



DEVELOPMENT REVIEW BOARD

Meeting Type:..... **Regular Meeting** (2nd and 4th Thursdays of each Month)
Date:..... **Thursday, October 13, 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. Old Hearings/Business

- 5(A). Bylaw Review & Goals

Action: Review Bylaws and identify amendments for drafting as needed; Identify any goals for year.

6. New Hearings/Business

- 6(A). Minor Conventional Subdivision Sketch Plan Hearing

The applicant, Joanne Duffy, requests Sketch Plan approval for a proposed 2-lot Minor Conventional Subdivision pursuant to the Town of Milton Zoning & Subdivision Regulations. The property is described as 54, 124, and 162 Duffy Road; Tax Map 8, Parcel 24; and SPAN 14229. The property is owned by the applicant and contains approximately 578 acres within the R5 (Agricultural/Rural Residential) and FC (Forestry Conservation) Zoning Districts and the East Milton Planning Area.

- 6(B). Referral of Zoning Permit

Bove Brothers Milton LLC/Applicants & 17 Catamount Lane LLC/Owners request Development Review Board approval to add a third business sign to the property located at 8 Catamount Drive, pursuant to the Town of Milton Zoning Regulations Section 831.3(3). The sign is proposed to be approximately 35" x 41" and is to be building-mounted, above the main door entrance. The subject property is described as Tax Map 3, Parcel 8-17 and SPAN 13974; contains approximately 6.82 acres and is located within the General Industrial (I2) Zoning District and Catamount Planning Area.

7. Planning Staff Report

8. Other Business

None

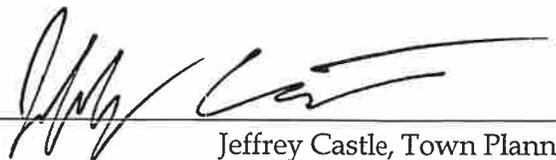
9. Minutes of September 8, 2016

Action: Approve Minutes as presented or amended.

10. Possible Deliberative Session

Private session for deliberations on applications and written decisions in accordance with 1V.S.A. 312.

11. Adjournment


Jeffrey Castle, Town Planner

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

TOWN OF MILTON

PROCEDURAL BYLAWS OF THE DEVELOPMENT REVIEW BOARD

ARTICLE I - PURPOSE

1. The purpose of these Bylaws is to assist the Town of Milton Development Review Board (hereinafter referred to as the "Board") with carrying out its duties, meeting its responsibilities, and avoiding misunderstandings by establishing rules of procedure. By identifying what is required of the hearings, recordkeeping, and Board determinations, cases may be handled more effectively and efficiently, resulting in greater protection for the Town and more equitable treatment for applicants.

ARTICLE II - GOVERNING RULE

1. The Board shall be governed by the provisions of *Chapter 117, Title 24, of the Municipal and Regional Planning and Development Act*, the *Town Charter*, the *Town's Administrative Code*, all other applicable State statutes, local laws, and ordinances, and these *Bylaws*.

ARTICLE III - OFFICERS AND DUTIES

1. The Board shall organize and elect, by majority vote of all members present and voting, a Chairperson, a Vice- Chairperson, and a Clerk annually at the first regularly scheduled meeting subsequent to annual appointments by the Town of Milton Selectboard.
2. The Chairperson shall call and preside at all meetings and hearings of the Board, decide all points of order and procedure, and appoint any subcommittees that may be found necessary.
3. The Vice-Chairperson shall assume the duties of the Chairperson in his/her absence.
4. The Clerk shall monitor the audience "sign-in sheet" at each meeting.
5. Members shall avail themselves of training opportunities annually.

ARTICLE IV - MEETINGS

1. A regular meeting of the Board shall be held on the second and fourth Thursday of each month to consider applications (subdivision plans, site plans, boundary line adjustments,

Town of Milton Development Review Board Procedural Bylaws

variances, conditional uses, and appeals of administrative decisions) and other related business.

2. The Board may schedule work sessions and joint meetings with other boards and commissions to complete its work. The Board may schedule special meetings regarding any related matter as it sees fit.
3. All meetings of the Board shall be properly warned and noticed in accordance with the *Vermont Open Meeting* law and the *Town Charter*.
4. The Town Planner, or designee, shall notify members as soon as possible concerning any cancellations or special meetings.
5. Members shall notify the Town Planner as early as possible, if unable to attend any meeting. In circumstances when the Town Planner is unavailable, members shall notify the Planning Department.
6. A quorum shall consist of a majority of the designated strength of the Board.
7. The order of business at all regular meetings of the Board shall be as follows, unless otherwise re-assigned by the Chairperson:
 - A. Call to Order
 - B. Attendance
 - C. Additions /Deletions to Agenda
 - D. Public Forum
 - E. Applications/Oath to Planning Staff and Interested Persons
 - F. Planning Staff Report
 - G. Other Business
 - H. Approval of Minutes
 - J. Deliberative Session
 - K. Adjournment
8. The Board shall have the right to enter into Executive Session in accordance with *Title 1 V.S.A., Section 313*.

9. The Board shall have the right to enter into Deliberative Session in accordance with *Title 1 V.S.A., Section 312*.
10. The Chairperson may appoint subcommittees for work session items. Such subcommittees may contain less than three (3) Board members, in which event the following rules shall apply:
 - A. Such subcommittees may be facilitated by the Planning Staff
 - B. Members of the community, with no voting privileges, shall be encouraged to participate.
 - C. The subcommittee shall arrange for meeting times convenient to its members.
11. Reports of subcommittees shall be approved, approved with conditions, or disapproved by the majority vote of the Board members present and voting.

ARTICLE V - ATTENDANCE

1. A provision for continued service on the Board by any member shall be a good attendance record.
2. Any member with unexcused absences for three (3) consecutive regular meetings may, by majority vote of the entire Board, be recommended to the Select Board for removal from the Board.
3. Absences will be excused by majority vote of the members present at any meeting. Valid excuses shall include: sickness, vacation, professional obligations, family or personal business, military service, emergencies, and other municipal business.
4. Members are expected to attend a minimum of fifty percent (50%) of all Special, Joint, and Work Session meetings within any twelve (12) month period of tenure.
5. A Board member shall be excused from that portion of a meeting where a conflict of interest on any scheduled topic exists or is perceived to exist. Disclosure of the specific content of a conflict interest shall be at the discretion of Board members.
6. Planning Staff shall annually present Board attendance to the Board and Town Manager prior to annual appointments by the Town of Milton Selectboard.

ARTICLE VI - CONFLICT OF INTEREST

1. Members of the Board and Planning Staff are governed by Section 701 of the *Town Charter*, which reads:

A. A member of any appointed or elected board or commission or appointed or elected person or any person employed by the Town or School District of Milton shall not solicit or receive directly or indirectly any gift or compensation for recommending or voting on any finding, ruling, decision or report, or voting to procure any service, thing or supply purchased with public funds.

B. Nor shall any such member or employee receive directly or indirectly anything of value by contract or otherwise from the Town or School District unless it is received:

(1) As a result of a contract accepted after a public bid in accordance with law.

(2) In public recognition of service or achievement.

(3) As regular salary or expenses allowed by law for official duties performed as a member of such board or commission.

(4) For employment otherwise authorized by law.

C. No Board or commission member shall vote on any contract or purchase in which he/she has a direct or an indirect interest.

2. Members of the Board are governed by Section 703 of the *Town Charter*, which reads:

A. No board or commission member has any legal powers or authority unless acting at a duly warned board meeting or acting for the board after it formally grants power to act on its behalf.

B. Any board or commission member shall attend all regularly scheduled meetings in so far as possible and review study materials about the issues to be considered on each agenda.

C. Any board or commission member shall maintain confidentiality of discussion conducted in executive session and of other privileged information.

D. Any board or commission member shall abide by board decisions regardless of how individuals voted.

E. Any board or commission member shall listen to legal counsel and constructive criticism to protect the Town and school system from liability.

Town of Milton Development Review Board Procedural Bylaws

- F. Any board or commission member shall refer complaints, requests, and concerns to the Town Manager or School Superintendent or other appropriate staff member.
 - G. Any board or commission member or elected or appointed official shall use the chain of command and avoid making commitments or promises that compromise Town and school system.
 - H. Any board or commission member or elected or appointed official shall listen to the recommendations of other board or commission members or elected or appointed officials and staff before making decisions and provide advice and counsel to improve the Town and school system.
- 3. Board member shall not vote on any issue in which he/she has a direct or an indirect interest or conflict.
 - 4. Any Board member who knowingly participates in a portion of a meeting where an established conflict of interest on any scheduled topic exists may, by majority vote of the entire Board, be recommended to the Select Board for removal from the Board.

ARTICLE VII - RECORDS

- 1. A file of all material and decisions relating to each case shall be kept by the Planning Staff in the Department's Office as part of the records of the Board.
- 2. All records of the Board shall be public. Legal documents, such as mylars, deeds, covenants, memorandums of municipal action, and minutes, shall be kept on file in the Town Clerk's Office. All records shall be available for inspection by any person upon request.
- 3. Minutes of meetings shall be distributed by the Planning Staff to the SelectbBoard, Development Review Board, Planning Commission, Town Manager, Town Clerk, Assessor, Technical Advisory Committee, Planning Director, Town Planner, and Zoning Administrator.
- 4. Planning Staff shall make the Board aware of training opportunities funded by the Selectboard.

ARTICLE VIII - PROCEDURES

- 1. Motions shall be worded in the affirmative in order to be considered proper. Negatively worded motions shall be considered out of order.

2. Motions shall carry only when they receive an affirmative vote of no less than a quorum of Board members.
3. A polled vote shall be taken on all final approvals for subdivisions, site plans, boundary line adjustments, variances, conditional uses, and appeals of administrative decisions.
4. A polled vote shall be taken on any motion when called for by a Board member.
5. *Roberts Rules of Order Newly Revised* shall determine procedural matters unless otherwise specifically set forth in these *Bylaws*.
6. Meetings shall commence promptly at 7:00 p.m. or as soon thereafter as a quorum of Board members is present.
7. Citizens shall be recognized for comment at the discretion of the Chairperson.
8. The time for adjournment shall be no later than 10:00 p.m. The time limit may be extended by a majority vote of Board members present
9. To be considered for review at a specific meeting of the Board, a complete application must be delivered to the Board through the Planning 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.

ARTICLE IX - ASSIGNMENT OF ALTERNATES

1. No more than 2 alternates shall serve on the Board for any one application.
2. Alternates will have no regular assignments on the Board
3. The assignment of an alternate to the Board will come from an alphabetical roster list. The assignment will begin with the first alternate in alphabetical order and rotate through the list until all alternates have served and the rotation will be repeated.
4. The purpose of alternates is to maintain a full Board, or as close to full as possible during public meetings. The duty of the alternates is to attend public hearings where a regular Board member or members are unable to attend for any reason. If a regular member must recuse him or herself from an application, the alternate will be called to

serve on the Board for that application only. For an ill or otherwise completely absent regular Board member, attendance of the alternate shall be for the complete agenda.

5. An alternate that is called upon to serve shall be required to be part of the Board until a decision is made on that application. This includes attending deliberative sessions and the continuance of the public hearing if it has been tabled or recessed.
6. The Chairperson of the Board shall appoint an alternate to serve on the Board by selecting an individual from the roster as provided in paragraph three (3) above whenever, based on one of the conditions identified in paragraph four (4) above, the Chairperson deems it appropriate to appoint an alternate. If the Chair does not appoint an alternate when one of the conditions identified in paragraph four (4) above occurs, a majority of the members of the DRB present and voting may appoint an alternate.
7. An alternate that has not been called upon to serve on the Board by the Chairperson may attend public meetings and hearings and participate in discussions. Alternates may not make motions or vote on agenda items for which they have not been called upon to serve.

ARTICLE X - RULES OF CONDUCT

1. At all warned or noticed hearings of the Board, or at any Board meeting involving the presence of members of the community, the following rules of conduct shall be applied:
 - A. The Chairperson shall direct the applicant or person setting forth a proposal, Planning Staff, and all (interested) parties who wish to speak on the proposal, to step forth and take an oath to tell the truth, Applicant will then be asked to present such application or proposal.
 - B. The Chairperson shall then ask persons present who have comments with regard to the application or proposal to step forward, give their name, and make their comment. The applicant or person setting forth the proposal shall then be given an opportunity to respond before the next person is asked to step forward. All comments from Planning Staff, applicants, and interested persons shall be directed to the Chairperson.
 - C. After all persons have been heard, the Chairperson shall open the discussion to the members of the Board. Such discussion shall occur in an orderly fashion, with no more than one person speaking at any given time.
 - D. If more questions from persons present result from the discussion, the Chairperson shall repeat the procedure as set forth in item B above.

ARTICLE XI - AMENDMENTS

1. These rules may be amended at any regular meeting of the Board by an affirmative vote of a quorum of the Board provided that such amendment has been presented in writing to each member of the Board at least five (5) working days preceding the meeting at which the vote is taken.

