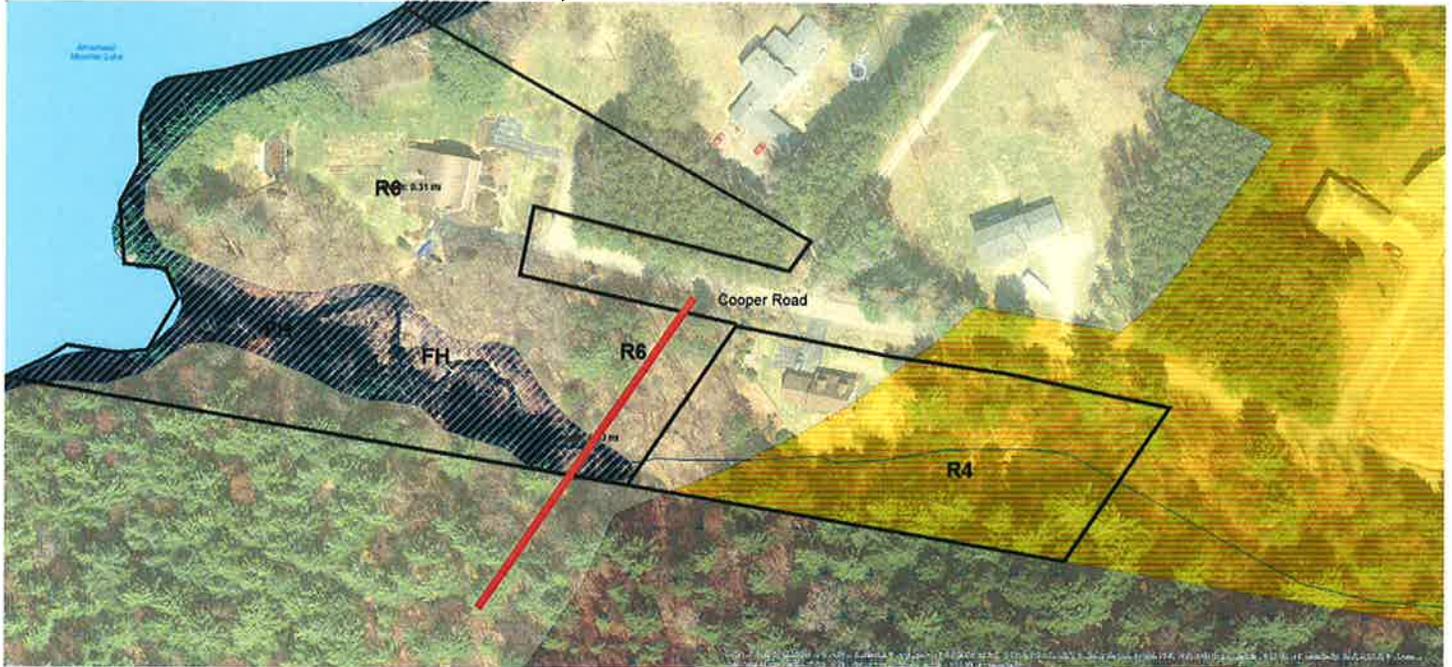
According to the Surveyor:

- Parcel 26 at 182 Cooper Road is 64,940 square feet, or 1.99 acres.
- Parcel 25 at 201 Cooper Road is 184,640 square feet, or 3.74 acres.
- The Surveyor calculates the total area as 5.73 acres.

Lot	Existing Size (ft <sup>2</sup> )	Proposed Size (ft <sup>2</sup> )	Increase/Decrease (ft <sup>2</sup> )
Parcel 26, Eaton	64,940	86,723	21,783
Lot 25, Harlow	184,650	162,867	21,783
Totals	249,590	249,590	0

Staff finds that the proposal would transfer 21,783 square feet square feet from Parcel 26 to Parcel 25 or 0.5 acres.

**Zoning District:** The subject lots are located within the "Shoreland Residential" (R6), "Transitional Residential" (R4), and "Flood Hazard" (FH) Zoning Districts, described on the Town of Milton Zoning Map last amended August 22, 2011 on record and display at the Municipal Offices and available on the Town's website. The FH District and Appendix A of the ZR govern certain types of development within the FH District. Staff finds that nothing in this proposal applies to the FH District Regulations. Where uncertainty exists as to the boundary of any district, ZR220 establishes rules. The Harlow residence at 201 Cooper Rd. is within the FH and R6 Zoning Districts. The Eaton Residence appears to be principally located within the R6 Zoning District, although a portion of the structure may be located in the R4 Zoning District, and a portion of the property appears to be located within the FH Zoning District. (The Zoning District boundaries are now shown on the draft Plat.) See map below.



**Disclosed Restrictions or Covenants:** The application form states the following restrictions: The Harlow property may be subject to a right to an existing well as recorded in Vol. 48, Page 586. Both properties may be subject to an undefined easement to the Public Electric Light Co., as recorded in Vol. 29, Page 217. None of these rights are able to be plotted on the survey.

### CLASSIFICATION OF APPLICATION

**SR130, Subdivision Jurisdiction:**

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

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

## APPLICATION REQUIREMENTS

**SR300 Submittal of Application:** Requires the following on the Plat:

- "Type, location, and approximate size of existing and proposed streets, utilities and open space."
- "Tax Map and Parcel"
- "Zoning district."

Staff finds that not all utilities are shown. Staff finds that the Tax Map and Parcel Numbers are not accurate on the Plat. Staff finds that the properties are located within the three aforementioned Zoning Districts; only one district is shown on the Plat and application. Staff recommends that the Plat also list the School Parcel Account Numbers.

1. The Final Survey Plat shall show the locations of utilities, correct the tax map and parcel number, and show the three Zoning Districts (FH, R4 and R6) within which the subject properties are located, per SR300.

## SUBDIVISION PLANNING STANDARDS

**SR700, Standards for Evaluation:** states "Final approval of any subdivision [. . .] shall be based on a finding by the DRB that the subdivision is in accord with the following standards" summarized as follows:

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

Staff finds that the land is suitable for development, shows due regard for the preservation and protection of existing features, has sufficient open space for recreation, would not impact runoff, would not cause undue water or air pollution, is compatible with surrounding properties, suitable for the proposed density, will not place undue burden on local government, has sufficient water service, and will not cause highway congestion.

Staff evaluates the consistency with the Plan, the Regulations, and provision for pedestrian traffic below.

## COMPREHENSIVE PLAN REVIEW

### 9.9. Arrowhead Lake Area Goals

The future land uses for this area should be medium and low density residential development. Where medium density developments occur, there should be thought given to encouraging small public parks for the residential neighborhoods. In addition, any future development in this area should involve the connection of existing roads and preventing dead ends and cul-de-sacs. There is potential for bicycle and pedestrian linkages from the Town Core area along established roadways and possibly across the Lamoille River, although no infrastructure is in place as of yet.

**Goal 9.9.1.** Encourage innovative neighborhood planning concepts.

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

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

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

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

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

**Objective 9.9.3.b.** Encourage bike/pedestrian connections over the Lamoille River to connect to the Town Core Area. [emphasis added]

Map 11 of the Comprehensive Plan (**ATTACHED**) shows a proposed recreational pathway connecting Cooper Road to Maplewood Avenue along the Lamoille River/Arrowhead Lake, consistent with objective 9.9.3.b above. This map was included in the 2013 adoption of the Comprehensive Plan and is the result of a 8-year Planning effort to establish right-of-ways for recreational paths.

