



## DEVELOPMENT REVIEW BOARD

Meeting Type:.....**Regular Meeting** (2nd and 4th Thursdays of each Month)  
Date:.....**Thursday, April 28, 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*

*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). **Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant,** request **Conditional Use** approval to repair and replace a failed retaining wall with a new, large stone retaining wall along the shoreline at **304 Cold Spring Road**. No other changes are proposed. The subject property contains approximately 1.30 acres, described as SPAN# 13769, Map 9, Parcel 13-105, and is located within the "Shoreland Residential" (R6) and "Flood Hazard" (FH) Zoning Districts and the West Milton Planning Area.

6(B). **Virginia & Daniel Dubois, Owner/Jack Milbank - Civil Engineering Associates, Applicant,** request **Conditional Use** approval to repair and replace a failed retaining wall with a new, large stone retaining wall along the shoreline at **690 Everest Road**. The relocation and replacement of existing stairs and deck are proposed. The subject property contains approximately .60 acres, described as SPAN# 10818, Map 37, Parcel 17, and is located within the "Shoreland Residential" (R6) and "Flood Hazard" (FH) Zoning Districts and the West Milton Planning Area.

6(C). **H.W. Ventures, L.C., Owner/Applicant** requests **Boundary Line Adjustment** approval to adjust the lot lines of Lots 1 and 7 of a property located on **Westford Road**, described as SPAN #11413, Map 16, Parcel 20. The acreage of Lot 1 is proposed as 645.9 acres and Lot 7 as 9.251 acres. The subject property contains approximately 655 acres and is located within the Agricultural/Rural Residential (R5) and Forestry/Conservation (FC) Zoning Districts and the East Milton Planning Area.

6(D). **Poor Farm Acres, LLC, Owner/Applicant** is requesting **Final Plan** approval for a proposed 2-lot **Minor Conventional Subdivision** located at 114 Poor Farm Road, described as Tax Map 15, Parcel 55 and SPAN #11180. The applicant proposes access to Lot 1 via Poor Farm Road and Lot 2 via Highland Avenue. The properties are proposed to be served by on-site water and wastewater. The subject property contains approximately 2.00 acres and is located within the "Medium Density Residential" (R2) Zoning District and Arrowhead Lake Planning Area.

**7. Other Business:**

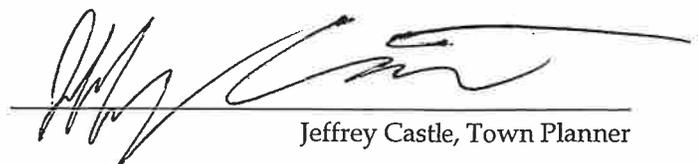
7(A). Staff Update

**8. Approval of Minutes of April 14, 2016**

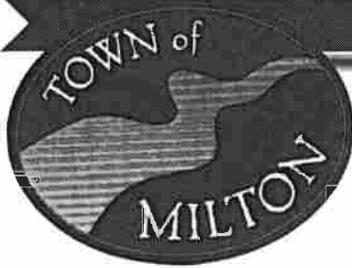
**9. Possible Deliberative Session**

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

**10. Adjournment**



Jeffrey Castle, Town Planner



# PLANNING DIVISION

43 Bombardier Road  
 Milton, Vermont 05468-3205  
 (802) 893-1186  
[miltonvt.org/planning](http://miltonvt.org/planning)

## DEVELOPMENT REVIEW BOARD

### DEVELOPMENT REVIEW BOARD STAFF REPORT

<b>Hearing Date:</b> April 28, 2016	
<b>Case No:</b> DRB 2016-17	
<b>Application(s):</b> Conditional Use	
<b>Application Received:</b> March 15, 2016	
<b>Application Deemed Complete:</b> March 15, 2016	
<b>Staff Report Finalized:</b> Friday, April 21, 2016	
<b>Applicant(s):</b> Jack Milbank Civil Engineering Associates 10 Mansfield View Lane South Burlington, VT 05403 <a href="mailto:jmilbank@cea-vt.com">jmilbank@cea-vt.com</a> 802-864-2323 x315	<b>Owner(s):</b> Justin and Betsy Wheating 1225 Harvey Farm Road Waterbury Center, VT 05677 <a href="mailto:jpm@nrgsystems.com">jpm@nrgsystems.com</a> 802-503-5833
<b>Engineer/License:</b> Jack Milbank Civil Engineering Associates	<b>Surveyor/License:</b> None
<b>E-911/Postal Address:</b> 304 Cold Spring Road	
<b>Tax Map, Parcel(s):</b> 9, 13-105	
<b>School Parcel Account Number(s) (SPAN):</b> 13769	
<b>Deed(s):</b> Book 166, Page 209	
<b>Existing Size:</b> 1.3 acres	
<b>Zoning District(s):</b> Shoreland Residential "R6", Flood Hazard "FH"	
<b>Comprehensive Plan Planning Area/Sub-Area:</b> West Milton Planning Area	
<b>Location:</b> Cold Spring Road, adjacent to Lake Champlain.	

## INTRODUCTION

**Noticed/Warned Summary of Proposal:** Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant, request Conditional Use approval to repair and replace a failed retaining wall with a new, large stone retaining wall along the shoreline at **304 Cold Spring Road**. No other changes are proposed. The subject property contains approximately 1.30 acres, described as SPAN# 13769, Map 9, Parcel 13-105, and is located within the "Shoreland Residential" (R6) and "Flood Hazard" (FH) Zoning Districts and the West Milton Planning Area.

**Comments:** Jeff Castle, Town Planner, herein referred to as staff, has reviewed the application, materials and plans submitted and have the following comments.

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

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

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## APPLICATION, JURISDICTION, NOTICE

**Application:** This matter comes before the Town of Milton Development Review Board (DRB) for Conditional Use 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 Jack Milbank referred to hereafter as the "applicant".

**Landowner(s):** The property is owned by Justin and Betsy Wheating. All owners are signatories to this application.

**Project Consultant(s):** Jack Milbank of Civil Engineering Associates is a consultant for this project.

**Application Submission:** The application form was received by the Planning and Economic Development Department on March 15, 2016. Unless otherwise noted, the associated exhibits were received the same day.

**Application Completion:** The application was deemed complete by Staff on March 15, 2016.

**State Project Review:** To staff's knowledge, the applicant has not yet obtained a State Project Review Sheet.

**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.

**Conditional Use Specific Jurisdiction:** ZR110 states: No LAND DEVELOPMENT shall be undertaken or effected except in conformance with the applicable provisions of these Regulations. No land, building or other STRUCTURE shall be used for any purpose except as provided in these Regulations."

ZR353(7) states that Conditional Use approval, according to ZR500, shall be fulfilled by all Applicants before a Zoning Permit is granted for the following: "Docks, Stairs and Shoreland Restoration projects provided that the Development Review Board finds that the conditions of Section 500 are met and that the proposed STRUCTURE is necessary for the operation of the PRINCIPAL USE".

ZR120 states: Permitted and CONDITIONAL USES for each district of the Town are specified in these Regulations. Both types of USE require a Zoning Permit (commonly called a "Building Permit") and a Certificate of Compliance from the Zoning Administrator as prescribed in Section 1000 and 1010 below. A Zoning Permit for a CONDITIONAL USE requires prior approval of the Development Review Board, which can only be issued upon a finding of conformance with the requirements indicated in Section 500, and with any additional criteria cited for a specific CONDITIONAL USE within the Zoning Ordinance."

**Regulatory Waivers Requested:** No waivers have been 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 April 28, 2016.

**Site Visit:** The DRB may schedule a site visit and recess the hearing to a subsequent meeting date if on-site observation would better inform the DRB's decision. Staff recommends a site visit to better inform the DRB of current conditions and the nature of retaining wall and slope failure at the site.

1. The DRB may schedule a site visit and recess the hearing to a subsequent meeting date in order to assess the nature of existing retaining wall failure and better inform the DRB's decision.

## **EXHIBITS**

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

- Cover Letter from Jack Milbank, dated 3/14/2016;
- Basis of Design Letter from Stephen A. Vock, P.E., dated 3/14/2016;
- Conditional Use Justification
- Existing Conditions Site Plan, drawing C1.0, by Civil Engineering Associates, Inc.; dated 3/10/2016;
- Proposed Conditions Site Plan, drawing C1.1 by Civil Engineering Associates, Inc; dated 3/10/2016;
- Erosion Control Notes and Details, drawing C2.0 by Civil Engineering Associates, Inc; dated 3/10/2016.;
- Site Condition Photograph (5).

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

- Technical Advisory Committee (TAC) School District Review Sheet dated April 14, 2016;
- TAC Police Review Sheet dated April 5, 2016;
- TAC Recreation Review Sheet dated April 5, 2016;

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

**Property Location:** The subject property is located at 304 Cold Spring Road and shown on Milton's Tax Map 9 as Parcel 13-105. The corresponding School Parcel Account Number (SPAN) is 13769.

**Size/Area:** According to the Assessor's Grand List records this property as approximately 1.3 acres.

**Deed(s):** The deed is recorded in Book 166, Page 209 of the Town of Milton Land Records to Justin & Betsy Wheating, Grantee.

**Zoning District(s):** The site is located within the Shoreland Residential (R6) and Flood Hazard (FH) Zoning Districts described on the Town of Milton Zoning Map, last amended August 22, 2011, on record and display at the Municipal Offices and available on the Town's website. Most of the parcel falls within the R6 Zoning District while a small shoreline portion falls within the FH Zoning District. The ZR351 states that the purpose of this district is to "protect and preserve sensitive shoreland areas and water resources from unsuitable development, to maintain a high standard of quality for all permitted development and to encourage open space along the shoreline."

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

**Goal 9.12.1.** Encourage a diversity of agricultural uses.

**Goal 9.12.2.** Encourage low-density, well planned residential development which enhances the character of the area.

**Goal 9.12.3.** Promote the development of community activities for a range of ages.

**Goal 9.12.4.** Encourage the preservation of historic sites.

**Physical Characteristics/Natural Features:** The property slopes toward the lake with a steep embankment along the shore. It drains directly to Lake Champlain and contains a mix of trees, shrubs and open land.

**Surrounding Use/Structures:** The property is surrounded to the north and south by existing single family dwellings.

### **SITE HISTORY**

**Background:** To staff's knowledge, the subject property has never undergone development review by the DRB or Zoning Board of Adjustment or Planning Commission.