Adopted December 11, 1997, and amended this _____ of _____,
2016

Bruce Jenkins, Chairperson

Julie Rutz

David Conley, Vice-Chairperson

Robert Brisson

Henry Bonges, Clerk

Filed with the Town Clerk's Office this _____ of _____, 2016

Sheryl Prince, Town Clerk



PLANNING DIVISION

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

DEVELOPMENT REVIEW BOARD STAFF REPORT

Hearing Date: Thursday, October 13, 2016

Case No: DRB 2016-32

Application(s): Minor Conventional Subdivision Sketch Plan

Application Received: September 2, 2016

Application Deemed Complete: September 9, 2016

Applicant(s):
 Joanne Duffy
 54 Duffy Rd. | Milton, VT 05468
 802.355.4884

Owner(s):
 Same

Engineer/License:

Surveyor/License:
 Mark Day | License 732
 TDH Surveying-Design LLC
 PO Box 8 | St. Albans VT 05478
 802.524.4460 | stephen@tdhsurvey.com

E-911/Postal Address: 54, 124 and 162 Duffy Road

Tax Map, Parcel(s): 8, 24

School Parcel Account Number(s) (SPAN): 14229, 11021

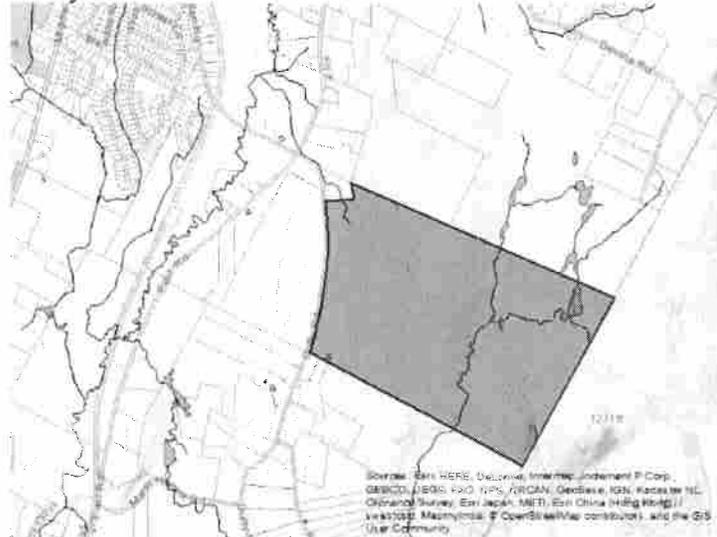
Deed(s): 385/6

Existing Size: approximately 578 acres

Zoning District(s): Agricultural Rural Residential "R5" and Forestry/Conservation "FC"

Comprehensive Plan Planning Area/Sub-Area: East Milton Planning Area

Location: East side of Duffy Rd. between Rollin Irish and East Rd.



Source: map.ccrpcvt.org/miltonmap/

INTRODUCTION

Noticed/Warned Summary of Proposal: The applicant, Joanne Duffy, requests Sketch Plan approval for a proposed 2-lot Minor Conventional Subdivision pursuant to the Town of Milton Zoning & Subdivision Regulations. The property is described as 54, 124, and 162 Duffy Road; Tax Map 8, Parcel 24; and SPAN 14229. The property is owned by the applicant and contains approximately 578 acres within the R5 (Agricultural/Rural Residential) and FC (Forestry Conservation) Zoning Districts and the East Milton Planning Area.

Comments: Jacob Hemmerick, Planning Director, herein referred to as staff, has reviewed the application, materials and plans submitted and has 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/dr.html>.

APPLICATION, JURISDICTION, NOTICE

Application: This matter comes before the Town of Milton Development Review Board (DRB) for Minor Conventional Subdivision Sketch Plan review. 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 Joanne Duffy referred to hereafter as the "applicant".

Applicant's Legal Interest in Land: is stated as ownership in simple fee.

Landowner(s): The property is owned by Joanne Duffy, an individual/natural person. Ms. Duffy is signatory to this application.

Project Consultant(s): Mark Day, Surveyor (LS#732) and Stephen Tetreault of TDH Surveying and Design are consultants for this project.

Application Submission: The application form was received by the Planning and Economic Development Department on September 9, 2016.

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

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.

Specific Jurisdiction: Specific subdivision jurisdiction attaches 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.

Sketch Plan jurisdiction attaches because SR300 states:

For the purpose of classification and preliminary discussion, any subdivider of land shall, prior to submitting an application for subdivision approval, submit [. . .] a sketch plan of the proposed subdivision.

State Project Review: The applicant has not obtained a State Project Review Sheet (PRS) from the State of Vermont because “no construction has been proposed.” Subdivision is “development” under Vermont and Milton law and a PRS is required pursuant to 24VSA4463. Obtaining a PRS early in the project can help applicants avoid unexpected delays by finding out early in the process which, if any, State permits that may be required; reducing the likelihood that the locally approved plans will have to be amended. If this application is approved and proceeds to final, the applicant should either provide a PRS with the final plan application or be prepared to see this as a condition of approval. A key reason for a PRS when subdividing is to ensure that the new lots can support the existing and proposed water and wastewater, which is regulated by the State.

1. The applicant should either provide a PRS with the final plan application or be prepared to see this as a condition of approval.

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

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 is maintained in the application’s file.

Hearing: The Planning Director scheduled the hearing for October 13, 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 finds that site visits are always useful in visualizing the lay of the land.

2. The DRB may require that the applicant schedule a site visit prior to final plat hearing.

EXHIBITS

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

- Exhibit 1: 2 Lot Subdivision Plat by TDH Surveying & Design LLC Dated 7/5/16, no revisions.

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

- Technical Advisory Committee (TAC) Police Review dated September 20, 2016;
- TAC Recreation Review dated September 27, 2016; and
- TAC School Review dated September 21, 2016

The following Departments did not submit review sheets:

- Water/Wastewater Department;
- Highway Department; and
- Fire/Rescue Department.

SITE, DISTRICT & AREA INFORMATION

Property Description: The subject property is located at 54, 124, and 162 East Road and shown on Milton's Tax Map 8 as Parcel 24. The corresponding School Parcel Account Number (SPAN) is 396-123-14229. After the notice of this application, Staff also found that SPAN #11021 is associated with the property. Normally, property in contiguous ownership has a single SPAN unless a mobile home is on the lot.

Size/Area: According to the evidence presented, the subject parcel is approximately 577.6 acres or 25,153,305 square feet. The Assessor's Grand List records this property as approximately 578 acres.

Area Within Restrictive Easements/Right-of-Ways: The applicant stated that there is encumbered land held by CVPS recorded in vol. 25/p. 30, vol. 47/p.216, vol. 90, p.28. No encumbered areas are shown on the draft plat.

3. The final plat shall show the location & width of all easements.

Deed(s): The property deed was recorded on November 20, 2009 in Volume 385, Page 6 of the Town of Milton Land Records to Patrick R. and Joanne R. Duffy.

Survey Status: The application states that a survey has never been recorded in the Town of Milton land records.

Zoning District(s): The site is located partially within the R5, Agricultural Rural Zoning District and partially located within the FC Forestry/Conservation 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 the R5 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.

ZR481 states that the purpose of the FC district is to:

The purpose of this district is to preserve open space; to protect soils, water, and other natural resources; to protect scenic ridgeline viewsheds and vistas important to the character of the Town of Milton; to preserve forests and encourage forest-related USES; to promote AGRICULTURE and recreational USES that can benefit from the unique topography of the area; and to enable, to a limited extent, residential USES. Such residential USES are to be enabled only for land parcels necessarily located near the district boundary that are accessible without extreme land disruption; that do not contain steep slopes, unstable soils, and other natural limitations; and only for sites that have the capacity to provide safe ingress and egress. Where possible, said residential USES shall be clustered.

The undeveloped ridges and hillsides of Milton are one of Milton's principal scenic qualities and contribute significantly to the enjoyment of the rural and pastoral character of the town. The Scenic ridgelines have been identified as Georgia Mountain, Milton Pond and surrounding ridgeline, Bald Hill, Cobble Hill, Eagle Mountain and Arrowhead Mountain. In order to protect these ridgelines, no STRUCTURE or BUILDING shall be visible above the existing tree line.

The FC District has additional requirements for all uses. Since no new uses are proposed, Staff agrees with the applicant, that the additional requirements of ZR486 are not needed. The DRB may, however, find that the plat should include: contour lines, slope percentages, buildable envelopes, wetland delineation, navigable streams, navigable watercourses, wooded and open areas, and so forth. Staff has requested that the mapped streams be included on the plat.

The plat shows FC dimensional requirements, but not accurately. The numbers are off.

4. The final plat shall accurately depict the FC Zoning District dimensional requirements as listed in ZR484, or can leave them off altogether due to ZR670 (addressed later in this report).

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: The site is mostly wooded, sloped ridgeline. Nearer to Duffy Road is open agricultural land and three dwelling units. No excavation, fill or grading is proposed, nor removal of any earth resources.

Topography & Drainage (Plan Map 5): The western portion of the subject land predominantly drains westward toward Duffy Rd. and contains a large portion of Milton's scenic ridgeline. The eastern portion of the lot predominantly flows south towards Rollin Irish.

Streams and Shoreline (Plan Map 6): The applicant states that there are no mapped streams or shorelines. Staff finds that there are mapped streams on the two proposed lots. Both streams flow into Mallets Creek (one, North of McMullen Rd. and the other near East Road north of Mars Hollow), which flows to Lake Champlain through the Munson Flats.

5. The final plat shall show the mapped streams on the lots.

Wetlands (Map 6): The applicant states that there are mapped wetlands approximately 800' easterly beyond the easterly line of Lot 2. Staff finds that no change to the existing land use is proposed that would impact the presumed wetlands.

Soil (Map 7): The applicant states that there are some statewide and prime agricultural soils adjacent to the road. Staff finds that no change to the existing land use is proposed that would impact agricultural soils.

Vegetation: No change in vegetation is proposed.

Habitat/Wildlife Crossings (Map 9): The applicant states that the property contains habitat priority 8. Staff finds that no change to the existing land use is proposed that would impact habitat. Further, staff finds that the proposal of a 27-acre lot will also make the lot eligible for the State's Current Use program, thereby making it more likely that the resulting lot 1 will remain working farm and forest.

Historic Resources: The applicant states that there are no historic resources on the site. Staff finds that Milton's Historic Sites and Structures Survey confirms this finding.

Surrounding Use/Structures & Like Kind Quality: The site is surrounded by residential and agricultural uses. Staff finds that the lot is of "like kind".

SITE HISTORY

Background: Staff has found no prior approvals relevant to this application.

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: The lot contains three buildings. No alternations or new buildings are proposed.

Units: The buildings are not unitized. No alternations or new units are proposed.

Structures: The lot contains a detached garage and silo accessory structure. No alternations or new buildings are proposed.

Uses: Each building contains a residential use, but the applicant did not specify the type of residential use. Staff assumes the buildings contain single family dwelling uses that either pre-date zoning or have been duly permitted. There is a possibility, however, that the uses were established as accessory dwelling units or agricultural laborer dwelling units. If a principal use is being subdivided from any associated accessory use, the act of subdivision would potentially convert the accessory use to a principal use. It is best to make this clear so the landowner's rights are clearly understood and affirmed. Additionally, if the two buildings on Lot 1 host principal dwelling units, this is a non-conformity insomuch as two principal uses cannot exist on a single lot. These could be brought into conformity by establishing the lot as PUD or placing each principal use on its own lot. While the proposal does not bring the uses into full conformity, it does appear to make the property less nonconforming by removing one principal use from the lot.

6. The applicant shall state the uses of each existing building and if the buildings' uses were established as principal or accessory.

SUBDIVISION REVIEW REGULATIONS

Article III, Sketch Plan

SR300, Sketch Plan Application Requirements: SR300 lists sketch plan requirements. Staff finds that these requirements have been met, but notes that the plat seems to depict the parent parcel (lot 1) as including both sides of Duffy Rd. State law concerning subdivision treats lots separated by a class 3 road as two lots, even if held in common ownership.

7. The final plat and application shall show and describe lot 1 as excluding that portion which is west of Duffy Road, which – under Vermont Law – is treated as an effectively subdivided and conveyable lot. If the applicant wishes to formalize this legally conveyable lot (so there's a clear paper trail for the title search) the applicant may wish to request and the DRB may wish allow a third lot to be shown on the final plan.

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 two lots, making it a minor 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 R5 Zoning District, as well as the existing and proposed compliance. The DRB should note that the tables below do not evaluate compliance with the FC Zoning district because of ZR670, which states:

When a parcel of land occurs in both the Forestry/Conservation/Scenic Ridgeline District and the Agricultural/Rural Residential District, the portion of the lot occurring in the Forestry/Conservation/Scenic Ridgeline District can be used to satisfy LOT AREA requirements of the Agricultural/Rural Residential District. The minimum area of that lot must satisfy the area requirements of the Agricultural/Rural Residential District. At least two ACRES of land must occur within the Agricultural/Rural Residential District. BUILDABLE ENVELOPES for any permitted or CONDITIONAL USE occurring in the portion of the lot contained within the Agricultural/Rural Residential District must occur entirely within the Agricultural/Rural Residential District, and must conform to the lot dimension requirements of that district, except where permitted as a CONDITIONAL USE under Section 483.

LOT 1	R5 Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	400,000 (9.18 acres)	25,163,305	23,958,000
Minimum Road FRONTAGE (linear ft.)	400	3,148	2,525
Minimum FRONT SETBACK (linear ft.)	35	35	35
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 contests the applicantion’s listing of the front setbacks as at least 35’. Based on online mapping measurements, it appears that two existing buildings on proposed lot 1 are non-conforming structures

because they are set closer than 35' from the Duffy Rd. property boundary; however, this subdivision would not make the buildings any more non-conforming than they are now, nor create any new non-conformities.

8. At final, the applicant shall revise the dimensional conformity tables to accurately describe the existing and proposed dimensions.

LOT 2	R5 Required	Existing	Proposed
Minimum LOT AREA (sq. ft.)	400,000 (9.18 acres)	25,163,305	1,205,347
Minimum Road FRONTAGE (linear ft.)	400	3,148	623
Minimum FRONT SETBACK (linear ft.)	35	35	35
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 the proposed frontage is listed as 623 feet in the application, but it is shown on the plat as 243.26'. In looking at the plat's scale, it appears that a dimension may have been covered by another CAD layer when the Plat was prepared for printing.

9. The final plans shall show the dimensions between each pin in order to enable the DRB to evaluate the frontage and size of the lot.

SR340, Effect of Sketch Plan Approval:

10. 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

11. 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.”

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.”

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

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.”

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.”

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.”

700.7, Compatibility with Surroundings: The DRB must find that “The proposed development is compatible with surrounding properties.”

700.8, Suitability for Proposed Density: The DRB must find that “The site is suitable for the proposed density.”

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.”

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.”

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 has some concerns here, that are addressed in the required improvement section below.

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.”

Article VIII, Required Improvements And Design Standards

SR800, Streets: The proposal includes no new streets.

SR810, Curbs, Sidewalks, and Pedestrian Access: The proposal includes no new curb cuts or pedestrian access. Staff finds no planning basis to require any pedestrian facilities in this location.