The effort began in 2007 when the Milton Planning Commission hosted a public input where they learned a majority of the people were interested in a bike path. In addition, the number one new facility requested through a Town-wide survey, conducted for the Milton Recreation 20- year Recreation Master Plan 2007-2027, was pedestrian and bicycle paths. As a result of this, the Selectboard created the Ad Hoc Recreation Pathways Committee to advise the Selectboard regarding potential recreational pathway locations. In 2009, the Committee released the *Ad Hoc Recreation Pathways Committee Evaluation Report* to describe the process through which the Committee arrived at a Prioritized List of Pathways and contained a list of 19 possible pathways. In 2013, the Comprehensive Plan was amended to add several goals related to recreational pathways, and included 10 of the 19 proposed pathways. With pathways identified in the Comprehensive Plan, The Selectboard retired the Recreation Pathways Committee on July 2013, and requested that the Town's Planning Boards continue to the work. Prior to 2013, the Subdivision Regulations granted the DRB authority to require easements 20 feet in width according to SR810.2, but there was no solid planning/policy basis at the level for the DRB to rely on.

## **SUBDIVISION REQUIRED IMPROVEMENTS AND DESIGN STANDARDS**

**SR800, Streets:** No new streets are proposed, and Staff finds that no additional streets are needed.

**SR810 Pedestrian Access:** 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."

Staff recommends that the DRB require the dedication of an easement along the western edge of the north/south boundary of the portion of land being transferred (conceptually shown as a red line in the map above). If the DRB were to require the easement, this would be the first link of Trail #4 shown on the Comprehensive Plan and listed as a goal for this Planning Area. Staff estimates that it could be a decade or more before the Town could acquire all the easements to construct the proposed trail and associated stream crossings.

2. The Final Survey Plat shall show a 20' wide pathway easement to be dedicated to the Town of Milton along the western north/south boundary of the portion of land being transferred, per SR810.

**SR820, Outdoor Lighting:** No lighting is proposed, and Staff finds that no additional lighting is needed. The DRB may require lighting.

**SR830, Shade/Street Trees:** No street trees are proposed, and Staff finds that the streetscape has many trees. The DRB may require trees.

**SR840, Drainage:** No drainage changes or development is proposed.

**SR850, Water System:** No changes are proposed. Both lots show the location of existing wells.

**SR860, Sewage Disposal:** No changes are proposed; however it is unclear if the boundary line adjustment would impact the Harlow septic, which is not shown on the Plat.

3. The Applicant shall indicate the location of the Harlow wastewater system at the hearing, and the Final Plans shall show the location of the Harlow wastewater.

**SR870, Utilities:** states, "Easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision." No changes are proposed, but not all utilities not shown, so it is unclear to Staff if any utilities could be impacted by the transfer of land, or whether there are sufficient easements.

4. If the DRB finds that that easement of sufficient width have not been provided for existing utilities, they may require that they be shown on the Final Survey Plat, per SR870.

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

### ZONING REGULATION REVIEW:

**ZR620, Reduction of Lot Size:** "No lot shall be so reduced in area so that the total area, setback areas, lot width, frontage, coverage, or other requirements of these Regulations shall be other than herein prescribed for the district in which the lot is located."

**ZR354 and ZR344 Residential Dimensional Requirements:** The table below shows the required dimensional requirement for the residential uses within the subject properties Zoning Districts (R4 and R6), as well as the existing and proposed compliance.

The Eaton lot is located within the R6, R4 and FH Zoning Districts.

<b>182 Cooper, Eaton, Parcel 26</b>	<b>R6 Required</b>	<b>R4 Required</b>	<b>Existing</b>	<b>Proposed</b>
Minimum LOT AREA (sq. ft.)	100,000	400,000	64,940	86,723
Minimum Road FRONTAGE (linear ft.)	200	400	368	478
Minimum FRONT SETBACK (linear ft.)	35	35	35	35
Minimum SHORELINE SETBACK (linear ft.)	50	n/a	?	?
Minimum SIDE SETBACK (linear ft.)	35	50	48	154
Minimum REAR SETBACK (linear ft.)	35	50	112	112
Maximum BUILDING COVERAGE	40%	40%	4.7	3.5
Maximum LOT COVERAGE (%)	n/a	n/a	n/a	n/a

Parcel 26 does not meet the minimum lot area requirement for the R4 Zoning District. The proposal makes the lot less non-conforming. The parcel is otherwise complying, although the shoreline setback is not listed, and the Plat does not depict accessory structures.

Parcel 25 is located entirely within the R6 and FH Zoning Districts.

<b>201 Cooper, Harlow, Parcel 25</b>	<b>R6 Required</b>	<b>Existing</b>	<b>Proposed</b>
Minimum LOT AREA (sq. ft.)	100,000	184,650	162,867
Minimum Road FRONTAGE (linear ft.)	200	574	464
Minimum FRONT SETBACK (linear ft.)	35	69	69
Minimum SHORELINE SETBACK (linear ft.)	50	n/a	n/a
Minimum SIDE SETBACK (linear ft.)	35	88	88
Minimum REAR SETBACK (linear ft.)	35	106+/-	106+/-
Maximum BUILDING COVERAGE	40%	4.1	4.6
Maximum LOT COVERAGE (%)	n/a	n/a	n/a

Parcel 25 conforms to the R6 dimensional requirements.

Staff finds that ZR620's requirement shown above is met.

**ZR356, Shoreline Ground Cover:** While no clearing is proposed, Staff includes this section for the Owner's information to help ensure a stable bank, prevent flood damage, prevent erosion and protect stream health.

No more than 25% of existing trees and/or ground cover shall be removed along the SHORELINE for a distance of 25 feet from the SHORELINE within a 5-year period. No more than 35% of existing trees and/or ground cover shall be removed for an additional distance of 125 feet (beyond the no-cut area in 357.1) without Site Plan approval from the Development Review Board within a 5-year period. Erosion and stormwater best management practices must be employed during and after site work and tree clearing.

Additionally, ZR691 states:

Existing trees and ground cover along any SHORELINE, body of water or fully carrying spring flood waters shall be maintained for a distance of 25 feet from the SHORELINE or body of water to protect against erosion.

No building shall be closer than fifty (50) feet from the ordinary high water mark of any stream, river or brook.

**ZR640, Minimum Lot Width to Depth Ratio:** Staff finds that the width to depth ratio is met.

### SUBDIVISION

**SR920, Legal Review:** states, "The DRB may require the filing of legal data as it deems necessary in the enforcement of these regulations."

5. The final plat shall be accompanied by a certificate of title showing the ownership of all property and easements to be dedicated to the Town. All proposed deeds conveying property or easements to the Town shall also accompany the final application. In addition, a draft of all restrictions of all types which will run with the land and become covenants shall be filed with the final application.
6. The Applicant shall submit deeds and any other associated legal instruments for all impacted lots for review and approval by the Town Attorney. All requested revisions must be complete before the Plat may be recorded. Only instruments approved by the Town may be recorded in the Town of Milton Land Records.

