



DEVELOPMENT REVIEW BOARD

Meeting Type: **Regular Meeting** (2nd and 4th Thursdays of each Month)
Date: **Thursday, September 22, 2016**
Time: **7:00 p.m.**
Place: **Municipal Building Community Room**
Address: **43 Bombardier Road Milton, VT 05468**
Contact: **(802) 893-1186**
Website: **www.miltonvt.org**

PUBLIC NOTICE OF MEETING & HEARINGS

Bruce Jenkins, Chair David Conley, Vice Chair Henry Bonges, Clerk Julie Rutz Robert Brisson

AGENDA

1. Call to Order
2. Attendance
3. Agenda Review
4. Public Forum
The public may attend and be heard in accordance with Vermont's Open Meeting Law (1 V.S.A. 312).
5. Organizational Meeting: Election of Officers
Action: Elect Chair, Vice-Chair, and Clerk pursuant to DRB Bylaws Article III, Section 1: "The Board shall organize and elect by majority vote of all members present and voting, a Chairperson, Vice-Chairperson, and a Clerk at the first regularly scheduled meeting subsequent to annual appointments by the Town of Milton Selectboard."
6. Old Hearings/Business
6(A). Bylaw Review & Goals
Action: Review Bylaws and identify amendments for drafting as needed; Identify any goals for year.
7. New Hearings/Business
7(A). Minor Conventional Subdivision Sketch Plan Hearing
The applicant, Joseph Blondin, requests Minor Conventional Subdivision Sketch Plan and Variance approval pursuant to the Town's Zoning and Subdivision Regulations. The 33.76 acre lot located within the Agricultural/Rural Residential (R5) Zoning District and East Milton Planning Area is owned by Joan Blondin and described as 860 East Road; Tax Map 4, Parcel 31; SPAN 12711. The proposal would divide the property into three lots served by on-site water and wastewater, as well as create a new private road. A variance is requested from the lot width-to-depth ratio requirement.
8. Planning Staff Report
9. Other Business
None
10. Minutes of September 8, 2016
Action: Approve Minutes as presented or amended.
11. Possible Deliberative Session
Private session for deliberations on applications and written decisions in accordance with 1V.S.A. 312.
12. Adjournment


Jacob Hemmerick, Planning Director

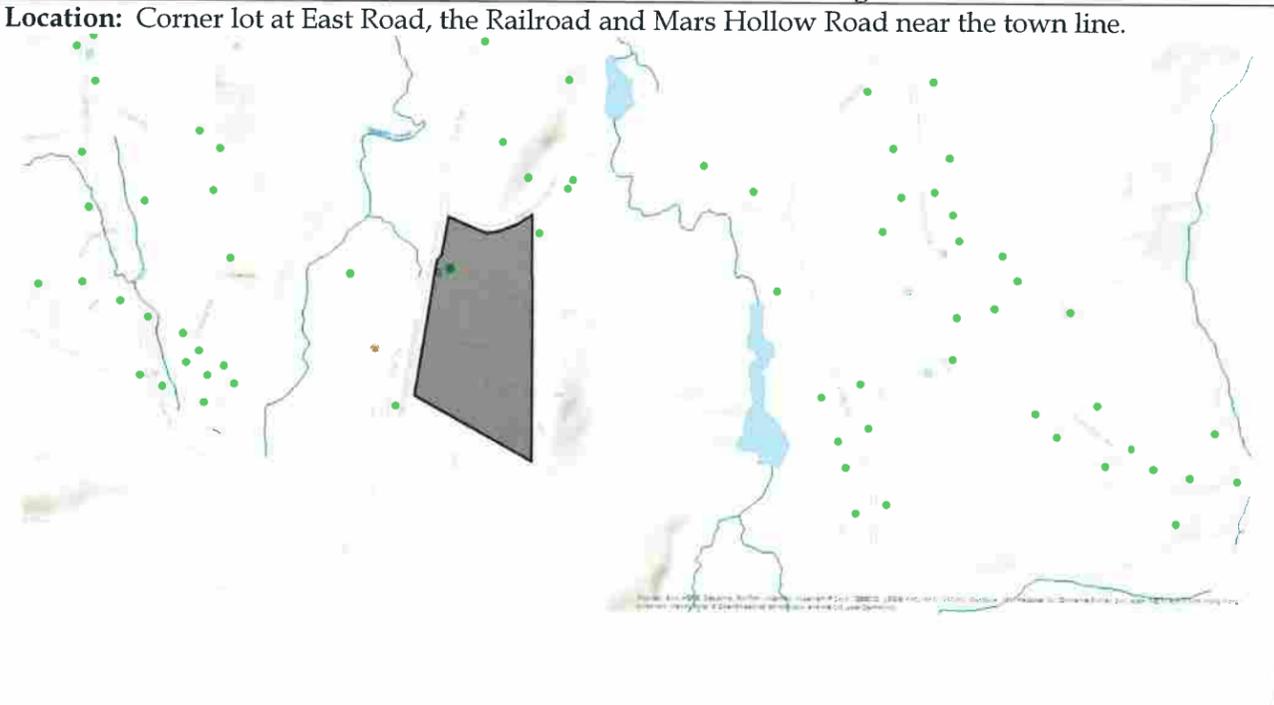
Filed in the Town Clerk's Office. Posted in the Municipal Building Lobby, Planning & Economic Development Department, Town's Facebook page, Town's DRB webpage, Middle Road Market, Milton Beverage, & Rene's Discount Beverage. E-mailed to the Regional Planning Commission, Burlington Free Press, Milton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



PLANNING DIVISION

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

DEVELOPMENT REVIEW BOARD STAFF REPORT

Hearing Date: September 22, 2016	
Case No: DRB 2016-31	
Application(s): Minor Conventional Subdivision	
Application Received: August 22, 2016	
Application Deemed Complete: August 30, 2016	
Staff Report Finalized: September 18, 2016	
Applicant(s): Joseph Blondin 860 East Rd. Milton, VT 05468 802.316.1847 tufplustc.jb@gmail.com	Owner(s): Joan Blondin 356 Watkins Rd. Colchester, VT 054446 802.893.2412
Engineer/License: None	Surveyor/License: David Tudhope, LS # 538 74 Cayuga Ct. Burlington, VT 05408 802.862.9360 dtudhope@aol.com
E-911/Postal Address: 860 East Rd.	
Tax Map, Parcel(s): 4, 41	
School Parcel Account Number(s) (SPAN): 12711	
Deed(s): 419/269	
Existing Size: 33.76	
Zoning District(s): Agricultural Rural Residential "R5"	
Comprehensive Plan Planning Area/Sub-Area: East Milton Planning Area	
Location: Corner lot at East Road, the Railroad and Mars Hollow Road near the town line.	
	

INTRODUCTION

Noticed/Warned Summary of Proposal: The applicant, **Joseph Blondin**, requests **Minor Conventional Subdivision Sketch Plan** and **Variance** approval pursuant to the Town's Zoning and Subdivision Regulations. The 33.76 acre lot located within the Agricultural/Rural Residential (R5) Zoning District and East Milton Planning Area is owned by **Joan Blondin** and described as 860 East Road; Tax Map 4, Parcel 31; SPAN 12711. The proposal would divide the property into three lots served by on-site water and wastewater, as well as create a new private road. A variance is requested from the lot width-to-depth ratio requirement.

Comments: Jacob Hemmerick, Planning Director, herein referred to as staff, has reviewed the application, materials and plans submitted and have the following comments.

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

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

APPLICATION, JURISDICTION, NOTICE

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

Applicant(s): The application was submitted by Joseph Blondin referred to hereafter as the "applicant".

Applicant's Legal Interest in Land: is stated as ownership in fee simple. Staff finds that the applicant does not own the land, but understands that he is related to the landowner.

Landowner(s): The property is owned by Joan Blondin. Joan Blondin is signatory to this application.

