

MILTON DEVELOPMENT REVIEW BOARD PUBLIC NOTICE OF MEETING & HEARINGS

Meeting Type: **Regular Meeting**
Date: **Thursday, March 10, 2016**
Time: **7:00 p.m.**
Place: **Municipal Building Community Room**
Address: **43 Bombardier Road, Milton, Vermont 05468-3205**
Contact: **(802) 893-1186**
Website: **miltonvt.org**

Bruce Jenkins

Clayton Forgan

David Conley

Henry Bonges

AGENDA

1. Call to Order
2. Attendance
3. Agenda Review
4. Public Forum

The public may attend and be heard in accordance with Vermont's Open Meeting Law (1 V.S.A. 312).

5. Old Hearings/Business: *None.*

6. New Hearings/Business

6(A). Boundary Line Adjustment - 367 and 375 North Road - Kevin & Rosemary Hebert, and Nancy McLaughlin (Hepp)/Owners & Applicants. The Applicants are requesting Boundary Line Adjustment approval to adjust the property boundaries between two adjacent lots located at 367 and 375 North Road described as SPAN# 11532 and 12314 and Tax Map 15, Parcels 128 and 127. The adjustment corrects an acreage error made on a previously recorded survey plat. The subject properties contain a total of approximately 1.57 acres and are located within the "Agricultural/Rural Residential" (R5) Zoning District and the "East Milton" Planning Area.

7. Other Business, Staff Update

8. Approval of Minutes of February 24, 2016

9. Possible Deliberative Session

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

10. Adjournment

Jeffrey Castle, Town Planner



TOWN OF MILTON
Planning & Economic Development Department
 43 Bombardier Road
 Milton, VT 05468-3205
 (802) 893-1186
 miltonvt.org

DEVELOPMENT REVIEW BOARD STAFF REPORT

Hearing Date: March 10, 2016	
Case No: DRB 2016-10	
Application(s): Boundary Line Adjustment	
Application Received: February 5, 2016	
Application Deemed Complete: February 8, 2016	
Staff Report Finalized: Friday, March 4, 2016	
Applicant(s): Kevin P. & Rosemary E. Hebert 367 North Road Milton, VT 05468	Owner(s): Same Nancy J. Hepp 375 North Road Milton, VT 05468
Engineer/License: None	Surveyor/License: Warren A. Robenstien 2407 Blakely Road Colchester, VT 05446
E-911/Postal Address: 367 & 375 North Road	
Tax Map, Parcel(s): Tax Map 15, Parcel 128 / Tax Map 15, Parcel 127	
School Parcel Account Number(s) (SPAN): 11532 / 12314	
Deed(s): Book 453, Page 239 / Book 110, Page 92	
Existing Size: 1.7 acres	
Zoning District(s): Agricultural Rural Residential "R5"	
Comprehensive Plan Planning Area/Sub-Area: East Milton Planning Area	
Location: North Road Between Shotwell Road and Hillside Place	

INTRODUCTION

Noticed/Warned Summary of Proposal: Kevin & Rosemary Hebert, and Nancy McLaughlin (Hepp)/Owners & Applicants are requesting **Boundary Line Adjustment** approval to adjust the property boundaries between two adjacent lots located at **367 and 375 North Road** described as SPAN# 11532 and 12314 and Tax Map 15, Parcels 128 and 127. The adjustment corrects an acreage error made on a previously recorded survey plat. The subject properties contain a total of approximately 1.57 acres and are located within the "Agricultural/Rural Residential" (R5) Zoning District and the "East Milton" Planning Area.

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

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

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

APPLICATION, JURISDICTION, NOTICE

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

Applicant(s): The application was submitted by Kevin & Rosemary Hebert, and Nancy Hepp, referred to hereafter as the "applicant".

Landowner(s): The property is owned by Kevin & Rosemary Hebert, and Nancy McLaughlin (Hepp). All owners are signatories to this application.

Project Consultant(s): Warren Robenstien, Surveyor, and Daniel S. Triggs, Attorney, are consultants for this project.

Application Submission: The application form was received by the Planning and Economic Development Department on February 5, 2016 and deemed incomplete by staff. Additional application materials were submitted on February 8, 2016.

Application Completion: The application was deemed complete by staff on February 8, 2016.

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

effective February 26, 2015; and The Town of Milton Subdivision Regulations (SR), effective June 28, 2010.

Boundary Lines Adjustment Specific Jurisdiction: SR130 states: Subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the Town of Milton. No land shall be subdivided within the Town of Milton until the subdivider shall obtain final approval of the proposed subdivision from the Development Review Board (DRB) and the final approved subdivision plat is recorded in the Milton Land Records.

Staff notes that while Boundary Line Adjustment (BLA) is term that does not appear in the Subdivision Regulations, Milton has consistently categorized BLAs as meeting the definition of "resubdivisions" (per SR200.10) and treated them as subject to a single hearing.

Regulatory Waivers Requested: No waivers were requested.

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

Hearing: The Town Planner scheduled the hearing for March 10, 2016.

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

EXHIBITS

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

- Narrative Explaining Request for Change to Plat
- Plat of Survey Showing Boundary Line Adjustment by Warren A. Robenstien revised 12/15/2015.

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

- Notice of Decision: Boundary Line Adjustment & Variance Application, 357, 367, and 375 North Road, signed November 27, 2014.
- Final Plat: Plat of Survey, Boundary Line Adjustment, James H. Waters Property 13.66 Ac. (before adj., dated Oct. 1, 2014.
- Technical Advisory Committee (TAC) Public Works Review Sheet dated 2/17/2016;
- TAC Police Review Sheet dated 2/17/2016;
- TAC Recreation Review Sheet dated 2/16/2016

SITE, DISTRICT & AREA INFORMATION

Property Location: The subject properties are located at 367 & 375 North Road and shown on Milton's Tax Map 15, Parcel 128 and Tax Map 15, Parcel 127. The corresponding School Parcel Account Numbers (SPAN) are 11532 and 12314

Size/Area: The Assessor's Grand List records these properties as:

- 367 North Road is approximately 0.83 acres.
- 375 North Road is approximately 0.74 acres.

Deed(s): The deed for 367 North Road is recorded in Book 453, Page 239 of the Town of Milton Land Records. The deed for 375 North Road is recorded in Book 110, Page 92 of the Town of Milton Land Records

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

Comprehensive Planning Area: The site is located within the East Milton Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan.

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

SITE HISTORY

Background: The subject properties were part a previous Boundary Line Adjustment and Variance Approval on November 27, 2014 for the 3 lots located at 357, 367, and 375 North Road.

- In this approval, a Variance was granted from Zoning Regulations ZR344, ZR620 and ZR621 increasing the non-conformity to the minimum frontage requirement for Lot 127 (Hepp lot, 375 North Road).

The applicants are requesting to amend the previously recorded Boundary Line Adjustment Plat, marked Final by Staff on 2/6/2015 and recorded in the Town of Milton Land Records.

The amendment is intended to correct an error on the recorded plat which labels the parcel of land to be conveyed to the Heberts as a 0.30 acre parcel instead of a 0.11 acre parcel.