**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 property contains an existing single family dwelling. The existing lot is a pre-existing non-conforming small lot. No changes are proposed to the dwelling structure at this time.

**Proposed Usage/Conditions of Use:** The applicant seeks conditional use approval for the repair and construction of a new stone retaining wall.

**Existing Improvements:**

**Buildings:** The property contains an existing single family residence.

**Conformity:** The current dwelling does not appear to meet the setback requirements and is defined as a non-complying structure.

**Structures:** The property currently contains an existing concrete retaining wall.

**Access:** The site is accessed by an existing gravel drive and has an existing gravel drive accessing the lakeshore.

**Proposed Improvements:** The applicant proposes to repair and replace a failed retaining wall with a new large stone retaining wall.

**ZONING REGULATIONS INTRODUCTORY PROVISIONS**

**ZR180, Applicability of Floodplain Regulations:** The section states: Appendix A of the Milton Zoning Regulations: *Inundation Hazard Area Regulations* shall take precedence over all sections within the main Articles of the Milton Zoning Regulations for flood hazard areas as described in Section IV of Appendix A.

**ZONING DISTRICT CONFORMITY**

**ZR353(7), Shoreland Restoration Projects:** This section states conditional use approval may be granted for Docks, Stairs and Shoreland Restoration projects provided that the Development Review Board finds that the conditions of Section 500 are met and that the proposed structure is necessary for the operation of the Principal Use.

**ZR356.1, Shoreland Ground Cover:** No more than 25% of existing trees and/or ground cover shall be removed along the shoreline for a distance of 25 feet from the SHORELINE within a 5-year period.

Staff finds that the proposal has the potential to remove more than 25% of the existing trees and groundcover within 25 feet of the Shoreline. The shoreline is the ordinary high water mark of the lake, and is considered to be 98' elevation for Lake Champlain. The Proposed Conditions Site Plan indicates that "trees to be remove[d] to be replaced in kind with 2" caliper trees." Staff would request that the DRB ask the applicant to clarify how many trees are to be removed and replaced; this is because the extent of the proposed disturbance appears to be in conflict with the maintenance of shoreland ground cover as required in ZR356.1.

2. The applicant should clarify how many trees are to be removed and replaced within 25 feet of the shoreline.

3. Trees and groundcover shall be restored such that there is no more than a 25% reduction in trees and /or ground cover within 25 feet from the shoreline.

### CONDITIONAL USE REVIEW

**ZR 500, Conditional Use Review Procedure/Standards:** No Zoning Permit shall be issued by the Zoning Administrator for any USE or STRUCTURE which requires CONDITIONAL USE approval until the Development Review Board grants such approval, after PUBLIC NOTICE and public hearing. The authorization by the Development Review Board shall be granted only upon a finding by it that the proposed USE complies with the specific dimensional and other applicable standards as set forth in these Regulations and that the proposed CONDITIONAL USE does not have an undue adverse effect:

**Standard ZR500.1, Capacity of Community Facilities:** The capacity of existing or planned community facilities or services including water, waste disposal, roads, police, fire services and schools.

Staff finds that the proposed retaining wall does not adversely impact the capacity of existing planned community facilities or services.

**Standard ZR500.2, Character of the Area:** The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.

Staff finds that the improvement is consistent with the character of the area. The proposal is to construct retaining wall made of natural materials. Other nearby properties have similar retaining walls. The project will help to stabilize the shoreline and decrease erosion into Lake Champlain.

**Standard ZR500.3, Environmental Limitations & Natural Resources:** Environmental limitations of the site or area, and significant natural resource areas or sites.

Staff finds that the proposed stone retaining wall will minimize impacts of flooding and high wave activity on this property and surrounding properties. However, whenever natural vegetation can be used to stabilize a bank over stone, natural vegetation should be utilized. Staff is concerned that the proposal results in disruption of existing shoreland vegetation which is inconsistent with ZR356 (as addressed above). Erosion and stormwater best management practices must be employed during and after site work.

4. Proper erosion and sedimentation measures and best practices should be implemented during construction.

**Standard ZR500.4, Comprehensive Plan, Bylaws, Ordinances, Regulations:** The *Comprehensive Plan* and all bylaws, ordinances and/or regulations of the Town of Milton.

The property is located in the West Milton Planning Area. The goals of this planning area include: encourage a diversity of agricultural uses; encourage low density, well planned residential development which enhances the character of the area; promote the development of community activities for a range of ages; and encourage the preservation of historic sites. Staff finds that the proposed construction will not have an adverse impact on these goals.

**Standard ZR500.5, Traffic:** Traffic on roads and highways in the vicinity.

Staff finds that the proposal will not adversely affect traffic on roads and highways in the vicinity.

**Standard ZR500.6, Renewable Energy Resources:** Utilization of renewable energy resources.

Staff finds that the proposed project will not adversely affect the utilization of renewable energy resources.

**ZR501, Conditional Use Conditions:** In granting such CONDITIONAL USE, the Development Review Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the provisions and intentions of these Regulations and the Milton *Comprehensive Plan*.

### **INUNDATION HAZARD AREA REVIEW**

**ZR180, Applicability of Floodplain Regulations:** The section states: Appendix A of the Milton Zoning Regulations: *Inundation Hazard Area Regulations* shall take precedence over all sections within the main Articles of the Milton Zoning Regulations for flood hazard areas as described in Section IV of Appendix A.

A portion of the proposed construction is located within the Flood Hazard District, specifically the Special Flood Hazard Area. According to Section V, the proposed construction of a stairway can be permitted by the Zoning Administrator since it is an accessory structure less than 500 square feet. All development in the Special Flood Hazard Area shall meet the criteria of Section VI and VII.

**Appendix A, Section VII.A.1 Development Standards:** all development shall be:

- a. Reasonably safe from flooding;
- b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
- c. Constructed with materials resistant to flood damage;
- d. Constructed by methods and practices that minimize flood damage;
- e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- f. Adequately drained to reduce exposure to flood hazards;
- g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
- h. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

The proposed retaining wall will be located in the Special Flood Hazard Area. The proposed retaining wall will have a bottom elevation of 98 feet and will have a top elevation of approximately 105 feet which is approximately 3 feet above base flood elevation. This makes the wall reasonably safe from

flooding. The proposed retaining wall will be constructed from materials that are resistant to flood damage and the proposed retaining wall will minimize flood damage to the existing bank. Based on the details provided, staff finds that the standards that can be evaluated are met, and recommends the condition that:

5. The Applicant shall construct and maintain the proposed stairway in accordance with Section VII of Appendix A, Special Flood Hazard Area.

**Appendix A, Section VIII, Administration:** [nothing here]

**Section VIII.A.1.b** states that all applications for development shall include a Vermont Agency of Natural Resources Project Review Sheet.

6. In accordance with Zoning Regulations Appendix A, Section VIII, A, 1b, the Applicant must obtain a Project Review Sheet from the Vermont Agency of Natural Resources for this proposal, and provide a copy to the Town, before a zoning permit can be issued. All required State and Federal approvals shall be acquired.

**Section VIII.B.1** states that, "upon receipt of a complete application for the Development Review Board for a substantial improvement or new construction the ZA shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner." Staff forwarded the application for the proposed retaining wall to the State NFIP Coordinator on April 21, 2016. The State NFIP Coordinator has yet to reply with their comments. Any further changes to the application must be forwarded to the State NFIP Coordinator.

7. If approved, the Applicant should address any comments made by the State NFIP Coordinator prior to the issuance of a Zoning Permit.

#### **TECHNICAL REVIEW COMMITTEE**

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

#### **ADMINISTRATION & ENFORCEMENT**

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

8. A Zoning Permit is required prior to construction and an associated Certificate of Compliance is required after construction is complete (and prior to occupation/use of the new structures).

**ZR1020, Expiration of 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.

**ZR1030, Revocation of Approvals and Permits:** ZR1030 states: 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

### CONCLUDING REVIEW

**Conditional Use Review Standards:** ZR580 states that the DRB may consider the following in its review of a Conditional Use application.

- 500.1 The capacity of existing or planned community facilities or services including water, waste disposal, roads, police, fire services and schools.
- 500.2 The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- 500.3 Environmental limitations of the site or area, and significant natural resource areas or sites.
- 500.4 The Comprehensive Plan and all bylaws, ordinances and/or regulations of the Town of Milton.
- 500.5 Traffic on roads and highways in the vicinity.
- 500.6 Utilization of renewable energy resources.

Staff finds that the proposal meets requirements and will not have any adverse impacts.

9. The Applicant shall address any remaining questions or concerns from the DRB concerning the Site Plan standards above.

### **STAFF RECOMMENDATION**

The Planning Staff recommends that the DRB **CONTINUE** the **Conditional Use** approval to repair and replace a failed retaining wall with a new, large stone retaining wall along the shoreline at **304 Cold Spring Road**, described as SPAN# 13769, Map 9, Parcel 13-105, in order to allow for a site visit to better inform the DRB's decision.

**Respectfully Submitted:**



**Jeffrey Castle, Town Planner**

#### **ATTACHMENTS:**

- Cover Letter from Jack Milbank, dated 3/14/2016;
- Basis of Design Letter from Stephen A. Vock, P.E., dated 3/14/2016;
- Conditional Use Justification
- Existing Conditions Site Plan, drawing C1.0, by Civil Engineering Associates, Inc.; dated 3/10/2016;
- Proposed Conditions Site Plan, drawing C1.1 by Civil Engineering Associates, Inc; dated 3/10/2016;
- Erosion Control Notes and Details, drawing C2.0 by Civil Engineering Associates, Inc; dated 3/10/2016.;
- Site Condition Photograph (5).
- Technical Advisory Committee (TAC) School District Review Sheet dated April 14, 2016;
- TAC Police Review Sheet dated April 5, 2016;
- TAC Recreation Review Sheet dated April 5, 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.



## CIVIL ENGINEERING ASSOCIATES, INC.

10 Mansfield View Lane  
South Burlington, VT 05403

Phone: 802-864-2323  
Fax: 802-864-2271  
E-Mail: mail@cea-vt.com

March 14, 2016

Jeff Castle  
Town Planner  
Town of Milton  
43 Bombardier Road  
Milton, VT 05468

**Re: Justin Wheating  
304 Cold Spring Road  
Slope Stabilization**

Dear Jeff:

Please find enclosed a completed Conditional Use application, application fee, adjoining list and plans for the proposed shoreline stabilization project at 304 Cold Spring Road in Milton, Vermont.

