



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

## DEVELOPMENT REVIEW BOARD STAFF REPORT

<b>Hearing Date:</b> April 14, 2016	
<b>Case No:</b> DRB 2016-14	
<b>Application(s):</b> 2-lot Minor Conventional Subdivision Sketch Plan	
<b>Application Received:</b> March 11, 2016	
<b>Application Deemed Complete:</b> March 11, 2016	
<b>Staff Report Finalized:</b> Friday, April 7, 2015	
<b>Applicant(s):</b> Erwin Devino 243 North Road Milton, VT 05468	<b>Owner(s):</b> Same
<b>Engineer/License:</b> Karl Marchessault, PE Civil 8932 O'Leary-Burke 13 Corporate Drive Essex Junction, VT 05452	<b>Surveyor/License:</b> Seth W. Kittredge, LS 060709 O'Leary Burke 13 Corporate Drive Essex Junction, VT 05452
<b>E-911/Postal Address:</b> 242 North Road	
<b>Tax Map, Parcel(s):</b> 15, 119-1	
<b>School Parcel Account Number(s) (SPAN):</b> 10952	
<b>Deed(s):</b> Book 61, Page 96-98	
<b>Existing Size:</b> 1.05 acres	
<b>Zoning District(s):</b> Old Town Residential (R1)	
<b>Comprehensive Plan Planning Area/Sub-Area:</b> North Road Planning Area	
<b>Location:</b> On the west side of North Road Between Quarry Lane and Husky Road.	



## INTRODUCTION

**Noticed Summary of Proposal:** Erwin Devino, Owner/Applicant requests Sketch Plan approval for a proposed 2-lot Minor Conventional Subdivision located at 242 North Road, described as Tax Map 15, Parcel 119-1 and SPAN #10952. A single family home currently exists on the lot and a new single family home is proposed. The subject property contains approximately 1.08 acres and is located within the "Old Towne Residential" (R1) Zoning District and North Road 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 the applicant's Loretta Devino is an employee of the Town of Milton. There are no other 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/drdb.html>.

---

## APPLICATION, JURISDICTION & NOTICE

**Application:** This matter comes before the Town of Milton Development Review Board (DRB) for Subdivision Sketch Plan 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 Erwin Devino, referred to hereafter as the "applicant".

**Landowner(s):** The property is owned by Erwin Devino.

**Project Consultant(s):** Karl Marchessault, Seth Kittredge and David Burke of O'Leary-Burke are consultants for this project.

**Application Submission:** The application form was received by the Planning and Economic Development Department on March 11, 2016. Unless otherwise noted, the associated exhibits were received the same day.

**Application Completion:** The application was deemed complete by Staff on March 11, 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.

**Minor/Major Conventional Subdivision Sketch/Preliminary/Final Specific Jurisdiction:** 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.

**Regulatory Waivers Requested:** No waivers were requested. Staff finds that a waiver is needed from the frontage requirement of ZR530.

**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 April 14, 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:

- Devino Subdivision Overall Plan & Details, dated 3/9/16

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

- Technical Advisory Committee (TAC) School Review Sheet dated 3/29/2016;
- TAC Police Review Sheet dated 3/23/2016;
- TAC Recreation Review Sheet dated 3/23/2016.

### **SITE, DISTRICT & AREA INFORMATION**

**Property Location:** The subject property is located at 242 North Road and shown on Milton's Tax Map 15 as Parcel 119-1. The corresponding School Parcel Account Number (SPAN) is 10952.

**Size/Area:** According to the evidence presented, the subject parcel is approximately 1.05 acres or 45,764 square feet. The Assessor's Grand List records this property as approximately 1.8 acres.

**Deed(s):** The deed is recorded in Book 61, Page 96-98 of the Town of Milton Land Records.

**Zoning District(s):** The site is located within Old Town Residential (R1) 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 ZR301 states that the purpose of this district is "Residential uses should continue to characterize this zoning district."

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

**Goal 9.10.1.** Encourage environmentally sensitive, high quality industrial development, which will provide greater employment opportunities and broaden the tax base.