1. The applicant shall state the proposed changes to the Boundary Line Adjustment Plat.

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

EXISTING AND PROPOSED USE/IMPROVEMENTS/LAND RESTRICTIONS

Existing Use: The subject lots contain single family residential uses. The R5 Zoning District lists single family dwelling units as permitted uses. No change of use is proposed.

Existing Improvements: The subject lots each contain a single family residential dwelling unit, on-site wastewater, and wells -- the locations of which are indicated on the draft Plat. The Hepp Lot has one accessory structure, but no accessory structures are shown on the Hebert Lot.

Proposed Improvements: No changes are proposed to existing improvements.

BOUNDARY LINE ADJUSTMENT AMENDMENT REVIEW

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

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

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

SUBDIVISION STANDARDS

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

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

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

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

ZONING REGULATION REVIEW

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

Staff finds that the proposal is for a reduction of the size of the land labeled “Hepp to Hebert” from the labeled 0.30 Ac to 0.11 Ac. This change warrants re-review of the dimensional conformity of the subject lots.

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

Hepp: 375 North Road - Lot 127	Required	Prior Approval	Proposed
Minimum LOT AREA (sq. ft.)	400,000	37,897	37,897
Minimum Road FRONTAGE (linear ft.)	400	275	275
Minimum FRONT SETBACK (linear ft.)	35	45	45
Minimum SIDE SETBACK (linear ft.)	50	65	65
Minimum REAR SETBACK (linear ft.)	50	103	103
Maximum BUILDING COVERAGE	40	na	na
Maximum LOT COVERAGE (%)	15	.05	.05

Staff finds that there is no change in the dimensions of the Lot at 375 North Road. The proposed amendment has no impact on dimensional conformity.

Hebert: 367 North Road - Lot 128	Required	Prior Approval	Proposed
Minimum LOT AREA (sq. ft.)	400,000	30,927	36,294
Minimum Road FRONTAGE (linear ft.)	400	194	194
Minimum FRONT SETBACK (linear ft.)	35	60	60
Minimum SIDE SETBACK (linear ft.)	50	58	58
Minimum REAR SETBACK (linear ft.)	50	82	82
Maximum BUILDING COVERAGE	40	na	na
Maximum LOT COVERAGE (%)	15	.046	.046

Staff finds that the proposed amendment results in an increase in the lot area calculation presented to the DRB of 5,367 sq. ft.

Staff finds this change is due to the correction of **two** errors in the plat information originally presented to the Board:

-A discrepancy existed between areas represented on the plat (44,570 sq. ft.) and area represented in the dimensional table (30,927).

-The prior plat contained land labeled "Hepp to Hebert" incorrectly labeled "0.30 Ac". The current proposal is to change this label to "0.11 AC".

This correction results in a **decrease in non-conformity** of Minimum Lot Area previously approved by the DRB.

ADMINISTRATION

Amendment: 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 recommends that all conditions of prior DRB Boundary Line Adjustment approval, dated November 27, 2014 shall be in full force and effect except as further amended herein.

2. All conditions of prior DRB Boundary Line Adjustment approval, dated November 27, 2014 are in full force and effect except as further amended herein.
3. All elements of the Final Plat marked Final on 2/6/2015 shall be included in the revised Final Plat except as further amended herein.

Staff finds that the following elements have not been retained on the revised plat and shall be included in the final plat, if approved.

4. The Final Plat shall include a note stating, "No further subdivision shall occur on Lots 127 or 128 pursuant to the Milton Zoning Regulations Section 621(2) and the Development Review Board's Boundary Line Adjustment Decision dated (to be determined) ."
5. The Final Plat shall be revised to indicate lot numbers according to the prior approval.

Legal Escrow, SR910:

6. The Applicant shall submit \$500 to cover the legal review of the deeds and any other required legal instruments by the Town Attorney. Any funds not expended on the legal review will be refunded to the Applicant

Legal Review, SR920:

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

SR940, Filing of Final Plat: If approved,

8. Staff Review of Revisions: The Applicant shall submit one paper or PDF version of the revised final Plat for review and approval by Staff prior to submitting the Final Plat. The Applicant shall also submit one full-sized (to scale) paper Final Plat and one 11x17 paper plat depicting any requested changes, to be maintained in the Planning Office's application file.
9. Final Plat Submission: The Final Survey Plat shall be in compliance with SR610 and submitted on mylar (18" x 24"), signed by the licensed surveyor and the Chair of the DRB, and recorded in the Town Clerk's Office within 180 days of the date of the DRB's Final Approval Decision per SR940. Final approval expires if not filed within 180 days, unless extended by the Zoning Administrator for pending local or state approvals. In the event a subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.

SR950, Revisions: No changes, erasures, modifications, or revisions shall be made on any subdivision plat after the final approval, unless said plat is first resubmitted to the DRB and the DRB approves the modifications. In the event the subdivision plat is recorded without complying with this requirement, the Plat shall be considered null and void.

Completion, Operation and Maintenance: This proposal shall be completed, operated, and maintained as set forth in the plans and exhibits as approved by the Development Review Board and on file in the Department of Planning and Economic Development, and in accordance with the conditions of this approval.

TECHNICAL REVIEW COMMITTEE

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

STAFF RECOMMENDATION

The Planning Staff recommends that the DRB **approve** the Boundary Line Adjustment for the two adjacent lots located at **367 North Road and 375 North Road** described as SPAN #s 11532 and 12314, Tax Map 15, Parcel 128 and Tax Map 15, Parcel 127, subject to the conditions above.

Respectfully Submitted:



Jeffrey Castle, Town Planner

ATTACHMENTS:

- Narrative Explaining Request for Change to Plat
- Plat of Survey Showing Boundary Line Adjustment by Warren A. Robenstien revised 12/15/2015.

- Notice of Decision: Boundary Line Adjustment & Variance Application, 357, 367, and 375 North Road, signed November 27, 2014.
- Final Plat: Plat of Survey, Boundary Line Adjustment, James H. Waters Property 13.66 Ac. (before adj., dated Oct. 1, 2014.
- Technical Advisory Committee (TAC) Public Works Review Sheet dated 2/17/2016;
- TAC Police Review Sheet dated 2/17/2016;
- TAC Recreation Review Sheet dated 2/16/2016

COPIES TO:

- Applicant(s)
- Owners(s)
- Attorney

WHAT'S NEXT?

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

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

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

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

APPLICATION TO AMEND PLAT

KEVIN P. HEBERT –APPLICANT -OWNER

ROSEMARY E. HEBERT – APPLICANT -OWNER

NANCY J. HEPP – APPLICANT- OWNER

NARRATIVE EXPLAINING REQUEST FOR CHANGE TO PLAT

This was a boundary adjustment approved in 2014. The boundary adjustment plat was recorded; however, during the course of preparing deeds to adjust the boundaries of the applicants it was discovered that the 0.11 acre parcel of land to be conveyed to the Heberts was incorrectly labeled on the plat as a 0.30 acre parcel. A new plat mylar has been prepared to correct the error and now needs the approval of the Development Review Board. No other changes are being made to the plat.