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

SR830, Shade Trees: Shade trees and plantings are not proposed. Staff does not recommend shade trees in this rural location.

SR840, Drainage: No new impervious surface or grading action is proposed. Staff finds no drainage impact.

SR850, Water System & SR860, Sewage Disposal: The plat does not indicate the location of the water and wastewater systems on Lot 1. Lot 2 shows the location of the existing well, but does not show the location of the existing wastewater system. In order to avoid placing the wastewater system on another lot without necessary easements and maintenance agreements in place, or otherwise establishing a non-conformity that would limit the proposed lot’s ability to have an affordable replacement location in case of failure, staff recommends that this be taken into consideration.

12. The final plat shall show the locations of the existing on-site water and wastewater systems and certify that there are suitable replacement locations on the newly created lots.

SR870, Utilities: Staff recommends no easements at this time, but this recommendation could be impacted when it is clear where the water and wastewater systems are located.

SR880, Layout: Staff finds that the lots generally conform to the standards established by this section.

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

STAFF RECOMMENDATION

Staff recommends **approval** of this application subject to the conditions above.

Respectfully Submitted:



Jacob Hemmerick, Planning Director.

COPIES TO:

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

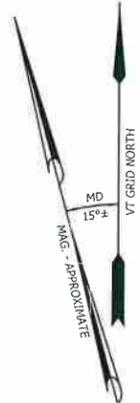
WHAT'S NEXT?

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.

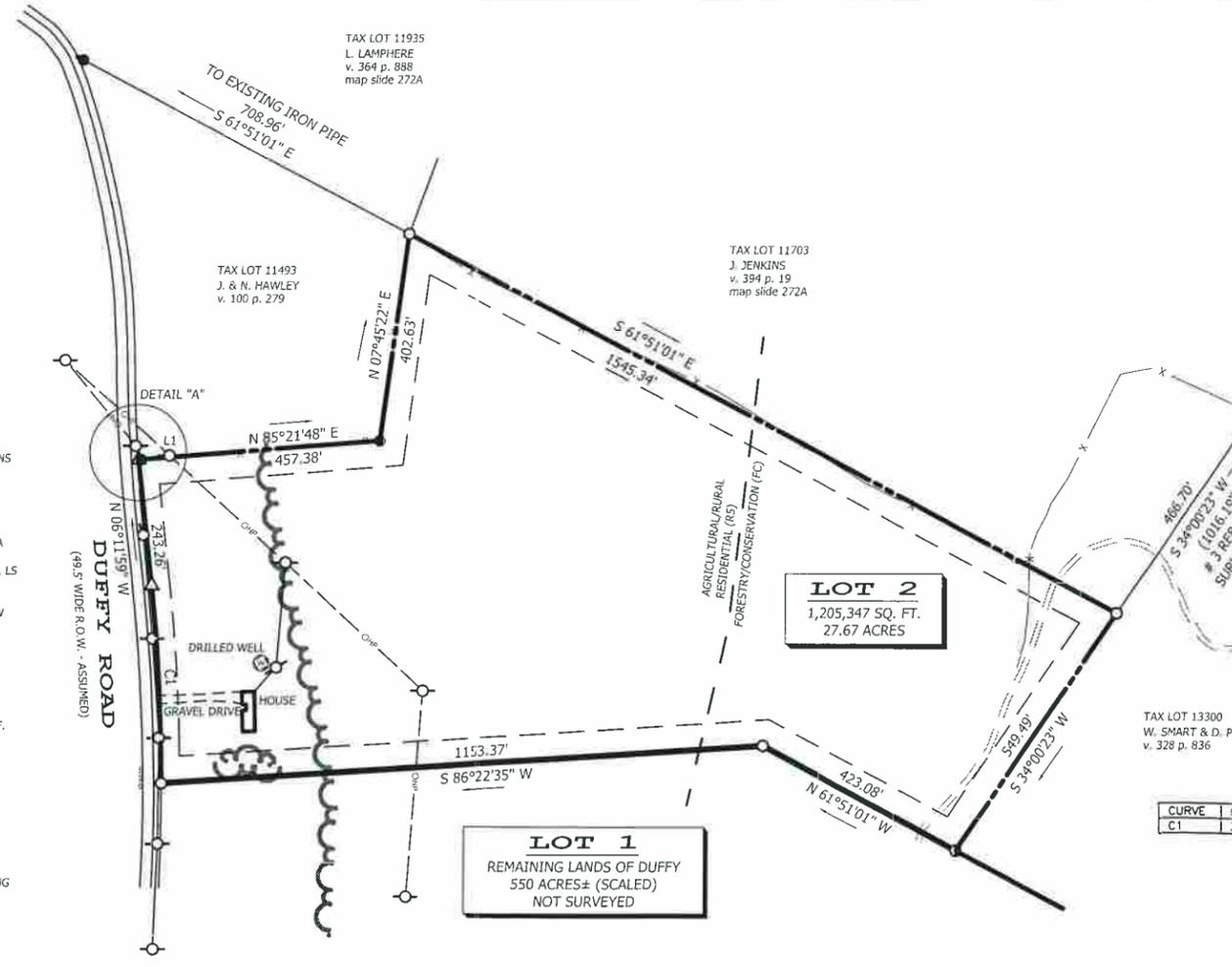
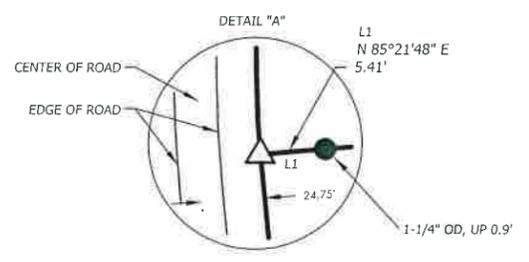
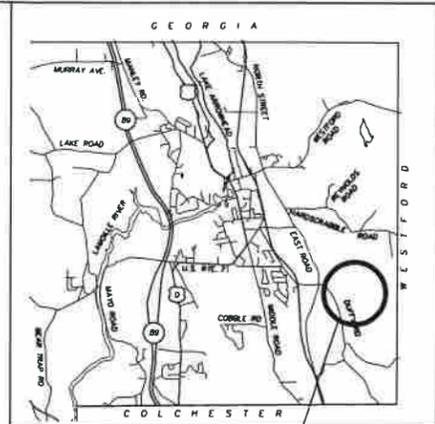
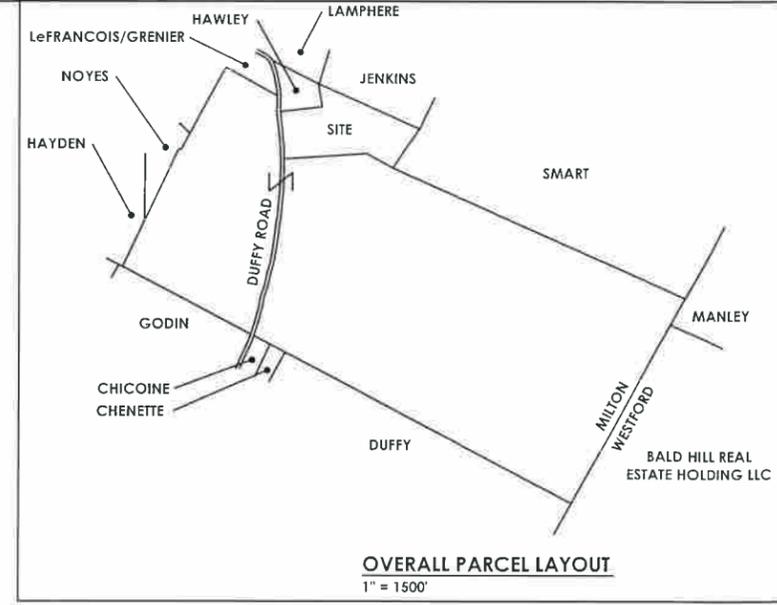
Appeal Rights: The DRB's decision can be appealed to the Environmental Division of the Vermont Superior Court by interested persons within **30 days** of issuance (10 VSA §8504).

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.



TOWN OF MILTON, VT
 Received for record _____ A.D. 201_____
 at _____ O'clock _____ m. and recorded in
 Milton Land Records Slide _____
 Attest: _____ Town Clerk

THIS FINAL PLAT HAS BEEN APPROVED BY RESOLUTION OF THE DEVELOPMENT REVIEW BOARD
 OF THE TOWN OF MILTON, VERMONT THIS _____ DAY OF _____ 20_____
 SUBJECT TO THE REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION.
 SIGNED THIS _____ DAY OF _____ 20_____
 BY _____, CHAIR.



LEGEND

- IRON PIPE (FOUND)
- REBAR (FOUND)
- SURVEY DISK/NAIL (FOUND)
- REBAR (SET)
- △ CALCULATED POINT
- UTILITY POLE
- EXISTING BOUNDARY LINE
- - - PROPOSED BOUNDARY LINE
- x BARBED WIRE FENCE
- - - CHP UTILITY LINE
- - - ZONING SETBACK
- - - ZONING DISTRICT BOUNDARY

- PLAT NOTES:**
- OWNER OF RECORD: PATRICK R. & JOANNE R. DUFFY, 54 DUFFY ROAD, MILTON, VT 05468
 - DEED REFERENCE: VOLUME 385, PAGE 6 OF THE TOWN OF MILTON LAND RECORDS.
 - BEARINGS ARE BASED ON VERMONT STATE PLANE GRID NORTH ESTABLISHED WITH RTK OBSERVATIONS FROM VERMONT CORS STATION VTS4.
 - AN ATTEMPT HAS BEEN MADE TO IDENTIFY ANY EASEMENTS, RIGHTS OF WAY, LEASE LANDS, ENCROACHMENTS, ETC. OBSERVED IN THE FIELD OR READILY AVAILABLE IN THE LAND RECORDS. ADDITIONAL ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN ON THIS PLAT.
 - MULTIPLE EASEMENTS WERE FOUND FOR THE EXISTING UTILITY LINES TRANSECTING THE SUBJECT PARCEL. THESE EASEMENTS WERE GRANTED TO CVPS IN V. 25/P. 30, V. 47/P. 216, V. 90/P. 128 WITH A WIDTH OF 50 FEET.
 - REBARS SET ARE NUMBER 6 REINFORCING RODS WITH YELLOW PLASTIC CAPS STAMPED "TDH SURVEY, LS 732".
 - THIS PLAT IS NOT A GUARANTEE OF TITLE.
 - THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE OUT A 27.67 ACRE PARCEL CONTAINING THE HOME NOW OCCUPIED BY JOANNE DUFFY FROM THE EXISTING 578 ACRES (ASSESSED AREA) OF THE SAID DUFFY.
 - THE OWNERSHIP OF THE LANDS WITHIN THE TOWN ROADS TRAVELED WAY AND THE EDGE OF THE RIGHT OF WAY IS UNDETERMINED. NO RECORD TITLE WAS FOUND. THE TOWN ROAD RIGHT OF WAY WAS ASSUMED AS 3 RODS PER STATE STATUTE.
 - THIS PARCEL IS LOCATED IN THE RS AND FC ZONES AS INDICATED ON THE TOWN OF MILTON ZONING MAP. ZONING REQUIREMENTS ARE:

RS	FC	RS	FC
MINIMUM LOT AREA: 400,000 S.F.	MINIMUM LOT AREA: 400,000 S.F.	MINIMUM ROAD FRONTAGE: 400 FEET	MINIMUM ROAD FRONTAGE: 400 FEET
MINIMUM FRONT SETBACK: 35 FEET	MINIMUM FRONT SETBACK: 35 FEET	MINIMUM SIDE SETBACK: 50 FEET	MINIMUM SIDE SETBACK: 50 FEET
MINIMUM REAR SETBACK: 50 FEET	MINIMUM REAR SETBACK: 50 FEET		

- PLAT REFERENCES:**
- "BOUNDARY SURVEY FOR THE MILDRED HAYES ESTATE AS PER AGREEMENT WITH PATRICK DUFFY, HARDCRABBLE ROAD, MILTON, VERMONT" LAST REVISED 10-10-98 BY VERMONT LAND SURVEYORS.
 - "FINAL PLAT, GERALD AND JOAN JENKINS" DATED OCTOBER 7, 1994 BY KREBS & LANSING CONSULTING ENGINEERS, INC. AND RECORDED IN MAP SLIDE 272A OF THE TOWN OF MILTON LAND RECORDS.

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

MARK A. DAY, L.S. VT #732 _____ DATE _____

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

NO.	DATE	REVISION	BY

PATRICK & JOANNE DUFFY
 54 DUFFY ROAD
 MILTON, VERMONT
 TAX LOT 11021
 2 LOT SUBDIVISION PLAT

DRAWN BY:	BGP	CHECKED BY:	MAD
SCALE:	1"=200'	FIELD BOOK:	335
DATE:	07-25-2016	DATE OF SURVEY:	05-24-2016
JOB NUMBER:	16021/16-067	SURVEY BY:	MAD/BGP/JRK
DRAWING:	16021SPLAT-TDH 16-067SPLAT-TCE	SHEET	1 of 1

CURVE DATA TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	3500.00'	380.41'	380.22'	N 03°05'09" W

LINE DATA TABLE

LINE	BEARING	DISTANCE
L1	N 85°21'48" E	5.41'



RECEIVED

SEP 02 2016

Planning & Economic Development
Milton, Vermont

INTRODUCTION

Summary of Proposal: Bove Brothers Milton LLC/Applicants & 17 Catamount Lane LLC/Owners request Development Review Board approval to add a third business sign to the property located at 8 Catamount Drive, pursuant to the Town of Milton Zoning Regulations Section 831.3(3). The sign is proposed to be approximately 35" x 41" and is to be building-mounted, above the main door entrance. The subject property is described as Tax Map 3, Parcel 8-17 and SPAN 13974; contains approximately 6.82 acres and is located within the General Industrial (I2) Zoning District and Catamount Planning Area.

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

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

APPLICATION, JURISDICTION, NOTICE

Application: This matter comes before the Town of Milton Development Review Board (DRB) for approval of a zoning permit for a third business sign. The Zoning Permit was referred to the DRB by the Zoning Administrator pursuant to ZR831.3(3). The Zoning Administrator may not approve a permit for three business signs without Development Review Board approval.