**Physical Characteristics/Natural Features:** The site is generally flat with open lawn and meadow, contains prime agricultural soil and soil of statewide agricultural significance, drains to Lake Champlain via the Lamoille River, and contains no mapped wetlands.

**Surrounding Use/Structures:** The property is surrounded on the north and south and east by residential single family dwellings and is bordered on the east and west by agricultural property. The property to the west is part of the Industrial Conservation land owned by Husky.

### **SITE HISTORY**

**Background:** The staff did not find previous development review by the DRB or Zoning Board of Adjustment or Planning Commission relevant to the proposal.

**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 lot currently contains a single family residence.

**Proposed Use:** The applicant is proposing to construct an additional single family residence on the proposed Lot 2

**Existing Improvements:** The lot currently contains a single family home served by municipal water and sewer and a gravel drive.

**Proposed Improvements:** The applicant is proposing an additional single family residence to be constructed on the property. The new residence would be served by its own drive, and municipal water service. The proposed connection to municipal sewer would be made via a connection to existing sewer service on Lot 1 via a 20' wide sewer easement on Lot 1.

**Existing Restrictions or Covenants:** The applicant reported no known restrictions or covenants on the property.

**Proposed Restrictions or Covenants:** The applicant proposes a 20' sewer easement on Lot 1 to benefit Lot 2.

### **SUBDIVISION SKETCH PLAN REVIEW**

**SR110.2, Subdivision Policy:** Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities and transportation facilities.

**SR120, Purposes:** The Subdivision Regulations aim to achieve the purposes defined by this section:

- To protect and provide for the public health, safety, and general welfare of the Town of Milton.
- To guide the future growth and orderly development of the Town in accordance with the Comprehensive Plan, Zoning Regulations and all other By-Laws enacted to implement the Plan.
- To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent over-crowding of the land and undue congestion of population.
- To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools parks, playgrounds, recreation and other public requirements and facilities.
- To provide the most beneficial relationship between the uses of land and buildings, and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and highways.
- To insure that public facilities are available and will have a sufficient capacity to serve any proposed subdivision.
- To present the pollution of air, streams, ponds and Lake Champlain; to assure the adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity; stability, and beauty of the community and the value of land.
- To preserve the natural beauty and topography of the Town and to insure appropriate development with regard to these natural features.
- To further the purposes contained in the Vermont Planning and Development Act, and in particular, those purposes set forth in Section 4302 of the Act.

**SR320, Subdivision Classification:** The section states, "The DRB shall classify the sketch plan at the meeting as either a minor subdivision or a major subdivision." The proposal is for a two-lot (2) subdivision, originating with one (1) parent lot and resulting in two (2) individual lots. SR200.5 defines a minor subdivision as, "Any subdivision containing less than seven lots; any planned residential development or planned unit development containing less than seven units." Staff, therefore, finds that the proposal is a minor subdivision.

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

## ZONING REGULATION LOT CONFORMANCE

**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."

**District Dimensional Requirements, ZR304:** The tables below show the required dimensional requirement for the subject property's applicable Zoning District and proposed compliance.

<b>Lot 1 (Containing Existing Dwelling)</b>	<b>Required</b>	<b>Proposed</b>
Minimum LOT AREA (sq. ft.)	10,000	26,420
Minimum Road FRONTAGE (linear ft.)	80	148
Minimum FRONT SETBACK (linear ft.)	20	>20
Minimum SIDE SETBACK (linear ft.)	10	>10
Minimum REAR SETBACK (linear ft.)	10	>10
Maximum BUILDING COVERAGE	40	5.2
Maximum LOT COVERAGE (%)	50	7.7

Lot 1 would conform to the dimensional standards of the R1 District.

<b>Lot 2</b>	<b>Required</b>	<b>Proposed</b>
Minimum LOT AREA (sq. ft.)	10,000	19,344
Minimum Road FRONTAGE (linear ft.)	80	93
Minimum FRONT SETBACK (linear ft.)	20	>20
Minimum SIDE SETBACK (linear ft.)	10	>10
Minimum REAR SETBACK (linear ft.)	10	>10
Maximum BUILDING COVERAGE	40	11.0
Maximum LOT COVERAGE (%)	50	17.0

Lot 2 would conform to the dimensional standards of the R1 District.