RECEIVED

FEB 08 2016

Planning & Economic Development
Milton, Vermont

RECEIVED

FEB 05 2016

(incomplete)
Planning & Economic Development
Milton, Vermont

K. J. C. Cook
Vol. 116 Pg
Vol. 104 Pg

D. J. G. Lester
Vol. 224 Pg. 19



Nancy Hepp
Vol. 110 Pg. 92
Septic area
0.50 Ac.



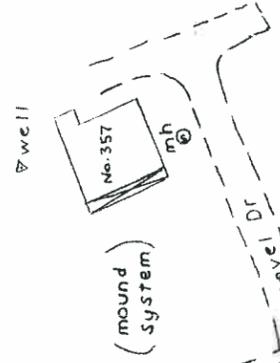
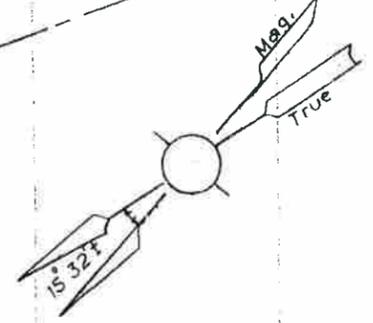
TOWN HWY. NO. 5
Gravel Dr

Hebert
To Hepp
Formerly
Waters
0.37 Ac.

Septic area
0.41 Ac.
No. 307
Kevin Rosemary
Hebert
Vol. 60 Pg. 117

Hebert
from waters
0.30 Ac.

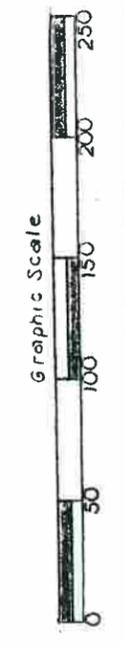
JAMES H. WATERS PROPERTY 12.99[±] Ac. (c)
Vol. 94 Pg. 403
Vol. 57 Pg. 1-3
Vol. 43 Pg. 111



NORTH ROAD
N 29°41'50" E
(Mag.)

LEGEND
exist re-rod with alum. cap up 2'-3"
set re-rod @ flush
exist re-rod with plastic cap up 3"
exist 1" pipe up 4"
set r.r. spk. @ flush
stone wall fence
houses, wells & septic areas shown approx. location

Urban Class Survey
Easement Deeds:
Vol. 37 Pg. 354 CVPS Corp. New Eng. Tel. Tel.
Vol. 35 Pg. 234 CVPS Corp.
Vol. 30 Pg. 241 Spring Rights
Vol. 41 Pg. 370



H.W. Ventures LC
Vol. 185 Pg. 144
Vol. 180 Pg. 260

RECEIVED

FEB 08 2016

Planning & Economic Development
Milton, Vermont

Town Clerk's Office
Received For The Record
Date _____ AD
AT _____ o'clock min _____ m
In map cabinet slide _____



TOWN OF MILTON, VERMONT 05468-3205

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

December 12, 2014

James Waters
P.O. Box 963
Milton, VT 05468

Kevin & Rosemary Hebert
367 North Road
Milton, VT 05468

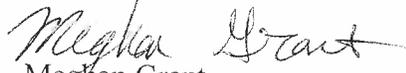
Nancy Hepp
375 North Road
Milton, VT 05468

**NOTICE OF DECISION for 357, 367, and 375 North Road
Boundary Line Adjustment Approval**

On November 20, 2014, the Milton Development Review Board (DRB) granted Boundary Line Adjustment approval to adjust the property boundaries between three adjacent lots located at 357, 367 and 375 North Road. The DRB's Notice of Decision is enclosed for your records. The approval is subject to the conditions listed on pages 8 and 9 of the Notice of Decision.

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

Sincerely,


Meghan Grant
Planning Assistant

Enclosure

30 Day Appeal Information:

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

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

TOWN OF MILTON
DEVELOPMENT REVIEW BOARD
43 Bombardier Road, Milton, Vermont 05468
802.893.1186
www.miltonvt.org

NOTICE OF DECISION
Boundary Line Adjustment & Variance Application
357, 367 and 375 North Road
Waters, Hepp & Hebert

This matter came before the Milton Development Review Board (DRB) on the application of the James Waters, Kevin Hebert, and Nancy Hepp, referred to hereafter as the "Applicant," for Boundary Line Adjustment approval to adjust the property boundaries between three adjacent lots located at 357, 367 and 375 North Road described as SPAN# 13719, 11532, 12314 and Tax Map 15, Parcels 129, 128 and 127. The subject properties contain a total of approximately 15.26 acres and are located within the "Agricultural/Rural Residential" (R5). Because the proposal would create a dimensional non-conformity in Lot 129 and increase a dimensional non-conformity in Lot 127, the Applicants also applied for a variance from Zoning Regulations Sections 344, 620 & 621.

Application: The Boundary Line Adjustment application was received and deemed complete by the Milton Department of Planning and Economic Development Department Staff on October 3, 2014. The Variance application was received and deemed complete by the Milton Department of Planning and Economic Development Department Staff on October 24, 2014.

Hearing: The DRB conducted a warned public hearing on the Boundary Line Adjustment application on October 23, 2014, during which the Applicants requested a variance for the proposal. The Boundary Line Adjustment hearing was recessed (or continued) to November 20, 2014 to allow for submission and warning of the Variance application. The DRB conducted a warned public hearing on the continued Boundary Line Adjustment and Variance applications on November 20, 2014. Public warning was issued according to Vermont Statutes Annotated Chapter 24 §4464.

DRB Participation: The DRB members who were present and participated at the October 23, 2014 hearing were: Allen Lasell (Chair), Bruce Jenkins (Vice-Chair), Tom Cole (Clerk), Clayton Forgan, and David Conley. The DRB members who were present and participated at the November 20, 2014 hearing were: Allen Lasell (Chair), Bruce Jenkins (Vice-Chair), and David Conley.

Representation: The Applicant was represented at the October 23, 2014 hearing by Warren Robenstien (Surveyor), Kevin Hebert and Rosemary Hebert. The Applicant was represented at the November 20, 2014 hearing by Kevin Hebert and Rosemary Hebert.

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

Regulations: Both applications were subject to and reviewed according to the Town of Milton Zoning Regulations (ZR) last amended on August 25, 2014; and the Town of Milton Subdivision Regulations (SR), last amended on June 28, 2010.