**SR910, Fees:** This section allows for the collection of fees. The Selectboard has established a fee for legal review.

7. The Applicant shall submit \$500 to cover the legal review of the revised 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

The Applicant should note that "Any person who sells, transfers, or agrees to sell or transfer any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined not more than Fifty Dollars (\$50), and each lot, parcel or unit sold, transferred or agreed to be sold or transferred shall be deemed a separate violation", per SR1020

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

8. **Staff Review of Revisions:** The Applicant shall submit one paper or PDF version of the revised final Plat for review and approval by Staff prior to submitting the Final Plat. The Applicant shall also submit one full-sized (to scale) paper Final Plat and one 11x17 paper plat depicting any requested changes, to be maintained in the Planning Office's application file.
9. **Final Plat Submission:** The Final Survey Plat shall be in compliance with SR610 and submitted on mylar (18" x 24"), signed by the licensed surveyor and the Chair of the DRB, and recorded in the Town Clerk's Office within 180 days of the date of the DRB's Final Approval Decision per SR940. Final approval expires if not filed within 180 days, unless extended by the Zoning Administrator for pending local or state approvals. In the event a subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.
10. **Digital Plat Submission:** The Final Plat shall be submitted in JPEG, TIF or DWG digital format for a Tax Map update.

**SR950, Revisions**

11. If approved, no changes, erasures, modifications, or revisions shall be made on any subdivision plat after the final approval, unless said plat is first resubmitted to the DRB and the DRB approves the modifications. In the event a subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.

**SR960, Effect of Final Approval:** If the DRB opts to require the public dedication of the pathway easement:

12. Final approval by the DRB shall not be deemed to constitute or be evidence of an acceptance by the Town of any street, easement, utility, park, recreational area or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Legislative Body (Selectboard).

**Technical Advisory Committee:**

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

**State Project Review:** Per 24 VSA §4463 on subdivision review:

Any application for an approval and any approval issued under this section shall include a statement, in content and form approved by the Secretary of Natural Resources, that State permits may be required and that the permittee should contact State agencies to determine what permits must be obtained before any construction may commence. (Added 2003, No. 115 (Adj. Sess.), § 104; amended 2009, No. 146 (Adj. Sess.), § F28.)

14. 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

**STAFF RECOMMENDATION**

The Planning Staff recommends that the DRB **approve** the Boundary Line Adjustment to adjust the property boundary between two adjacent lots located at 182 & 201 Cooper Road described as SPAN #s 14175 and 12461, Tax Map 20, Parcels 26 and 25, subject to the conditions proposed above.

**Respectfully Submitted:**



**Jacob Hemmerick, Town Planner**

**ATTACHMENTS:**

1. "Boundary Line Adjustment Plat" by Lamoureux & Dickinson Consulting Engineers Inc. dated 4/14/15
2. Map 11 of the Town of Milton Comprehensive Plan
3. Police TAC Comments dated 4/27/15
4. Public Works TAC Comments dated 5/4/15
5. Recreation TAC Comments dated 4/28/15
6. School TAC Comments dated 4/27/15

**COPIES TO:**

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

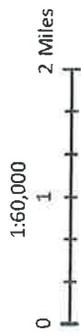
# Map 11: Pathways

## Milton, Vermont 2013 Comprehensive Plan Legend

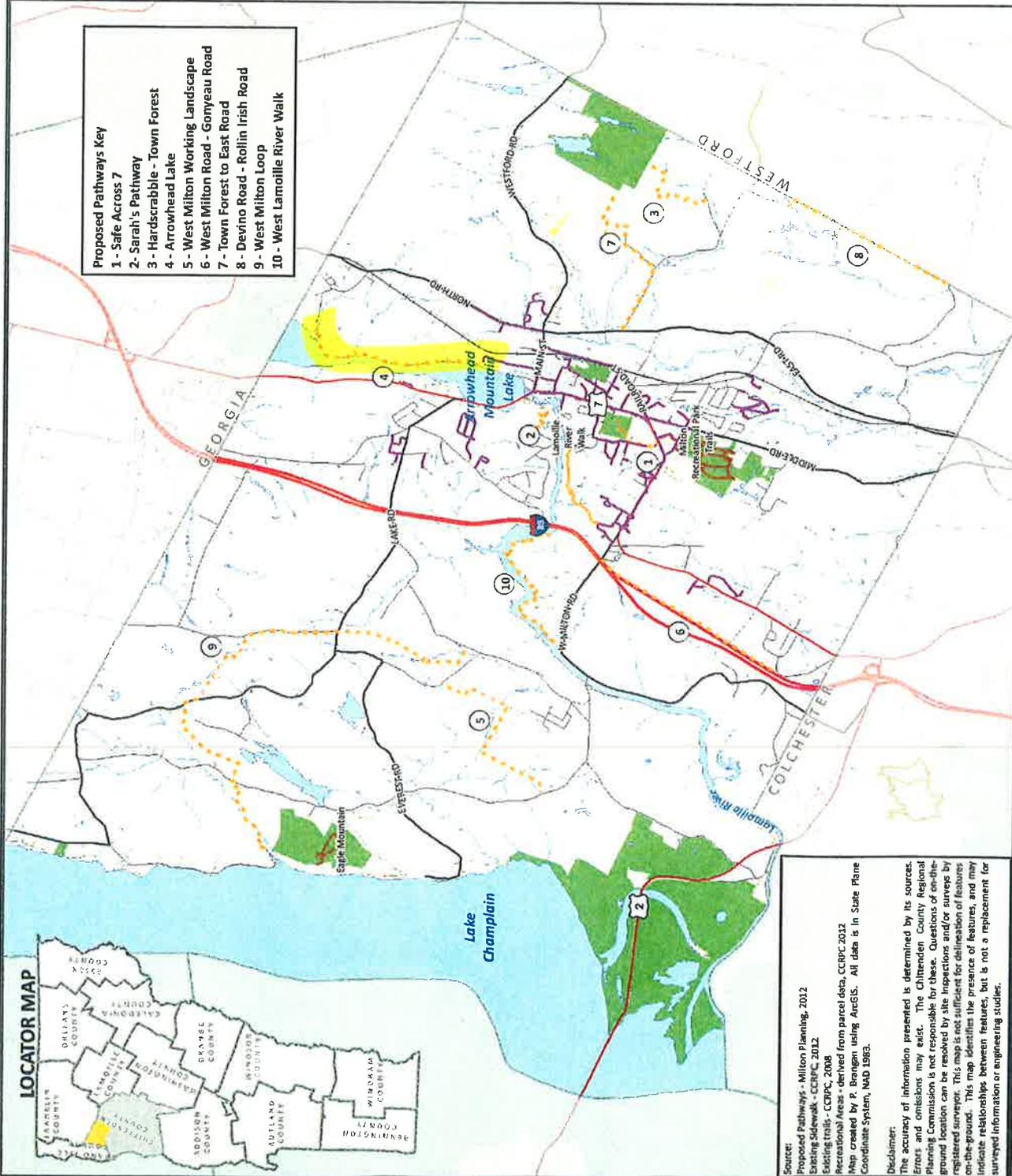
-  Proposed Pathway\*
-  Existing Pathway
-  Existing Trail
-  Existing Sidewalk
-  Road Centerline
-  Interstate Highway
-  US/State Highway
-  Town Highway Class 2
-  Town Highway Class 3
-  Town Highway Class 4
-  Private/Unknown
-  Railroad
-  Stream Centerline
-  Water Body
-  Town/State Recreational Area



**\*Note: All proposed pathway locations are conceptual and subject to change. This map does not constitute an Official Map.**



- Proposed Pathways Key**
- 1 - Safe Across 7
  - 2 - Sarah's Pathway
  - 3 - Hardscrabble - Town Forest
  - 4 - Arrowhead Lake
  - 5 - West Milton Working Landscape
  - 6 - West Milton Road - Gonyeau Road
  - 7 - Town Forest to East Road
  - 8 - Devino Road - Rollin Irish Road
  - 9 - West Milton Loop
  - 10 - West Lamoille River Walk

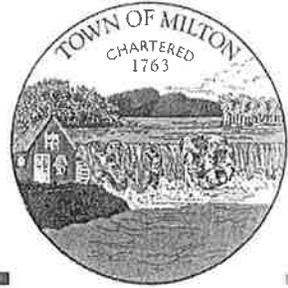


**Disclaimer:**  
The accuracy of information presented is determined by its sources. Errors and omissions may exist. The Chittenden County Regional Planning Commission is not responsible for these. Questions of on-the-ground location can be resolved by site inspections and/or surveys by registered surveyors. This map is not sufficient for delineation of features on-the-ground. This map identifies the presence of features, and may indicate relationships between features, but is not a replacement for surveyed information or engineering studies.