Applicant(s): The application was submitted by Bove Brothers Milton, LLC, referred to hereafter as the "applicant".

Landowner(s): The property is owned by 17 Catamount Lane, LLC.

Application Submission: The application form and associated exhibits were received by the Planning and Economic Development Department on September 21, 2016. The application and its associated materials are maintained by the Town in the application file and are available for public inspection

Application Completion: The Zoning Permit application was deemed complete by staff on September 21, 2016. The Zoning Administrator made a referral of the Zoning Permit application to the Development Review Board.

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

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.

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

- Zoning Permit Application for 10 square foot building-mounted sign;
- Bove’s Milton Facility Site Plan, by Wood & Wood, dated 9/9/2016;
- Sign Specification for 10 square foot building-mounted sign, by Wood & Wood, dated 9/9/2016;
- Building Elevation of Catamount Drive building frontage, by Wood & Wood, dated 9/14/2016.

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

- Sign Specifications for 24 square foot free-standing sign, by Wood & Wood, dated 7/28/2016;
- Sign Specifications for 24 square foot building-mounted sign, by Wood & Wood, dated 9/9/2016;
- Sign Specifications for traffic directional signs, by Wood & Wood, dated 7/28/2016.

SITE HISTORY

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

- DRB’s original Site Plan approval dated August 28, 2014
- Zoning Permit 2015-101 approval for the site’s original development.
- Selectboard Public Monument and Statue approval dated November 23, 2015.
- DRB Site Plan Amendment I approval dated November 30, 2015.
- Zoning Permit 2015-101A amendment approved May 26, 2016.
- Zoning Permit 2016-169, submitted 10/5/2016, (pending approval), for one 24 s.f. free-standing sign and one 24 s.f. building-mounted sign.

Staff finds that the Selectboard Monument/Statue approval includes Condition #10 which states: “**Free Standing Sign: If the site’s owner seeks sign permit approval to place a free-standing sign along the US Route 7 frontage, this monument/statue approval shall expire and the monument/statue must be first removed, and the land on which it occupied restored to its pre-development state prior to being eligible for a sign permit; there may not be both a free-standing sign and monument/statue along the site’s US Route 7 frontage.**”

Compliance: Staff located no enforcement action in Planning Department records.

SITE, DISTRICT & AREA INFORMATION

Property Location: The subject property is located at 8 Catamount Drive and shown on Milton's Tax Map 3 as Parcel 8-17. The corresponding School Parcel Account Number (SPAN) is 13974.

Size/Area: The subject parcel is approximately 6.82 acres.

Property Deeds: A deed of ownership is recorded in Book 460, Page 571 of the Town of Milton Land Records.

Zoning District: The site is located within the General Industrial (I2) Zoning District described on the Town of Milton Zoning Map, last amended August 22, 2011, on record and display at the Municipal Offices and available on the Town's website. The ZR391 states that the purpose of this district is to "provide adequate space for industrial uses, specified large scale retail uses which require room for EXPANSION, and space for OUTDOOR STORAGE. These areas are not intended for businesses that will create a high level of retail traffic."

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

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

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

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

Goal 9.7.2. Ensure an aesthetically pleasing approach into Milton.

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

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

Goal 9.7.3. Enhance multi-modal transportation opportunities.

Physical Characteristics/Natural Features:

The site is predominantly flat, drains to Lake Champlain via Allen Brook, contains agricultural soils of statewide significance, contains no presumed wetlands, and no wooded vegetation.

Surrounding Use/Structures: The site is bordered by subdivision common land to the east, single family dwellings to the north and south, and predominantly industrial and commercial uses to the southwest and west.

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

EXISTING & PROPOSED DEVELOPMENT

Existing Use: No change of use has been proposed. The previously approved manufacturing use for the production of tomato sauce is a permitted use in the I2 district. The I2 district allows manufacturing and associated retail sales with a significant component of goods sold being produced on the premises.

Proposed Development: The applicant is proposing the construction of a third business sign on the property. The proposed sign is 10 square feet and is to be located above the building's main entrance on the Catamount Drive facing side of the building.

A separate zoning permit application (ZP 2016-169) has been submitted for one 24 square foot free-standing sign and one 24 square foot building mounted sign. This permit application is pending approval from the Zoning Administrator.

Access: The site is accessed from a curb cut on Catamount Drive.

ZONING REGULATION SIGN STANDARDS

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

ZR831, Permitted Signs: The following SIGNS are authorized:

ZR831.3, Other Business Signs:

(3) For CORNER LOTS or through lots (i.e., lots having FRONTAGE on two public STREETS), the Development Review Board may permit three SIGNS, provided that at least one of the SIGNS is a building-mounted sign.

Staff finds that the subject property has frontage on two public streets, Route 7 and Catamount Drive.

Staff finds that the applicant proposes three permitted signs. As identified on the applicant's site plan exhibit, these include:

Sign A: a free standing sign measuring 24 square feet, located along the Route 7 frontage.

Sign B: a building-mounted sign measuring 24 square feet, facing the Route 7 frontage.

Sign C: a building-mounted sign measuring 10 square feet, facing the Catamount Drive frontage, above the main entrance to the building.

The plan also includes 2 directional signs, Sign E and Sign F, not exceeding 4 square feet which do not require a permit according to ZR832.

Staff finds that the standard of ZR831.3(3) is met and the Development Review Board may permit three signs.

ZR831.3(4), Aesthetic Impact: ZR831.3(4) states, "For SIGNS requiring its approval, the Development Review Board shall consider the aesthetic impact of proposed SIGNS, including

- the size and shape of the SIGN,
- the compatibility of the SIGN with the other SIGNS on the same building or within the same complex,
- the harmony of the color and design of the proposed SIGN with neighboring SIGNS and buildings,
- and the compatibility of the SIGN with natural aesthetic features."

Staff finds that the size and shape of the proposed sign is in conformance with the business identification sign standards of ZR831.1 which states that a building mounted sign shall not exceed 24 square feet. Staff also finds that the proposed third sign is compatible with other proposed signage on the property. A variety of sign colors and designs can be found on neighboring properties.

1. The DRB shall consider the aesthetic impact of the proposed third sign, including the standards of ZR831.3(4) listed above.

ADMINISTRATION

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

2. A Zoning Permit is required prior to construction and an associated Certificate of Compliance is required after construction is complete.

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

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

STAFF RECOMMENDATION

The Planning Staff recommends that the DRB **approve** the application for a third business sign for the property located at 8 Catamount Drive, described as SPAN #13974, Tax Map 3, Parcel 817, subject to the conditions above.

Respectfully Submitted:

Jeffrey Castle, Town Planner

ATTACHMENTS:

- Zoning Permit Application for 10 square foot building-mounted sign;
- Bove’s Milton Facility Site Plan, by Wood & Wood, dated 9/9/2016;
- Sign Specification for 10 square foot building-mounted sign, by Wood & Wood, dated 9/9/2016;
- Building Elevation of Catamount Drive building frontage, by Wood & Wood, dated 9/14/2016.
- Sign Specifications for 24 square foot free-standing sign, by Wood & Wood, dated 7/28/2016;

Development Review Board Case Number 2016-33 Staff Report

Referral of Zoning Permit – 8 Catamount Drive – Bove Brothers Milton, LLC/ Applicant, 17 Catamount Lane,
LLC/Owner

- Sign Specifications for 24 square foot building-mounted sign, by Wood & Wood, dated 9/9/2016;
- Sign Specifications for traffic directional signs, by Wood & Wood, dated 7/28/2016.

-

COPIES TO:

1. Applicant(s)
2. Owners(s)

TOWN OF MILTON, VERMONT | ZONING PERMIT APPLICATION

If you have any questions, call (802)893-1186 or visit us in the Milton Municipal Complex at 43 Bombardier Road, Milton, VT 05468.

FILING INFORMATION (STAFF USE ONLY)

Zoning Permit # 2016-158
 Filing Date 09/21/16
 Expedited Review Due 1/1/16

PROPERTY INFORMATION

E-911 Address/Street 8 CATAMOUNT DRIVE
 Parcel ID 203008017000
 School Parcel Account # 396-123-13974
 Deed (volume no. / page no.) 460 / 571
 Zoning District I 2
 Lot Size (acres) 6.82
 Road Frontage (feet) 335
 Existing Use Definition (e.g. "single family dwelling")

LANDOWNER

Name(s) 17 CATAMOUNT LANE LLC
 Mailing Address 218 OVERLAKE DR
 City COLCHESTER
 State VT Zip Code 05446
 Phone
 Email

PERMIT USE CATEGORY (check box that applies)

- Residential
 Non-Residential
 Mixed-Use (both)

PERMIT TYPE (check all boxes that apply)

- New Principal Building or Unit (ex. "single-family dwelling")
 New Accessory Structure (ex. shed)
 Alteration to Existing Structure (ex. new room addition)
 Change of Use (ex. "personal service" to "restaurant")
 Demolition/Removal (ex. demolition & removal of pool)
 Sign (one-sided square footage equals 10 s.f.)
 Amendment to Prior Permit Permit # WALL MOUNTED
 Renewal of Prior Permit Permit #

APPLICANT

check box if same as landowner
 Name(s) BOVEN BROTHERS
MILTON LLC
 Mailing Address 8 CATAMOUNT DR
 City MILTON
 State VT Zip Code 05468
 Phone 802-318-1772
 Email

LAND DEVELOPMENT (PROJECT) INFORMATION

Proposed Use Definition (e.g. "retail") COMMERCIAL FOOD MFG. Approximate Value of Development \$
 Total New Finished Floor Area (sq ft) NA Maximum Height (ft)
 Total New Unfinished Floor Area (sq ft) NA Number of Stories NA

Description of Land Development (briefly describe the project with any dimensions)

building mounted sign labeled as "C" on site plan attached.

Does your project involve new construction, addition, alteration, renovation or repair to a structure? Yes No
 If yes, you may have to record a Vermont Residential/Commercial Energy Standards (RBES or CBES) Certificate in the Land Records prior to receiving your Certificate of Compliance/Occupancy. Contact Energy Code Assistance Center at (855)887-0673 or online at http://publicservice.vermont.gov/topics/energy_efficiency/rbes.

Does your project involve the installation of a new manufactured home? Yes No
 If yes, you must provide a copy of the HUD Form 309 with the Certificate of Compliance/Occupancy Application.

Has the project been approved by the Development Review Board? Yes No
 If yes, provide the DRB Case Description and approval date: / /

Does the project involve work within a Town or State right of way? Yes No
 If yes, you must obtain prior Highway Access permit approval from the Department of Public Works at (802) 893-6030 and/or Vermont Agency of Transportation at (802) 279-1152.

Does the project involve connecting to municipal water or sewer? Yes No
 If yes, you must obtain prior approval from the Department of Public Works and the State Water/Wastewater Division.

Does the project involve a change of the number of bedrooms or a change of use? Yes No
 If yes, contact the State Water/Wastewater Division at (802) 879-5656.

Is this project in a Tax Increment Financing (TIF) District? Yes No
 If yes, check which district: North South or Town Core, and list how many jobs will this project create 8647

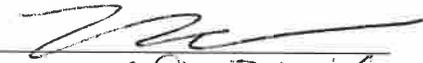
PERMIT FEE CALCULATOR

Zoning Permit Base Application Fee	refer to fee schedule	
Square Footage Fee (if applicable)	# sq. ft. x \$	= +
Unit Fee (if applicable)	# units x \$	= +
SUBTOTAL	add lines above	=
After-the Fact Penalty (if applicable)	multiply subtotal by 2	=
Violation Penalty (if applicable)	multiply subtotal by 4	=
Expedited Review (check to request) <input type="checkbox"/> 3-day or <input type="checkbox"/> 5-day	add surcharge due	+
Recording Fee	established by Clerk's schedule	+ \$10
TOTAL	add subtotal to lines below subtotal	=

LANDOWNER & APPLICANT ACKNOWLEDGEMENTS

By signing this form, the landowner(s) and applicant(s) described in this application (and their agents, assigns, and successors in interest) hereby apply for a permit to develop the project described in this application and accept the following:

- Applications shall not be considered properly filed and vested for rights to review under a set of regulations until fees are paid in full and all items necessary to determine compliance with this bylaw are complete and submitted;
- Vermont law allows the Zoning Administrator **30 days to act** on this application;
- All submissions are public record available for inspection and copy;
- All representations made in this application and the materials accompanying it are true, accurate and binding to the best of my knowledge; omission or misstatement of any material fact on this application (which would warrant refusing the permit or approval) shall be grounds for revoking the permit or approval;
- Private agreements (such as covenants, deed restrictions and easements) may apply, may be more or less restrictive than Milton's bylaws and may affect this project; it is my responsibility to disclose and comply with these agreements;
- State and federal regulations may apply, may be more or less restrictive than Milton's bylaws, and may affect this project; it is my responsibility to obtain all required state and federal permits; (Call the State's permit specialist at 802-477-2241 with any questions);
- No development or work may commence until receipt of all applicable permits and approvals; and
- If this application is approved, I must post notice on the property and allow a **15-day appeal period** before work begins.