Project Consultant(s): David Tudhope, Surveyor (LS#583) is a consultant for this project.

Application Submission: The application form was received by the Planning and Economic Development Department on August 22, 2016.

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

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

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

State Project Review: The applicant has not obtained a State Project Review Sheet from the State of Vermont at this stage. The applicant states the project will not be subject to Act250 jurisdiction.

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

Application Completion: The application was deemed complete by Jacob Hemmerick, Planning Director.

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

Hearing: The Planning Director scheduled the hearing for September 22, 2016.

Site Visit: The DRB may schedule a site visit and recess the hearing to a subsequent meeting date if on-site observation would better inform the DRB's decision. Staff recommends that the DRB require a site visit prior to the Final Minor Conventional Subdivision Plan hearing, particularly because the site presents some unique natural resource constraints and a variance has been requested.

1. The applicant shall schedule a site visit prior to the final plan hearing.

EXHIBITS

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

- Exhibit 1: Subdivisions Plan by David Tudhope dated February 25, 2016.

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

- Variance Request Form & Statement
- 3-lot Minor Conventional Subdivision Sketch Plan approval dated June 11, 2015
- Technical Advisory Committee (TAC) Police Review Sheet dated September 2, 2016
- TAC Recreation Review Sheet dated August 31, 2016
- TAC Water/Wastewater Review e-mail dated September 2, 2016
- TAC School Review dated September 6, 2016

The following Departments did not submit review sheets:

- Highway Department; and
- Fire/Rescue Department.

SITE, DISTRICT & AREA INFORMATION

Property Location: The subject property is located at 860 East Road and shown on Milton's Tax Map 4 as Parcel 31. The corresponding School Parcel Account Number (SPAN) is 396-123-12711.

Size/Area: According to the evidence presented, the subject parcel is approximately 33.76 acres. The Assessor's Grand List records this property as approximately 32 acres. If this subdivision received final approval and the plat recorded, the assessor will update the Grand List to reflect this difference.

Area Within Restrictive Easements/Right-of-Ways: The applicant declined to disclose the amount of encumbered land within restrictive easements or right of ways in the application and none are shown on the plat. It is likely that there are none, but just to be sure:

2. The applicant shall search the land records and the Final Plan shall show any existing encumbered areas (such as easements, covenants, rights of ways, etc.) not controlled by the landowner.

Deed(s): The property deed was recorded on May 24, 2012 in Book 419, Page 269 of the Town of Milton Land Records to Joan Blondin.

Survey Status: The application states that a recorded survey plat has been recorded in the Town of Milton land records, but did not provide a Map/Slide number or a copy of the recorded plat. However, the applicant attests that the exhibits are consistent with the recorded plat.

3. The Final Plan application shall include a copy of the recorded plat.

Zoning District(s): The site is located entirely within the R5, Agricultural Rural Zoning District described on the Town of Milton Zoning Map, last amended August 22, 2011, on record and display at the Municipal Offices and available on the Town's website. The ZR341 states that the purpose of this district is to:

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

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

This area has the highest potential for resource utilization and the highest concentration of natural resources in need of protection. It is recommended to encourage agricultural uses, especially diversification in agricultural uses.

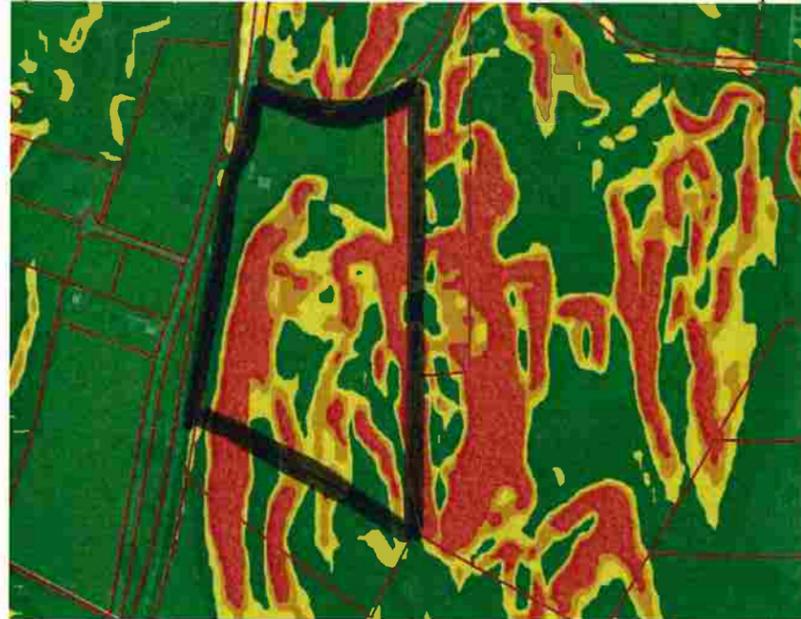
Other resource utilization activities include forestry, mineral extraction and recreation. Natural resource protection is of particular concern in this area. Natural resources addressed in this plan include: mountains and ridgelines, lakes and rivers, floodplains, wetlands, high elevation areas, deer yards, endangered species habitats, and other unique natural areas.

It is the intent of this area that mostly low intensity planned unit residential developments occur, taking into account the need to provide for resource utilization activities and to protect natural resources. The encouragement of cluster developments and purchase of development rights through land trusts are important.

- Goal 9.13.1. Encourage a diversity of agricultural uses
- Goal 9.13.2. Encourage low density, well planned unit residential development, which enhances the character of the area.
 - Object 9.13.2.a. Develop standards to encourage low density, well planned unit residential developments that work with the natural features of the landscape.
- Goal 9.13.3. Promote the development of community activities for a range of ages.
 - Objective 9.13.3.a Encourage the creation of outdoor recreation facilities for children and adults.
- Goal 9.13.4. Encourage the preservation of historic sites.

Physical Characteristics/Natural Features:

Topography & Drainage (Plan Map 5): The applicant proposes no excavation fill or grading and notes 100' steeply sloped ledge. Staff finds that the construction of the required private road (needed to create frontage) would likely involve all of these. Staff finds that the site has varied terrain with some very steep slopes. It drains directly to Lake Champlain through the Mallets Creek watershed. The ANR Natural Resource Map below shows slopes exceeding 25% in red, 20-25% in orange, 15-20% in yellow, and less than 15% in green. The elevation contour lines are shown on the sketch plan.



Streams and Shoreline (Plan Map 6): The applicant states that there are no mapped streams or shorelines. Staff finds that the site has no mapped streams or water bodies, although there is a small pond mapped next to the existing house.

Wetlands (Map 6): The applicant states that there are no wetlands. Staff finds that the Town Plan and ANR's Natural Resource Atlas shows no presumed wetlands.

Soil (Map 7): The applicant states that there are no agricultural soils present on the site. Staff finds that the site contains limited statewide significant agricultural soils in the low lying section near the existing house, some of which would be impacted by the proposed road.

Vegetation: The site is partially wooded with some open field near the East Mars Hollow Intersection.

Habitat/Wildlife Crossings (Map 9): The applicant states that there are no wildlife resources on the property. Staff finds that the lot contains a habitat block carrying the highest level of statewide priority by the Department of Fish and Wildlife. This approx. 220-acre area in dark green (below) is the only section of Town that has this top designation.



Historic Resources: The applicant states that there are no historic resources on the site. Staff finds that the existing house is on the Milton's Historic Sites and Structures Survey as #0410-1, known as the Carey House at the Iron Bridge. This brick home was designed in the Federal style. Henry O. Clark was born in the house, an early enlistee in the Civil War who made the rank of Sargent, fought under Stannard at Gettysburg, and returned to Milton to open a general merchandise store. The brickwork on the east wall was inscribed when wet 'C.H.W. Jonesville, Vermont.' When the Central Vermont railroad was put through the tracks divided this farm. The barns were originally on the west side of the road.