**Source:**  
Proposed Pathways - Milton Planning, 2012  
Existing Sidewalk - CCRPC, 2012  
Existing Trails - CCRPC, 2008  
Recreational Areas - derived from parcel data, CCRPC, 2012  
Map created by P. Brangen using ArcGIS. All data is in State Plane Coordinate System, NAD 1983.

**TOWN OF MILTON  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

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



---

**TECHNICAL ADVISORY COMMITTEE REVIEW SHEET**

Development Review Board Meeting of Thursday, May 14, 2015

Date of Review: 2H-27-15

Department: Police

TAC Member: BRET VAN NORDT

Final Plan Application, Planned Unit Development (PUD) Industrial, Boundary Line Adjustment & Site Plan Application – Precast Road 78 & 59 Catamount Drive – Camp Precast, LLC, Owner/Applicant, Bellavance Properties, LLC, Owner.

NO COMMENTS OR CONCERNS

Boundary Line Adjustment Application – 182 & 201 Cooper Road – Chad & Shelia Eaton and Richard & Cynthia Harlow, Trustees, Owners/Applicants.

NO COMMENTS OR CONCERNS

**RECEIVED**

APR 27 2015

Planning & Economic Development  
Milton, Vermont

**TOWN OF MILTON  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

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



---

**TECHNICAL ADVISORY COMMITTEE REVIEW SHEET**

Development Review Board Meeting of Thursday, May 14, 2015

Date of Review: 5/4/15

Department: PUBLIC WORKS

TAC Member: Roger Hunt

Final Plan Application, Planned Unit Development (PUD) Industrial, Boundary Line Adjustment & Site Plan Application – Precast Road 78 & 59 Catamount Drive – Camp Precast, LLC, Owner/Applicant, Bellavance Properties, LLC, Owner.

ON sheet C-3 -

- Property line does not match Legend
- Existing Modular Wall needs to be moved out of TOWN right of way.

Boundary Line Adjustment Application – 182 & 201 Cooper Road – Chad & Shelia Eaton and Richard & Cynthia Harlow, Trustees, Owners/Applicants.

No Comment

**TOWN OF MILTON**  
**PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**  
43 Bombardier Road  
Milton, Vermont 05468-3205  
www.miltonvt.org  
(802) 893-1186



---

## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, May 14, 2015

Date of Review: 4-28-15

Department: Recreation

TAC Member: Cym Buchesneer

Final Plan Application, Planned Unit Development (PUD) Industrial, Boundary Line Adjustment & Site Plan Application – Precast Road 78 & 59 Catamount Drive – Camp Precast, LLC, Owner/Applicant, Bellavance Properties, LLC, Owner.

*I am an adjoining property owner -  
I recuse myself from any recommendations.*

Boundary Line Adjustment Application – 182 & 201 Cooper Road – Chad & Shelia Eaton and Richard & Cynthia Harlow, Trustees, Owners/Applicants.

*Recommend pedestrian access easement per SR 810.2, & Map 11 of the Comprehensive Plan.*

**RECEIVED**

**APR 28 2015**

Planning & Economic Development  
Milton, Vermont

**TOWN OF MILTON  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

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



---

**TECHNICAL ADVISORY COMMITTEE REVIEW SHEET**

Development Review Board Meeting of Thursday, May 14, 2015

Date of Review: April 27, 2014

Department: Milton Town School District

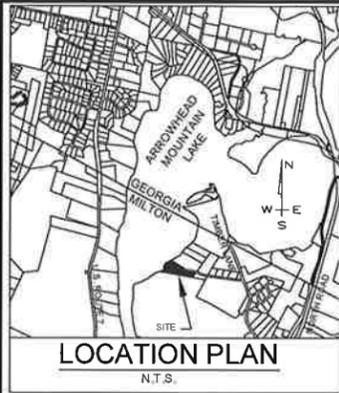
TAC Member: John Barone, Superintendent

Final Plan Application, Planned Unit Development (PUD) Industrial, Boundary Line Adjustment & Site Plan Application – Precast Road 78 & 59 Catamount Drive – Camp Precast, LLC, Owner/Applicant, Bellavance Properties, LLC, Owner.

*No concerns & support the proposal as presented.*

Boundary Line Adjustment Application – 182 & 201 Cooper Road – Chad & Shelia Eaton and Richard & Cynthia Harlow, Trustees, Owners/Applicants.

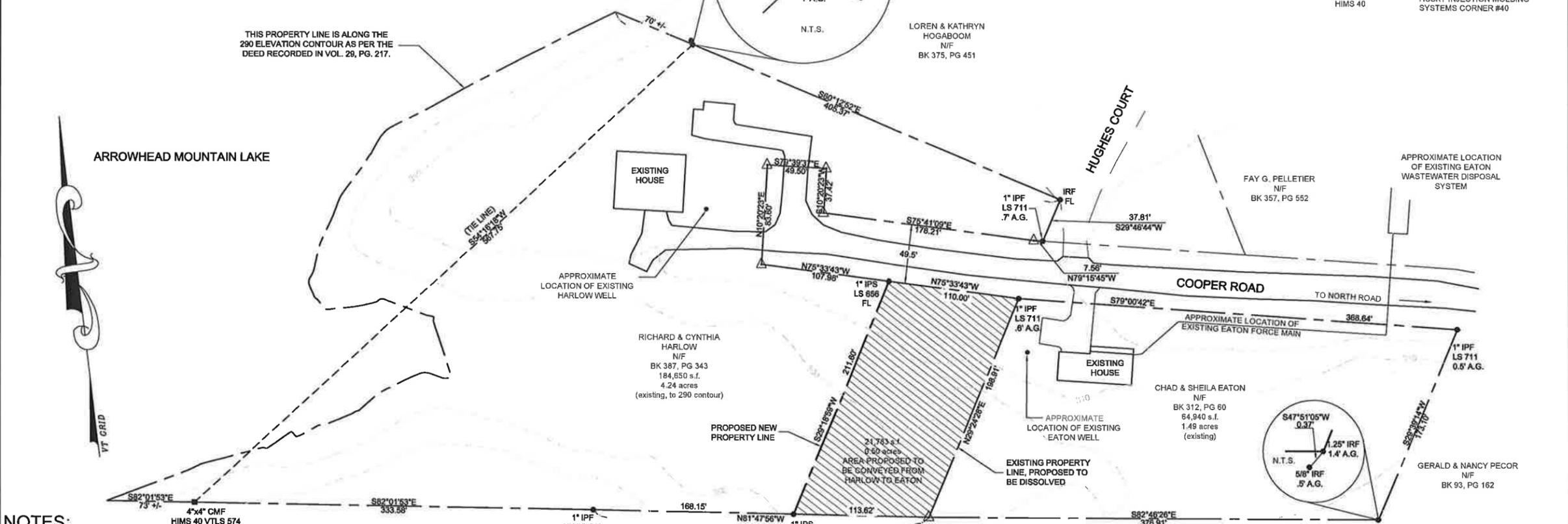
*No concerns & support the proposal as presented.*