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

FINDINGS OF FACT & CONCLUSIONS

1. Summary: (Because the proposal would create a dimensional non-conformity in Lot 129 and increase a dimensional non-conformity in Lot 127), the Applicant seeks a variance from Zoning Regulations Sections 344, 620 & 621 (according to ZR§971) in order to adjust the property boundaries between three adjacent lots located at 357, 367 and 375 North Road described as SPAN# 13719, 11532, 12314 and Tax Map 15, Parcels 129, 128 and 127.
2. Size & Zoning District: The subject lots contain a total of approximately 15.76 acres and are located within the "Agricultural/Rural Residential" (R5).
3. Existing Conditions & Use: The subject lots each contain a single family residential dwelling unit, on-site wastewater, and wells -- the locations of which are indicated on the draft Plat. The Hepp Lot has one accessory structure, but no accessory structures are shown on the Waters or Hebert Lots. The R5 Zoning District lists single family dwelling units as permitted uses.
4. Boundary Line Adjustment Qualifier: The subject area contains 3 parcels/lots, and the Boundary Line Adjustment will result in 3 parcels. Because no new lots are being created, this application qualifies as a Boundary Line Adjustment.
5. Area Calculations: The Assessor's record describes the Waters Lot as 14 acres: 609,840 square feet; the Hebert Lot as .52 acres: 22,651 square feet; and the Hepp Lot as .74 acres: 32,234 square feet. This totals the acreage to: 15.26 acres or 664,725 square feet. The Applicant listed the existing and proposed sizes as follows:

Lot	Existing Size	Proposed Size	Increase/Decrease
<i>Waters 129</i>	595,029 sq. ft.	565,844 sq. ft.	- 29,185 sq. ft.
<i>Hebert 128</i>	17,859 sq. ft.	30,927 sq. ft.	+13,068 sq. ft.
<i>Hepp 127</i>	34,848 sq. ft.	37,897 sq. ft.	+3,049
Totals	647,736	634,668	- 13,068

The surveyor's account of the existing square footage is 16,989 square feet less than the Assessor's card (664,725-647,736), and the proposed size reduces this by another 13,068 square feet. This would be a reduction from the Assessor's card of 30,057 square feet or 7/10th of an acre. Staff stated that surveys are generally more reliable than the tax records. Nevertheless, Staff stated that the total existing and proposed square footage listed by the surveyor should equal, even if the Grand List Value does not. The DRB requested that the Applicant explain the 13,068 square feet difference between the existing size of and the proposed size of the subject area, as calculated by the Surveyor. The surveyor stated that the old deeds incorrectly described boundaries as extending to the center line of the North Road public right-of-way, accounting for the difference.

6. Lot Numbering: The DRB requested that the Plat be revised to indicate lot numbers according to the table above. The Applicant agreed.
7. Zoning and Development Standards, Reduction of Lot Size: According to ZR§620, “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.”
8. Dimensional Requirements: The R5 District distinguishes between residential and non-residential uses for dimensional requirements; the residential dimensional requirements are listed in ZR§344.
9. Dimensional Conformity, Waters, Lot 129:

R5 Zoning District Residential Use (ZR§344)	Required	Existing	Proposed
Min. Lot Area	400,000 ft. ²	595,029 ft. ²	565,844 ft. ²
Min. Frontage	400 ft.	406.31 ft.	387.31 ft.
Min. Front Setback	35 ft.	80 ft.	80 ft.
Min. Side Setback	50 ft.	66 ft.	66 ft.
Min. Rear Setback	50 ft.	>50 ft.	>50 ft.
Max. Building Coverage	40%		
Max. Lot Coverage	15%	0.002 %	0.25

The Waters Lot (129) currently conforms to the minimum frontage requirement. The proposal would decrease the frontage and create a non-conformity, which is not permitted by ZR§620. In order to maintain conformity, at least 400 feet of frontage must be maintained, and the Lots 127 and 128 frontage can be no more non-conforming than they already are.

Staff requested that the Applicant submit new lot tables and that the Final Subdivision Plat shall be revised to show Lot 129’s frontage in compliance with the required minimum frontage for the R5 Zoning District according to Zoning Regulations Section 344 and Section 620. The Applicant objected to this condition, and explained that they prefer to be considered for a Variance instead. The Applicant further stated that the proposed boundaries are those that have been historically understood by the property owners to be the legal boundaries, and the proposal would bring the lots in line with the boundaries as they have been understood for years.

10. Dimensional Conformity, Hebert, Lot 128:

R5 Zoning District Residential Use ZR§344	Required	Existing	Proposed
Min. Lot Area	400,000 ft. ²	17,859 ft. ²	30,927 ft. ²
Min. Frontage	400 ft.	150ft.	194 ft.
Min. Front Setback	35 ft.	60 ft.	60 ft.
Min. Side Setback	50 ft.	8 ft.	58 ft.
Min. Rear Setback	50 ft.	12 ft.	82 ft.
Max. Building Coverage	40%		
Max. Lot Coverage	15%	0.009%	0.046 %

The Hebert Lot (128) does not currently conform to the minimum lot area requirement; the proposal would decrease the existing non-conformity by 13,068 square feet. Lot 128 does not currently conform to the minimum frontage requirement; the proposal would decrease the non-conformity by 44 feet. Lot 128 does not currently conform to the minimum side setback requirement; the proposal would make the side setback conforming. Lot 128 does not currently conform to the rear setback; the proposal would make the rear setback conforming.

11. Dimensional Conformity, Hepp, Lot 127:

R5 Zoning District Residential Use (ZR§344)	Required	Existing	Proposed
Min. Lot Area	400,000 ft. ²	34,848 ft. ²	37,897 ft. ²
Min. Frontage	400 ft.	300 ft.	275 ft.
Min. Front Setback	35 ft.	45 ft.	45 ft.
Min. Side Setback	50 ft.	65 ft.	65 ft.
Min. Rear Setback	50 ft.	33 ft.	103 ft.
Max. Building Coverage	40%		
Max. Lot Coverage	15%	0.05 %	0.05 %

The Hepp Lot (127) does not currently conform to the minimum lot area requirement; the proposal would decrease the existing non-conformity by 3,049 square feet. Lot 127 does not currently conform to the minimum frontage requirement; the proposal would increase the non-conformity by 25 feet, which is not permitted by ZR§620; (refer to "Exception to Reduction of Lot Size" below). Lot 127 does not currently conform to the rear setback; the proposal would make the rear setback conforming.

12. Dimensional Conformity, All Lots: The Applicant did not submit building coverage calculations for any lot, but Staff stated that given the fact that the proposal meets the lot coverage for all lots, the proposal will be in conformity with the building coverage maximum. Nevertheless, Staff asked that the Applicant state for the record the existing and proposed building coverage. The Applicant submitted new lot tables including existing and proposed building coverage for all lots, which is maintained in the Application file; all stated building coverage meets the minimum required by the R5 District.