The applicant is proposing to repair and replace a failed retaining wall with a new large stone retaining wall along the shoreline that has been compromised and impacted by wave action and high water. The existing shoreline is eroded with many failures along its length that will be stabilized as part of this project. The proposed wall will be very similar to several recently constructed walls along this section of shoreline. All disturbed areas will be top-soiled, seeded and mulched. (See attached site plan)

If you should have any questions or should need any additional information, please feel free to contact me.

Respectfully,

Jack Milbank

*Enclosures:* Applications, list of adjoining, plans, fees

cc: CEA File 15189

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MAR 15 2016

Planning & Economic Development  
Milton, Vermont



## CIVIL ENGINEERING ASSOCIATES, INC.

10 Mansfield View Lane  
South Burlington, VT 05403

Phone: 802-864-2323  
Fax: 802-864-2271  
E-Mail: mail@cea-vt.com

March 14, 2016

Jeff Castle  
Town Planner  
Town of Milton  
43 Bombardier Road  
Milton, VT 05468

**Re: Justin Wheating  
304 Cold Spring Road  
Proposed Slope Stabilization**

Dear Sir or Madam:

This letter supports the technical basis for the design of the proposed seawall at the Wheating residence at 304 Cold Spring Road. This property has shoreline on Lake Champlain making it susceptible to wind and wave action from high water and high winds. The record high water levels during the spring of 2011 impacted the shoreline which resulted in severe undercutting and erosion from wave action which has continued to get worse over time.

Over the past several years, Civil Engineering Associates, Inc. (CEA) has developed a methodology for addressing lakeshore erosion on Lake Champlain. Particularly for slopes or banks that are relatively steep and/or high and dominantly consist of susceptible soil materials rather than bedrock, we have developed a design that incorporates elements of "armoring" the slope with large quarry stones and backfilling with smaller shot-rock for drainage. The exposed surface visible from the lake is a natural stone product produced by local quarries. These large stones, which are up to five or six feet in maximum dimension, are nested together to provide a relatively continuous surface and sufficient mass to resist most ice and wave action. The fact that they are assembled as natural elements permits some movement of the stones without degrading the structural integrity of the surface armoring and protection of the soils behind the wall. One additional feature of this wall system is the use of a filter fabric (geotextile) layer between the native soil and the shot rock backfill to inhibit the migration (erosion) of the native soil through the coarser materials.

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MAR 15 2016

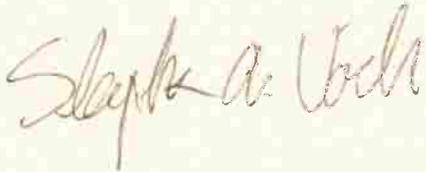
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Milton, Vermont

Jeff Castle  
March 14, 2016  
Page 2

For the exposure conditions at 304 Cold Spring Road, it is our opinion that a biotechnical solution is not feasible. Wave and wind action are severe enough in storm conditions that using vegetation in combination with other inert materials would not provide sufficient protection against erosion in this environment.

The details of our design are incorporated in the set of drawings submitted with this letter. Should you have any questions or wish to discuss the project in greater detail please let me or Jack Milbank know.

Very truly yours,

A handwritten signature in blue ink that reads "Stephen A. Vock". The signature is written in a cursive style.

Stephen A. Vock, P.E.  
Principal / Project Engineer

Cc: file

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MAR 15 2016

Planning & Economic Development  
Milton, Vermont

## CONDITIONAL USE JUSTIFICATION:

*(Describe how your Conditional Use will effect/impact the following items)*

1. The capacity of existing or planned community facilities (i.e. public water, public sewer, Town roads, Town police, Town fire, Town recreation, etc.):

*The proposed project has no impact on existing or planned community facilities.*

2. The character of the area affected:

*The project will involve the existing shoreline stabilization along the lakeshore that has been compromised due to wind, wave action and high water levels. The conditions will be improved by the installation of a new large rip rap seawall that will providing protection from erosion.*

3. Traffic on roads and highways in the vicinity (Describe: traffic trips per day; traffic increases/decreases; peak traffic times; etc):

*There will not be any changes in traffic on the roads as part of this project with the exception of temporary truck traffic during construction activity.*

4. Town Municipal Development Plan and Zoning Bylaws (Does the Town Plan and Zoning Bylaws support your conditional use request?):

*The Town plan and Zoning bylaws support this conditional use request in respect to the owners attempt to preserve natural cover and protect the vulnerability of the lakeshore to erosion which is consistent with the purpose of the lakeshore overlay zoning district.*

5. The essential neighborhood or zoning district character; Will the conditional use substantially or permanently impair the use or development of adjacent property?; Will the conditional use be detrimental to the public welfare?

*The proposed project will not substantially or permanently impair the use or development of adjacent property or be detrimental to the public welfare. The proposed project will improve and stabilize the existing slope failure and improve the water quality and aesthetics to this area by using material to be visually compatible with the surrounding shoreline and other stabilization projects in the vicinity.*

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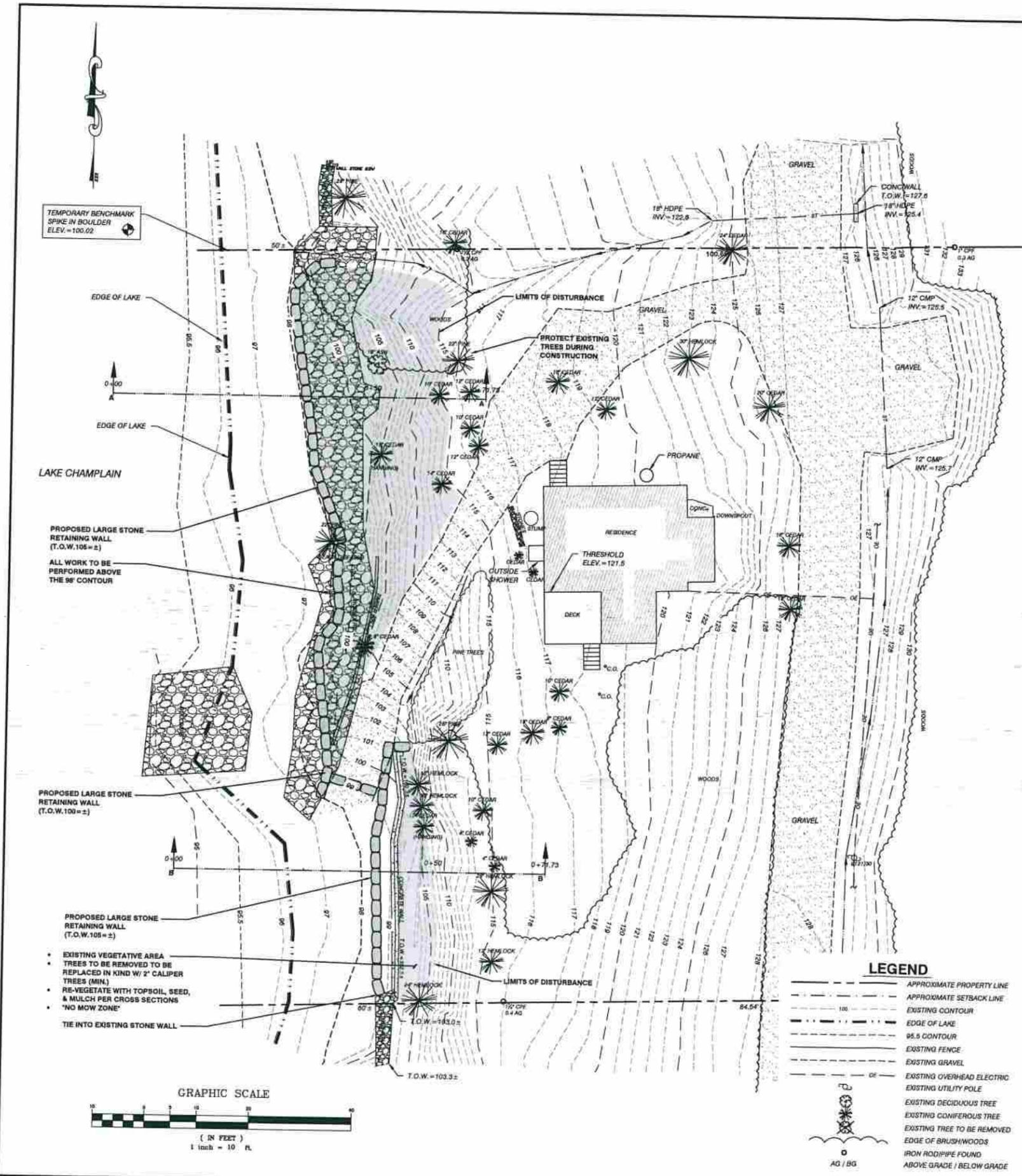


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NOV 15 2016







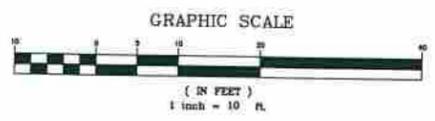
TEMPORARY BENCHMARK SPIKE IN BOULDER ELEV. = 100.02

PROPOSED LARGE STONE RETAINING WALL (T.O.W. 105 ±) ALL WORK TO BE PERFORMED ABOVE THE 98' CONTOUR

PROPOSED LARGE STONE RETAINING WALL (T.O.W. 105 ±)

PROPOSED LARGE STONE RETAINING WALL (T.O.W. 105 ±)

- EXISTING VEGETATIVE AREA TREES TO BE REMOVED TO BE REPLACED IN KIND W/ 2" CALIPER TREES (MIN.)
- RE-VEGETATE WITH TOPSOIL, SEED, & MULCH PER CROSS SECTIONS
- "NO MOW ZONE"