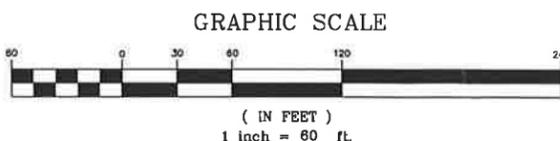
PROPERTY	EXISTING LOT AREA	PROPOSED LOT AREA
EATON	64,940 s.f. (1.49 acres)	86,723 s.f. (1.99 acres)
HARLOW	184,650 s.f. (4.24 acres)	162,867 s.f. (3.74 acres)

**LEGEND:**

---	EXISTING PROPERTY LINE
- - -	SIDELINE OF PROPOSED EASEMENT
---	ABUTTING PROPERTY LINE
---	NEW PROPERTY LINE
N/F	NOW OR FORMERLY
●	IPF IRON PIPE FOUND
●	IRF IRON ROD FOUND
■	CMF CONCRETE MONUMENT FOUND
●	IPS IRON PIPE SET
△	SURVEY POINT NO MARKER SET
FL	FLUSH
A.G.	ABOVE GRADE
I.D.	INSIDE DIAMETER
HIMS 40	HUSKY INJECTION MOLDING SYSTEMS CORNER #40



- NOTES:**
- THIS PLAT WAS COMPILED FROM FIELD SURVEYS AND RECORD RESEARCH INCLUDING THE USE OF THE FOLLOWING PLATS:
    - "LANDS OF DONALD H. TURNER & SONS CONSTRUCTION CORPORATION, COOPER ROAD AND HUGHES COURT, MILTON, VERMONT," BY LAMOUREUX & DICKINSON, 5-18-05, AND RECORDED IN MAP SLIDE 208C OF THE TOWN OF MILTON LAND RECORDS.
    - "JOSEPH AND BARBARA BISSETTE, MILTON, VERMONT, MAP OF BOUNDARY SURVEY, TOWN HIGHWAY 16 - COOPER ROAD, TOWN OF MILTON, VERMONT", BY BUCK & PIERCE CONSULTING ENGINEERS, DATED FEBRUARY 20, 1985, AND RECORDED ON SLIDE 177B OF THE TOWN OF MILTON LAND RECORDS.
    - "BOUNDARY PLAN OF S. LEE KILBURN, JOANNE E. KILBURN & ROGER HAWKINS, LOIS HAWKINS, TOWN HWY #16, MILTON, VT." DATED MARCH, 1972 BY WARREN ROBSTENIEN, L.S. AS RECORDED IN SLIDE 419B OF THE TOWN OF MILTON LAND RECORDS.
    - "BOUNDARY SURVEY OF LANDS TO BE ACQUIRED BY HUSKY INJECTION MOLDING SYSTEMS, INC., MILTON, VERMONT" SHEET 6 OF 9, DATED MARCH 1997, LAST REVISED 6-19-97, AS RECORDED IN SLIDE 304B OF THE TOWN OF MILTON LAND RECORDS.
  - BEARINGS ARE BASED ON THE PLAN REFERENCED ABOVE IN NOTE 1A.
  - THIS PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS AND/OR RIGHTS-OF-WAY.
  - THE RIGHT-OF-WAY WIDTH OF 49.5' FOR COOPER ROAD IS BASED ON PHYSICAL EVIDENCE AND THE SURVEYS REFERENCED ABOVE. NO DESCRIPTION OF THE ROAD LAYOUT WAS FOUND IN THE LAND RECORDS. THE END POINT AS DEPICTED ON THIS PLAN IS BASED ON THE LENGTH OF THE ROAD AS TAKEN FROM THE TOWN OF MILTON HIGHWAY MILEAGE MAP FOR THE YEAR 2012 AS MAINTAINED BY THE VERMONT AGENCY OF TRANSPORTATION.
  - ALL IRON PIPES SET ARE 1" INSIDE DIAMETER, MONUMENTATION FOUND IS AS NOTED ON PLAN.
  - A CLOSED TRAVERSE SURVEY WAS COMPLETED ON 8-6-13, USING A COMBINATION OF GPS BASELINES AND CONVENTIONAL SURVEY EQUIPMENT. THE METHODS AND THE RESULTING ERROR MEET OR EXCEED THE MINIMUM PRECISION REQUIREMENTS FOR RURAL SURVEYS.
  - THE ELEVATION 290 USED TO DETERMINE THE HORIZONTAL LOCATION OF THE WESTERLY LINE OF THE HARLOW PROPERTY WAS DETERMINED BY USING SURVEY GRADE GPS AND NGS BENCHMARK DN6986 TO ESTABLISH A TEMPORARY BENCH MARK ON THE PROPERTY, AND THEN SURVEYING CROSS SECTIONS ALONG THE BANK TO LOCATE ELEVATION 290 AT APPROXIMATE 100' INTERVALS.
  - THE HARLOW PROPERTY MAY BE SUBJECT TO A RIGHT TO AN EXISTING WELL AS RECORDED IN VOL. 48, PG. 586. BOTH PROPERTIES MAY BE SUBJECT TO AN UNDEFINED EASEMENT TO THE PUBLIC ELECTRIC LIGHT CO., AS RECORDED IN VOL. 29, PG. 217. NONE OF THESE RIGHTS ARE ABLE TO BE PLOTTED ON THE SURVEY.
  - THESE PROPERTIES ARE SHOWN ON THE TOWN OF MILTON TAX MAP #8 AS PARCELS 12461 AND 11629.b AND FALL WITHIN THE R-6, SHORELAND RESIDENTIAL ZONING DISTRICT.



THIS BOUNDARY LINE ADJUSTMENT TO THE FINAL PLAT DATED \_\_\_\_\_ HAS BEEN APPROVED BY RESOLUTION OF THE DEVELOPMENT REVIEW BOARD OF THE TOWN OF MILTON, VERMONT, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, SUBJECT TO THE REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

BY \_\_\_\_\_ (CLERK OR CHAIRMAN)

**TOWN CLERK'S OFFICE**

TOWN OF MILTON, VT. \_\_\_\_\_, 2015

RECEIVED FOR RECORD AT \_\_\_\_\_ O'CLOCK

\_\_\_\_ M., AND RECORDED IN SLIDE# \_\_\_\_\_

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

**OWNERS/APPLICANTS**

CHAD & SHEILA C. EATON  
182 COOPER ROAD  
MILTON, VT 05468  
VOL. 312, PG. 60  
TAX MAP 8, PARCEL 11629b

RICHARD A. & CYNTHIA M. HARLOW  
201 COOPER ROAD  
MILTON, VT 05468  
VOL. 387, PG. 343  
TAX MAP 8, PARCEL 12461

ZONING DISTRICT: R-6 - SHORELINE RESIDENTIAL

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

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

\_\_\_\_ L.S.