Surrounding Use/Structures & Like Kind Quality: The site is surrounded by residential and agricultural uses. The applicant states that the proposal will be of like kind in that it is private, with little light pollution and traffic.

SITE HISTORY

Background: The subject property has the following approvals that Staff has found relevant to this application

- 3-lot Minor Conventional Subdivision Sketch Plan approval dated June 11, 2015.

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

EXISTING AND PROPOSED LAND DEVELOPMENT

Buildings: Lot 1 contains the existing, historic home served by on-site water and wastewater. The house is accessed via a low-visibility access near the railroad underpass, which anecdotally is said to have frequent accidents. No change is proposed to the building or access.

Units: The existing building contains a single-family dwelling unit. No other buildings or units within a building containing a principal use are on the site.

Structures: Lot 1 also contains an accessory barn structure. No changes is proposed.

Uses: All three lots are proposed for single family dwelling unit uses, which conform to the Zoning District's permitted use table.

SUBDIVISION REVIEW REGULATIONS

Article III, Sketch Plan

SR300, Sketch Plan Application Requirements: SR300 lists sketch plan requirements. SR300.9 requires that the Zoning District be listed. Staff did not locate the Zoning District on the plan.

4. The Final Plan application shall include the Zoning District on the survey plat.

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

SR330, Regulatory Conformance: SR 330 states that the DRB shall study the sketch plan to determine whether or not it conforms to, or would be in conflict with the Plan, the Zoning Regulations, and any other By-laws then in effect, and shall where it deems, necessary make specific recommendations for changes in subsequent submissions. The DRB may also require where necessary for the protection of the public health, safety and welfare that a minor subdivision comply with all or some of the requirements specified in these regulations for major subdivisions.

ZONING DISTRICT CONFORMITY

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

ZR 342, Dimensional Requirements: The table below shows the required dimensional requirements for the subject property's Zoning District, as well as the existing and proposed compliance.

LOT 1	Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	400,000 (9.18 acres)	33.76	14.8 acres
Minimum Road FRONTAGE (linear ft.)	400	Approx. 950	721
Minimum FRONT SETBACK (linear ft.)	35	Approx. 20	20
Minimum SIDE SETBACK (linear ft.)	50	>50	>50
Minimum REAR SETBACK (linear ft.)	50	>50	>50
Maximum BUILDING COVERAGE (%)	40	<40	<40
Maximum LOT COVERAGE (%)	15	n/a	n/a

Staff finds that lot 1 contains a non-conforming building (within the front setback) that would not become more non-conforming as a result of this proposal. The lot does not, however, comply with the maximum width to depth ratio of 1:3 as established by ZR640. The applicant has requested a variance from this, and the arguments for this variance are attached. Staff recommends that the DRB decide this question at final and that the applicant redesign the subdivision so that it does not require variance.

LOT 2	Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	400,000 (9.18 acres)	33.76	9.19 acres
Minimum Road FRONTAGE (linear ft.)	400	Approx. 950	>400
Minimum FRONT SETBACK (linear ft.)	35	Approx. 20	n/a
Minimum SIDE SETBACK (linear ft.)	50	>50	n/a
Minimum REAR SETBACK (linear ft.)	50	>50	n/a
Maximum BUILDING COVERAGE (%)	40	<40	n/a
Maximum LOT COVERAGE (%)	15	n/a	n/a

Staff finds that lot 2 complies with the district's dimensional requirements, including the width to depth ratio.

LOT 3	Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	400,000 (9.18 acres)	33.76	9.77 acres
Minimum Road FRONTAGE (linear ft.)	400	Approx. 950	598.33
Minimum FRONT SETBACK (linear ft.)	35	Approx. 20	n/a
Minimum SIDE SETBACK (linear ft.)	50	>50	n/a
Minimum REAR SETBACK (linear ft.)	50	>50	n/a
Maximum BUILDING COVERAGE (%)	40	<40	n/a
Maximum LOT COVERAGE (%)	15	n/a	n/a

Staff finds that lot 3 does not comply with the district's dimensional requirements because frontage cannot be created by a right-of-way alone or a driveway. To create frontage, a private road must be both delineated and built. This finding is backed up by Milton's definition of frontage and street in ZR1110 as well as ZR530 which outlines standards for required frontage and approved access. Furthermore, the Regulations require a width of 60 feet in the private road section. In April 2015, the DRB denied a sketch

plan for failure to provide frontage in a somewhat similar Minor Conventional Subdivision Sketch Plan proposal. Also, a road of this length would require a maximum road length waiver from the DRB at Final.

5. The applicant shall show a private road to be constructed within the proposed private right of way (meeting the private road standards of ZR592 and the Town of Milton Public Works Specifications) which creates the required minimum frontage for lot 3. Due to the steep slopes, the applicant shall also provide a full road profile with water management.

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

Article IV, Minor Subdivision Application,

SR400, Application

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

Article VII, Subdivision Planning Standards

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

700.1, Suitability for Development: The DRB must find that “The land is suitable for subdivision or development. In making this determination it shall at least consider flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.” Staff finds that the land is steep and would be better developed as a clustered Planned Unit Development with housing closer to East and Mars Hollow Road.

700.2, Preservation of Aesthetic Features: The DRB must find that, “the proposal includes due regard for the preservation and protection of existing aesthetic features such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources and historical resources.” Staff finds that the proposal does not take into account the habitat significance and the impact private road construction could have on drainage patterns and existing ledge. A clustered PUD, which is prioritized in the Plan, would have less impact.

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

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

The construction of such a long road will add impervious surface. Drainage patterns should be examined closely at final. It is unclear to staff if there is sufficient control for runoff and erosion at this time.

700.5, Compliance with Comprehensive Plan, Regulations & Bylaws: The DRB must find that “The proposed development is in compliance with the Milton Comprehensive Plan, Zoning Regulations and other By-Laws then in effect.” Staff has highlighted the Plan goals for this area above.” Given that the plan prioritizes agricultural uses, preservation of historic resources, and the planned unit residential development use, Staff recommends a clustered PUD application for a reduced impact.

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

700.7, Compatibility with Surroundings: The DRB must find that “The proposed development is compatible with surrounding properties.” Staff finds that the lot sizes mimic typical development patterns in East Milton, although many houses are located closer to the existing road network.

700.8, Suitability for Proposed Density: The DRB must find that “The site is suitable for the proposed density.” Staff finds that the density is consistent with district standards and surrounding properties.

700.9, Pedestrian Safety: The DRB must find that “The proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.” Staff finds that there are no plans for sidewalks or pathways identified in Town Planning, and the low density does not call for sidewalk provision.

700.10, Municipal Service Burden: The DRB must find that “The proposed development will not place an unreasonable burden on the ability of local governmental units to provide municipal, educational, or governmental services and facilities.” Staff finds that this minor subdivision could potentially cause a municipal burden if the road layout prevents access by Fire and Rescue vehicles. This is something to consider in more detail with road profiles at final.

700.11, Sufficient Water/Wastewater: The DRB must find that “There is sufficient water available for the reasonably foreseeable needs of the proposed development.” Staff finds that all development will require a state water/wastewater permit prior to lot development. It is in the applicant’s interest to determine if the lot can sufficiently support on-site water wastewater early in the process.

700.12, Highway Congestion: The DRB must find that “The proposed development will not cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.” Staff finds that this the subdivision will not produce highway congestion, but does recommend that the applicant consider closing Lot 1’s existing access in favor of access from the new private road. The existing access has low visibility.

Article VIII, Required Improvements And Design Standards

SR800, Streets: Staff finds that the layout of the streets (given the information available) generally conforms to this section. At the site visit it will be beneficial to see the layout of the proposed private road and its relationship with the steep slopes.

7. The Final plan shall show a dead end in conformance with the Zoning and Public Work Specification Standards.

SR810, Curbs, Sidewalks, and Pedestrian Access: Pedestrian features are not proposed. Staff does not recommend pedestrian features.