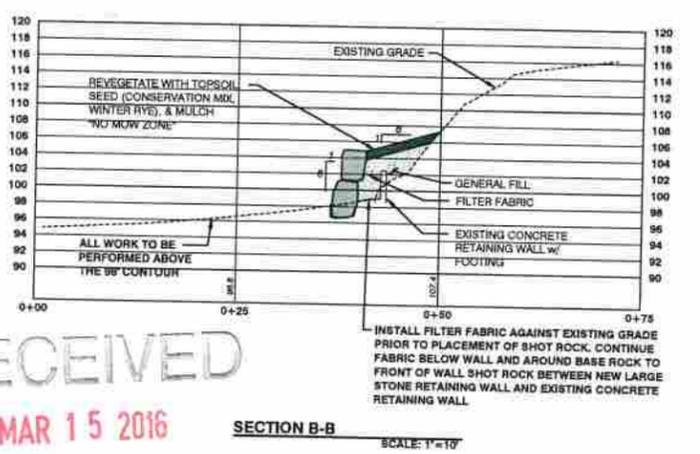
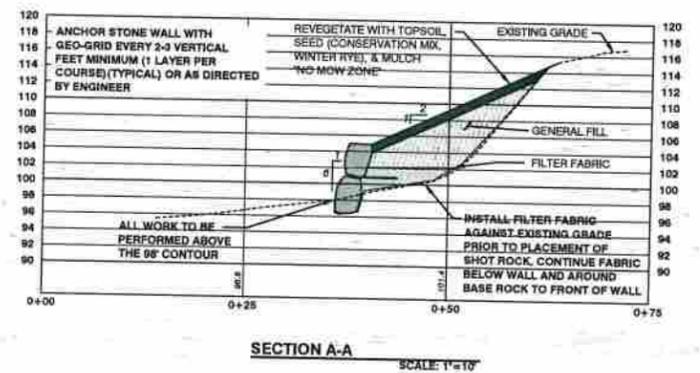


**LEGEND**

---	APPROXIMATE PROPERTY LINE
---	APPROXIMATE SETBACK LINE
---	EXISTING CONTOUR
---	EDGE OF LAKE
---	95.5 CONTOUR
---	EXISTING FENCE
---	EXISTING GRAVEL
---	EXISTING OVERHEAD ELECTRIC
---	EXISTING UTILITY POLE
---	EXISTING DECIDUOUS TREE
---	EXISTING CONIFEROUS TREE
---	EXISTING TREE TO BE REMOVED
---	EDGE OF BRUSHWOODS
---	IRON ROD/PIPE FOUND
---	ABOVE GRADE / BELOW GRADE

**GENERAL NOTES**

- UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION.
- ALL EXISTING UTILITIES NOT INCORPORATED INTO THE FINAL DESIGN SHALL BE REMOVED OR ABANDONED AS INDICATED ON THE PLANS OR DIRECTED BY THE ENGINEER.
- THE CONTRACTOR SHALL MAINTAIN AS-BUILT PLANS (WITH TIES) FOR ALL UNDERGROUND UTILITIES. THOSE PLANS SHALL BE SUBMITTED TO THE OWNER AT THE COMPLETION OF THE PROJECT.
- THE CONTRACTOR SHALL REPAIR/RESTORE ALL DISTURBED AREAS (ON OR OFF THE SITE) AS A DIRECT OR INDIRECT RESULT OF THE CONSTRUCTION.
- ALL GRASSED AREAS SHALL BE MAINTAINED UNTIL FULL VEGETATION IS ESTABLISHED.
- MAINTAIN ALL TREES OUTSIDE OF CONSTRUCTION LIMITS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK NECESSARY FOR COMPLETE AND OPERABLE FACILITIES AND UTILITIES.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR ALL ITEMS AND MATERIALS INCORPORATED INTO THE SITE WORK. WORK SHALL NOT BEGIN ON ANY ITEM UNTIL SHOP DRAWING APPROVAL IS GRANTED.
- IN ADDITION TO THE REQUIREMENTS SET IN THESE PLANS AND SPECIFICATIONS, THE CONTRACTOR SHALL COMPLETE THE WORK IN ACCORDANCE WITH ALL PERMIT CONDITIONS AND ANY LOCAL PUBLIC WORKS STANDARDS.
- THE TOLERANCE FOR FINISH GRADES FOR ALL PAVEMENT, WALKWAYS AND LAWN AREAS SHALL BE 0.1 FEET.
- ANY DEWATERING NECESSARY FOR THE COMPLETION OF THE SITEMARK SHALL BE CONSIDERED AS PART OF THE CONTRACT AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
- THE CONTRACTOR SHALL COORDINATE ALL WORK WITHIN TOWN ROAD R.O.W. WITH TOWN AUTHORITIES.
- THE CONTRACTOR SHALL INSTALL THE ELECTRICAL, CABLE AND TELEPHONE SERVICES IN ACCORDANCE WITH THE UTILITY COMPANIES REQUIREMENTS.
- EXISTING PAVEMENT AND TREE STUMPS TO BE REMOVED SHALL BE DISPOSED OF AT AN APPROVED OFF-SITE LOCATION. ALL PAVEMENT CUTS SHALL BE MADE WITH A PAVEMENT SAW.
- IF THERE ARE ANY CONFLICTS OR INCONSISTENCIES WITH THE PLANS OR SPECIFICATIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER FOR VERIFICATION BEFORE WORK CONTINUES ON THE ITEM IN QUESTION.
- PROPERTY LINE INFORMATION IS APPROXIMATE AND BASED ON EXISTING TAX MAP INFORMATION. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE.
- IF THE BUILDING IS TO BE SPRINKLERED, BACKFLOW PREVENTION SHALL BE PROVIDED IN ACCORDANCE WITH AWWA M14. THE SITE CONTRACTOR SHALL CONSTRUCT THE WATER LINE TO TWO FEET ABOVE THE FINISHED FLOOR. SEE MECHANICAL PLANS FOR RISER DETAIL.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING TESTING AND INSPECTION SERVICES INDICATED IN THE CONTRACT DOCUMENTS, TYPICAL FOR CONCRETE AND SOIL TESTING.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL LAYOUT AND FIELD ENGINEERING REQUIRED FOR COMPLETION OF THE PROJECT. CIVIL ENGINEERING ASSOCIATES WILL PROVIDE AN AUTOCAD FILE WHERE APPLICABLE.
- THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ANY AND ALL SAFETY FENCES OR RAILS ABOVE EXISTING AND PROPOSED WALLS. THE OWNER SHALL VERIFY LOCAL, STATE AND INSURANCE REQUIREMENT GUIDELINES FOR THE INSTALLATION AND VERIFY ANY AND ALL PERMITTING REQUIREMENTS.



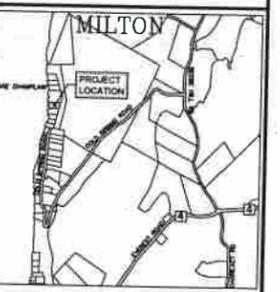
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SITE ENGINEER:  
  
CIVIL ENGINEERING ASSOCIATES, INC.  
10 MANFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403  
802-864-2323 FAX: 802-864-2371 web: www.coe-vt.com  
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DRAWN: MAB  
CHECKED: SAV  
APPROVED: SAV

OWNER:  
**JUSTIN WHEATING**  
  
1225 HARVEY FARM ROAD  
WATERBURY CENTER,  
VERMONT 05677

PROJECT:  
**SHORELINE STABILIZATION**  
  
304 COLD SPRING ROAD  
MILTON, VT



LOCATION MAP  
1" = 200'

DATE	CHECKED	REVISION

**PROPOSED CONDITIONS SITE PLAN**

DATE: 03/10/2016  
SCALE: 1" = 10'  
PROJ. NO: 15189  
DRAWING NUMBER: **C1.1**





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

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**TECHNICAL ADVISORY COMMITTEE REVIEW SHEET** RECREATION DEPARTMENT  
MILTON, VERMONT

Development Review Board Meeting of Thursday, April 28, 2016

Date of Review: 4-5-16

Department: Recreation

TAC Member: Kyril Dechesneay

Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 304 Cold Spring Road

- No comments

Virginia & Daniel Dubois, Owner/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 690 Everest Road

- No comments

H.W. Ventures, L.C., Owner/Applicant - Boundary Line Adjustment - Westford Road

- No comments

Poor Farm Acres, LLC, Owner/Applicant - Minor Conventional Subdivision Final Plan - 114 Poor Farm Road

- No comments



TOWN OF MILTON  
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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, April 28, 2016

Date of Review: 04.05.16

Department: Police

TAC Member: BRETT VAN NOORDT

Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 304 Cold Spring Road

NO COMMENTS or CONCERNS.

Virginia & Daniel Dubois, Owner/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 690 Everest Road

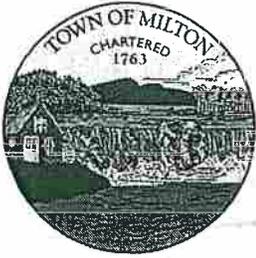
NO COMMENTS or CONCERNS.

H.W. Ventures, L.C., Owner/Applicant - Boundary Line Adjustment - Westford Road

NO COMMENTS or CONCERNS.

Poor Farm Acres, LLC, Owner/Applicant - Minor Conventional Subdivision Final Plan - 114 Poor Farm Road

NO COMMENTS or CONCERNS.



TOWN OF MILTON  
Planning & Economic Development Department  
43 Bombardier Road  
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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, April 28, 2016

Date of Review: 4/14/16

Department: School

TAC Member: Ann Bradshaw

Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 304 Cold Spring Road

*No comments*

Virginia & Daniel Dubois, Owner/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 690 Everest Road

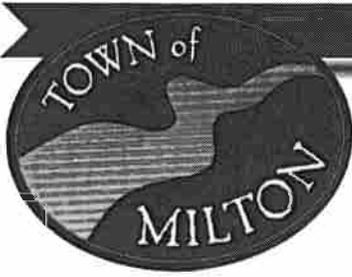
*No comments*

H.W. Ventures, L.C., Owner/Applicant - Boundary Line Adjustment - Westford Road

*No comments*

Poor Farm Acres, LLC, Owner/Applicant - Minor Conventional Subdivision Final Plan - 114 Poor Farm Road

*No comments*



# PLANNING DIVISION

43 Bombardier Road  
 Milton, Vermont 05468-3205  
 (802) 893-1186  
[miltonvt.org/planning](http://miltonvt.org/planning)

## DEVELOPMENT REVIEW BOARD

### DEVELOPMENT REVIEW BOARD STAFF REPORT

<b>Hearing Date:</b> April 28, 2016	
<b>Case No:</b> DRB 2016-18	
<b>Application(s):</b> Conditional Use	
<b>Application Received:</b> March 15, 2016	
<b>Application Deemed Complete:</b> March 17, 2016	
<b>Staff Report Finalized:</b> Friday, April 21, 2016	
<b>Applicant(s):</b> Jack Milbank Civil Engineering Associates 10 Mansfield View Lane South Burlington, VT 05403 <a href="mailto:jmilbank@cea-vt.com">jmilbank@cea-vt.com</a> 802-864-2323 x315	<b>Owner(s):</b> Virginia & Daniel Dubois 690 Everest Road Milton, VT 05468 <a href="mailto:gdubois2008@hotmail.com">gdubois2008@hotmail.com</a> 802-233-2240
<b>Engineer/License:</b> Jack Milbank Civil Engineering Associates	<b>Surveyor/License:</b> None
<b>E-911/Postal Address:</b> 690 Everest Road	
<b>Tax Map, Parcel(s):</b> 37, 17	
<b>School Parcel Account Number(s) (SPAN):</b> 10818	
<b>Deed(s):</b> Book 461, Page 21	
<b>Existing Size:</b> 0.60 acres	
<b>Zoning District(s):</b> Shoreland Residential "R6", Flood Hazard "FH"	
<b>Comprehensive Plan Planning Area/Sub-Area:</b> West Milton Planning Area	
<b>Location:</b> Everest Road, adjacent to Lake Champlain.	