date	description	by
REVISIONS		
THESE PLANS WITH LATEST REVISIONS SHOULD ONLY BE USED FOR THE PURPOSE SHOWN BELOW.		
<input type="checkbox"/>	SKETCH/CONCEPT	<input type="checkbox"/>
<input type="checkbox"/>	PRELIMINARY	<input type="checkbox"/>
<input checked="" type="checkbox"/>	FINAL LOCAL REVIEW	<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
LANDS OF		
<b>CHAD &amp; SHEILA EATON</b>		
AND		
<b>RICHARD &amp; CYNTHIA HARLOW</b>		
Cooper Road, Milton, Vermont		
<b>BOUNDARY LINE ADJUSTMENT PLAT</b>		
<b>LD LAMOUREUX &amp; DICKINSON</b>		
Consulting Engineers, Inc.		
14 Morse Drive		
Essex Junction, VT 05452		
Tel: 802-878-4450		
project no.	13072	
survey	JPS	
design	DLH	
drawn	JPS/DLH	
checked	DLH/DJG	
date	4-14-15	
scale	AS NOTED	
sht. no.	PL-1	

**RECEIVED**

APR 16 2015

Planning & Economic Development  
Milton, Vermont

P:\2013\13072\dwg\13072-PL.dwg, 4/14/2015 10:32:06 AM, 1:1.66974

1 **Minutes from**  
2 **TOWN OF MILTON – DEVELOPMENT REVIEW BOARD**  
3 **April 23, 2015**

4  
5 **A complete audio record of the meeting is available in the Planning and**  
6 **Economic Development office.**

7  
8 **Members Present:** Bruce Jenkins, Vice-Chair; Thomas Cole, Clerk; David Conley;  
9 Clayton Forgan

10 **Members Absent:** Henry Bonges

11 **Staff Present:** Jacob Hemmerick, Town Planner

12 **Others Present:** See attached sign-in sheet.  

---

13  
14 **CALL TO ORDER**

15  
16 Mr. Jenkins called the meeting to order at 7:01 pm.

17  
18 **ADDITIONS TO/DELETIONS FROM THE AGENDA**

19  
20 None.

21  
22 **PUBLIC FORUM**

23  
24 None.

25  
26 **PUBLIC HEARINGS ON APPLICATIONS**

27  
28 **Boundary Line Adjustment Application – Crest Drive 14 and 17 – Paul & Cynthia**  
29 **Mongeon and James & Wendy Payea, Owners/Applicants.** The Applicants are  
30 requesting Boundary Line Adjustment approval to adjust the property boundary between  
31 two adjacent lots located at 14 and 17 Crest Drive, described as Tax Map 11, Parcels 4-  
32 2 & 4-9. The proposal would transfer 0.17 acres from lot 2 (Parcel 4-2) to lot 1 (Parcel  
33 4-9). The subject properties contain a total of approximately 9.42 acres and are located  
34 within the “Medium Density Residential” (R2) Zoning District.

35  
36 Doug Goulette was present for this hearing. Mr. Jenkins administered the oath and read  
37 the numbered items from the Staff Report.

38  
39 In response to Item Number:

- 40 1. Mr. Goulette agreed to submit \$500 to cover the legal review of the deeds and  
41 any other required legal instruments by the Town Attorney.  
42 2. Mr. Goulette agreed to submit deeds and any other associated legal instruments  
43 for all impacted lots for review and approval by the Town Attorney. All requested  
44 revisions must be complete before the Plat may be recorded.  
45 3. Mr. Goulette agreed to submit one paper or electronic .PDF version of the  
46 revised final Plat for review and approval by Staff prior to submitting the mylar.

- 47 The Applicant shall also submit one full-sized (to scale) paper Final Plat and one  
48 11x17 paper plat depicting any requested changes, to be maintained in the  
49 Planning Office's application file.
- 50 4. Mr. Goulette agreed that the final Plat shall be in compliance with SR610 and  
51 submitted on mylar (18" x 24"), signed by the licensed surveyor and the Chair of  
52 the DRB, and recorded in the Town Clerk's Office within 180 days of the date of  
53 the DRB's Final Approval Decision per SR940.
- 54 5. "No changes, erasures, modifications, or revisions, other than those required by  
55 this Decision, shall be made on the Plat after approval unless a revised Plat is  
56 first submitted to the Department of Planning and Economic Development. In the  
57 event the subdivision plat is recorded without complying with this requirement, the  
58 Plat shall be considered null and void," Mr. Goulette agreed.
- 59 6. "This proposal shall be completed, operated, and maintained as set forth in the  
60 plans and exhibits as approved by the Development Review Board and on file in  
61 the Department of Planning and Economic Development, and in accordance with  
62 the conditions of this approval," Mr. Goulette agreed.

63 **Motion** by David Conley, **second** by Clayton Forgan to **APPROVE** Paul & Cynthia  
64 Mongeon and James & Wendy Payea, Owner/Applicant's, Boundary Line Adjustment  
65 Application located at 14 & 17 Crest Drive. **Discussion:** None. **Vote:** Mr. Jenkins: yea;  
66 Mr. Cole: yea; Mr. Forgan: yea; Mr. Conley: yea. **MOTION PASSED.**

67  
68 Mr. Jenkins called for a short recess at 7:08p.m.

69  
70 The meeting was reconvened at 7:11p.m.

71  
72 **Boundary Line Adjustment Application – Bombardier Road, 59 Middle Road & 34**  
73 **Centre Drive – Cathedral Square Corporation, Applicant; Milton Church of Christ,**  
74 **Owner/Applicant; Milton New Life Christian Fellowship, Owner/Applicant,**  
75 **Houston Commons Development, LLC/Owner.** The Applicants are requesting  
76 Boundary Line Adjustment approval to adjust the property boundaries between three  
77 adjoining lots located at Bombardier Road, 59 Middle Road and 34 Center Drive  
78 described as SPAN#s 14174, 10684, 12120 and Tax Map 27, Parcels 15-2, 16 and 9-1.  
79 The proposal would transfer 19,964 square feet from Parcel 16 (59 Middle) and 12,955  
80 square feet from Parcel 9-1 (34 Centre) to Parcel 15-2 (Bombardier). The subject  
81 properties contain a total of approximately 3.76 acres and are located within the  
82 "Downtown Business" (DB1) Zoning District.

83  
84 Scott Homstead, Cindy Reed, Miranda Lescaze, and Al Kendall were present for this  
85 hearing. Mr. Jenkins administered the oath and read the numbered items from the Staff  
86 Report.

87  
88 In response to Item Number:

- 89 1. Mr. Homstead showed where the easements are located and stated that there  
90 are many old easements. He also stated that there are easements which are  
91 unaffected by the boundary line adjustment.

- 92 2. Mr. Homstead agreed to submit \$500 to cover the legal review of the deeds and  
93 any other required legal instruments by the Town Attorney.
- 94 3. Mr. Homstead agreed to submit deeds and any other associated legal  
95 instruments for all impacted lots for review and approval by the Town Attorney.  
96 All requested revisions must be complete before the Plat may be recorded.
- 97 4. Mr. Homstead agreed to submit one full-sized (to scale) paper Final Plat and  
98 one 11x17 paper plat depicting any requested changes, to be maintained in the  
99 Planning Office's application file.
- 100 5. Mr. Homstead agreed that the final Plat shall be in compliance with SR610 and  
101 submitted on mylar (18" x 24"), signed by the licensed surveyor and the Chair of  
102 the DRB, and recorded in the Town Clerk's Office within 180 days of the date of  
103 the DRB's Final Approval Decision per SR940.
- 104 6. "No changes, erasures, modifications, or revisions, other than those required by  
105 this Decision, shall be made on the Plat after approval unless a revised Plat is  
106 first submitted to the Department of Planning and Economic Development. In the  
107 event the subdivision plat is recorded without complying with this requirement, the  
108 Plat shall be considered null and void," Mr. Homstead agreed.
- 109 7. "This proposal shall be completed, operated, and maintained as set forth in the  
110 plans and exhibits as approved by the Development Review Board and on file in  
111 the Department of Planning and Economic Development, and in accordance with  
112 the conditions of this approval," Mr. Homstead agreed.
- 113 8. The Applicant shall address any remaining concerns of the DRB related to the  
114 SR700 Standards above.