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

SR830, Shade Trees: Shade trees and plantings are not proposed. Given the rural, wooded nature of this setting, staff does not recommend street trees for this minor subdivision.

SR840, Drainage: No stormwater management is shown.

8. The Final Plan shall include an adequate stormwater drainage plan.

SR850, Water System & SR860, Sewage Disposal: Water or waste water system locations are shown on the new lots. Development of these lots will require adequate water and wastewater and State water/wastewater permits before Zoning Permit can be issued.

SR870, Utilities: Staff recommends no easements at this time.

SR880, Layout: Staff finds that the lot layout conforms with the standards of 880, but would recommend that the lot lines not be bisected by the private road right of way. If the road were to be accepted as a class II Public road, this functionally subdivides the land according to Vermont Supreme Court Case law.

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

STAFF RECOMMENDATION

If this same plan were to return at final, staff would recommend that the DRB **deny** the **minor** conventional subdivision application.

Respectfully Submitted:



Jacob Hemmerick, Planning Director.

COPIES TO:

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

WHAT'S NEXT?

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

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

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

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

Application for Zoning Variance

This Application for Zoning Variance

BETWEEN: Town of Milton Vermont, Zoning Board

AND: Joseph M. Blondin, 860 East Road Milton, Vermont
05468

1. STATEMENT OF OWNERSHIP AND INTEREST

a. Applicant resides at 860 East Road Milton, VT 05468

2. REQUEST

a. To make "common land" a part of property at 860 East Rd.

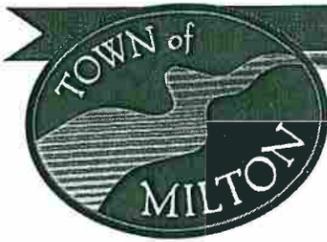
3. REASON FOR REQUEST

a. The above referenced provisions of the property would get rid of common land use, said land is (100) feet below a ledge and closer to Lot 1 (860 East Rd), thus, would be very difficult for others (new residence) to access, photos are attached.

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AUG 22 2013

Planning & Economic Development
Milton, Vermont



DEVELOPMENT REVIEW APPLICATION

Planning Division
43 Bombardier Road ♦ Milton, Vermont 05468-3205
(802) 893-1186
miltonvt.org/planning

Last revised: May 10, 2016

VARIANCE FORM (ZR§1070)

(Variances are extraordinary exceptions from the regulations and reviewed according to ZR§1071 and 1072 of the Zoning Regulations. Explain how the requested variance meets the review criteria below.)

If your project does not include a subdivision or site plan, check here to verify that you have attached a zoning permit drawing of the proposed development with all elements required on a Zoning Permit.

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

because of the elevation difference

Explain why (because of such physical circumstances or conditions) there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

makes 4 acres of useless land for lot 3

Explain how the hardship came to be:

b/c of the lay of the land

Check here to verify that such unnecessary hardship has not been created by you, the applicant/appellant.

Check here to verify that you understand and accept that the variance, if authorized, may not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate USE or development of adjacent property, reduce access to RENEWABLE ENERGY RESOURCES, nor be detrimental to the public welfare.

Explain how the variance, if authorized, would represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Regulations and from the Plan.

LOT LINES GENERALLY

Check here to verify that you understand and accept that a panel's variance approval shall expire one year from the date of issue if the a Zoning Permit is not pulled to activate the approval.

Expiration of Approval (ZR§1020)

Check here to verify that you understand and accept that a VARIANCE approval shall expire one year from the date of issue.

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AUG 22 2016

Planning & Economic Development
Milton, Vermont

TOWN OF MILTON DEVELOPMENT REVIEW BOARD

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



NOTICE OF DECISION 3-Lot Minor Conventional Subdivision, DRB Case 2015-16 860 East Road Joey Blondin

INTRODUCTION AND PROCEDURAL HISTORY

Applicant: This matter came before the Milton Development Review Board (DRB) on the application of Joey Blondin referred to hereafter as the "Applicant".

Application: The Applicant requested Minor Conventional Subdivision Sketch Plan approval. The application was submitted by the Applicant in person on May 12, 2015 and deemed complete by the Town Planner on May 12, 2015. The application form was signed by the applicant on May 3, 2015. 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: The property is owned by Joan Blondin and a deed of ownership is recorded in the Town's Land Records in volume 419, page 269. The owner is a signatory to this application.

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. SR130 states, "The 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."

Public Notice of Hearing: Public Notice was issued by the Department of Planning and Economic Development for the hearing according to Vermont Statutes Annotated Chapter 24 §4464. Adjoining property owners notified include: Mark Fantini, Deirdre Hurley, Scott LaFrance, Harold Legacy, John and Leslie Wheelock, Lisa Marshall, and Belva Meuelmans Trustee.

Hearing: The application was considered by the DRB at a public hearing on June 11, 2015 at 7:00 p.m.

DRB Participation: The DRB members who were present and participated at the hearing of April 9, 2015 were: Bruce Jenkins (Vice-Chair & Acting Chair), Clayton Forgan, David Conley, and Henry Bonges.

Applicant Representation: The Applicant was represented at the hearing by Joey Blondin and Chris Blondin.

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

Application Exhibits: The following exhibits were submitted with the application and attached to the Staff Report: Subdivision Plan by David A. Tudhope dated 2/25/15.

Staff Report Exhibits: The following exhibits were submitted by Staff and attached to the Staff Report:

- Recreation Technical Advisory Committee (TAC) Review Sheet dated 5/20/15
- Public Works Technical Advisory Committee (TAC) Review Sheet dated 5/26/2015
- School Technical Advisory Committee (TAC) Review Sheet dated 5/20/15
- Fire Technical Advisory Committee (TAC) Review Sheet dated 5/20/15
- Police Technical Advisory Committee (TAC) Review Sheet dated 5/20/15
- Map 7 of the Milton Comprehensive Plan
- Map 9 of the Milton comprehensive Plan

Waivers Requested: None.

Hearing Exhibits: No exhibits were submitted at the hearing.

FINDINGS OF FACT AND CONCLUSIONS

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

1. **Location:** The site is located at 860 East Road, described as Tax Map 4, Parcel 31 and School Parcel Account Number (SPAN) 12711.
2. **Size/Area:** According to the evidence presented, the subject parcel is approximately 33.8 acres.
3. **Zoning District & Planning Area:** The site is located within the Agricultural/Rural Residential (R5) Zoning District described on the Town of Milton Zoning Map, last amended August 22, 2011, on record and display at the Municipal Offices and available on the Town's website.
4. **Comprehensive Planning Area:** The site is located within the Cobble Hill Comprehensive Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan.
5. **Physical Characteristics/Natural Features:** The southeast corner of the site peaks at an elevation of 488 feet and slopes downhill (to the northwest) to an elevation of 280 feet. Most of the site is wooded but there are open fields near the existing, the northwest corner of the lot, which mirror the mapped statewide agricultural soil, as depicted as Map 7 of the Comprehensive Plan. Map 9 of the Comprehensive Plan shows that the property contains the most important wildlife habitat block in Milton, according to the Vermont Department of Fish and Wildlife. Milton's Mapviewer shows no stream courses or wetlands on the site.
6. **Existing Use/Structures/Characteristics:** The subject property contains one, single family dwelling unit built circa 1825 and an accessory structure. This structure is listed on the State Register of Historic Sites and Structures.
7. **Surrounding Use/Structures:** The adjoining properties predominantly contain single-family dwellings and agricultural uses
8. **Proposed Use/Structures:** The Applicant seeks a Sketch Plan approval for a 3-lot Minor Conventional Subdivision for residential use. Lot 1 contains the existing single family home and accessory structure.