## INTRODUCTION

**Noticed/Warned Summary of Proposal:** Virginia & Daniel Dubois, Owner/Jack Milbank - Civil Engineering Associates, Applicant, request Conditional Use approval to repair and replace a failed retaining wall with a new, large stone retaining wall along the shoreline at 690 Everest Road. The relocation and replacement of existing stairs and deck are proposed. The subject property contains approximately .60 acres, described as SPAN# 10818, Map 37, Parcel 17, and is located within the "Shoreland Residential" (R6) and "Flood Hazard" (FH) Zoning Districts and the West Milton Planning Area.

**Comments:** Jeff Castle, Town Planner, herein referred to as staff, has reviewed the application, materials and plans submitted and have the following comments.

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

**Hearing Process/Procedure:** Applicants and interested persons can 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 Conditional Use 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 Jack Milbank referred to hereafter as the "applicant".

**Landowner(s):** The property is owned by Virginia and Daniel Dubois. All owners are signatories to this application.

**Project Consultant(s):** Jack Milbank of Civil Engineering Associates is a consultant for this project.

**Application Submission:** The application form was received by the Planning and Economic Development Department on March 15, 2016. The owner's signature was received on March 25, 2016. Unless otherwise noted, the associated exhibits were received the same day.

**Application Completion:** The application was deemed complete by Staff on March 25, 2016.

**State Project Review:** To staff's knowledge, the applicant has not yet obtained a State Project Review Sheet.

**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.

**Conditional Use Specific Jurisdiction:** ZR110 states: No LAND DEVELOPMENT shall be undertaken or effected except in conformance with the applicable provisions of these Regulations. No land, building or other STRUCTURE shall be used for any purpose except as provided in these Regulations."

ZR353(7) states that Conditional Use approval, according to ZR500, shall be fulfilled by all Applicants before a Zoning Permit is granted for the following: "Docks, Stairs and Shoreland Restoration projects provided that the Development Review Board finds that the conditions of Section 500 are met and that the proposed STRUCTURE is necessary for the operation of the PRINCIPAL USE".

ZR120 states, "Permitted and CONDITIONAL USES for each district of the Town are specified in these Regulations. Both types of USE require a Zoning Permit (commonly called a "Building Permit") and a Certificate of Compliance from the Zoning Administrator as prescribed in Section 1000 and 1010 below. A Zoning Permit for a CONDITIONAL USE requires prior approval of the Development Review Board, which can only be issued upon a finding of conformance with the requirements indicated in Section 500, and with any additional criteria cited for a specific CONDITIONAL USE within the Zoning Ordinance."

**Regulatory Waivers Requested:** No waivers have been 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 April 28, 2016.

**Site Visit:** The DRB may schedule a site visit and recess the hearing to a subsequent meeting date if on-site observation would better inform the DRB's decision. Staff recommends a site visit to better inform the DRB of current conditions and the nature of retaining wall and slope failure at the site.

1. The DRB may schedule a site visit and recess the hearing to a subsequent meeting date in order to assess the nature of existing retaining wall failure and better inform the DRB's decision.

## **EXHIBITS**

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

- Cover Letter from Jack Milbank, dated 3/14/2016;
- Basis of Design Letter from Stephen A. Vock, P.E., dated 3/14/2016;
- Conditional Use Justification
- Existing Conditions Site Plan, drawing C1.0, by Civil Engineering Associates, Inc.; dated 10/30/2015;
- Proposed Conditions Site Plan, drawing C1.1 by Civil Engineering Associates, Inc; revised 3/02/2016;
- Erosion Control Notes and Details, drawing C2.0 by Civil Engineering Associates, Inc; dated 10/30/2016.;

- Site Condition Photograph (4).

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

- Technical Advisory Committee (TAC) School District Review Sheet dated April 14, 2016;
- TAC Police Review Sheet dated April 5, 2016;
- TAC Recreation Review Sheet dated April 5, 2016;

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

**Property Location:** The subject property is located at 690 Everest Road and shown on Milton's Tax Map 37 as Parcel 17. The corresponding School Parcel Account Number (SPAN) is 10818.

**Size/Area:** According to the Assessor's Grand List records this property as approximately 0.60 acres.

**Deed(s):** The deed is recorded in Book 461, Page 21 of the Town of Milton Land Records to Daniel & Virginia Dubois, Grantee.

**Zoning District(s):** The site is located within the Shoreland Residential (R6) and Flood Hazard (FH) Zoning Districts described on the Town of Milton Zoning Map, last amended August 22, 2011, on record and display at the Municipal Offices and available on the Town's website. Most of the parcel falls within the R6 Zoning District while a small shoreline portion falls within the FH Zoning District. The ZR351 states that the purpose of this district is to "protect and preserve sensitive shoreland areas and water resources from unsuitable development, to maintain a high standard of quality for all permitted development and to encourage open space along the shoreline."

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

**Goal 9.12.1.** Encourage a diversity of agricultural uses.

**Goal 9.12.2.** Encourage low-density, well planned residential development which enhances the character of the area.

**Goal 9.12.3.** Promote the development of community activities for a range of ages.

**Goal 9.12.4.** Encourage the preservation of historic sites.

**Physical Characteristics/Natural Features:** The property slopes toward the lake with a steep embankment along the shore. It drains directly to Lake Champlain and contains a mix of trees and open land.

**Surrounding Use/Structures:** The property is surrounded to the north, south and east by existing single family dwellings.

### **SITE HISTORY**

**Background:** To staff's knowledge, the subject property has never undergone development review by the DRB or Zoning Board of Adjustment or Planning Commission.

**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 property contains an existing single family dwelling. The existing lot is a pre-existing non-conforming small lot. No changes are proposed to the dwelling structure at this time.

**Proposed Usage/Conditions of Use:** The applicant seeks conditional use approval for the repair and construction of a new stone retaining wall.

#### **Existing Improvements:**

**Buildings:** The property contains an existing single family residence.

**Conformity:** The current dwelling does not appear to meet the setback requirements and is defined as a non-complying structure.

**Structures:** The property currently contains existing stairs, deck and an existing gabion retaining wall (stones boxed within metal fencing). The stairs and deck are located within the 50 foot shoreline setback, and are existing non-complying structures.

**Access:** The site is accessed via Everest Road

**Proposed Improvements:** The applicant proposes to repair and replace a failed retaining wall with a new large stone retaining wall, and replace and relocate the existing stairs and deck

### ZONING REGULATIONS INTRODUCTORY PROVISIONS

**ZR180, Applicability of Floodplain Regulations:** The section states: Appendix A of the Milton Zoning Regulations: *Inundation Hazard Area Regulations* shall take precedence over all sections within the main Articles of the Milton Zoning Regulations for flood hazard areas as described in Section IV of Appendix A.

### ZONING DISTRICT CONFORMITY

**ZR353(7), Docks, Stairs and Shoreland Restoration Projects:** This section states conditional use approval may be granted for Docks, Stairs and Shoreland Restoration projects provided that the Development Review Board finds that the conditions of Section 500 are met and that the proposed structure is necessary for the operation of the Principal Use.

Staff finds that the proposal for the retaining wall and the replacement of the stairs may be granted by conditional use approval by the DRB.

**ZR354(4) Minimum Shoreline Building Setback:** 50 feet. The SHORELINE is defined as “the ordinary high water mark of a lake or pond” which for Lake Champlain is understood to be 98’ of elevation.

**ZR354(5) Minimum Side Setback:** 35 feet

Staff finds that the existing deck does not meet the minimum shoreline setback of 50 feet or the minimum side setback of 35 feet and is a non-complying structure.

**ZR520.1 Alteration of Non-Complying Structures:** Any alteration expansion or change to a non-complying structure which does not result in any increase in the non-complying nature of the structure (e.g. further encroachment into a setback or a further increase in lot coverage) may be permitted by the zoning administrator provided that the proposed change does not result in an increase in floor area of the structure and that the proposed changes complies with all other provisions of these Regulations.

Staff finds that the deck may be relocated and replaced as long as the deck does not further encroach on the shoreline or side setbacks and does not increase in area.

2. The proposed deck shall not further encroach on the shoreline setback of 50 feet or the side setback of 35 feet and shall not increase in area from the existing deck. The existing and proposed deck dimensions and distances to setbacks shall be indicated on the final plans.

**ZR356.1, Shoreland Ground Cover:** No more than 25% of existing trees and/or ground cover shall be removed along the shoreline for a distance of 25 feet from the SHORELINE within a 5-year period.

Staff finds that the proposal will remove more than 25% of the existing trees and groundcover within 25 feet of the Shoreline. The shoreline is the ordinary high water mark of the lake, and is considered to be 98' elevation for Lake Champlain. The Proposed Conditions Site Plan indicates that "existing trees to be removed to be replaced in kind." The locations for the replacement trees are outside of the 25 foot distance to the shoreline. The applicant should clarify how many trees are to be removed and replaced. Staff finds the extent of the proposed disturbance appears to be in conflict with the maintenance of shoreland ground cover required in ZR356.1.

3. The applicant should clarify how many trees are to be removed and replaced within 25 feet of the shoreline.
4. Trees and groundcover shall be restored such that there is no more than a 25% reduction in trees and /or ground cover within 25 feet from the shoreline, per ZR356.1.