13. Exception to Reduction of Lot Size: Notwithstanding ZR§620, ZR§621 allows the DRB to “approve a Boundary Line Adjustment between two adjoining existing, non-conforming lots, provided that there be no potential for the further subdivision of either lot subject to 5 restrictions in *italics* below. In this case, there are three lots, one of which is conforming (Waters Lot 129) and two of which are non-conforming).
14. Development Rights: ZR§621(a) states that, “*Neither lot may enjoy additional building or development rights that did not exist prior to the lot line adjustment; for the lot receiving additional land, any STRUCTURE which was permitted prior to the lot line adjustment may be situated any place within the newly formed lot in accordance with the LOT AREA and dimensional requirements of its particular district*”. The DRB concludes that both existing, non-conforming lots (127 Hepp & 128 Hebert) are receiving lots, but neither would be eligible for further development rights.
15. Further Subdivision: ZR§621(b) states that “*Neither lot may be further subdivided*”. The Applicant agreed that the Final Plat shall include a note stating, “No further subdivision shall occur on Lots 127 or 128 pursuant to the Milton Zoning Regulations Section 621(2) and the Development Review Board’s Boundary Line Adjustment Decision.”
16. New Non-Conformities: ZR§621(c) states that “*The Boundary Line Adjustment may not result in a non-conformity that did not previously exist for either lot.*” Lot 127 (Hepp) does not currently conform to the minimum frontage requirement; the proposal would increase the non-conformity by 25 feet. Staff requested that the Applicant submit new parcel tables and that the Final Subdivision Plat be revised to show: 1) the proposed Hepp Lot (127) frontage as no more non-conforming than the existing lot, 2) the existing conformity of Lot 129 (Waters) maintained, and 3) Lot 128 (Hebert) no more non-conforming that it already is. The Applicant objected and requested a Variance.
17. Primary Structure Wastewater Transfer: ZR§621(d) states that “*No land containing a primary structure or waste water disposal system may be transferred through this exception*”. The Plat does not show a wastewater transfer system being transferred through the proposal; however the Applicant testified that one dwelling unit’s septic is on the lot of another property. The DRB concludes that a waste water disposal system is being transferred with the proposed Boundary Line Adjustment, but concludes to grant a variance from this provision.
18. Septic Replacement Area: ZR§621(e) states that “*A statement must be submitted to the Development Review Board by a certified site technician or engineer verifying that the lot to be diminished in size will have an adequate septic replacement area after the reduction in lot size authorized herein.*” The Applicant provided a letter dated August 14, 2014 from Jesanne Wyman of the State Drinking Water and Groundwater Protection Division stating that the Boundary Line Adjustment “qualifies for an exemption under Section 1-304(a)(aa) of the Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, Effective – September 29, 2007.” She recommended that the landowners record a copy of this determination in the Milton Land Records. The DRB concludes that this shall be recorded in the Land Records.
19. Width-to-Depth Ratio: ZR§640 (*Lot Width*) states, “The width of any new lot shall not be less than one-third (1/3) of the depth of the lot.” Based on the Plat presented, the DRB concludes that all proposed lots meet the required width-to-depth ratio.
20. Access: The proposal shows that all lots would retain access via existing driveways from

North Road, and the adjustment would not affect access. No new access is proposed.

21. Utilities: All properties are serviced by on-site septic. The Plat does not indicate the location of any other utilities.
22. Required Findings for a Variance, ZR §971: Section 971 states that, “A variance from provisions of these Zoning Regulations may be granted only after appeal to the Development Review Board in accordance with the following provisions” (of ZR§971). The Applicant requested a Variance from Zoning Regulations Sections 344, 620 & 621 in order to adjust the property boundaries between three adjacent lots, because the proposal creates a dimensional non-conformity in Lot 129 and increases a dimensional non-conformity in Lot 127.
23. Unique Conditions & Hardship: ZR§971.1 states that the following fact must be found to grant a variance, “That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Regulations in the neighborhood or district in which the property is located.” The Applicant’s proposal is to bring the boundaries in line with what the property owners thought the boundaries were. Staff stated that there is no evidence showing that there are unique physical circumstances or conditions that cause unnecessary hardship. The Applicant stated that one home’s septic is on another’s lot, and a swimming pool is bisected by a boundary. They further stated that a unique condition is the historically understood boundaries and use of the property. The DRB concludes that these facts constitute unique circumstances contributing to unnecessary hardship, and requires that the Final Plat be revised to accurately depict structures and wastewater systems.
24. Development & Reasonable Use: ZR§971.2 states that the following fact must be found to grant a variance, “That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Regulation and that the authorization of a variance is therefore necessary to enable the reasonable USE of the property.” Staff stated that the properties are developed and do not appear to need a variance in order to enable the reasonable use of the property. The Applicant stated that adjusting the frontage would adversely impact the use by negatively impacting drainage patterns, in other words the proposed boundaries are more functional, and again, are the boundaries that have been understood by the Applicants for many years. The DRB concludes that the property could not be reasonably sold or used given the drainage constraints and the pool and septic located across boundary lines.
25. Cause of Hardship: ZR§971.3 states that the following fact must be found to grant a variance, “That such unnecessary hardship has not been created by the appellant.” The DRB concluded that unnecessary hardship was not created by the Applicant.
26. Character & Impairment to Adjacent Property: ZR§971.4 states that the following fact must be found to grant a variance, “That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate USE or development of adjacent property, reduce access to RENEWABLE ENERGY RESOURCES, nor be detrimental to the public welfare.” The DRB concludes that the variance would not alter the essential character of the area or permanently impair adjacent properties.

27. Scope of Variance: ZR§971.5 states that the following fact must be found to grant a variance, *“That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Zoning Regulations and from the Plan.”* The DRB concludes that the proposal represents a minimum variance to afford relief.
28. Subdivision Regulations Section 610: Final Plat for Major and Minor Subdivisions: SR§610 lists the requirements for the Final Plat, which is defined by SR§200.5 as “The Final drawings on which the subdivision is presented to the DRB for approval and which, if approved, shall be filed for record with the Town Clerk.”
29. Plat Formatting, SR§610.1: Staff requested that the Plat be revised to be in compliance with the sizing and formatting requirements of Subdivision Regulations Section 610.1. The Surveyor stated that the Plat meets State Statute. Staff stated that Milton Subdivision Regulations go into more detail than the State’s Plat requirements. The DRB concludes that the Plat shall conform to Milton’s requirements.
30. Survey Pins: The Applicant submitted a letter from the Surveyor stating that the new pins have been set.
31. Improvements, SR§610.1(7): The Draft Plat does not show the location of all improvements defined in SR, Article VII. The Applicant agreed that the Final Plat shall show the location of all the improvements referred to in Article VIII according to Subdivision Regulation 610.1(7). This includes accurate locations for: Streets, Curbs/Sidewalks, Outdoor Lighting, Shade Trees, Drainage, Water Systems, Sewage Disposal, Utilities and Layout.
32. Legal Documents, SR§920: This section states that the DRB may require the filing of such other legal data as it deems necessary in the enforcement of these regulations. The Applicant proposed no new restrictions that will run with the land or become covenants. The Applicant agreed to submit new deeds and any other legal instruments associated with this adjustment for review and approval by the Town Attorney. The DRB concludes that all requested revisions must be complete and on file with the Planning Office before the Plat may be recorded, and only approved instruments may be recorded in the Town of Milton Land Records.
33. Easements: The Plat lists several easements but does not indicate their location. The Applicant attested that no existing easement will be impacted by this proposal, and that this shall be verified by the Town’s Attorney. If the easements are impacted by the adjustment, new instruments will be subject to the approval process above.
34. Legal Review Escrow: The Applicant agreed to submit \$500 to cover the legal review of the Deeds and any other required legal instruments by the Town Attorney. Any funds not expended on the legal review will be refunded to the Applicant.
35. Technical Advisory Committee Comments: The Technical Advisory Committee had no comments on this application.
36. Revised Plat Staff Review: The Applicant agreed to submit one reduced (11” x 17”) paper version of the Final Plat for review and approval by Staff prior to submitting the Final (mylar) Plat.