Owner Signature 
Date 09/21/16

Applicant Signature _____
Date ____/____/____

ADDITIONAL PERMITS/APPROVALS APPLICABLE TO THE PROJECT (STAFF USE ONLY)

<input type="checkbox"/> Town Highway Access Permit # Approval Date ____/____/____	<input type="checkbox"/> Act 250 Permit # Approval Date ____/____/____
<input type="checkbox"/> State Highway Access Permit # Approval Date ____/____/____	<input type="checkbox"/> Other Recording Date ____/____/____
<input type="checkbox"/> Town Water/Wastewater Permit # Approval Date ____/____/____	<input type="checkbox"/> Development Review Conditions:
<input type="checkbox"/> State Water/Wastewater Permit # Approval Date ____/____/____	

ZONING ADMINISTRATOR PERMIT DECISION (STAFF USE ONLY)

APPROVED
 This Zoning Permit takes effect 15 days after approval. THE APPEAL PERIOD EXPIRES: ____/____/____
 This Zoning Permit expires 1 year from date of approval. THIS ZONING PERMIT EXPIRES: ____/____/____

DENIED (This decision can be appealed to the Development Review Board per Zoning Regulation Section 1060).
 Reason for denial: _____

Signature _____ Date ____/____/____

IMPORTANT ! CONDITIONS OF PERMIT APPROVAL (STAFF USE ONLY)

- All construction must be completed in accordance with this permit and the Town of Milton Zoning Regulations.
- If the approved project changes, the applicant must apply for and obtain an approved, zoning permit amendment.
- The applicant must satisfy all DRB Conditions listed above and outlined in the Notice of Decision.
- The applicant must pay applicable Impact Fees prior to the issuance of a Certificate of Compliance/Occupancy.
- The applicant must post the 911 Address prior to requesting a Certificate of Compliance/Occupancy.
- The applicant must apply for and receive a Certificate of Occupancy/Compliance upon completion of construction and prior to use or occupancy. (If you apply for the Certificate of Compliance/Occupancy prior to expiration of this permit, there is a reduced fee.)
- Other: _____

notes

BOVES
MILTON FACILITY
SITE PLAN

client
BOVES

scale
1" = 80 FEET

file name
BOVES SITE PLAN R1

date
09/09/16

drawing
GMD

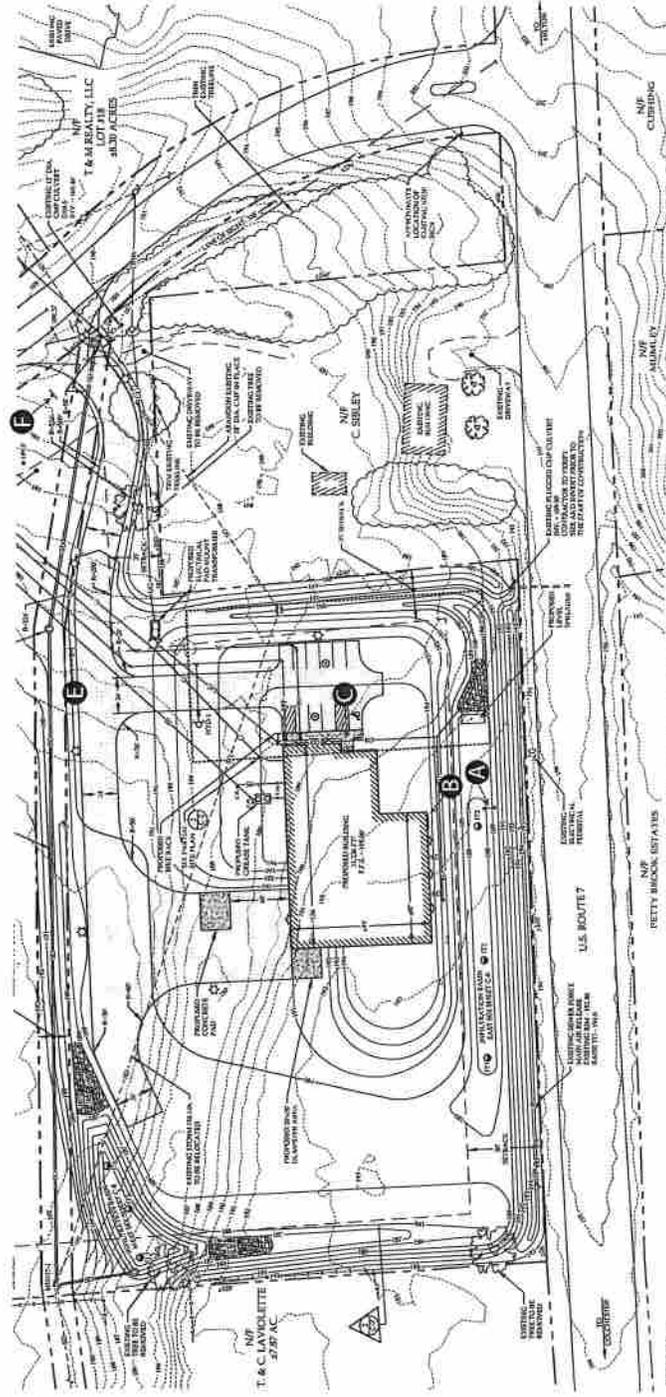
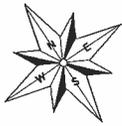
**SPARKY POTTER
DESIGN GROUP**

WOOD & WOOD
DESIGN + SIGN SYSTEMS
INTERIORS + DECORATIVE ARTS
78 CARROLL ROAD
WAITSFIELD, VERMONT 05673



802-496-3000
802-496-7916 FAX
woodwood@madrtvr.com

- A** FREESTANDING SIGN EXTERNALLY LIT BUSINESS ID QTY = ONE @ 24 Sq Ft
- B** RTE 7 FRONTAGE WALL MOUNTED LOGO SIGN EXTERNALLY LIT QTY = ONE @ 24 Sq Ft
- C** CATAMOUNT DRIVE FRONTAGE WALL MOUNTED LOGO SIGN QTY = ONE @ 10 Sq Ft
- E** SINGLE POSTED SINGLE FACED TRAFFIC DIRECTIONAL = 1 @ 2 Sq Ft
- F** SINGLE POSTED SINGLE FACED BUSINESS DIRECTIONAL W/ REFLECTIVE 911 ADDRESS = 1 @ 4 Sq Ft

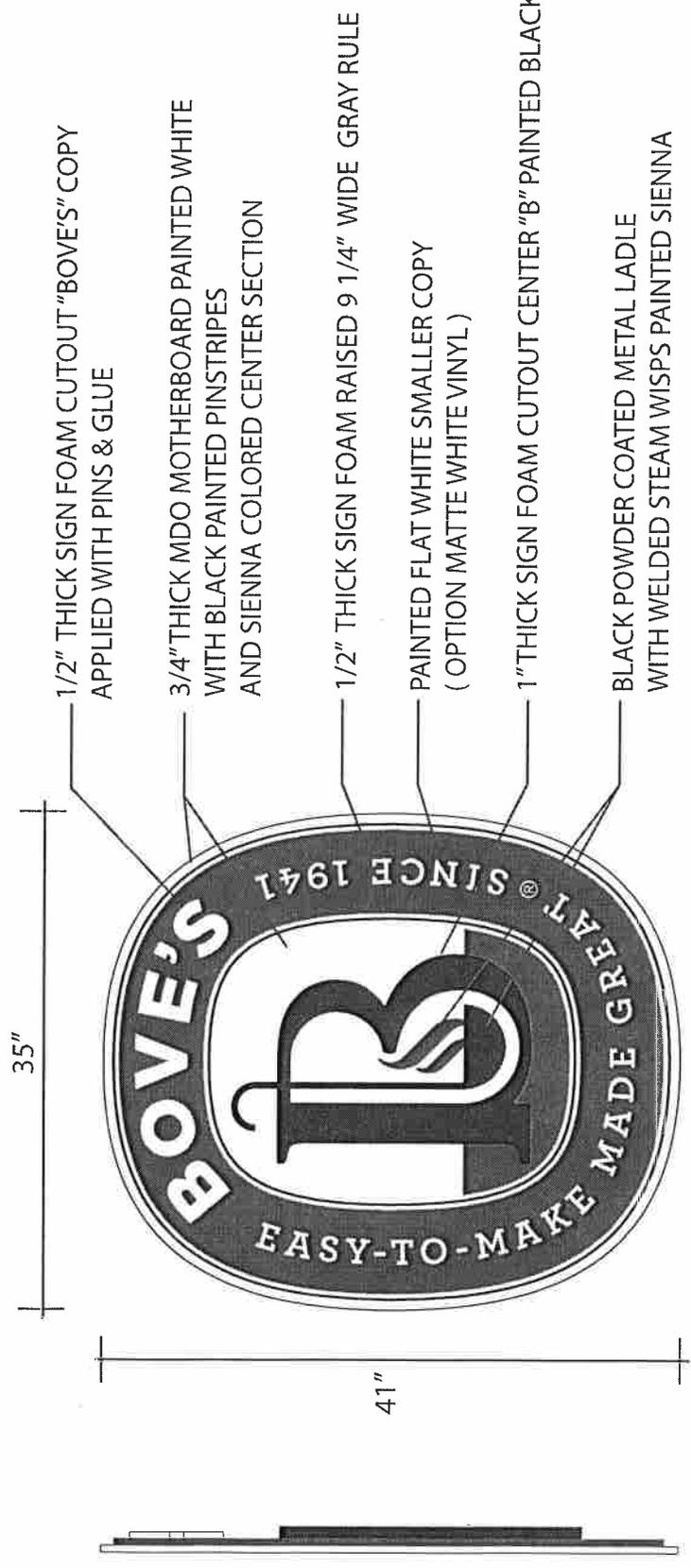


APPROVED
DATE

PROPOSED SITE PLAN
SCALE 1" = 80'

DRAWN BY: [Name]
CHECKED BY: [Name]

<i>notes</i>	BOVES MILTON FACILITY WALL MOUNT NORTH ELEVATION FACING CATAMOUNT DRIVE SITE PLAN LOCATION C QTY = ONE ONE FACED AREA = 10 SQ FT.
<i>client</i>	BOVES
<i>scale</i>	1/2" = 1 FOOT
<i>file name</i>	OVER ENTRY DOORS
<i>date</i>	09/09/16
<i>drawing</i>	GMD
SPARKY POTTER DESIGN GROUP	
WOOD & WOOD DESIGN • SIGN SYSTEMS INTERIOR • GRAPHIC ARTS WATTSFIELD, VERMONT 05673  802-496-3000 802-496-7916 FAX woodwood@madriver.com	



1/2" THICK SIGN FOAM CUTOUT "BOVES'S" COPY
APPLIED WITH PINS & GLUE

3/4" THICK MDO MOTHERBOARD PAINTED WHITE
WITH BLACK PAINTED PINSTRIPES
AND SIENNA COLORED CENTER SECTION

1/2" THICK SIGN FOAM RAISED 9 1/4" WIDE GRAY RULE

PAINTED FLAT WHITE SMALLER COPY
(OPTION MATTE WHITE VINYL)

1" THICK SIGN FOAM CUTOUT CENTER "B" PAINTED BLACK

BLACK POWDER COATED METAL LADLE
WITH WELDED STEAM WISPS PAINTED SIENNA

ATTACHED TO WALL ABOVE MAIN FRONT DOOR ENTRANCE

OPTION A: NO RELIEF ALL GRAPHICS PAINTED ON SURFACE OF 3/4" MDO SLAB

OPTION A: NO RELIEF ALL GRAPHICS AS DIGITAL PRINT ONTO 1/2" WHITE PVC OR SIMILAR MATERIAL

APPROVED _____
DATE _____

notes

#

BOVES
MILTON FACILITY
BUILDING MOUNTED
LOGO ID

QTY = ONE
ONE FACED

AREA \approx 10 SQ FT.

OPTION B
TWO WALL SIGNS

10' - 0"

client
BOVES

scale

1/8" = 1 FOOT

file name
OVER ENTRY LOGO
ELEVATION

date

02/14/16

drawing

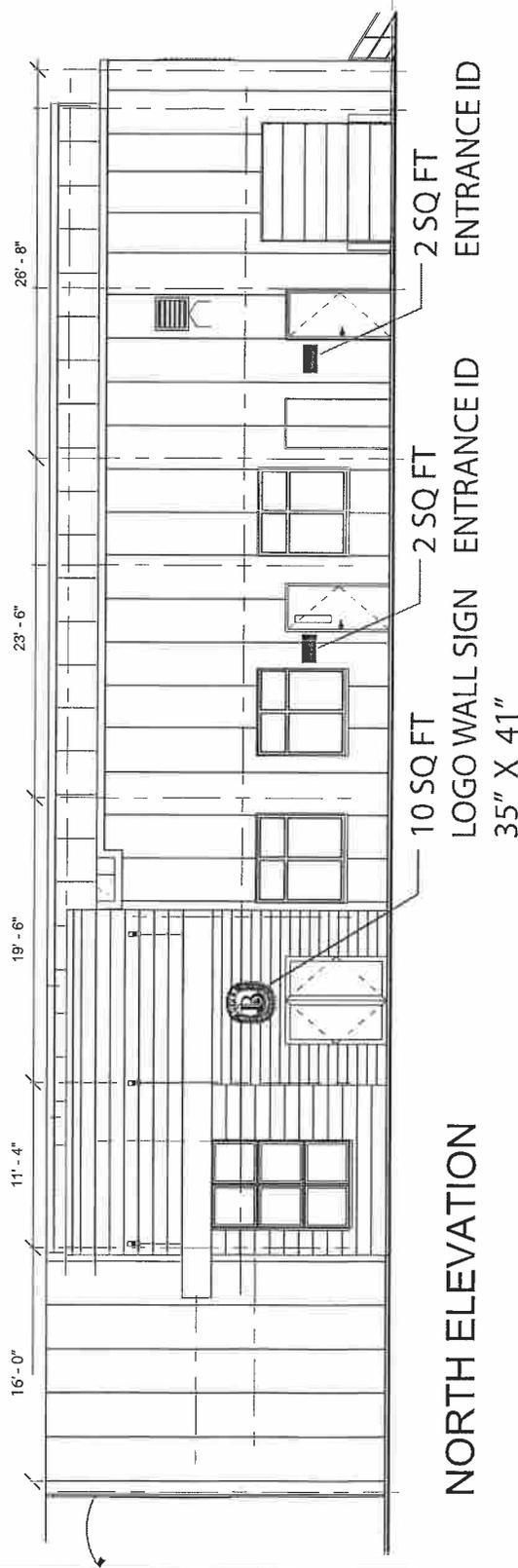
GMD

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WAITSFIELD, VERMONT 05673



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802-496-7916 FAX
woodwood@matriver.com