### **CONDITIONAL USE REVIEW**

**ZR500, Conditional Use Review Procedure:** No Zoning Permit shall be issued by the Zoning Administrator for any USE or STRUCTURE which requires CONDITIONAL USE approval until the Development Review Board grants such approval, after PUBLIC NOTICE and public hearing. The authorization by the Development Review Board shall be granted only upon a finding by it that the proposed USE complies with the specific dimensional and other applicable standards as set forth in these Regulations and that the proposed CONDITIONAL USE does not have an undue adverse effect:

**Standard ZR500.1, Capacity of Community Facilities:** The capacity of existing or planned community facilities or services including water, waste disposal, roads, police, fire services and schools.

Staff finds that the proposed retaining wall does not adversely impact the capacity of existing planned community facilities or services.

**Standard ZR500.2, Character of the Area:** The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.

Staff finds that the improvement is consistent with the character of the area. The proposal is to construct retaining wall made of natural materials. Other nearby properties have similar retaining walls. The project will help to stabilize the shoreline and decrease erosion into Lake Champlain.

**Standard ZR500.3, Environmental Limitations & Natural Resources:** Environmental limitations of the site or area, and significant natural resource areas or sites.

Staff finds that the proposed stone retaining wall will minimize impacts of flooding and high wave activity on this property and surrounding properties. However, whenever natural vegetation can be used to stabilize a bank over stone, natural vegetation should be utilized. Staff is concerned that the proposal results in disruption of existing shoreland vegetation which is inconsistent with ZR356 (as addressed above). The proposal of a design with a lower landing and ramp increases the disturbance of shoreline vegetation. Erosion and stormwater best management practices must be employed during and after site work.

5. The applicant shall explain the purpose of the lower landing and ramp and if it is necessary for the stabilization of the shoreline.
6. Proper erosion and sedimentation measures should be implemented during construction.

**Standard ZR500.4, Comprehensive Plan, Bylaws, Ordinances, Regulations:** The *Comprehensive Plan* and all bylaws, ordinances and/or regulations of the Town of Milton.

The property is located in the West Milton Planning Area. The goals of this planning area include: encourage a diversity of agricultural uses; encourage low density, well planned residential development which enhances the character of the area; promote the development of community activities for a range of ages; and encourage the preservation of historic sites. Staff finds that the proposed construction will not have an adverse impact on these goals. The effect on the Regulations are addressed above.

**Standard ZR500.5, Traffic:** Traffic on roads and highways in the vicinity.

Staff finds that the proposal will not adversely affect traffic on roads and highways in the vicinity.

**Standard ZR500.6, Renewable Energy Resources:** Utilization of renewable energy resources.

Staff finds that the proposed project will not adversely affect the utilization of renewable energy resources.

**ZR501, Conditional Use Conditions:** In granting such CONDITIONAL USE, the Development Review Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the provisions and intentions of these Regulations and the Milton *Comprehensive Plan*.

## INUNDATION HAZARD AREA REVIEW

**ZR180, Applicability of Floodplain Regulations:** The section states: Appendix A of the Milton Zoning Regulations: *Inundation Hazard Area Regulations* shall take precedence over all sections within the main Articles of the Milton Zoning Regulations for flood hazard areas as described in Section IV of Appendix A.

A portion of the proposed construction is located within the Flood Hazard District, specifically the Special Flood Hazard Area. According to Section V, the proposed construction of a stairway can be permitted by the Zoning Administrator since it is an accessory structure less than 500 square feet. All development in the Special Flood Hazard Area shall meet the criteria of Section VI and VII.

**Appendix A, Section VII.A.1 Development Standards:** all development shall be:

- a. Reasonably safe from flooding;
- b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
- c. Constructed with materials resistant to flood damage;
- d. Constructed by methods and practices that minimize flood damage;
- e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- f. Adequately drained to reduce exposure to flood hazards;
- g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
- h. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

The proposed retaining wall will be located in the Special Flood Hazard Area. The proposed retaining wall will have a bottom elevation of 98 feet and will have a top elevation of approximately 107 to 111 feet which is over approximately 5 feet above base flood elevation. This makes the wall reasonably safe from flooding. The proposed retaining wall will be constructed from materials that are resistant to flood damage and the proposed retaining wall will minimize flood damage to the existing bank. Based on the details provided, staff finds that the standards that can be evaluated are met, and recommends the condition that:

7. The Applicant shall construct and maintain the proposed stairway in accordance with Section VII of Appendix A, Special Flood Hazard Area.

**Appendix A, Section VIII, Administration:**

**Section VIII.A.1.b** states that all applications for development shall include a Vermont Agency of Natural Resources Project Review Sheet.

8. In accordance with Zoning Regulations Appendix A, Section VIII, A, 1b, the Applicant must obtain a Project Review Sheet from the Vermont Agency of Natural Resources for this proposal,

and provide a copy to the Town, before a zoning permit can be issued. All required State and Federal approvals shall be acquired.

**Section VIII.B.1** states that, “upon receipt of a complete application for the Development Review Board for a substantial improvement or new construction the ZA shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.” Staff forwarded the application for the proposed retaining wall to the State NFIP Coordinator on April 21, 2016. The State NFIP Coordinator has yet to reply with their comments. Any further changes to the application must be forwarded to the State NFIP Coordinator.

9. If approved, the Applicant should address any comments made by the State NFIP Coordinator prior to the issuance of a Zoning Permit.

#### **TECHNICAL REVIEW COMMITTEE**

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

#### **ADMINISTRATION & ENFORCEMENT**

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

10. A Zoning Permit is required prior to construction and an associated Certificate of Compliance is required after construction is complete (and prior to occupation/use of the new structures).

**ZR1020, Expiration of 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.

**ZR1030, Revocation of Approvals and Permits:** ZR1030 states: 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

#### **CONCLUDING REVIEW**

**Conditional Use Review Standards:** ZR580 states that the DRB may consider the following in its review of a Conditional Use application.

- 500.1 The capacity of existing or planned community facilities or services including water, waste disposal, roads, police, fire services and schools.
- 500.2 The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- 500.3 Environmental limitations of the site or area, and significant natural resource areas or sites.
- 500.4 The Comprehensive Plan and all bylaws, ordinances and/or regulations of the Town of Milton. 500.5 Traffic on roads and highways in the vicinity.
- 500.6 Utilization of renewable energy resources.

Staff finds that the proposal meets requirements and will not have any adverse impacts.

11. The Applicant shall address any remaining questions or concerns from the DRB concerning the Site Plan standards above.

### STAFF RECOMMENDATION

The Planning Staff recommends that the DRB **CONTINUE** the **Conditional Use** approval to repair and replace a failed retaining wall with a new, large stone retaining wall along the shoreline at **304 Cold Spring Road**, described as SPAN# 13769, Map 9, Parcel 13-105, in order to allow for a site visit to better inform the DRB's decision.

**Respectfully Submitted:**



---

Jeffrey Castle, Town Planner

### ATTACHMENTS:

- Cover Letter from Jack Milbank, dated 3/14/2016;
- Basis of Design Letter from Stephen A. Vock, P.E., dated 3/14/2016;
- Conditional Use Justification
- Existing Conditions Site Plan, drawing C1.0, by Civil Engineering Associates, Inc.; dated 3/10/2016;
- Proposed Conditions Site Plan, drawing C1.1 by Civil Engineering Associates, Inc; dated 3/10/2016;
- Erosion Control Notes and Details, drawing C2.0 by Civil Engineering Associates, Inc; dated 3/10/2016.;
- Site Condition Photograph (5).
- Technical Advisory Committee (TAC) School District Review Sheet dated April 14, 2016;
- TAC Police Review Sheet dated April 5, 2016;
- TAC Recreation Review Sheet dated April 5, 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.



## CIVIL ENGINEERING ASSOCIATES, INC.

10 Mansfield View Lane  
South Burlington, VT 05403

Phone: 802-864-2323  
Fax: 802-864-2271  
E-Mail: mail@cea-vt.com

March 14, 2016

Jeff Castle  
Town Planner  
Town of Milton  
43 Bombardier Road  
Milton, VT 05468

**Re: Ginny Dubois  
690 Everest Road  
Slope Stabilization**

Dear Jeff:

Please find enclosed a completed Conditional Use application, application fee, adjoiner list and plans for the proposed shoreline stabilization project at 690 Everest Road in Milton, Vermont.

The applicant is proposing to repair and replace a failed retaining wall with a new large stone retaining wall along the shoreline that has been compromised and impacted by wave action and high water. The existing shoreline is eroded with many failures along its length that will be stabilized as part of this project. The proposed wall will be very similar to several recently constructed walls along this section of shoreline. All disturbed areas will be top-soiled, seeded and mulched. (See attached site plan)

If you should have any questions or should need any additional information, please feel free to contact me.

Respectfully,

Jack Milbank

*Enclosures:* Applications, list of adjoiners, plans, fees

cc: CEA File 15183

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MAR 15 2016

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Milton, Vermont

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MAR 25 2016

Planning & Economic Development  
Milton, Vermont



## CIVIL ENGINEERING ASSOCIATES, INC.

10 Mansfield View Lane  
South Burlington, VT 05403

Phone: 802-864-2323  
Fax: 802-864-2271  
E-Mail: mail@cea-vt.com

March 14, 2016

Jeff Castle  
Town Planner  
Town of Milton  
43 Bombardier Road  
Milton, VT 05468

**Re: Ginny Dubois  
690 Everest Road  
Proposed Slope Stabilization**

Dear Sir or Madam:

This letter supports the technical basis for the design of the proposed seawall at the Dubois residence at 690 Everest Road. This property has shoreline on Lake Champlain making it susceptible to wind and wave action from high water and high winds. The record high water levels during the spring of 2011 impacted the shoreline which resulted in severe undercutting and erosion from wave action which has continued to get worse over time.

Over the past several years, Civil Engineering Associates, Inc. (CEA) has developed a methodology for addressing lakeshore erosion on Lake Champlain. Particularly for slopes or banks that are relatively steep and/or high and dominantly consist of susceptible soil materials rather than bedrock, we have developed a design that incorporates elements of "armoring" the slope with large quarry stones and backfilling with smaller shot-rock for drainage. The exposed surface visible from the lake is a natural stone product produced by local quarries. These large stones, which are up to five or six feet in maximum dimension, are nested together to provide a relatively continuous surface and sufficient mass to resist most ice and wave action. The fact that they are assembled as natural elements permits some movement of the stones without degrading the structural integrity of the surface armoring and protection of the soils behind the wall. One additional feature of this wall system is the use of a filter fabric (geotextile) layer between the native soil and the shot rock backfill to inhibit the migration (erosion) of the native soil through the coarser materials.