9. **Access:** Lot 1 is accessed via an existing driveway off of East Road. Access to Lots 2 and 3 is proposed via a forty foot right-of-way off of Mars Hollow Road, which provides a second (rear) access to Lot 1.
10. **Utilities:** All lots will be served by on-site wastewater systems and drilled wells.
11. **Existing Restrictions or Covenants:** The Sketch Plan appears to show existing, unlabeled easements.
12. **Proposed Restrictions or Covenants:** The Sketch Plan proposes a 40 foot-wide private right-of-way with Blondin Court proposed as the Road Name. The Plan also shows building envelopes that do not correspond with the Zoning District setbacks. Since this is not a Planned Unit Development (PUD) and there is no reason to show buildable envelopes, Staff recommended that they be removed since this is a conventional subdivision and would only be enforced through an association. The Applicant explained that the buildable envelopes would be referenced in the deeds and are proposed to restrict buildings outside the envelopes and provide more privacy. In reviewing the building envelope lines, the DRB found that there are also some lines and labels that are not included in the legend. The Applicant agreed and the DRB concludes that the Final Plans shall clearly label all existing and proposed easements, and all lines shown on the Plans shall have a corresponding explanation in the legend.
13. **SR300, Sketch Plan Application Requirements:** SR300 requires a tax map reference on the Plan. A tax map reference is not listed. The Applicant agreed and the DRB concludes that the Final Plan shall include the tax map and parcel reference.
14. **SR320, Subdivision Classification:** "The DRB shall classify the sketch plan at the meeting as either a minor subdivision or a major subdivision." SR200.6 defines a "minor subdivision" as "Any subdivision containing less than seven lots; any planned residential development or planned unit development containing less than seven units." The proposal includes three lots. The DRB concludes that the proposal is therefore a minor subdivision.
15. **SR330, Regulatory Conformance:** "The DRB shall study the sketch plan to determine whether or not it conforms to, or would be in conflict with the Plan, the Zoning Regulations and any other By-laws then in effect, and shall where it deems necessary, make specific recommendations for changes in subsequent submissions. The DRB may also require where necessary for the protection of the public health, safety, and welfare that a minor subdivision comply with all or some of the requirements specified in these regulations for major subdivisions."
16. **SR340, Effect of Sketch Plan Approval:** "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."
17. **Section 700, Standards of Evaluation:** "Final approval of any subdivision [. . .] shall be based on a finding by the DRB that the subdivision is in accord with the following standards:"
 - a. **700.1, Suitability for Development:** "The land is suitable for subdivision or development. In making this determination it shall at least consider flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas."
 - b. **700.2, Preservation of Aesthetic Features:** "The proposal includes due regard for the preservation and protection of existing aesthetic features such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources and historical resources."
 - c. **700.3, Sufficient Open Space for Recreation:** "The proposal includes sufficient open space for recreation."

- d. **700.4, Run-off and Erosion Control During & After Construction:** "The proposal includes adequate provision for control of runoff and erosion during and after construction."
- e. **700.5, Compliance with Comprehensive Plan, Regulations & Bylaws:** "The proposed development is in compliance with the Milton Comprehensive Plan, Zoning Regulations and other By-Laws then in effect."
- f. **700.6, Undue Water or Air Pollution:** "The proposed development will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of the soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of stream for disposal of effluents; and the applicable health and Vermont Department of Water Resources regulations."
- g. **700.7, Compatibility with Surroundings:** "The proposed development is compatible with surrounding properties."
- h. **700.8, Suitability for Proposed Density:** "The site is suitable for the proposed density."
- i. **700.9, Pedestrian Safety:** "The proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness."
- j. **700.10, Municipal Service Burden:** "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."
- k. **700.11, Sufficient Water:** "There is sufficient water available for the reasonably foreseeable needs of the proposed development."
- l. **700.12, Highway Congestion:** "The proposed development will not cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town."

The Applicant agreed and the DRB concludes that the Final Plan Application shall include responses demonstrating accordance with Subdivision Regulations Section 700 standards.

18. **Comprehensive Plan Review:** The Cobble Hill Area is located south of the Town Core Planning Area, between the Catamount Planning Area to the west and the New England Central Railroad tracks to the east. This area is named after one of Milton's most prominent geographical features. Existing development mainly consists of low density residential use. Wetlands, steep slopes, and other natural resource constraints limit development potential in this area. Naturally occurring bedrock radiation associated with the Clarendon Springs formation also exists in some parts of the Cobble Hill Area, limiting the availability of potable water. Forestry and agricultural uses also exist in the Cobble Hill Area. The areas includes following goals:

The preferred future land uses for the Cobble Hill Area are forestry, agriculture, outdoor recreation, and low density clustered residential development. Agricultural enterprises help define the scenic character of the area, and such uses should be supported and encouraged.

Goal 9.8.1. Encourage a diversity of agricultural uses through creative economic strategies.

Goal 9.8.2. Encourage low density, well planned residential development which enhances the character of the area.

Objective 9.8.2.a. Develop standards and encourage low density, well planned residential developments

The DRB finds that the proposal is sufficiently consistent with the Comprehensive Plan.

19. **SR400, Application:** The Applicant agreed and the DRB concludes that within six (6) months of approval 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 the Subdivision Regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the DRB.

20. **SR800.2, Street Layout:** The section states, "Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless in the opinion of the DRB such extension is not necessary or desirable for the coordination of the layout of the proposed subdivision with the existing layout or the most advantageous future development of adjacent tracts." The DRB finds that the proposal shows the private right-of-way in compliance with this section, but that the Applicant will have to extend the actual street/road to the southern boundary to fully meet the standard, as well as create the required frontage.
21. **SR800.5, Dead Ends:** The section states, "No dead end streets shall be permitted without a suitable cul-de-sac at its terminus with a radius of not less than forty (40) feet, and no dead end street shall be more than one thousand (1000) feet in length." The 1,000-foot maximum may be waived according to the Zoning Regulations and is addressed below. This DRB finds that the length and cul-de-sac design can be reviewed in more detail at Final.
22. **SR810, Curbs, Sidewalks, and Pedestrian Accesses:** The Applicant proposes no curbs or sidewalks. The section states: "Curbs and sidewalks may be required when deemed appropriate by the DRB." At this stage, the DRB finds that no curbs or sidewalks are appropriate in this rural, low-density development.
23. **SR820, Outdoor Lighting:** The Applicant proposes no outdoor lighting. The section states: "Outdoor lighting may be required where deemed appropriate by the DRB to illuminate areas such as streets, sidewalks, and parking areas." At this stage, the DRB finds that no lighting is merited in this rural, low density area.
24. **SR830, Shade Trees:** The Applicant proposes no street trees. The section states, "The DRB may require that trees be planted along streets where trees do not exist at intervals of forty (40) feet or less." At this stage, the DRB does not see the need to require trees along Blondin Court, which is predominantly wooded.
25. **SR840, Drainage:** The Applicant proposes a new drainage flow path from the private road to a new pond with overflow being directed towards the East Road public right-of-way. ZR592.2 states, "Proper drainage facilities shall be constructed to ensure that PUBLIC ROADS are not subject to flooding or other damage from a PRIVATE ROADS." SR840 adds, "Where a subdivision is traversed by a water course or drainage way there shall be provided a storm water drainage easement of such width as to encompass the twenty-five (25) year flood area of such water course, which easement shall be indicated on the Final Plat. The subdivider's engineer shall provide such information as the DRB deems necessary to determine the adequacy of all proposed drainage facilities." The Applicant agreed and the DRB concludes that the Final Plans shall show a stormwater easement per SR840, and the Final Plan Application shall include a stormwater narrative; proper drainage facilities shall be constructed to ensure that PUBLIC ROADS are not subject to flooding or other damage from a PRIVATE ROADS, per ZR592.2.
26. **SR850, Water System and SR860, Sewage Disposal:** The DRB finds that the standards of these two sections are addressed through State water/wastewater permitting, which will be made conditions at Final.
27. **SR870, Utilities:** The Applicant proposes to service Lots 2 and 3 through buried electric lines within the Blondin Court right-of-way. SR870 states, "Easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision." The DRB finds that once the Final Plans have been revised with the require sixty-foot right-of-way, there will be adequate space.
28. **SR880, Layout:** The section states, "The layout of lots shall conform to the requirements of the Town's Zoning Regulations."