**RETURN TO SUBDIVISION REVIEW**

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

**SR400, Minor Subdivision Application:** The section states (if approved):

1. 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.

**SR610, Final Application Content:**

2. The final plat application shall include all items listed in Subdivision Regulations 610, including a survey of all lots resulting from the proposed subdivision.

**Subdivision Standards of Evaluation, Section 700:**

Final approval of any subdivision shall be based on a finding by the DRB that the subdivision is in accord with the following standards:

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

3. The Final application shall include Section 700 responses, submitted by e-mail in Microsoft .DOC format to the Town Planner.

**SR830, Street Trees:** The section states that “the DRB may require that suitable shade trees (such as Sugar Maple, Norway Maple, Red Maple, Ash or Oak) be planted along streets where trees do not exist at intervals of forty (40) feet or less. All trees shall measure ten (10) feet in height and at least two (2) inches in diameter measured at a point six (6) inches above finished grade level. All trees are to be planted within five (5) feet of the edge of the street right-of-way.”

4. The DRB may require that street trees be planted along North Road in accordance with SR830.
5. If required, the final plan application shall include the location of street trees along North Road pursuant to SR830.

**SR840, Drainage:** No change to drainage on the site is proposed.

**SR850, Water System:** The applicant is proposing to connect to the Municipal water system.

**SR860, Sewage Disposal:** The applicant is proposing to connect to the Municipal wastewater system.

6. The Applicant shall obtain a water & wastewater allocation from the Department of Public Works prior to submitting a Final Application.

**SR880.5, Access:** The applicant proposes driveway access to North Road

7. The proposed driveway shall be constructed according to ZR593 and the driveway specifications as defined in the Public Works Specifications.

**Legal Escrow, SR910:**

8. The Applicant shall submit \$500 with the Final application 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:**

9. 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.

**TECHNICAL REVIEW COMMITTEE**

**TAC:** The committee had no comments or concerns.

**STATE PERMITS**

**Project Review:** Per 24 VSA §4463 on subdivision review: "Any application for an approval and any approval issued under this section shall include a statement, in content and form approved by the Secretary of Natural Resources, that State permits may be required and that the permittee should contact State agencies to determine what permits must be obtained before any construction may commence." The Applicant is advised, prior to submitting a final plan, to obtain a state project review sheet.

10. The Applicant shall obtain a Project Review Sheet from the Permit Specialist in the District 4 Regional Office of the Agency of Natural Resources, provide a copy to the Town, and obtain all required State permits and approvals

**STAFF RECOMMENDATION**

The Planning Staff recommends that the DRB **approve** the Sketch Plan for a proposed 2-lot Minor Conventional Subdivision located at 242 North Road, described as Tax Map 15, Parcel 119-1 and SPAN #10952 subject to the conditions above.

**Respectfully Submitted:**



**Jeffrey Castle, Town Planner**

**ATTACHMENTS:**

- Devino Subdivision Overall Plan & Details, dated 3/9/16
- Technical Advisory Committee (TAC) School Review Sheet dated 3/29/2016;



- TAC Police Review Sheet dated 3/23/2016;
- TAC Recreation Review Sheet dated 3/23/2016.

**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.

# Legend

- PROJECT BOUNDARY
- - - OTHER PROPERTY LINE
- EXISTING REDAR OR IRON PIPE FOUND
- ◇ CMF - CONCRETE MONUMENT FOUND
- ⊙ REDAR TO BE SET
- G — EXISTING VERMONT GAS LINE
- S — EXISTING SEWER MANHOLE AND LINE
- W — EXISTING 12" D.I. WATERLINE
- W — EXISTING 4" PVC ABANDONED WATERLINE



## Location Plan

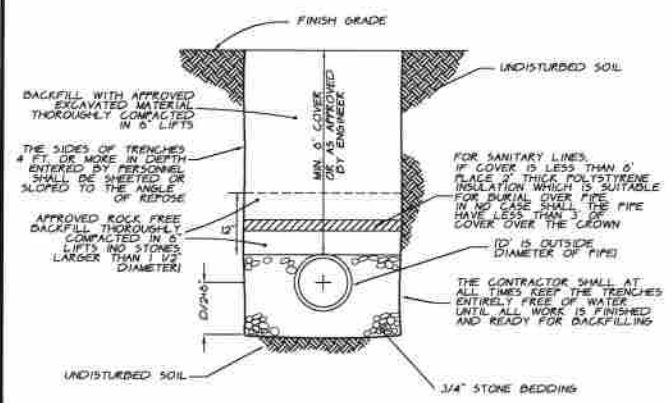
N.T.S.