37. Final Plat Submission: The Applicant agreed that the Final Plat shall be submitted on mylar, signed by the licensed surveyor and the Chair of the DRB, and recorded in the Town Clerk's Office within 180 days of the date of the Decision per Subdivision Regulations Section 940. The Applicant shall also submit one full-sized (to scale) paper Final Plat depicting the requested changes, to be maintained in the Planning Office's application file.
38. State Project Review: Staff requested that the Applicant obtain a Project Review Sheet from the Permit Specialist in the District 4 Regional Office of the Agency of Natural Resources, provide a copy to the Town, and obtain all required State permits and approvals. That Applicant stated that the letter from the State Water Wastewater should suffice. Staff agreed, and the DRB concludes that it is sufficient.

DECISION & CONDITIONS OF APPROVAL

MOTION by Bruce Jenkins, **SECOND** by David Conley, to **APPROVE** the Applicant's request for a Variance from Zoning Regulations Sections 344, 620 & 621 in order to adjust the property boundaries between three adjacent lots at 357, 367 and 375 North Road described as SPAN Numbers: 13719, 11532, 12314 and Tax Map 15, Parcels 129, 128 and 127.

VOTE RECORD

Allen Lasell, Chair:	<u>yea</u> /nay/abstain/absent/recusal
Bruce Jenkins, Vice-Chair:	<u>yea</u> /nay/abstain/absent/recusal
Thomas Cole, Clerk:	yea/nay/abstain/ <u>absent</u> /recusal
Clayton Forgan:	yea/nay/abstain/ <u>absent</u> /recusal
David Conley:	<u>yea</u> /nay/abstain/absent/recusal
Mitch McClellan, Alternate:	yea/nay/abstain/absent/ <u>not assigned to hearing</u>

MOTION TO APPROVE PASSED BY A VOTE OF:

YEA 3; NAY 0; ABSTAIN 2; ABSENT 0; RECUSAL 0

MOTION by Bruce Jenkins, **SECOND** by David Conley, to **APPROVE** the Applicant's Boundary Line Adjustment application to adjust the property boundaries between three adjacent lots located at 357, 367 and 375 North Road described as SPAN# 13719, 11532, 12314 and Tax Map 15, Parcels 129, 128 and 127, conditional upon the following items being addressed to the satisfaction of Staff.

1. Completion, Operation and Maintenance: This project shall be completed, operated, and maintained as set forth in the plans and exhibits as approved by the Development Review Board and on file in the Department of Planning and Economic Development, and in accordance with the conditions of this approval.
2. Amendment: No changes, erasures, modifications, or revisions, other than those required by this Decision, shall be made on the Plat after approval unless a revised Plat is first submitted to the Department of Planning and Economic Development for approval.
3. Lot Numbering: The Final Plat shall indicate lot numbers, as presented in the application and included in this Decision.
4. Further Subdivision: The Final Plat shall include a note stating, "No further subdivision shall

occur on Lots 127 or 128 pursuant to the Milton Zoning Regulations Section 621(2) and the Development Review Board's Boundary Line Adjustment Decision dated [date listed below].”

5. Wastewater Exemption: The Applicant shall record in the Town of Milton Land Records the letter dated August 14, 2014 from Jesanne Wyman of the State Drinking Water and Groundwater Protection Division stating that the Boundary Line Adjustment “qualifies for an exemption under Section 1-304(a)(aa) of the Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, effective – September 29, 2007” prior to recording the Plat.
6. Plat Formatting: The Plat shall be revised to be in compliance with the sizing and formatting requirements of Subdivision Regulations Section 610.1.
7. Improvements: The Final Plat shall show the location of all the improvements referred to in Article VIII according to Subdivision Regulation 610.1(7). This includes: Streets, Curbs/Sidewalks, Outdoor Lighting, Shade Trees, Drainage, Water Systems, Sewage Disposal, Utilities and Layout. The Final Plat shall also show accurate locations for all septic systems and all structures (consistent with testimony given), including septic locations and swimming pools.
8. Legal Instruments: The Applicant shall submit new deeds and any other legal instruments associated with this adjustment for review and approval by the Town Attorney. All requested revisions must be complete and on file with the Planning Office before the Plat may be recorded. Only approved instruments may be recorded in the Town of Milton Land Records.
9. Easements: The Town Attorney shall verify that the Easements listed on the Final Plat shall not be adversely impacted by the Boundary Line Adjustment.
10. Legal Escrow: The Applicant shall submit \$500 to cover the legal review of the Deeds and any other required legal instruments by the Town Attorney. Any funds not expended on the legal review will be refunded to the Applicant.
11. Final Plat Staff Review: The Applicant shall submit one reduced (11” x 17)” paper version of the Final Plat for review and approval by Staff prior to submitting the Final (mylar) Plat for signature and recording.
12. Final Plat Submission: The Final Plat shall be submitted on mylar, signed by the licensed surveyor and the Chair of the DRB, and recorded in the Town Clerk’s Office within 180 days of the date of the Decision per Subdivision Regulations Section 940. The Applicant shall also submit one full-sized (to scale) paper Final Plat depicting the requested changes, to be maintained in the Planning Office’s application file.

VOTE RECORD

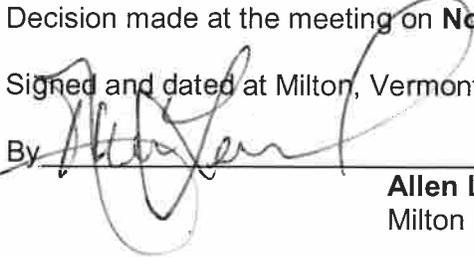
Allen Lasell, Chair:	<u>yea/nay/abstain/absent/recusal</u>
Bruce Jenkins, Vice-Chair:	<u>yea/nay/abstain/absent/recusal</u>
Thomas Cole, Clerk:	yea/nay/abstain/ <u>absent</u> /recusal
Clayton Forgan:	yea/nay/abstain/ <u>absent</u> /recusal
David Conley:	<u>yea/nay/abstain/absent/recusal</u>
Mitch McClellan, Aternate:	yea/nay/abstain/absent/ <u>not assigned to hearing</u>

MOTION TO APPROVE PASSED BY A VOTE OF:

YEA 3 ;NAY 0 ;ABSTAIN 0 ;ABSENT 2 ;RECUSAL 0

Decision made at the meeting on **November 20, 2014**

Signed and dated at Milton, Vermont, this 27th day of **November, 2014**

By 

Allen Lasell, Chair
Milton Development Review Board

/jmh

Appeal Rights

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

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

D. & G. Lester
Vol. 224 Pg. 19

K. & C. Cook
Vol. 116 Pg. 262
Vol. 104 Pg. 120

Lot 129
JAMES H. WATERS PROPERTY 12.99± Ac. (after adj.)
Vol. 94 Pg. 403
Vol. 57 Pg. 1-3
Vol. 43 Pg. 111