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Milton, Vermont

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MAR 15 2016

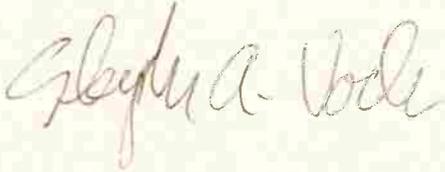
Planning & Economic Development  
Milton, Vermont

Jeff Castle  
March 14, 2016  
Page 2

For the exposure conditions at 690 Everest Road, it is our opinion that a biotechnical solution is not feasible. Wave and wind action are severe enough in storm conditions that using vegetation in combination with other inert materials would not provide sufficient protection against erosion in this environment.

The details of our design are incorporated in the set of drawings submitted with this letter. Should you have any questions or wish to discuss the project in **greater** detail please let me or Jack Milbank know.

Very truly yours,

A handwritten signature in red ink that reads "Stephen A. Vock". The signature is written in a cursive style.

Stephen A. Vock, P.E.  
Principal / Project Engineer

Cc: file

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Planning & Economic Development  
Milton, Vermont

## CONDITIONAL USE JUSTIFICATION:

*(Describe how your Conditional Use will effect/impact the following items)*

1. The capacity of existing or planned community facilities (i.e. public water, public sewer, Town roads, Town police, Town fire, Town recreation, etc.):

*The proposed project has no impact on existing or planned community facilities.*

2. The character of the area affected:

*The project will involve the existing shoreline stabilization along the lakeshore that has been compromised due to wind, wave action and high water levels. The conditions will be improved by the installation of a new large rip rap seawall that will providing protection from erosion.*

3. Traffic on roads and highways in the vicinity (Describe: traffic trips per day; traffic increases/decreases; peak traffic times; etc):

*There will not be any changes in traffic on the roads as part of this project with the exception of temporary truck traffic during construction activity.*

4. Town Municipal Development Plan and Zoning Bylaws (Does the Town Plan and Zoning Bylaws support your conditional use request?):

*The Town plan and Zoning bylaws support this conditional use request in respect to the owners attempt to preserve natural cover and protect the vulnerability of the lakeshore to erosion which is consistent with the purpose of the lakeshore overlay zoning district.*

5. The essential neighborhood or zoning district character; Will the conditional use substantially or permanently impair the use or development of adjacent property?; Will the conditional use be detrimental to the public welfare?

*The proposed project will not substantially or permanently impair the use or development of adjacent property or be detrimental to the public welfare. The proposed project will improve and stabilize the existing slope failure and improve the water quality and aesthetics to this area by using material to be visually compatible with the surrounding shoreline and other stabilization projects in the vicinity.*

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Playtime & Learning Development  
Milton Keynes





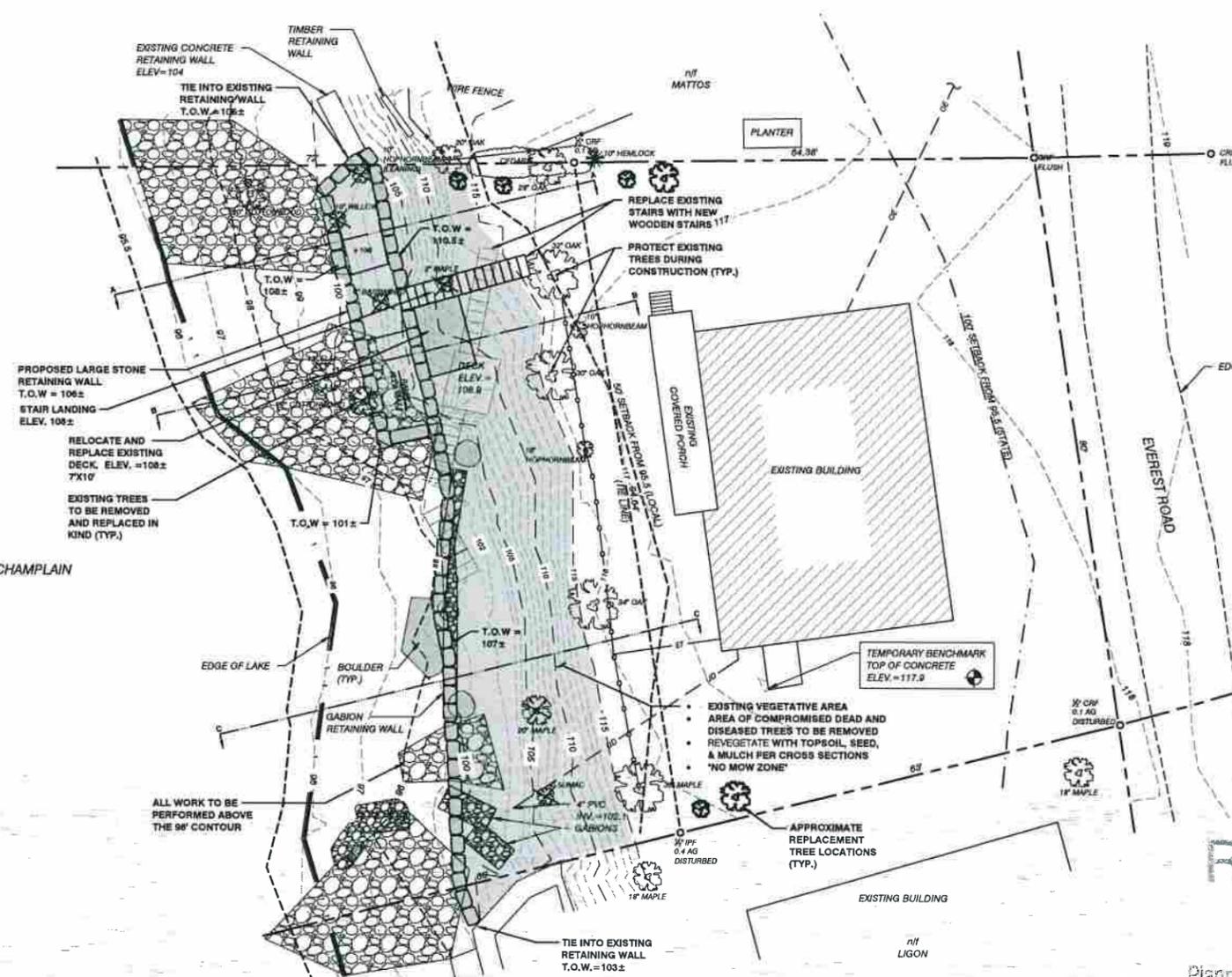


**GENERAL NOTES**

- UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION.
- ALL EXISTING UTILITIES NOT INCORPORATED INTO THE FINAL DESIGN SHALL BE REMOVED OR ABANDONED AS INDICATED ON THE PLANS OR DIRECTED BY THE ENGINEER.
- THE CONTRACTOR SHALL MAINTAIN AS-BUILT PLANS (WITH TIES) FOR ALL UNDERGROUND UTILITIES. THOSE PLANS SHALL BE SUBMITTED TO THE OWNER AT THE COMPLETION OF THE PROJECT.
- THE CONTRACTOR SHALL REPAIR/RESTORE ALL DISTURBED AREAS (ON OR OFF THE SITE) AS A DIRECT OR INDIRECT RESULT OF THE CONSTRUCTION.
- ALL GRASSED AREAS SHALL BE MAINTAINED UNTIL FULL VEGETATION IS ESTABLISHED.
- MAINTAIN ALL TREES OUTSIDE OF CONSTRUCTION LIMITS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK NECESSARY FOR COMPLETE AND OPERABLE FACILITIES AND UTILITIES.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR ALL ITEMS AND MATERIALS INCORPORATED INTO THE SITE WORK. WORK SHALL NOT BEGIN ON ANY ITEM UNTIL SHOP DRAWING APPROVAL IS GRANTED.
- IN ADDITION TO THE REQUIREMENTS SET IN THESE PLANS AND SPECIFICATIONS, THE CONTRACTOR SHALL COMPLETE THE WORK IN ACCORDANCE WITH ALL PERMIT CONDITIONS AND ANY LOCAL PUBLIC WORKS STANDARDS.
- THE TOLERANCE FOR FINISH GRADES FOR ALL PAVEMENT, WALKWAYS AND LAWN AREAS SHALL BE 0.1 FEET.
- ANY DEWATERING NECESSARY FOR THE COMPLETION OF THE SITEWORK SHALL BE CONSIDERED AS PART OF THE CONTRACT AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
- THE CONTRACTOR SHALL COORDINATE ALL WORK WITHIN TOWN ROAD R.O.W. WITH TOWN AUTHORITIES.
- THE CONTRACTOR SHALL INSTALL THE ELECTRICAL, CABLE AND TELEPHONE SERVICES IN ACCORDANCE WITH THE UTILITY COMPANIES REQUIREMENTS.
- EXISTING PAVEMENT AND TREE STUMPS TO BE REMOVED SHALL BE DISPOSED OF AT AN APPROVED OFF-SITE LOCATION. ALL PAVEMENT CUTS SHALL BE MADE WITH A PAVEMENT SAW.
- IF THERE ARE ANY CONFLICTS OR INCONSISTENCIES WITH THE PLANS OR SPECIFICATIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER FOR VERIFICATION BEFORE WORK CONTINUES ON THE ITEM IN QUESTION.
- PROPERTY LINE INFORMATION IS APPROXIMATE AND BASED ON EXISTING TAX MAP INFORMATION. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE.
- IF THE BUILDING IS TO BE SPRINKLERED, BACKFLOW PREVENTION SHALL BE PROVIDED IN ACCORDANCE WITH AWWA M14. THE SITE CONTRACTOR SHALL CONSTRUCT THE WATER LINE TO TWO FEET ABOVE THE FINISHED FLOOR. SEE MECHANICAL PLANS FOR RISER DETAIL.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING TESTING AND INSPECTION SERVICES INDICATED IN THE CONTRACT DOCUMENTS, TYPICAL FOR CONCRETE AND SOIL TESTING.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL LAYOUT AND FIELD ENGINEERING REQUIRED FOR COMPLETION OF THE PROJECT. CIVIL ENGINEERING ASSOCIATES WILL PROVIDE AN AUTOCAD FILE WHERE APPLICABLE.
- THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ANY AND ALL SAFETY FENCES OR RAILS ABOVE EXISTING AND PROPOSED WALLS. THE OWNER SHALL VERIFY LOCAL, STATE AND INSURANCE REQUIREMENT GUIDELINES FOR THE INSTALLATION AND VERIFY ANY AND ALL PERMITTING REQUIREMENTS.