## Zoning Information

OLD TOWNE RESIDENTIAL (R1) DISTRICT		
DIMENSIONAL REQUIREMENTS		
	REQUIRED	PROPOSED
MINIMUM LOT AREA	10,000 S.F.	11,344 S.F.
MINIMUM ROAD FRONTAGE	20'	20'
MINIMUM FRONT SETBACK	20'	20'
MINIMUM SIDE SETBACK	10'	10'
MINIMUM REAR SETBACK	10'	10'
MAXIMUM BUILDING COVERAGE	40%	11.02%
MAXIMUM LOT COVERAGE	50%	17.01%
MAXIMUM BUILDING STORIES	3	2

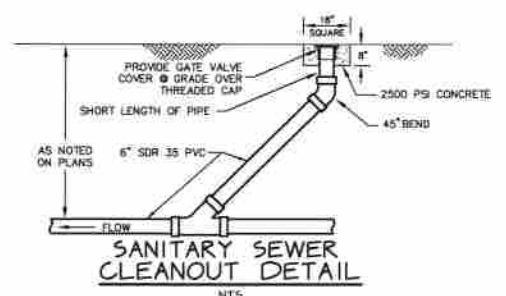
## GENERAL SANITARY SEWER SPECIFICATIONS

- CONTRACTOR SHALL CONTACT ALL UTILITIES BEFORE EXCAVATION TO VERIFY THE LOCATION OF ANY UNDERGROUND LINES. UTILITIES INFORMATION SHOWN HEREON WERE OBTAINED FROM THE BEST AVAILABLE SOURCE AND MAY OR MAY NOT BE EITHER ACCURATE OR COMPLETE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ANY UTILITY, PUBLIC OR PRIVATE, SHOWN OR NOT SHOWN HEREON.
- THE HORIZONTAL AND VERTICAL SEPARATION FOR SEWER AND WATER LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITION OF THE "TEN STATE STANDARDS - RECOMMENDED STANDARDS FOR WATER".
- PRIOR TO CONSTRUCTION, ALL MATERIALS SHALL BE APPROVED BY THE ENGINEER.
- STORM SEWER PIPE UP TO 15" IN DIAMETER SHALL BE PVC SDR 35 CONFORMING TO ASTM D-3034, ASTM D-3212, AND ASTM F-477. STORM SEWER PIPE 18" AND GREATER IN DIAMETER SHALL BE ASPHALT COATED CORRUGATED METAL CONFORMING TO AASHTO-M-190.
- ALL SANITARY SEWER PIPE SHALL BE PVC SDR 35 CONFORMING TO ASTM D-3034, ASTM D-3212, AND ASTM F-477.
- ALL TRENCH FILL SHALL BE PLACED IN 6" LIFTS AND THOROUGHLY COMPACTED TO 95% OF MAXIMUM DENSITY OF OPTIMUM MOISTURE AS DETERMINED BY ASTM D968 STANDARD PROCTOR.
- ALL NEW GRAVITY SANITARY SEWER MAINS SHALL BE LEAK TESTED BY A LOW PRESSURE AIR TEST AND DEFLECTION TESTED. THE LOW PRESSURE AIR TEST WILL BE USED TO SIMULATE INFILTRATION OR EXFILTRATION INTO OR OUT OF ALL GRAVITY SANITARY SEWERS. ALL TESTING WILL BE CONDUCTED UNDER THE SUPERVISION OF THE ENGINEER. AIR TESTING SHALL BE PERFORMED IN ACCORDANCE WITH ASTM C828-80. THE MINIMUM ALLOWED TIME FOR A PRESSURE DROP FROM 3.5 PSI TO 2.5 PSI SHALL BE 1.2 MINUTES PER 100 FEET OF 18" SEWER. AFTER THE FINAL BACKFILL HAS BEEN IN PLACE AT LEAST 30 DAYS, THE DEFLECTION TEST MAY BE PERFORMED. NO PIPE SHALL EXCEED A DEFLECTION OF FIVE PERCENT (5%). IF THE DEFLECTION TEST IS RUN USING A RIGID BALL OR MANDREL, IT SHALL HAVE A DIAMETER EQUAL TO 95% OF THE INSIDE DIAMETER OF THE PIPE. THE TEST SHALL BE PERFORMED WITHOUT MECHANICAL PULLING DEVICES.
- ANY SURFACES, LINES, OR STRUCTURES WHICH HAVE BEEN DAMAGED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED TO A CONDITION AT LEAST EQUAL TO THAT IN WHICH THEY WERE FOUND IMMEDIATELY PRIOR TO THE BEGINNING OF CONSTRUCTION.