115 **Motion** by Thomas Cole, **second** by Clayton Forgan to **APPROVE** Cathedral Square  
116 Corporation, Applicant; Milton Church of Christ, Owner/Applicant; Milton New Life  
117 Christian Fellowship, Owner/Applicant, Houston Commons Development, LLC/Owner,  
118 Boundary Line Adjustment Application located at Bombardier Road, 59 Middle Road &  
119 34 Centre Drive. **Discussion:** None. **Vote:** Mr. Jenkins: yea; Mr. Cole: yea; Mr. Forgan:  
120 yea; Mr. Conley: yea. **MOTION PASSED.**

121  
122 **Site Plan and Variance Application – 57-78 Bombardier Road - Cathedral Square**  
123 **Corporation c/o Cynthia Reid, Applicant, Houston Commons Development, LLC**  
124 **c/o Roger Rugg, Owner.** The Applicant is requesting Site Plan approval for a  
125 proposed 30-unit elderly housing complex located at Bombardier Road, described as  
126 Tax Map 27, Parcel 15-2. The project is proposed to be serviced by municipal water  
127 and sewer. Access is proposed off of Bombardier Road. The applicant requests a  
128 Variance from Zoning Regulation section 593.1's requirement to establish a private  
129 road. The subject property contains a total of 1.73 acres and is located within the  
130 "Downtown Business" (DB1) Zoning District.

131  
132 Scott Homstead, Cindy Reed, Miranda Lescaze, and Al Kendall were present for this  
133 hearing. Mr. Jenkins administered the oath and read the numbered items from the Staff  
134 Report.

135  
136 In response to Item Number:

- 137 1. "Site Plan approval shall be conditioned upon the approval of the preceding  
138 Boundary Line Adjustment (Case 2015-11), the recording of the associated Plat,  
139 and the recording of associated deeds in the Town of Milton Land Records," Mr.  
140 Homstead agreed.
- 141 2. Mr. Homstead agreed that the elderly housing complex shall comply with the  
142 provisions of the Fair Housing Act, as amended, 42 U.S.C. Sec. 3601 et seq.  
143 Applicable elderly housing regulations, as amended, of the U.S. Department of  
144 Housing and Urban Development shall also be complied with (ZR891.1).
- 145 3. "The site, all buildings and dwelling units shall comply with all applicable state and  
146 federal handicapped accessibility requirements, per ZR892.1(1)," Mr. Homstead  
147 agreed.
- 148 4. Mr. Homstead agreed that each unit shall host no more than two occupants.
- 149 5. Mr. Homstead agreed that all buildings in the elderly housing complex shall be  
150 located on the same lot.
- 151 6. Mr. Homstead agreed to provide adequate signage for the visitor parking areas  
152 and it shall be properly maintained in the winter; maintenance shall be through  
153 appropriate legal mechanisms, per ZR802.1(4).
- 154 7. Mr. Homstead agreed to include a note stating the percentage and area of open  
155 space in compliance with ZR892.1(6) on the Final Plans.
- 156 8. Mr. Homstead agreed to submit a federal compliance report and association  
157 documents, according to ZR892.1(7), for review and approval by the Town  
158 attorney prior to the issuance of a Zoning Permit.
- 159 9. Mr. Homstead agreed to obtain municipal water and sewer allocation prior to  
160 being eligible for a Zoning Permit.
- 161 10. Mr. Homstead agreed to obtain a State Water/Wastewater Permit prior to being  
162 eligible for a Zoning Permit.
- 163 11. Mr. Homstead agreed that the Final Plans shall be in compliance with the  
164 Driveway Standards of ZR593.2-7.
- 165 12. Mr. Homstead agreed that the Final Plans shall show a clearance of 15' at the  
166 rear loading area in compliance with ZR593.8 in order to allow the Fire Truck to  
167 turn around; the west elevation shows a barrier that may be lower than 15 feet.
- 168 13. "A Zoning Permit may be issued by the Zoning Administrator only after completion  
169 of a Highway Access Permit application and approval by the Town Engineer or  
170 Highway Superintendent," Mr. Homstead agreed.
- 171 14. Mr. Homstead agreed to have all new curb cuts or amended curb cuts inspected  
172 by the Town Engineer or Highway Superintendent to ensure compliance before a  
173 Certificate of Compliance is granted by the Zoning Administrator.
- 174 15. "If temporary construction structures are proposed, they shall be permitted in  
175 accordance with ZR560," Mr. Homstead agreed.
- 176 16. "The DRB may impose appropriate conditions and safeguards to meet Site Plan  
177 Standards, per ZR802.1," Mr. Homstead agreed.
- 178 17. Mr. Homstead agreed to establish a landscaping surety to guarantee the  
179 completion of the approved landscaping. There was discussion on the trees  
180 proposed in the greenbelt.
- 181 18. Mr. Homstead agreed to show signs on the Final Plans for all ADA spaces.

- 182 19. Mr. Homstead agreed to label curbing that appears on the plans but is not  
183 depicted in the legend, and appears to block access to the parking garage and  
184 loading area.
- 185 20. Mr. Homstead stated that a public bike rack is shown on the plans.
- 186 21. "The maximum HEIGHT for parking and streetlights should not exceed 20 feet  
187 from the ground to top of fixture," Mr. Homstead agreed.
- 188 22. Mr. Homstead agreed to obtain a Zoning Permit and an associated Certificate of  
189 Occupancy after construction is complete.
- 190 23. "In addition to any other remedies provided for by law, a Zoning Permit, Sign  
191 Permit, variance, CONDITIONAL USE approval, or Site Plan approval may be  
192 revoked by the Zoning Administrator or Development Review Board, whichever  
193 granted the permit or approval, for violation of these Regulations or the terms and  
194 conditions of the permit or approval," Mr. Homstead agreed.
- 195 24. Mr. Homstead agreed to submit \$500 to cover the legal review of the deeds and  
196 any other required legal instruments by the Town Attorney.
- 197 25. Mr. Homstead agreed to submit deeds and any other associated legal  
198 instruments for all impacted lots for review and approval by the Town Attorney.  
199 All requested revisions must be complete before the Plat may be recorded.
- 200 26. Mr. Homstead agreed to address all comments by the DRB Technical Advisory  
201 Committee. There was discussion on the landscaping and they will coordinate  
202 with the Fire Department. The applicant requested that they be able to maintain  
203 street trees within the public right-of-way.
- 204 26. Mr. Homstead agreed to obtain a Project Review Sheet from the Permit  
205 Specialist in the District 4 Regional Office of the Agency of Natural Resources,  
206 provide a copy to the Town, and obtain all required State permits and approvals
- 207 27. Mr. Homstead agreed to submit 3 full-sized (to scale) and 3 reduced (11 x 17)  
208 complete final plan sets depicting the requested changes. The revised plans  
209 must be deemed Final by the Town Planner prior to being eligible for a Zoning  
210 Permit from the Zoning Administrator
- 211 28. Mr. Homstead agreed to address any remaining concerns of the DRB related to  
212 the ZR802 Standards.