H.W. Ventures LC
Vol. 185 Pg. 144
Vol. 180 Pg. 260

H.W. Ventures LC

LEGEND

- exist re-rod with alum. cap \odot up 2-3"
- Set re-rod \odot flush
- exist re-rod with plastic cap \odot up 3"
- exist "pipe" up 4"
- Set r.f. spk. \odot flush
- Stone wall fence ---
- houses, wells & septic areas shown approx. location
- Urban Class Survey
- Easement Deeds:
 - Vol. 31 Pg. 354 CVPS Corp. New Eng. Tel. & Tel.
 - Vol. 35 Pg. 234 CVPS Corp.
 - Vol. 10 Pg. 261 Spring Rights
 - Vol. 41 Pg. 374

This section of the North Road taken as 3 RODS see Town Project No. 6570414 April 1998



FINAL PLAT
2/6/2015
HEMMERICK

RECEIVED

FEB 04 2015

Planning & Economic Development
Milton, Vermont

I CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THE INFORMATION SHOWN ON THIS PLAT IS A FAITHFUL POSSESSION OF CIRCUMSTANCES PERTINENT TO SUBJECT PROPERTY AND COOPERATION OF FIELD, PAROL AND PERTINENT RECORD EVIDENCE WAS USED IN THE ANALYSIS OF BOUNDARY CONCLUSIONS SHOWN HEREON. THIS PLAT WAS PREPARED IN ACCORDANCE WITH 27 VSA 1402.

Record Owner:
James H. Waters
No. 357 North Road
Milton, VT



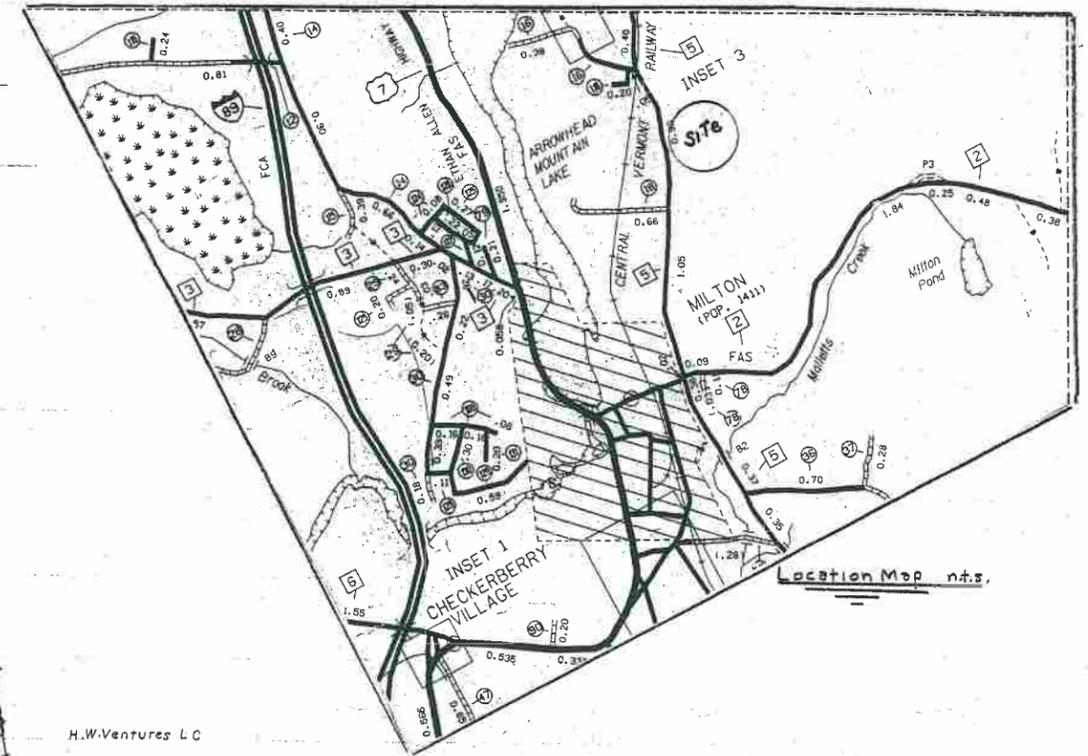
PLAT OF SURVEY
BOUNDARY LINE ADJUSTMENT
JAMES H. WATERS PROPERTY 13.66 Ac. (before adj.)
NO. 357 NORTH ROAD MILTON, VERMONT

DATE: Oct. 1, 2014	SCALE: 1" = 50'	DRAWN BY: W.A.R.
WARREN A. ROBENSTIEN, REG. VT & NH L.S. P.O. BOX 171 WINOOSKI, VT 05404 (802) 878-2359		APPROVED BY: W.A.R. DRAWING NUMBER:

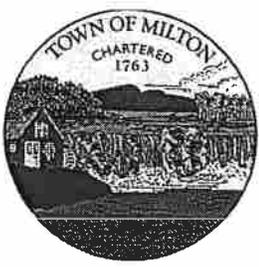
Town Clerk's Office
Received For The Record
Date: _____ AD
AT _____ o'clock min _____ m
In map cabinet slide _____
Attest: _____
Town Clerk

No further subdivision shall occur on Lots 127 or 128 pursuant to the Milton Zoning Regulations Section 621(2) and the Development Review Board's Boundary Line Adjustment Decision dated Nov. 27, 2014.

THIS BOUNDARY LINE ADJUSTMENT TO THE FINAL PLAT DATED _____ HAS BEEN APPROVED BY RESOLUTION OF THE DEVELOPMENT REVIEW BOARD OF THE TOWN OF MILTON, VERMONT, THIS _____ DAY OF _____ 2014, SUBJECT TO THE REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION.
SIGNED THIS _____ DAY OF _____ 2014
BY _____ CHAIR



Location Map n.t.s.



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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, March 10, 2016

Date of Review: 2/17/16

Department: Public Works

TAC Member: Roger Hunt

Boundary Line Adjustment - 367 & 375 North Road - Kevin & Rosemary Hebert, and Nancy McLaughlin (Hepp)/Owners & Applicants

No comment.



TOWN OF MILTON
Planning & Economic Development Department
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Milton, Vermont 05468-3205
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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, March 10, 2016

Date of Review: 02.17.16

Department: Police

TAC Member: Bret Van Hoorst

Boundary Line Adjustment - 367 & 375 North Road - Kevin & Rosemary Hebert, and Nancy McLaughlin (Hepp)/Owners & Applicants

NO COMMENTS OF CONCERN



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

RECEIVED

FEB 18 2016

RECREATION DEPARTMENT
MILTON, VERMONT

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, March 10, 2016

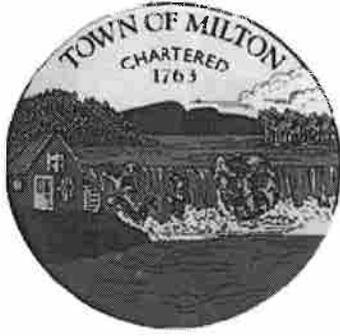
Date of Review: 2-16-16

Department: Recreation

TAC Member: Amy Buckenham, Recreation Coordinator

Boundary Line Adjustment - 367 & 375 North Road - Kevin & Rosemary Hebert, and Nancy McLaughlin (Hepp)/Owners & Applicants

No comments.