TYPICAL SANITARY TRENCH

N.T.S.

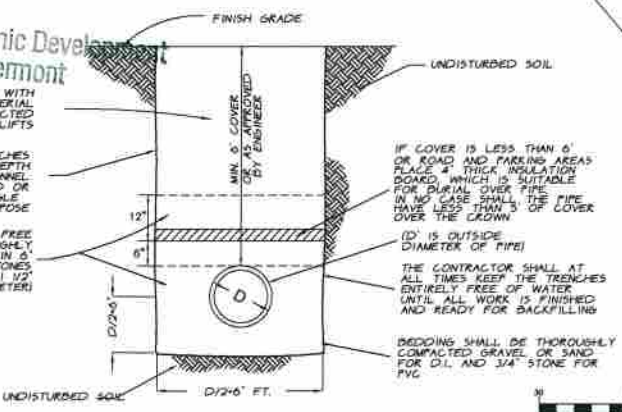


SANITARY SEWER CLEANOUT DETAIL

N.T.S.

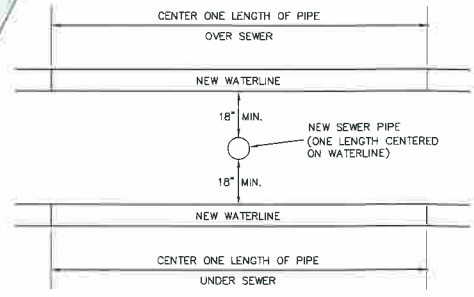
RECEIVED  
MAR 11 2016

Planning & Economic Development  
Milton, Vermont



TYPICAL WATER TRENCH

N.T.S.

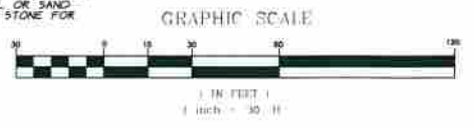


SEWER / WATER SEPARATION DETAIL FOR CROSSINGS

N.T.S.

NOTES:

- THE PROPERTY LINES ON THIS PLAN WERE DERIVED FROM A PROPERTY SURVEY BY SETH KITTREDGE.
- THIS PLAN IS NOT TO BE USED FOR PROPERTY CONVEYANCE. SEE SUBDIVISION PLAT.



THE CONTRACTOR SHALL NOTIFY "DIGSAFE" AT 1-888-DIG-SAFE PRIOR TO ANY EXCAVATION.

### Owner / Applicant

ERWIN DEVINO  
243 NORTH ROAD  
MILTON, VT 05468



DATE	REVISION	BY
	RECORD DRAWING	
	PRELIMINARY	
	FINAL	
	SKETCH/CONCEPT	

**O'LEARY-BURKE CIVIL ASSOCIATES, P.C.**  
13 CORPORATE DRIVE  
MILTON, VT 05470  
PHONE: 878-7990  
FAS: 878-7990  
E-MAIL: oleybur@olearyburke.com

**Devino Subdivision**  
243 North Road  
Milton, VT

**Overall Plan & Details**

DATE: 02-09-16  
DRAWN: JKB  
FILE: 2016-08  
PLAN SHEET # 1