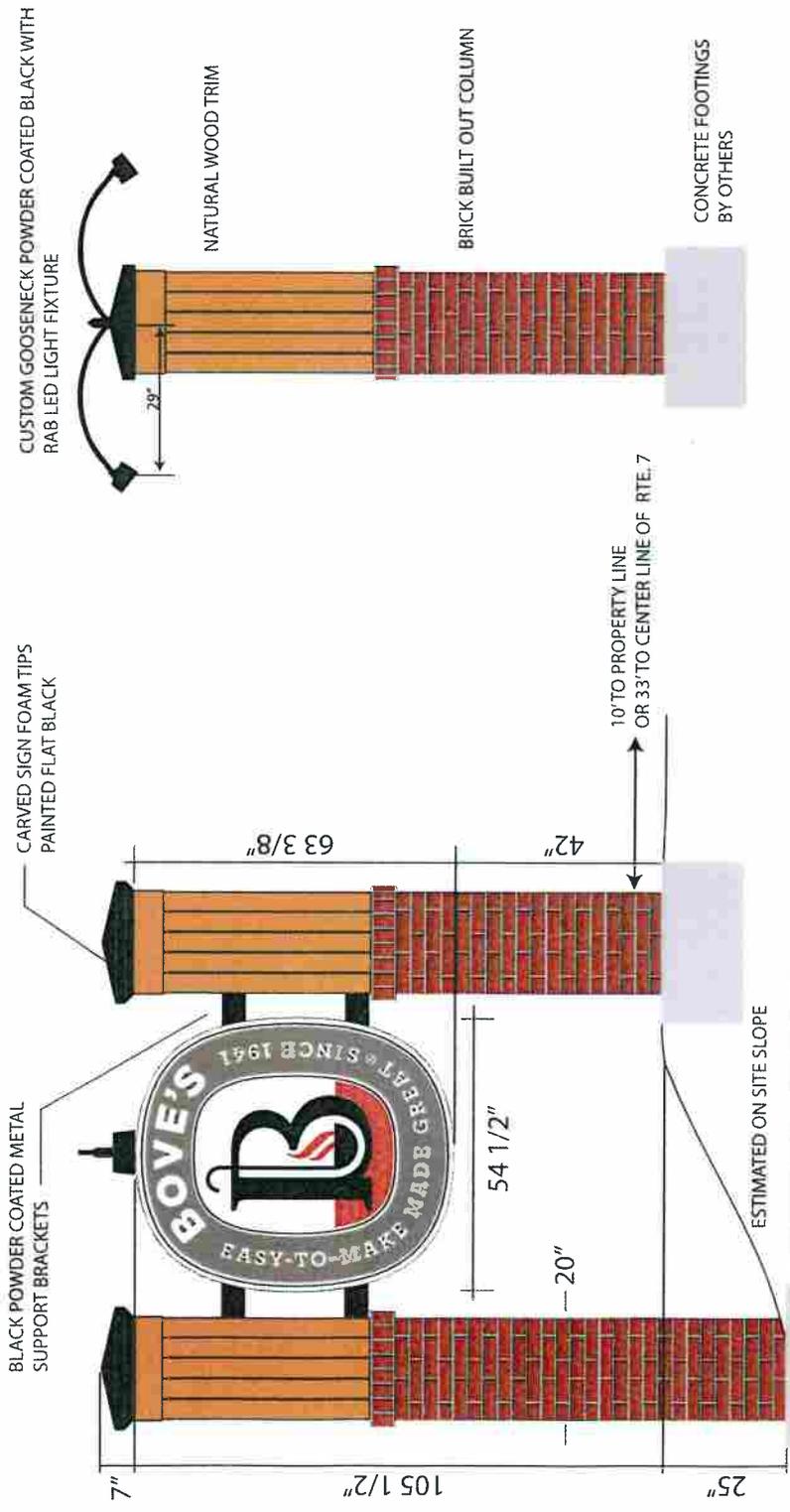


NORTH ELEVATION

CATAMOUNT DRIVE BUILDING FRONTAGE = 81'

APPROVED
DATE

<i>notes</i>	#
	BOVES MILTON FACILITY
	ROADSIDE FREESTANDING
	SITE PLAN LOCATION A
	QTY = ONE
	TWO FACED
	AREA = 24 SQ. FT.
<i>client</i>	BOVES
<i>scale</i>	1/2" = 1 FOOT
<i>file name</i>	MAIN ROAD SIGN
<i>date</i>	07/28/13
<i>drawing</i>	GMD
SPARKY POTTER DESIGN GROUP WOOD & WOOD DESIGN • SIGN SYSTEMS INTERIORS • DECORATIVE ARTS 98 CARROLL ROAD WAITSFIELD, VERMONT 05673  802-496-5000 802-496-7916 FAX woodwood@mastriver.com	



- 3/4" THICK SIGN FOAM CUTOUT "BOVE'S" COPY APPLIED WITH PINS & GLUE
 - 3/4" THICK MDO MOTHERBOARD PAINTED WHITE WITH BLACK PAINTED PINSTRIPES AND SIENNA COLORED CENTER SECTION
 - 3/4" THICK SIGN FOAM RAISED 9 1/4" WIDE GRAY RULE
 - PAINTED FLAT WHITE SMALLER COPY (OPTION MATTE WHITE VINYL)
 - 2" THICK SIGN FOAM CUTOUT CENTER "B" PAINTED BLACK
 - BLACK POWDER COATED METAL LADLE WITH WELDED STEAM WISPS PAINTED SIENNA
- CONCRETE FOOTINGS BY OTHERS
- TWO ONE FACED SIGNS MOUNTED TO BLACK METAL BRACKETS

APPROVED _____
DATE _____

notes

BOVES
MILTON FACILITY
BUILDING MOUNTED
LOGO ID
SITE PLAN
LOCATION B
QTY = ONE
ONE FACED
AREA = 24 SQ. FT.

client

BOVES

scale

1/2" = 1 FOOT

file name

24 SF WALL MOUNT

date

09/09/16

drawing

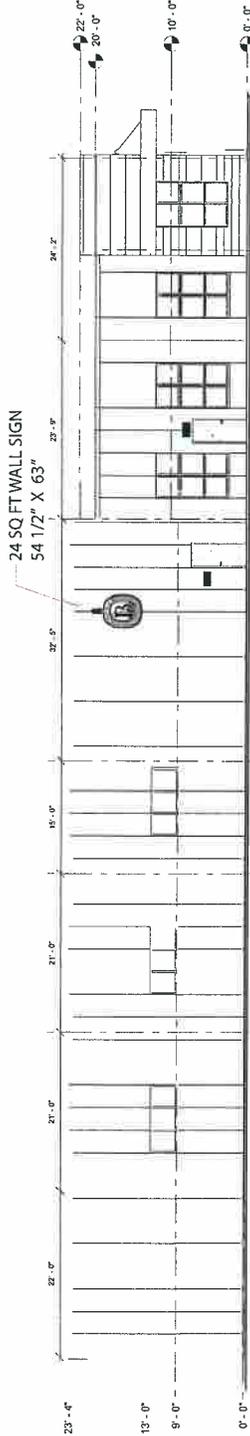
GMD

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802-496-7916 FAX
woodwood@madriver.com

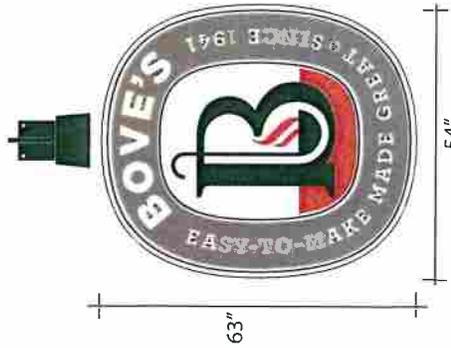
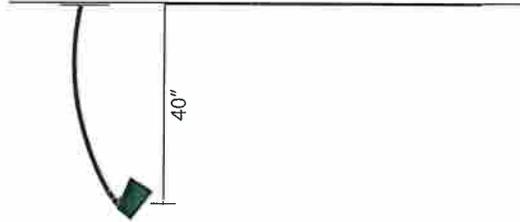


EAST ELEVATION

ROUTE 7 BUILDING FRONTAGE = 159'-4"

1/16" = 1 FOOT

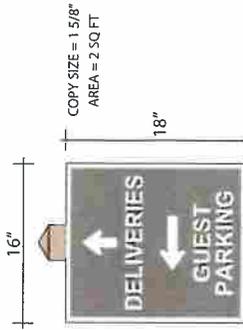
8" X 10" MOUNTING PLATE
WITH CUSTOM GOOSENECK
AND RAB LED LIGHT FIXTURE



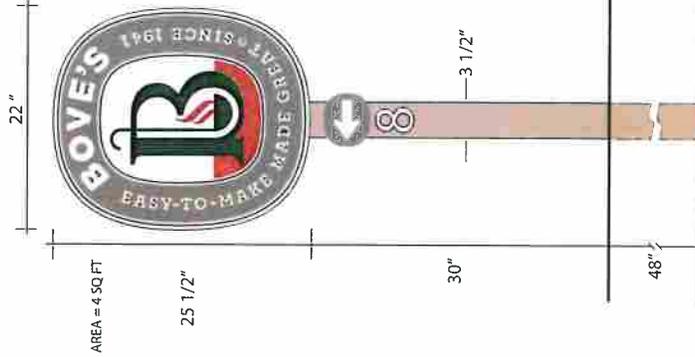
DIRECT PRINT TO 1/4" WHITE DIBOND ALUMINUM
MOUNTED TO BUILDING EXTERIOR WALL
WITH SCREWS THROUGH FACE

APPROVED
DATE

VEHICULAR DIRECTIONAL
ON DRIVEWAY



DRIVEWAY ENTRANCE
DIRECTIONAL SIGN



3/4" WHITE PVC MOTHER BOARDS WITH
APPLIED VINYL DIGITALLY PRINTED GRAPHICS
NATURAL WOOD POSTS
1/4" BLACK SINTRA E-911 ADDRESS NUMBER
FACED WITH REFLECTIVE WHITE VINYL

DIRECT GROUND BURIAL

SITE PLAN
LOCATION F

SITE PLAN
LOCATION E

APPROVED
DATE

NOTES

BOVES
MILTON FACILITY
TRAFFIC
DIRECTIONALS
SITE PLAN
LOCATIONS E & F
QTY = ONE EACH
ONE FACED

client
BOVES

scale
1" = 1 FOOT

file name
TRAFFIC SIGNS R1

date
07/28/13

drawing
GMD

SPARKY POTTER
DESIGN GROUP

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35 CARROLL ROAD
WATSFIELD, VERMONT 05677



802-496-3000
802-496-7916 FAX
www.woodandwood.com



LEGAL AND REGULATORY NOTES



Jeff,
Please read.
J

THE BINDING EFFECT OF A WRITTEN DRB DECISION

In April of this year, the Vermont Environmental Court held that the Hinesburg Development Review Board (DRB) was bound to follow the conclusions of its own sketch plan decision when engaged in a second round of sketch plan review for the same project. *BlackRock Construction LLC*, 31-4-15 Vtec (2016).

In 2014, developer BlackRock Construction sought to subdivide a parcel of land to create a large mixed-use development in the town of Hinesburg. The Hinesburg zoning regulations require that a major subdivision must go through a three-step review process with the town's DRB: sketch plan review, preliminary plat review, and final plat review. The regulations also require that the DRB hold separate hearings and issue separate decisions at each of these three steps.

In August of 2014, the Hinesburg DRB issued a decision denying sketch plan approval for BlackRock's project. One of the

DRB's stated conclusions was that "the project will have substantial impacts on the Town's water supply and wastewater treatment capacities." However, the decision also stated that "[t]hese are not grounds to deny the proposed sketch plan, but do warrant further review at later stages of any subdivision review (i.e., preliminary and final plat review) before compliance with these planning standards can be determined."

In February of 2015, BlackRock submitted a second and modified application to the DRB for sketch plan approval. The DRB denied the second sketch plan for several reasons including the town's lack of wastewater capacity for the entire development. BlackRock subsequently appealed that decision to the Environmental Division of the Vermont Superior Court. That court ruled that because of its decision on the first sketch plan application, the DRB was precluded from denying the project for lack of wastewater

capacity at any later sketch plan proceedings.

Because of the way the case was presented on appeal, the court did not decide whether insufficient wastewater capacity is proper grounds for sketch plan denial. Therefore, it is unresolved whether the Hinesburg DRB could have denied BlackRock's initial subdivision sketch plan on this basis. In this situation it did not do so, and in fact the court actually stated in its decision that wastewater capacity "was not grounds to deny" the sketch plan. All the court found was that the DRB was bound to its prior decision regarding the wastewater capacity issue when reviewing the subsequent sketch plans for that project.

Citing its own decision in the 2006 case of *In Re Simpson Dev. Corp.*, No. 54-3-05 Vtec, the court's stated rationale for this decision was that "a preliminary determination that goes unappealed, provides finality for certain legal determinations properly made at that stage of the subdivision review proceeding," adding that "if it was proper for the DRB to make certain legal determinations about the Project's compliance with applicable subdivision regulations in its sketch plan review, then those determinations are entitled to finality if they are not appealed. Accordingly, because the DRB's conclusions in its August 27, 2014 Decision were not appealed, they are final and binding even if they are in error. As a result, BlackRock and the Town are bound by that decision."

The court also pointed to the purpose of sketch plan review – as stated in the Hinesburg regulations – which is to allow an applicant to discuss a project with the DRB "conceptually, before the applicant invests substantial effort and resources in design and planning for the project." The court

(continued on page 14)

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LEGAL AND REG.

(continued from page 6)

emphasized that land use regulation should provide predictability and fairness to applicants. Although the DRB's initial sketch plan decision had identified several problems with the proposed project, it specifically stated that wastewater capacity was not an issue at the sketch plan stage. As such, BlackRock should have been able to rely on the DRB's statement and assume that wastewater capacity would only be addressed at a later stage of review. The court wrote that "after time, effort, and capital has been expended addressing issues BlackRock was told were relevant," the DRB could not "derail the Project at this preliminary stage with an issue BlackRock had no notice of and, what is more, was specifically told need not be addressed at the sketch plan stage."