29. **Applicability of Dimensional Requirements, ZR 150:** The section states, "Every USE involving the construction, reconstruction, conversion, structural ALTERATION, relocation or enlargement of a STRUCTURE must comply with the minimum LOT AREA, FRONTAGE, SETBACK areas and all other requirements specified in these Regulations for the district in which the USE occurs."
30. **Zoning Districts:** The subject property is located entirely within the R5 Zoning District.
31. **District Permitted & Conditional Uses, ZR 342:** The Applicant proposes three (3) residential lots for Single Family Dwelling use. The R5 District permits the Single Family Dwelling use.
32. **Zoning District Purpose, ZR 341:** The section states, "The purpose of the R5 Zoning District is to provide for continued AGRICULTURE, FORESTRY and open space USES together with compatible low density residential development. Large portions of the town have been included in this area because of a combination of circumstances, including high agricultural potential, distance from community facilities, often severe limitations to development, and natural patterns of dispersed development."
33. **District Dimensional Requirements, ZR334:** The DRB finds that the Applicant did not list exact dimensional numbers for any lot in the application form tables (to demonstrate compliance with the standards) except for the lot areas. Staff noted that the Applicant proposed a 35 foot setback on Lot 1, but it appeared that the existing historic structure is set back less than 35 feet from the front property line. Staff recommended that the Final Plans shall account for the existing structure in the proposed dimensional tables, unless the applicant intends to demolish the existing structure. The Applicant stated that no demolition is proposed. The Applicant agreed and the DRB concludes that the Final Plans shall show the exact dimensional standards for existing development to be retained, and label all structures to be demolished. For Lot 2, Staff stated that the frontage listed in the application table did not match the plans. For Lot 3, Staff stated that the frontage listed in the application table did not match the plans, adding that the right-of-way alone does not meet the definition of frontage; the road must be built and shown on the plat to create frontage. The Applicant agreed and the DRB concludes that the Final Plan Application shall label the exact proposed road frontage for all lots.
34. **Required Frontage and Approved Access, ZR530:** The applicant proposed a 40-foot wide right-of-way. "Land development shall only be permitted on lots having frontage on public waters, lots having access on a PUBLIC ROAD meeting Class 1, 2, or 3 state standards, or, with the approval of the Development Review Board, lots having access to a PUBLIC ROAD meeting Class 1, 2, or 3 state standards over a permanent, private easement or private right-of-way at least 60-feet wide. No Zoning Permit shall be issued for construction or development of any kind on a lot without FRONTAGE on a PUBLIC ROAD or waters until a permanent easement or right-of-way has been approved by the Development Review Board, in accordance with their right-of-way policy." ZR1110 defines FRONTAGE as, "That portion of a lot, required by Section 530, which abuts on a public STREET, public waters, approved private STREET, or approved public right-of-way. The minimum required FRONTAGE for a lot, as prescribed in Articles III and IV, shall be provided along a continuous front property line of a lot and shall be maintained for a depth of at least one hundred (100) feet. CORNER LOTS, which abut STREETS intersecting at an angle of less than 120 degrees, shall provide the required FRONTAGE and FRONT SETBACK along each STREET. SHORELINE FRONTAGE shall be measured from the ordinary high water mark of a lake or pond." ZR1110 defines STREET as, "A public or properly approved private thoroughfare for vehicular traffic which serves as the principal means of access to more than three DWELLING UNITS." SR200.12 defines STREET as, "Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used by the public for vehicular traffic." The Applicant agreed that the Final Plans shall show 60-foot wide right-of-way per ZR530, meeting the private road standards of ZR592, with at least 400 feet frontage along Lots 2 and 3.

35. **ZR590, Roads and Drives:** The section states, "All roads and drives shall conform to the requirements of this Section."
36. **ZR592.1, Private Road Specifications:** The section states, "PRIVATE ROADS must be built to the PRIVATE ROAD specifications as defined in the Public Works Specifications, per ZR592.1." The Applicant agreed and the DRB concludes that the Final Plans shall show Private Roads built to Private Road specifications per ZR592.1.
37. **ZR592.7, Private Road Length Maximum:** The section states: "The maximum length of the PRIVATE RIGHT-OF-WAY for any residential subdivision shall be one thousand linear (1000) feet in its entirety; this requirement may be waived by the Development Review Board if it is determined that the roadway proposed can provide safe access for emergency vehicles. This length shall be measured from the intersection with a PUBLIC RIGHT-OF-WAY." The proposed private road exceeds the maximum length of 1,000 feet, which may be waived by the DRB. The Applicant agreed that the DRB may determine if the roadway can provide safe access for emergency vehicles and can waive the 1,000-foot length maximum accordingly. The DRB concludes that this can be evaluated at Final.
38. **ZR592.8, Private Road Pullouts:** The section states, "All PRIVATE RIGHTS-OF-WAY in excess of five hundred (500) feet shall provide at least one pullout area every five hundred (500) feet, the exact location of which shall be determined through the subdivision review process." The DRB finds that this can be evaluated in more detail at Final.
39. **ZR592.9, Private Road Steep Grade Paving:** The section states, "A PRIVATE RIGHT-OF-WAY shall be paved when the grade of the roadbed exceeds 7%."; and ZR592.10 states, "No roadway within a PRIVATE RIGHT-OF-WAY shall be constructed with a grade greater than 10%." The DRB will evaluate the grade at Final.
40. **ZR592.13, Private Road Ownership Declarations:** The section states, "Deeds or declarations creating PRIVATE RIGHTS-OF-WAY approved by the Development Review Board shall contain legally binding covenants, running with the land, absolving the Town from taking over said right-of-way as a Town highway; such covenants shall be included in the recorded deeds for each parcel created through the subdivision, and this condition shall be clearly indicated on the final subdivision plat for the development; such agreements shall inform all current and future land owners that the Town shall not be asked to maintain or take over the right of way in the future; such agreement shall involve all units that utilize the right-of-way regardless of whether said lot was created through the subdivision." The DRB finds that this can be considered in more detail at Final.
41. **ZR592.14, Private Road Shared Maintenance Agreement:** The section states, "The USE of a PRIVATE RIGHT-OF-WAY shall require a legally executed agreement for the perpetual maintenance of the right-of-way by future owners of lots within the subdivision or for any lot utilizing the right-of-way for access regardless of whether said lot was created through the subdivision. A Homeowners Association must be established in order to ensure proper maintenance of the right-of-way in the future." The DRB finds that this can be considered in more detail at Final.
42. **ZR592.15, Private Road Roadway Profile:** Per this section, the Applicant agreed and the DRB concludes that "when a PRIVATE RIGHT-OF-WAY is proposed, the applicant shall provide a roadway profile by a certified engineer guaranteeing compliance with the terms of this Section; no PRIVATE RIGHT-OF-WAY shall be approved by the Development Review Board without the receipt of a letter of approval from the Town's Fire Chief, Police Chief or Rescue Squad stating that the right-of-way will provide safe access to each DWELLING UNIT that it serves; such profile shall be submitted prior to the final public hearing for the subdivision."

43. **Reduction of Lot Size, ZR620:** The section states, "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."
44. **ZR640 Lot Width:** The section states, "The width of any new lot shall not be less than one-third (1/3) of the depth of the lot." The DRB finds that Lot 1 does not meet the width-to-depth standard, and will therefore need to be configured. The Applicant agreed and the DRB concludes that the Final Plans shall revise the Lot Layout to be in compliance with ZR620 and 640.
45. **Technical Advisory Committee:** The Applicant agreed that the Final Plans shall address all comments by the Development Review Board Technical Advisory Committee attached to this Decision. The Fire Department and Public Works Department were the only Technical Advisory Committee members with comments.