DEVELOPMENT REVIEW BOARD MEETING MINUTES

Meeting Type: **Regular Meeting**
Date: **Thursday, February 25, 2016**
Time: **7:00 p.m.**
Place: **Municipal Building Community Room**
Address: **47 Bombardier Road, Milton, Vermont 05468-3205**
Contact: **802.893.1186**
Website: **miltonvt.org**

1 **1. CALL TO ORDER**

2 The Chair called the meeting to order at 7:03 p.m.
3

4 **2. ATTENDANCE**

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

6 **Members Absent:** None

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

8 **Public Present:** See attached sign in sheet.
9

10 **3. AGENDA REVIEW**

11 None.
12

13 **4. PUBLIC FORUM**

14 None.
15

16 **5. OLD HEARINGS**

17 None.
18

19 **6. NEW HEARINGS**

20 **6(A). Minor Conventional Subdivision Sketch Plan - 165 Railroad Street - Gordon LaFountain Sr.,**
21 **Owner / Gordon LaFountain Jr. & Jenna LaFountain, Applicants.**
22

23 The Chair read the following summary to open the hearing:
24

25 Gordon LaFountain Sr., Owner/Gordon LaFountain Jr. & Jenna LaFountain/Applicants request Sketch Plan
26 approval for a proposed 2-lot Minor Conventional Subdivision located at 165 Railroad Street, described as Tax
27 Map 31, Parcel 98 and SPAN #11903. A single family home currently exists on the lot. The subject property
28 contains approximately 5.67 acres and is located within the "MCMP Center" (M1) Zoning District and Town
29 Core Planning Area.
30

31 The Chair administered the Oath to Interested Persons. Representing the Applicants were Gordon LaFountain
32 Sr., Gordon LaFountain Jr. and Jenna LaFountain, hereafter referred to as "Applicant(s)."
33

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

- 35 1. The Applicant stated that they propose to use Lot 2 for a single-family residence.
- 36 2. The Applicant agreed to submit an application for final approval of a subdivision plat within 6 months
37 of DRB approval, if such approval is granted.
- 38 3. The Applicant agreed that the Final plat application shall include all items listed in Subdivision
39 Regulations 610.
- 40 4. The Applicant agreed that the Final application shall include Section 700 responses, submitted by email
41 to the Town Planner.

- 1 5. The Applicant agreed that the DRB may require street trees be planted along Railroad Street in
2 accordance with SR830.
- 3 6. The Applicant agreed that if street trees are required by the DRB, the location of the trees will be shown
4 on the Final plan application.
- 5 7. The Applicant agreed to escrow \$500 for the Town attorney's legal review of the deeds and any other
6 required legal instruments.
- 7 8. The Applicant agreed to submit draft deeds and any other required legal instruments for all impacted
8 lots for review by the Town Attorney and that any requested revisions will be completed before
9 recording of the Final plat.
- 10 9. The Applicant agreed that the Final application shall include the location of the proposed access to Lot 2.
11

12 Hearing no further questions or comments, the Chair closed the Hearing at 7:10 p.m.

13
14 **6(B). Boundary Line Adjustment - 901 & 917 Lake Road - Janet Dooley, Sharon Meroa & Leslie**
15 **LaPointe, Owners/Applicants.**
16

17 The Chair read the following summary to open the hearing:
18

19 Janet Dooley and Sharon Meroa and Leslie LaPointe, Owners/Applicants are requesting a Boundary Line
20 Adjustment approval to adjust the property boundary between two adjacent lots located at 901 Lake Road and
21 917 Lake Road described as SPAN #s 10979 and 13397, Tax Map 13 and 18, Parcels 16 and 37. The proposal
22 would exchange a total of 0.33 acres between the two lots. The subject properties contain a total of
23 approximately 21.5 acres and are located within the "Agricultural/Rural Residential" (R5) Zoning Districts.
24

25 The Chair administered the Oath to Interested Persons. Representing the Applicants were Janet Dooley, Sharon
26 Meroa and Leslie LaPointe, hereafter referred to as "Applicant(s)."
27

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

- 29 1. The Applicant agreed to submit draft deeds and any other required legal instruments for all impacted
30 lots for review by the Town Attorney and that any requested revisions will be completed before
31 recording of the Final plat.
- 32 2. The Applicant agreed to submit one version of the revised final plat for staff review prior to submitting
33 the actual Final Plat. The Applicant agreed to submit one full-sized paper Final Plat and one 11x17
34 paper plat depicting all requested changes, to be maintained in the Planning Office's application file.
- 35 3. The Applicant agreed that the Final Survey plat shall be in compliance with SR610 and submitted on
36 mylar, signed by the licensed surveyor and the Chair of the DRB, and recorded in the Land Records
37 within 180 days of the date of the DRB's Final Approval per SR940.
- 38 4. The Applicant agreed that no changes, erasures, modifications or other revisions, other than those
39 required by the DRB's decision, will be made on the approved plat without the approval of the
40 Department of Planning and Economic Development.
- 41 5. The Applicant agreed that, if approved, the proposal shall be completed, operated and maintained in the
42 manner set forth in the plans and exhibits as approved by the DRB and in accordance with the
43 conditions of the DRB's approval, if such approval is granted.
44

45 MOTION by Conley to APPROVE the Boundary Line Adjustment of 901 & 917 Lake Road; SECOND by
46 Bonges. UNANIMOUSLY APPROVED.
47

48 Hearing no further questions or comments, the Chair closed the Hearing at 7:20 p.m.
49

1 **7. OTHER BUSINESS**

2 **7(A). Staff Update**

3 Staff updated the DRB regarding the applications pending for the DRB's March meetings, and briefed the
4 Board members on the progress of the Fee Schedule amendment.

5
6 **8. MINUTES**

7 **8(A). Minutes of February 11, 2016**

8 MOTION by Bonges to APPROVE the Minutes of February 11, 2016 as written; SECOND by Conley.
9 Unanimously APPROVED.

10
11 **9. DELIBERATIVE SESSION**

12 MOTION by Conley to enter Deliberative Session at 7:25 p.m.; SECOND by Bonges. Unanimously
13 APPROVED.

14
15 Decision(s) Signed:

16 **9(A). Minor Conventional Subdivision Final Plan, Site Plan & Variance Application -- 947- 951 US Route
17 7 South -- General Stannard House Committee, Applicant/Miller Realty Group LLP, Owner.**

- 18 Bruce Jenkins, Chair yea/nay/abstain/absent/recusal
- 19 Dave Conley, Vice-Chair: yea/nay/abstain/absent/recusal
- 20 Henry Bonges, Clerk: yea/nay/abstain/absent/recusal
- 21 Clayton Forgan: yea/nay/abstain/absent/recusal

22
23 MOTION to exit Deliberative Session; Motion SECONDED and CARRIED.

24
25 **10. ADJOURNED**

26 MOTION to adjourn; motion SECONDED and CARRIED.

27
28 **Minutes approved by the Commission this _____ day of _____, 2016.**

29
30
31 **Bruce Jenkins, Chair** _____ /kt

32
33 **Draft filed with the Town Clerk this _____ day of _____, 2016.**

34
35 **Filed with the Town Clerk this _____ day of _____, 2016.**