In legal terms, the court decided that the DRB's sketch plan decision became "precedent" since it was not challenged or appealed. Precedent is a legal term for a principle or rule established in a previous case that is either binding on or persuasive for a decision-making authority when deciding subsequent cases with similar issues or facts. Traditionally, legal systems place great value on deciding

cases according to consistent rules so that similar facts will yield similar and predictable outcomes. Although the court in *BlackRock* did not decide that the DRB's sketch plan decision was binding precedent for all of the DRB's future decisions, it did decide that such decision was binding precedent for a future sketch plan decision on that same project.

The decision in this case was not tantamount to approval of the proposed project, but merely allows the applicant to proceed to the next stage of the town's subdivision review process (preliminary plat review). Moreover, the court did not state that wastewater issues could never be the basis for denial of this (or any other) project. Instead, it acknowledged that "any wastewater capacity issue will need to be addressed at later stages of the permitting process."

The practical effect of the *BlackRock*

decision is limited but it still provides an important lesson for DRBs (and other local land use boards) regarding the effect of their own written decisions. A DRB must be aware that the statements they include in a written decision about a project will constrain the way they are able to treat subsequent applications for that same project. If, as in the *BlackRock* case, a DRB states that a certain issue is not a basis upon which to deny a stage of review, it may not later deny a second round of that same stage of review based on that same identified issue.

The case is archived at <https://www.vermontjudiciary.org/GTC/Environmental/ENVCRTOpinions2010-Present/BlackRock%20Construction,%20LLC%20SD%2031-4-15%20Vtec%20MSJ.pdf>.

Sarah Jarvis, Staff Attorney II
Municipal Assistance Center



**HILL
ATTORNEY**
— PLLC —

Legal Services for
Vermont Municipalities and
Non-Profit Organizations

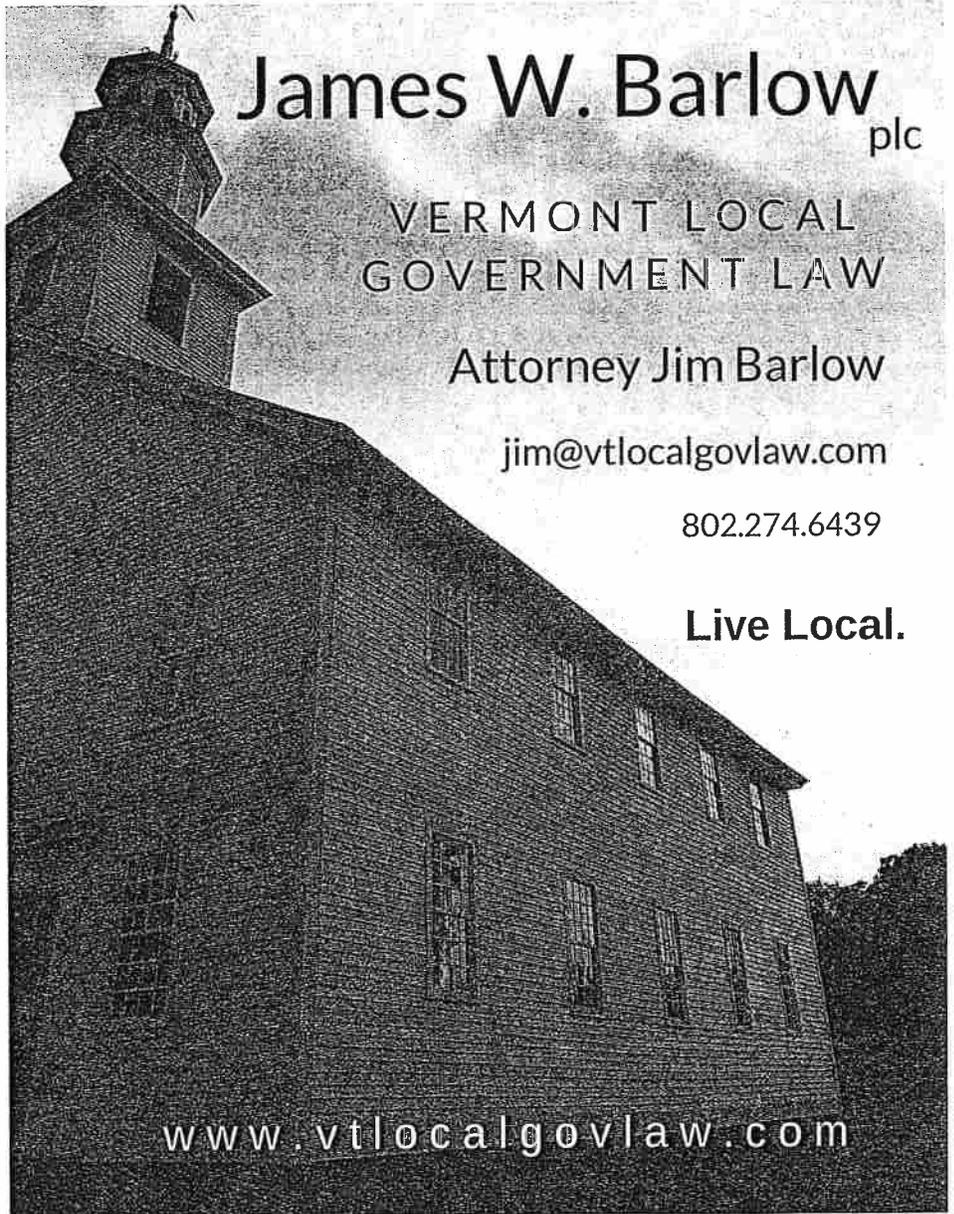
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Attorney Jim Barlow

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DRAFT MUNICIPAL PLANNING GRANT 2016

GRANT APPLICATION PREPARATION/REVIEW WORK PLAN

September 26-29	Application Preparation by Planning Director
September 30	Finalization of First Draft & Release to Administration Stakeholders
October 3-7	Administration Stakeholder Input
October 3	Selectboard Briefing and Input
October 4	Planning Commission Briefing and Input
October 11	TAC Briefing and Input
October 13	Development Review Board Briefing and Input
October 14	Grant Application Finalized for Selectboard Packet
October 17	Selectboard Grant Application Consideration
October 18-21	If Approved, Application Filed by Planning Director
October 31, 2016	Deadline to Submit
December 2016	Award Decisions
August 31, 2017	Mid-Project Report Due
May 31, 2018	Project Completion and All Funds Spent
June 30, 2018	Final Report and Products Submitted

ALTERNATIVES CONSIDERED

- Comprehensive Plan Update: Funding for Outreach
- Official Map Development
- Bylaw Amendment for Animal Hording, Urban Agriculture and Agricultural Enterprises

GRANT APPLICATION

Applicant: Town of Milton

State Designations: None

Municipal Confirmation: Yes

Consortium Project: No

Project Type: Bylaw Amendments

Project Title (80 Character Limit)

Preparation of Amendments to Public Works Specifications and Unified Development Regulations*

*Drafting in progress by the Planning Commission for hearings in early 2017.

Project Description (250 Character Limit)

The Town will hire a consultant to develop two products:

1. Amendments to the Town of Milton Public Works Specifications and the Unified Development Regulations to guide new community infrastructure; and
2. An improvement and maintenance plan containing recommendations that implement the standards for existing public infrastructure.

What are the primary issues your community is trying to address: (4,000 Character Limit)

Milton's Town Plan clearly prioritizes compact, connected, and walkable urban development in our Town Core surrounded by low-impact development in our rural areas. While we are making progress in many respects, we continue to see discordant development outcomes that are inconsistent with our adopted vision.

Milton's Zoning/Subdivision Regulations and Public Works Specifications are substantially inconsistent and have significant gaps. As an edge community in a fast-growing county, Milton faces substantial development pressure, but is without the necessary resources to rapidly fix the ordinances we have outgrown. The Municipal Planning Grant could help us overcome these barriers to achieving our Plan. One example of a challenge we face is that there are the more than fifty-five overlapping terms for traveled ways in the Zoning, Subdivision, and Public Works Specifications that apply to approximately 10 types of infrastructure. These standards present conflictual standards and offer a one-size fits all approach without regard to context and use. For instance, road and driveway standards are sometimes underwhelming for downtown development and overwhelming for rural development. This inconsistency between ordinances is undermining Milton's ability to apply and legally defend the narrow set of existing standards.

An example of a rural challenge is how Milton's standards allow:

- long (more than 1,000'),
- wide (24' within a 60' right-of-way),
- dead-end (often hammerheads),
- rural road development,
- with steep grades (up to 10%),
- that enable high-impact subdivision of working lands (by creating frontage),
- often serving fewer than three or four dwelling units,
- with very rudimentary drainage standards to apply.

This type of development could be put on a diet and integrate smart stormwater management, while still allowing sufficient emergency vehicle access – potentially at a lower cost when integrated with companion low-impact development standards.

An example of an urban challenge is how Milton's subdivision standards leave many streetscape elements (street trees, lighting, sidewalks) entirely to the discretion of the DRB. Further, the specifications for these amenities do not take into account context or intended use. There is no regulatory guidance concerning on-street parking, and while multi-use paths have been strongly prioritized in the plan, the Regulations only have requirements for sidewalks. While some roads intended for public dedication are being underbuilt, Milton is also seeing an increasing number of short, dead-end streets for infill development, arguably being overbuilt for the context and use. One size fits all is not working.

How will the proposed project address the identified issues?

Milton will resolve the issues above by:

- 1) Developing hierarchical development standards and design specifications for:
 - Streets and roads;
 - Sidewalks, pathways and trails;
 - Driveways and highway access;
 - Internal circulation and parking;

- Wayfinding signage, lighting, plantings, and some public art; and
- Stormwater management;

All of which will factor in this infrastructure's:

- Land-use/zoning context: (village/downtown/suburban/rural);
- Transit service (existing and potential);
- Traffic volume/congestion/safety; and
- Modality: vehicular, bike, pedestrian.

2) Prioritizing low-impact development standards and design specifications for green stormwater infrastructure will help Milton prevent stream impairment -- while also serving as a model for other communities without stormwater specialists or utilities to meet the upcoming municipal roads permit/MS4 permit. This will require a particular focus on identifying standards and designs that reduce runoff from private driveways and roads, and thereby lessen the stormwater management in public rights-of-ways.

3) Develop a maintenance and improvement report, consistent with the standards above, that makes recommendations to bring existing roads to the current standards -- taking into account what the Town can afford to pay.

Project Values: Having clear and context-specific standards for roads, driveways and other impervious surface -- along with an integrated maintenance plan for upgrades to existing public infrastructure -- will help Milton ensure that new infrastructure:

- is economically scaled and built according to its use and context,
- calms traffic by aligning design with posted speed limits,
- advances Complete Streets priorities,
- protects water quality,
- and minimize costs associated with Milton's Municipal Roads Permit/ MS4 Permit.

The project will be informed by and take into consideration the prior planning resources below:

Local Regulations/Ordinances

- Milton Illicit Discharge and Stormwater Connection Ordinance (2007)
- Milton Motor Vehicle and Traffic Regulation Ordinance (2011)
- Milton Public Works Specifications (2010)
- Milton Street Naming, Addressing, Street Signs Ordinance (2013)
- Milton Zoning & Subdivision Regulations/Draft Unified Development Regulations
- Milton Water and Wastewater Ordinances
- Milton Highway Maps
- Milton Landscape Bonds Policy (1998)

Maintenance Documents

- [Milton Sidewalk Replacement and Maintenance Program \(2007\)](#)
- [Milton Best Management Practices for Erosion and Sediment Control \(2002\)](#)
- [Milton Best Management Practices for Stormwater Control and Watercourse Buffers \(2002\)](#)
- [Milton Winter Operations Plan \(2014\)](#)
- [Milton Traffic Calming Policy \(2000\)](#)

Plans & Studies

- [Town of Milton Comprehensive Plan \(2013\)](#)
- [Milton Town Core Traffic Circulation Plan \(2008\)](#)
- [Route 7 Land Use and Transportation Study \(2008\)](#)
- [Milton Town Core Master Plan \(2000\)](#)
- [Milton Long Range Access and Mobility Committee Final Report \(2001\)](#)
- [Town Core Streetscape and Accessibility Design Study \(2007\)](#)
- [Prior Town of Milton Corridor/Scoping Studies](#)
- [Milton US Route 7 Health Impact Assessment \(2015\)](#)
- [The US Route 7 Corridor Study \(2015\)](#)
- [Northern Lake Champlain Basin Management Plan \(2015\)](#)
- [Lamoille River Tactical Basin Management Plan \(2016 draft\)](#)
- [Region's Active Transportation Plan \(2016\)](#)
- [VTRANS Report on Shared-use Path and Sidewalk Unit Costs \(2010\)](#)
- Available Traffic Studies and Count Data

Standards and Guidance Reports

- Vermont Highway Law: [19VSA](#)
- Milton Urban Community Forestry Inventory and [Urban Tree Planting Guide](#)
- [Street Tree Manual](#)
- [Vermont's Tree Selection Guide](#)
- [SmartCode Manual](#)
- [United States Postal Service Mailbox Guidelines](#)
- [VTRANS Class 1 Town Highways: Costs and Issues for Vermont Communities Considering Reclassification of State Highways \(2016\)](#)
- [VTRANS Access Management Program Guidelines \(2005\)](#)
- [VTRANS Complete Streets Guidance Document \(2012\)](#)
- [VTRANS Corridor Management Handbook \(2005\)](#)
- [VTRANS Orange Book for Local Officials \(2016\)](#)
- [Chittenden County's Bicycle Design Facility Toolkit \(2015\)](#)
- [USDA Trail Construction and Maintenance Notebook \(2007\)](#)
- [Revised Vermont Stormwater Management Manual \(2016\)](#)
- [Vermont's Model Stormwater Management Bylaw \(2015\)](#)
- [Green Stormwater Infrastructure Sizing Tool \(2015\)](#)
- [Low Impact Development Principles \(2013\)](#)
- [Green Stormwater Infrastructure Best Management Practices](#)

How will the project engage the public and community partners?

The project will be led by a steering committee, including interested representatives of the community partners from the stakeholder groups identified below.