DECISION & CONDITIONS OF APPROVAL

MOTION by David Conley, **SECOND** by Clayton Forgan, to **APPROVE** the Sketch Plan application for a proposed 3-lot Minor Conventional Subdivision located at 860 East Road, described as SPAN# 12711, Tax Map 4, Parcel 31, subject to the conditions proposed above, conditional upon the following items being addressed to the satisfaction of Staff:

1. The Final Plat shall clearly label all existing and proposed easements, and all lines shown on the Plans shall have a corresponding explanation in the legend.
2. The Final Plat shall include the tax map and parcel reference.
3. The Final Subdivision Application shall include responses demonstrating accordance with Subdivision Regulations Section 700 standards.
4. Within six (6) months of approval by the DRB of the sketch plan as a minor subdivision, the subdivider shall submit a Final application for approval of a subdivision plat. The application shall contain those items set forth in Section 610 of the Subdivision Regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the DRB.
5. The Final Plat shall show a stormwater easement per Subdivision Regulation 840, and the Final Plan Application shall include a stormwater narrative; proper drainage facilities shall be constructed to ensure that PUBLIC ROADS are not subject to flooding or other damage from a PRIVATE ROADS, per ZR592.2.
6. The Final Subdivision Application shall show the proposed lots' exact dimensional standards (in compliance with the standards for the R5 Zoning District and stated in ZR344), including setbacks and frontage.
7. The Final Plat shall show 60-foot wide right-of-way per ZR530, meeting the private road standards of ZR592, with at least 400 feet of frontage along Lots 2 and 3.
8. The Final Plat/Plans shall demonstrate the proposed PRIVATE ROAD's conformance to the PRIVATE ROAD specifications as defined in the Public Works Specifications, per ZR592.1.

9. The Final Subdivision Application Plans shall include a roadway profile by a certified engineer, guaranteeing compliance with the terms of ZR592.
10. The Final Plat's lots shall be in compliance with ZR620 and 640's width-to-depth ratio.
11. The Final Subdivision Application Plat/Plans shall address all comments by the Development Review Board Fire Dept. and Public Works Dept. Technical Advisory Committee and attached to this Decision.
 - a. Public Works Technical Advisory Committee (TAC) Review Sheet dated 5/26/2015
 - b. Fire Technical Advisory Committee (TAC) Review Sheet dated 5/20/15

VOTE RECORD

Bruce Jenkins, Vice-Chair: yea/nay/abstain/absent/recusal
Thomas Cole, Clerk: yea/nay/abstain/absent/recusal
Clayton Forgan: yea/nay/abstain/absent/recusal
David Conley: yea/nay/abstain/absent/recusal
Henry Bonges yea/nay/abstain/absent/recusal

MOTION TO APPROVE PASSED BY A VOTE OF:

YEA 4; NAY _____; ABSTAIN _____; ABSENT _____; RECUSAL _____

Vote taken in Deliberative Session on **June 11, 2015**

Written Decision signed and dated at Milton, Vermont, this 30th day of June, 2015

By Bruce Jenkins
Bruce Jenkins, Vice-Chair and Acting 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.



TECHNICAL ADVISORY COMMITTEE

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, August 23, 2016

Date of Review: 09.02.16

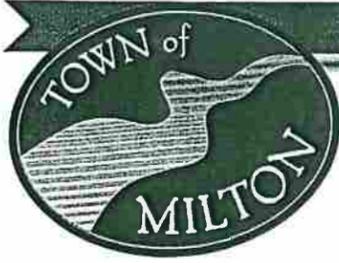
Department: Police

TAC Member: DEE VAN NOORDT

Joseph Blondin/Applicant & Joan Blondin/Owner -- Minor Conventional Subdivision Sketch Plan -- 860 East Road.

NO COMMENTS OR CONCERNS.

RECEIVED
SEP 02 2016
Planning & Economic Development
Milton, Vermont



TECHNICAL ADVISORY COMMITTEE

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, August 23, 2016

Date of Review: 8/31/16
Department: Recreation
TAC Member: CEM Duchesneau

RECEIVED
AUG 31 2016
RECREATION DEPARTMENT
MILTON, VERMONT

Joseph Blondin/Applicant & Joan Blondin/Owner -- Minor Conventional Subdivision Sketch Plan -- 860 East Road.

-No comments.

RECEIVED
AUG 31 2016
Planning & Economic Development
Milton, Vermont

Jacob Hemmerick

From: Nathan Lavallee
Sent: Friday, September 02, 2016 10:34 AM
To: Kristen Treanor; Ann Bradshaw; Brett Van Noordt; Christian Poirier; Dustin Keelty; JCastle; Kym Duchesneau
Cc: Jacob Hemmerick; Amanda Pitts
Subject: RE: TAC Memo

Hi,

This is not in the water/sewer service area, therefore I have not comments.

Thanks,

Nathan Lavallee

-----Original Message-----

From: Kristen Treanor
Sent: Wednesday, August 31, 2016 11:27 AM
To: Ann Bradshaw <ABradshaw@mtsd-vt.org>; Brett Van Noordt <bvannoor@town.milton.vt.us>; Christian Poirier <cpoirier@town.milton.vt.us>; Dustin Keelty <dkeelty@town.milton.vt.us>; JCastle <JCastle@town.milton.vt.us>; Kym Duchesneau <kduchesneau@town.milton.vt.us>; Nathan Lavallee <nlavallee@town.milton.vt.us>
Cc: Jacob Hemmerick <jhemmerick@town.milton.vt.us>; Amanda Pitts <apitts@town.milton.vt.us>
Subject: FW: TAC Memo

Good morning,

Attached please find the TAC Memo and supporting materials for the DRB meeting of September 22, 2016. The TAC meeting will be held Tuesday, September 6, 2016 at 3:30 p.m. in the Planning Office. Your comments will be due by 5:00 p.m. Tuesday, September 13, 2016.

If you have any questions, please feel free to contact our office.

Thank you,
Kristen Treanor
Planning Assistant
Town of Milton Planning & Economic Development Department
43 Bombardier Road, Milton, VT 05468
802.893.1186
ktreanor@town.milton.vt.us
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.

While the Town of Milton strives to be accurate in all communications, any comments made in this email 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.

RECEIVED

SEP 06 2016

Planning & Economic Development
Milton, Vermont

-----Original Message-----

From: scanner@town.milton.vt.us [mailto:scanner@town.milton.vt.us]

Sent: Wednesday, August 31, 2016 11:14 AM

To: Kristen Treanor <ktreanor@town.milton.vt.us>

Subject:

TASKalfa 6551ci

[00:17:c8:08:02:16]