213  
214 Mr. Conley asked where they would be putting their snow. Mr. Homstead stated that  
215 they would be pushing it into the green area. There was a question about signage as  
216 well and where it would be located. Mr. Homstead stated there is still discussion on  
217 whether it would be located on the building or if there would be a freestanding sign.  
218 There was also discussion about sidewalks and pathways.

219  
220 Hearing closed at 8:08p.m.

221  
222 **Site Plan Application – 59 Middle Road -- Milton Church of Christ c/o Al Kendall,**  
223 **Owner/Applicant.** The Applicant is requesting Site Plan approval to upgrade the  
224 existing gravel parking area at the Milton Church of Christ. The Applicant proposes a  
225 38car paved parking lot and new landscaping. Access is proposed via an existing  
226 entrance off of Middle Road. The subject property is located at 59 Middle Road,  
227 described as Tax Map 27, Parcel 16, SPAN #10684. The subject property contains a

228 total of 0.98 acres and is located within the “Downtown Business” (DB1) Zoning District.  
229

230 Scott Homstead, Cindy Reed, Miranda Lescaze, and Al Kendall were present for this  
231 hearing. Mr. Jenkins administered the oath and read the numbered items from the Staff  
232 Report.  
233

234 In response to Item Number:

- 235 1. “Site Plan approval shall be conditioned upon the approval of the preceding  
236 Boundary Line Adjustment (Case 2015-11), the recording of the associated Plat,  
237 and the recording of associated deeds in the Town of Milton Land Records,” Mr.  
238 Homstead agreed.
- 239 2. “The DRB may impose appropriate conditions and safeguards to meet Site Plan  
240 Standards, per ZR802.1,” Mr. Homstead agreed.
- 241 3. Mr. Homstead agreed to show utilities on the Final Plans.
- 242 4. Mr. Homstead stated that he doesn’t see anything that would trigger a need for a  
243 State Water/Wastewater Permit.
- 244 5. Mr. Homstead agreed to build the driveways to the driveway specifications as  
245 defined in the Public Works Specifications, per ZR593.2.
- 246 6. Mr. Homstead agreed to complete a Highway Access Permit application.
- 247 7. Mr. Homstead agreed that all new curb cuts or amended curb cuts shall be  
248 inspected by the Town Engineer or Highway Superintendent to ensure  
249 compliance.
- 250 8. Mr. Homstead agreed to establish a landscaping surety to guarantee the  
251 completion of the approved landscaping and will be held to guarantee survival for  
252 a period of three years from installation.
- 253 9. Mr. Homstead agreed to note the number of church seats.
- 254 10. Mr. Homstead agreed to remove the ADA space blocking access to the existing  
255 paved walk and ramp from the Final Plans.
- 256 11. Mr. Homstead agreed to show parking blocks or curbing for those spaces  
257 fronting Middle Road, per ZR812.4. He did question the need for them. Mr.  
258 Conley asked if any lighting was proposed Mr. Homstead stated that they are not  
259 proposing any additional lighting, there are no night events.
- 260 12. Mr. Homstead explained the sheet flow, infiltration areas, and overall drainage  
261 plan to the Board, explaining how the stormwater plan will not impact neighboring  
262 properties or the public right-of-way.
- 263 13. Mr. Homstead agreed to show queue storage in compliance with ZR814.7(2).
- 264 14. Mr. Homstead agreed to clear visibility triangles of visual obstructions in  
265 compliance with ZR814.2.
- 266 15. Mr. Homstead agreed to show a connection between the front existing paved  
267 walk and the building on the Final Plans.
- 268 16. Mr. Homstead agreed to show sidewalks and specifications according to Zoning  
269 Regulations Section 817 on the Final Plans.
- 270 17. Mr. Homstead agreed to include a public bike rack per ZR819 on the Final Plans.

- 271 18. Mr. Homstead agreed to show the location of existing light fixtures as well as the  
272 addition of a lamp near the ADA spaces and the central parking lot island, in  
273 accordance with ZR820.
- 274 19. Mr. Homstead agreed to obtain a Zoning Permit and an associated Certificate of  
275 Compliance after construction is complete.
- 276 20. "In addition to any other remedies provided for by law, a Zoning Permit, Sign  
277 Permit, or Site Plan approval may be revoked by the Zoning Administrator or  
278 Development Review Board, whichever granted the permit or approval, for  
279 violation of these Regulations or the terms and conditions of the permit or  
280 approval," Mr. Homstead agreed.
- 281 21. Mr. Homstead agreed to address all comments by the DRB Technical Advisory  
282 Committee. Mr. Homstead stated that rather than relocate the hydrant they would  
283 relocate their entrance. The applicant agreed to provide an easement to allow the  
284 sidewalk to go around the hydrant.
- 285 22. "All public infrastructure (sidewalk/hydrant) shall be approved in accordance with  
286 the procedures in the Public Works Specifications Section 110 (on the  
287 acceptance of public infrastructure)," Mr Homstead agreed.
- 288 23. Mr. Homstead agreed to must obtain a Project Review Sheet from the Permit  
289 Specialist in the District 4 Regional Office of the Agency of Natural Resources,  
290 provide a copy to the Town, and obtain all required State permits and approvals.
- 291 24. Mr. Homstead agreed to shall submit 3 full-sized (to scale) and 3 reduced (11 x  
292 17) complete final plan sets depicting the requested changes.
- 293 25. "The Applicant shall address any remaining concerns of the DRB related to the  
294 ZR802 Standards above," Mr. Homstead agreed.

295

296 Hearing closed at 8:35p.m.

297

298 **OTHER BUSINESS**

299

300 Mr. Hemmerick reviewed the Memo included in the packet, going over activities of other  
301 Boards/Commissions, upcoming DRB applications, continuing education opportunities,  
302 personnel changes, development review consultations, and other activities.

303

304 Mr. Hemmerick and the DRB discussed the Interim Zoning.

305

306 **APPROVAL OF MINUTES**

307

308 **Motion by** David Conley, **second by** Thomas Cole to approve the minutes of April 9,  
309 2015. Discussion: None. Vote: Mr. Jenkins: yea; Mr. Forgan: yea; Mr. Cole: yea; Mr.  
310 Conley: yea. **MOTION PASSED.**

311

312 **DELIBERATIVE SESSION**

313

314 **Motion by** Thomas Cole, **second by** Clayton Forgan, to enter Deliberative Session at  
315 8:55 pm. Discussion: None. Vote: Mr. Jenkins: yea; Mr. Cole: yea; Mr. Forgan: yea; Mr.  
316 Conley: yea. **MOTION PASSED.**

317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350

**PUBLIC SESSION**

**Motion by David Conley, second by Clayton Forgan** to re-enter Public Session 9:24 pm. Discussion: None. Vote: Mr. Jenkins: yea; Mr. Cole: yea; Mr. Forgan; yea, Mr. Conley: yea. **MOTION PASSED.**

**ADJOURNMENT**

**Motion by David Conley, second by Clayton Forgan,** to adjourn the meeting at 9:24 pm. Discussion: None. Vote: Mr. Jenkins: yea; Mr. Cole: yea; Mr. Forgan: yea; Mr. Conley: yea. **MOTION PASSED.**

Respectfully submitted,

\_\_\_\_\_  
Bruce Jenkins  
Vice-Chair and Acting Chair

\_\_\_\_\_  
Meghan Grant  
Planning Assistant

Date Approved: \_\_\_\_\_