This steering committee will keep the public informed by taking the following steps:

1. Develop and Maintain a Project Website
2. Issue Project Launch Press Release
3. Provide Periodic E-mail Updates to an Interested Citizens Mailing List
4. Provide Periodic Updates through Existing Town Communication Channels: Facebook, Recreation Newsletter, Message Boards, Website, etc.
5. Issue Press Release on Preferred Alternatives Survey and Open House
6. Launch Publicly Accessible Online Survey and Interactive Map followed by Open House to invite Public Ranking of Preferred Alternatives
7. Issue Press Release on Final Public Forum
8. Hold Demonstration Project Illustrating Concepts
9. Conduct Final Public Forum Prior to Forwarding Language for the Planning Commission
10. Issue Statutory Public Hearing Notices for Planning Commission & Selectboard Hearings

Government Stakeholders:

- Voters/Citizens
- Selectboard
(Grant Authorizers, Adopters of the Plan & Ordinances, Development Surety Controllers, Dedication Accepters, Project Funders)
- Planning Commission
(Drafters of the Plan, Zoning & Subdivision Regulations and Public Works Specifications [24VSA4325])
- Development Review Board
(Interpretation and Application of Regulations [24VSA4460])
- Conservation Commission
(Natural Resource Advisors, Stewards of Natural Areas and Trails [24VSA4505])
- Economic Development Commission & Local Business
(Local Economy and Economic Impact Advisors)

Administration Stakeholders:

- Management and Administration
(General Oversight)
- Planning Dept.
(Planning Support, Development Review Support, Permitting, Surety Administration, Street Naming/Addressing Ordinance Admin.)
- Finance Department
(Funding Administration, Surety Oversight)
- Development Review Board Technical Advisory Committee: Police, Fire, Recue, School District, Recreation, Highway, Water & Wastewater.
(Advisers of DRB on Technical Specifications and Municipal Impact)
- Public Works Dept.

(Administration of Public Works Specifications/Highway Access Permitting, Engineering Services, Administration of Gross Weight Limits Ordinance/Permitting; Administration of Illicit Discharge and Stormwater Connection Ordinance)

- Highway Dept.
(Construction, Maintenance, TAC Member)
- Water/Wastewater Dept.
(Engineering, Construction, Maintenance, TAC Member, Water/Wastewater Ordinance Administration & Connection Permitting)
- Police Dept.
(TAC Member; Administration of Motor Vehicle and Traffic Regulation Ordinance and Snowmobile Ordinance)
- Fire/Rescue Dept.
(TAC Member)

External Stakeholders:

- Milton Health Community Design Task Force
- School District's Safe Route to School Committee
- Agency of Transportation
(Owns US Route 7 and State Highway Standards)
- Regional Planning Commission
(Transportation Planning Specialists, Outside Funding for Scoping and Construction)
- Chittenden Area Transportation Management Association (CATMA)
- United States Postal Service
(Standards for Mailboxes in Right-of-Ways)
- Green Mountain Transit
(Bus Route Provider)
- Railroad
(Stakeholder in Railroad Crossings)
- Engineering Community
(Prepare specification for projects that conform to local standards, certify construction).
- Infrastructure Construction Community
(Read and build according to the specification sheets)
- Developer Community
(Economic choices guided by standards)

How will this further goals in the plan?

This project will advance the following goals:

Goal 3.2.2

Enhance transportation opportunities, including the additions of park-and-ride facilities, whether publicly or privately owned, which create destinations and a sense of community.

Goal 3.2.11

Better define the Town Core and create a sense of place unique to this area, using methods discussed by the Planning Commission at a 2012 public input session and the 2007 'Town Core Streetscape and Accessibility Design Study'.

Goal 4.4

Define policies that will establish allowable uses for future pathways.

Goal 4.4.2

Promote public awareness of the benefits of multi-use pathways.

Goal 4.4.4

Encourage multimodal pathway connections that complement existing and planned sidewalk locations.

Goal 4.6.2

Continue to develop more sidewalks in order to promote growth and a more walkable community.

Goal 5.2.2

In conjunction with the Town's land use policies, the Town shall continue to support the development of sidewalks and multi-use pathways in Town, both by constructing them as part of the Town's Capital Improvement Plan and by requiring developers to construct them in association with new development projects.

Goal 6.4.9

Ensure that the Town permitting requirements, such as the Public Works Specifications, strike the property balance between development costs and maintaining adequate public health and safety standards.

Goal 7.1

The Town should continue to work toward increased operational efficiency of Route 7 and continue to incorporate the following items into the strategy: support access management, promote parallel road systems, encourage alternative modes of transportation, provide traffic controls, establish new necessary rights of ways, and require transportation improvements in the zoning regulations.

Goal 7.5

The Town should consider implementing a local policy for how complete street improvements will be applied.

Goal 7.9

Enhance pedestrian-friendly environments incorporating streetlights, street trees, signage public spaces, and develop guidelines for these streetscape elements.

Goal 8.3

The Subdivision Regulations and/or Zoning Regulations should be amended to include a provision that developments that require a State post-construction stormwater permit, must include language in their Homeowners Association's covenants that the Association will maintain stormwater systems and permits in perpetuity.

How does this further statewide planning goals?

This project will address clear conflicts with the Municipal Plan by addressing gaps (where the regulations do not implement the Plan) and coordinating conflictual language among ordinances.

This project will support compact walkable development in the Town Core and low-impact development in the hinterlands by scaling transportation infrastructure to dimensions that correspond with the land use context and infrastructure use.

This project will support the long-term betterment of the physical and economic environment of Milton's downtown by implementing policy for complete streets, where appropriate to the context, that will guide a clear vision for future improvements to Town roads.

How does this relate to and support an existing designation?

Milton does not have a designation.

The Planning Commission has had informal discussions expressing a positive interest in proposing a Town Plan amendment to prioritize a Village Designation. Milton will be preparing amendments to the Town Plan throughout 2017 for adoption and confirmation by 2018.

Funding Last Year

Applied. Not funded.

Resolution

Selectboard Resolution

Potential Letters of Support:

- Planning Commission
- Conservation Commission
- Development Review Board
- Administration/TAC
- RPC
- HCDTF
- Safe Route to School Milton Group

Municipal Authorizing Official

Town Manager
Director of Administration, Alternate

Grant Administrator

Project Manager: Planning Director
Financial Manager: Finance Director

Work Plan

Move into Work Plan Spreadsheet

1. Assemble Steering Committee
2. Review Work Plan and RFQ
3. Hire Consultant: Issue RFQ, Select Contractor
4. Conduct Survey of Resources to Educate Committee, Reveal Values, and Frame Priorities that Achieve Goals
5. Consultant Conducts Technical Analysis of Existing Regulations

6. Consultant Frames Alternatives Responsive to Project Goals
7. Consultant Develops Online Survey for Public Ranking of Alternatives
8. Steering Committee Hosts Public Open House on Preferred Alternatives
9. Steering Committee Ranks Preferred Alternatives
10. Based on Defined Preferences, Consultant Drafts Language for Review by Committee
11. Committee Hosts Demonstration Project to Illustrate Concepts
12. Committee Finalizes Draft
13. Committee Hosts Community Public Forum to Present Language
14. Committee Amends Proposal Based on Feedback and Finalizes Language
15. Grant Closeout
16. Planning Commission Reviews Zoning/Subdivision Language, Warns Hearing, Conducts Hearing, and Forwards Language to Selectboard.
17. Planning Commission Reviews Public Works Specifications and Provides Advisory Report to Selectboard
18. Selectboard conducts hearings on both ordinances and maintenance plan for review and approval.

Maximize Grant Leverage to Design a Project costing \$26,000, with a local cash match of at least 6,000. Projects exceeding \$10,000 in price require a competitive selection and contract for services.

What is the source of the match?

The Planning Department's Budget has a line for other professional services. Will need to investigate year-end scenarios given current commitments. The required match would fall within Fiscal Years 2017 and 2018.

How did you arrive at realistic budget estimates in the work plan?

Consultation with the RPC:

Estimate from Dubois and King: \$25,000 to \$35,000

Estimate from Planning Consultant: _____

Estimate from Winooski Public Works Director: \$10,000

What type of accounting system does your municipality use?

Automated

Does your organization have an accounting system that will allow you to completely and accurately track the receipt and disbursement of funds related to the award?

Yes



DEVELOPMENT REVIEW BOARD

Meeting Type:.....**Regular**
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**

MEETING MINUTES

1 **1. CALL TO ORDER**

2 The Chair called the meeting to order at 7:07 p.m.
3

4 **2. ATTENDANCE**

5 **Members Present:** Bruce Jenkins, Chair; David Conley, Vice-Chair; Henry Bonges, Clerk; Bob
6 Brisson; Julie Rutz.

7 **Members Absent:**

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

9 **Public Present:** See attached sign-in sheet.
10

11 **3. AGENDA REVIEW**

12 Agenda Items 5 and 6 were postponed by unanimous consent until the end of the meeting.
13

14 **4. PUBLIC FORUM**

15 None.
16

17 **5. ELECTION OF OFFICERS**

18 As noted above in Item 3, this Item was postponed until the end of the meeting. When it was taken
19 up, the following occurred:
20

- 21 • MOTION by Bonges to elect Jenkins as Chair. SECOND by Conley. Unanimously
22 APPROVED.
- 23 • MOTION by Rutz to elect Bonges as Vice-Chair. SECOND by Conley. Unanimously
24 APPROVED.
- 25 • MOTION by Brisson to elect Rutz as Clerk. SECOND by Conley. Unanimously
26 APPROVED.
27

28 **6. OLD HEARINGS/BUSINESS**

29 **6(A). Bylaw Review & Goals**

30 As noted above in Item 3, this Item was postponed until the end of the meeting. When it was
31 taken up, the group briefly reviewed the bylaw and the goals of the Development Review Board
32 (DRB). The Chair indicated that he'd like some wording changed in number 7 of the
33 "Alternates" section of the bylaw. Staff noted the requested changes and will present a revised
34 copy for approval at the DRB's next meeting.
35

36 **7. NEW HEARINGS/BUSINESS**

1 **7(A). Joseph Blondin/Applicant & Joan Blondin/Owner -- Minor Conventional Subdivision**
2 **Sketch Plan - 860 East Road.**

3
4 The Chair read the following summary to open the hearing:
5

6 The applicant, **Joseph Blondin**, requests **Minor Conventional Subdivision Sketch Plan** and
7 **Variance** approval pursuant to the Town's Zoning and Subdivision Regulations. The 33.76 acre lot
8 located within the Agricultural/Rural Residential (R5) Zoning District and East Milton Planning
9 Area is owned by **Joan Blondin** and described as 860 East Road; Tax Map 4, Parcel 31; SPAN 12711.
10 The proposal would divide the property into three lots served by on-site water and wastewater, as
11 well as create a new private road. A variance is requested from the lot width-to-depth ratio
12 requirement.
13

14 Rutz disclosed that she knows the Applicant, as she used to be his teacher. No one in the room had
15 any objections to Rutz's participation.
16

17 The Chair administered the Oath to Interested Persons. Representing the Applicant was Joseph
18 Blondin, hereafter referred to as "applicant(s)."
19

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

- 21 1. The applicant agreed to schedule a site visit prior to the final plan hearing.
- 22 2. The applicant stated there are no encumbered areas on the property (such as easements,
23 covenants, rights of ways, etc.).
- 24 3. The applicant agreed that the Final Plan application shall include a copy of the recorded
25 plat.
- 26 4. The applicant agreed that the Final Plan application shall include the Zoning District on
27 the survey plat.
- 28 5. The applicant agreed to show a private road to be constructed within the proposed
29 private right of way (meeting the private road standards of ZR592 and the Town of
30 Milton Public Works Specifications), and to provide a full road profile with water
31 management.
- 32 6. The applicant agreed to submit, within six (6) months of classification by the DRB of the
33 sketch plan as a minor subdivision, an application for approval of a subdivision plat, and
34 that the application shall contain those items set forth in Section 610 of these regulations,
35 and shall conform to the layout shown on the sketch plan plus any recommendations
36 made by the DRB.
- 37 7. The applicant agreed that the Final plan shall show a dead end in conformance with the
38 Zoning and Public Work Specification Standards.
- 39 8. The applicant agreed that the Final Plan shall include an adequate stormwater drainage
40 plan.
41

42 The Chair had some questions about the variance requested for Lot 1 and the applicant explained
43 that the width-to-depth ratio could not be met for Lot 1, stating that there is an approximately
44 100-foot drop-off between lots which necessitates the design.
45

1 Bonges asked about open space; the applicant advised they are requesting a conventional
2 subdivision that doesn't require open space because any open space would not be accessible
3 without crossing neighboring property.
4

5 The discussion turned to frontage and road requirements. Questions were asked and answered,
6 and previous applications and decisions for this project were discussed. The applicant does not
7 wish to build a private road and stated it would be a "road to nowhere," but also added that if
8 he had to build it, he would.
9

10 After discussion, it was determined that if the private road was extended so that Lot 3 abuts the
11 road for 400 feet, it would create frontage and also solve the width-to-depth ratio issue, negating
12 the need for a Variance.
13

14 Hearing no further questions or comments, the Chair closed the Hearing at 7:34 p.m.
15

16 **8. PLANNING STAFF REPORT**

17 Staff shared a brief update of Planning Department and Planning Commission activities. Also
18 discussed were upcoming DRB Hearings and applications that have been submitted. Finally,
19 Staff addressed a recently received Notice of Appeal of the DRB's Preliminary Plan approval for
20 a Major Conventional Subdivision on East Road. Staff will keep the DRB updated.
21

22 **9. OTHER BUSINESS**

23 None.
24

25 **10. MINUTES**

26 **10(A). Minutes of September 8, 2016**

27 MOTION by Rutz to APPROVE the Minutes of September 8, 2016 as written; SECOND by
28 Brisson. Unanimously APPROVED.
29

30 **11. ADJOURNED**

31 MOTION by Bonges to adjourn at 7:49 p.m.; SECOND by Rutz. Unanimously APPROVED.
32

33 Minutes approved by the Commission this _____ day of _____, 2016.
34
35

36 _____
37 Bruce Jenkins, Chair /kt

38 Draft filed with the Town Clerk this 27th day of September, 2016.
39

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