TECHNICAL ADVISORY COMMITTEE

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, August 23, 2016

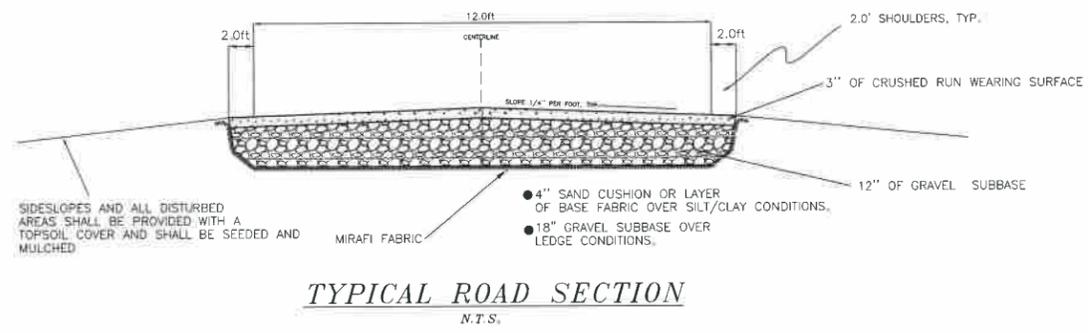
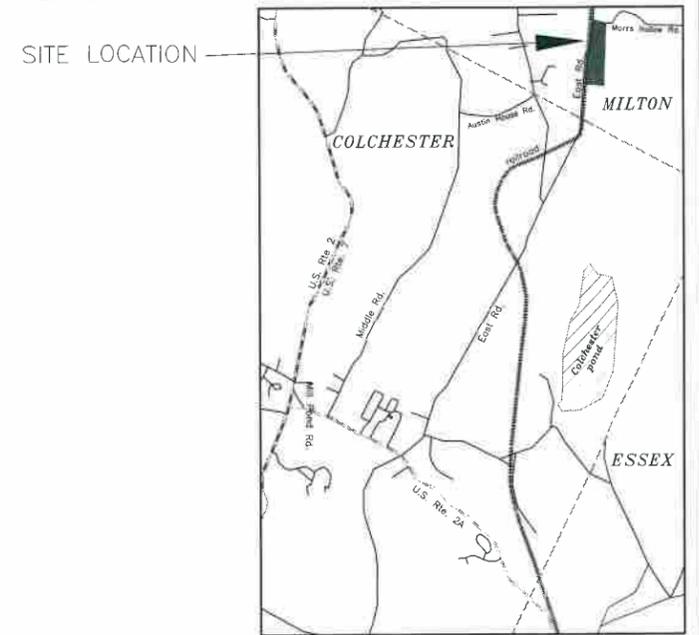
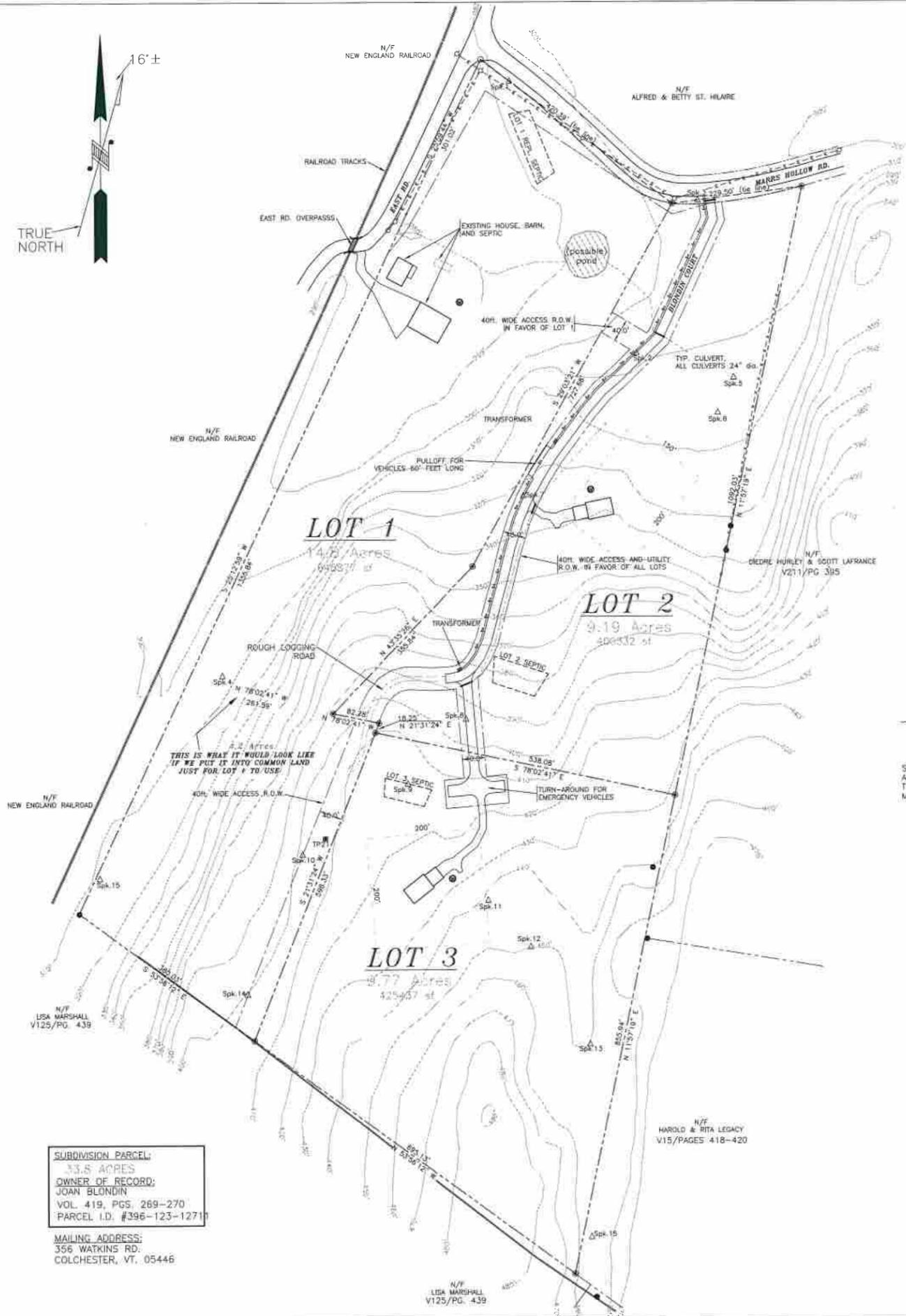
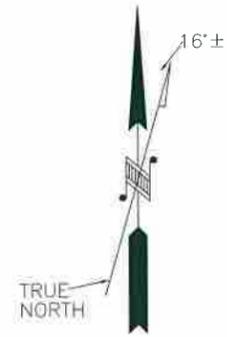
Date of Review: 9/16/16

Department: School

TAC Member: Ann Bradshaw

Joseph Blondin/Applicant & Joan Blondin/Owner -- Minor Conventional Subdivision Sketch Plan -- 860 East Road.

No concerns



- LEGEND**
- IRON PIPE FOUND
 - ⊙ REBAR TO BE SET (R.L.S.#538)
 - ⊕ WELL, EXISTING OR PROPOSED
 - △ SURVEY POINT
 - CALCULATED POINT
 - ⊕ UTILITY POLE
 - PROPERTY LINE
 - - - EASEMENT/RIGHT-OF-WAY
 - - - AERIAL POWER/TELECOM.
 - - - BUILDING ENVELOPE
 - - - BURIED UTILITIES
 - - - DRAINAGE FLOWPATH (APPROX.)

" I hereby certify that the design-related information submitted with this application is true and correct, and that, in the exercise of my reasonable professional judgement, the design included in this application for a permit complies with Vermont Wastewater system and Potable Water Supply Rules and the Vermont Water Supply Rules."

RECEIVED
AUG 22 2015

Planning & Economic Development
Milton, Vermont



SUBDIVISION PARCEL:
33.8 ACRES
OWNER OF RECORD:
JOAN BLONDIN
VOL. 419, PGS. 269-270
PARCEL I.D. #396-123-1271

MAILING ADDRESS:
356 WATKINS RD.
COLCHESTER, VT. 05446

DAVID A. TUDHOPE
74 CAYUGA COURT
BURLINGTON, VERMONT 05408
TEL: (802) 862-9360
dudhope@aol.com
REGISTERED LAND SURVEYOR 538
SITE TECHNICIAN B # 230

SUBDIVISION PLAN		
DRAWN	DATE	Prepared for:
D.P.C.	02/25/15	Joan Blondin
APPROVED	DATE	860 East Rd.
D.A.T.		Milton, Vermont
SCALE	SHEET	PROJECT NO.
1" = 100'	1	830