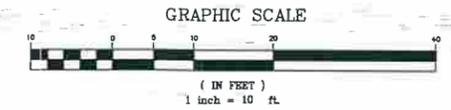
**LEGEND**

- APPROXIMATE PROPERTY LINE
- APPROXIMATE SETBACK LINE
- - - EXISTING CONTOUR
- EXISTING FENCE
- OE --- EXISTING OVERHEAD ELECTRIC
- UD --- EXISTING UNDER DRAIN
- ST --- EXISTING STORM
- EXISTING DECIDUOUS TREE
- EXISTING CONIFEROUS TREE
- EDGE OF BRUSH/WOODS
- IRON ROD/PIPE FOUND
- PROJECT BENCHMARK
- PROPOSED DECIDUOUS TREE



**SITE PLAN**  
SCALE: 1" = 10'

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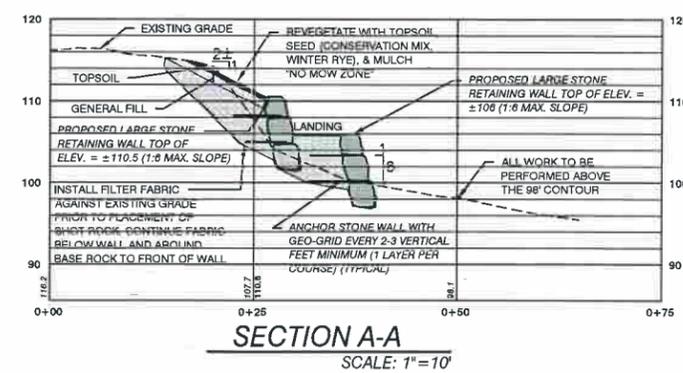


**LOCATION MAP**  
1" = 200'

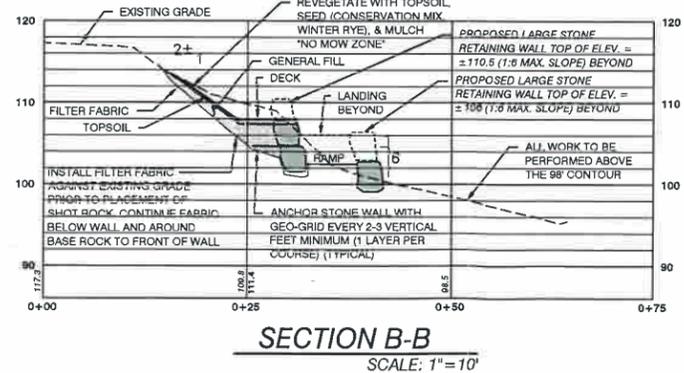
DATE	CHECKED	REVISION
03/02/2016	JLM	RELOCATE STAIRS AND DECK

**PROPOSED CONDITIONS SITE PLAN**

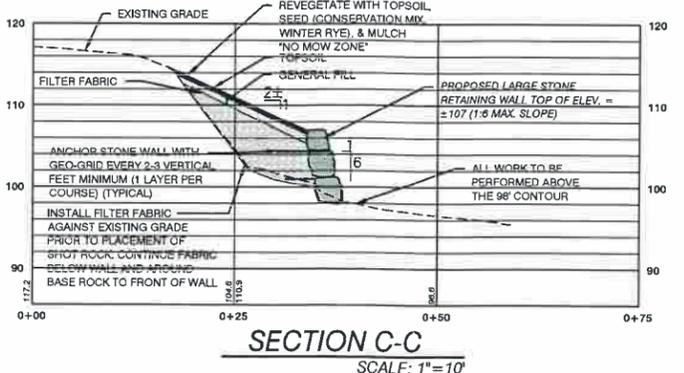
DATE 10/30/2015	DRAWING NUMBER <b>C1.1</b>
SCALE 1" = 10'	
PROJ. NO. 15183	



**SECTION A-A**  
SCALE: 1" = 10'



**SECTION B-B**  
SCALE: 1" = 10'



**SECTION C-C**  
SCALE: 1" = 10'

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**Introduction**

This project is subject to the terms and conditions of the authorization from the State of Vermont to discharge construction related storm water runoff.

Coverage under the State Construction General Permit 3-9020 is required for any construction activity that disturbs 1 or more acres of land, or is part of a larger development plan that will disturb 1 or more acres.

This project has been deemed to qualify as a Low Risk Site which is subject to the erosion prevention and sediment control (EPSC) standards set for in the State of Vermont's **Low Risk Site Handbook for Erosion Prevention and Sediment Control**

The following narrative and implementation requirements represent the minimum standard for which this site is required to be maintained as regulated by the State of Vermont.

Any best management practices (BMPs) depicted on the project's EPSC Site Plan which go beyond the Handbook requirements are considered to be integral to the management of the site and represent components of the municipal EPSC approval for the project which shall be implemented.

The EPSC plan depicts one snap shot in time of the site. All construction sites are fluid in their day to day exposures and risks as it relates to minimizing sediment loss from the site. It is the responsibility of the Contractor to implement the necessary BMPs to comply with the Low Risk Handbook standards outlined on this sheet based on the Interim site disturbance conditions which may or may not be shown on the EPSC Site Plan.

Specific BMPs which are critical to allowing the project to be considered a Low risk site include the items checked below:

- Limit the amount of disturbed earth to two acres or less at any one time.
- There shall be a maximum of 7 consecutive days of disturbed earth exposure in any location before temporary or final stabilization is implemented.

**1. Mark Site Boundaries**

**Purpose:** Mark the site boundaries to identify the limits of construction. Delineating your site will help to limit the area of disturbance, preserve existing vegetation and limit erosion potential on the site.

**How to comply:** Before beginning construction, walk the site boundaries and flag trees, post signs, or install orange safety fence. Fence is required on any boundary within 50 feet of a stream, lake, pond or wetland, unless the area is already developed (existing roads, buildings, etc.)

**2. Limit Disturbance Area**

**Purpose:** Limit the amount of soil exposed at one time to reduce the potential erosion on site.

**Requirements:** The permitted disturbance area is specified on the site's written authorization to discharge. Only the acreage listed on the authorization form may be exposed at any given time.

**How to comply:** Plan ahead and phase the construction activities to ensure that no more than the permitted acreage is disturbed at one time. Be sure to properly stabilize exposed soil with seed and mulch or erosion control matting before beginning work in a new section of the site.

**3. Stabilize Construction Entrance**

**Purpose:** A stabilized construction entrance helps remove mud from vehicle wheels to prevent tracking onto streets.

**Requirements:** If there will be any vehicle traffic off of the construction site, you must install a stabilized construction entrance before construction begins.

**How to install:**  
**Rock Size:** Use a mix of 1 to 4 inch stone  
**Depth:** 6 inches minimum  
**Width:** 12 feet minimum  
**Length:** 40 feet minimum (or length of driveway, if shorter)  
**Geotextile:** Place filter cloth under entire gravel bed

**Maintenance:** Redress with clean stone as required to keep sediment from tracking onto the street.

**4. Install Silt Fence**

**Purpose:** Silt fences intercept runoff and allow suspended sediment to settle out.

**Requirements:** Silt fence must be installed:  
 • on the downhill side of the construction activities  
 • between any ditch, swale, storm sewer inlet, or waters of the State and the disturbed soil  
 \* Hay bales must not be used as sediment barriers due to their tendency to degrade and fall apart.

**Where to place:**

- Place silt fence on the downhill edge of bare soil. At the bottom of slopes, place fence 10 feet downhill from the end of the slope (if space is available).
- Ensure the silt fence catches all runoff from bare soil.
- Maximum drainage area is 1/4 acre for 100 feet of silt fence.
- Install silt fence across the slope (not up and down hills).
- Install multiple rows of silt fence on long hills to break up flow.
- Do not install silt fence across ditches, channels, or streams or in stream buffers.

**How to install silt fence:**

- Dig a trench 6 inches deep across the slope
- Unroll silt fence along the trench
- Ensure stakes are on the downhill side of the fence
- Join fencing by rolling the end stakes together
- Drive stakes in against downhill side of trench
- Drive stakes until 16 inches of fabric is in trench
- Push fabric into trench; spread along bottom
- Fill trench with soil and pack down

**Maintenance:**

- Remove accumulated sediment before it is halfway up the fence.
- Ensure that silt fence is trenched in ground and there are no gaps.

**5. Divert Upland Runoff**

**Purpose:** Diversion berms intercept runoff from above the construction site and direct it around the disturbed area. This prevents clean water from becoming muddied with soil from the construction site.

**Requirements:** If storm water runs onto your site from upslope areas and your site meets the following two conditions, you must install a diversion berm before disturbing any soil.

- You plan to have one or more acres of soil exposed at any one time (excluding roads).
- Average slope of the disturbed area is 20% or steeper.

**How to install:**

- Compact the berm with a shovel or earth-moving equipment.
- Seed and mulch berm or cover with erosion control matting immediately after installation.
- Stabilize the flow channel with seed and straw mulch or erosion control matting. Line the channel with 4 inch stone if the channel slope is greater than 20%.
- Ensure the berm drains to an outlet stabilized with riprap. Ensure that there is no erosion at the outlet.
- The diversion berm shall remain in place until the disturbed areas are completely stabilized.

**6. Slow Down Channelized Runoff**

**Purpose:** Stone check dams reduce erosion in drainage channels by slowing down the storm water flow.

**Requirements:** If there is a concentrated flow (e.g. in a ditch or channel) of storm water on your site, then you must install stone check dams. Hay bales must not be used as check dams.

**How to install:**

- Height:** No greater than 2 feet. Center of dam should be 9 inches lower than the side elevation
- Side slopes:** 2:1 or flatter
- Stone size:** Use a mixture of 2 to 9 inch stone
- Width:** Dams should span the width of the channel and extend up the sides of the banks
- Spacing:** Space the dams so that the bottom (toe) of the upstream dam is at the elevation of the top (crest) of the downstream dam. This spacing is equal to the height of the check dam divided by the channel slope.
- Spacing (in feet) =** Height of check dam (in feet)/Slope in channel (ft/ft)

**Maintenance:** Remove sediment accumulated behind the dam as needed to allow channel to drain through the stone check dam and prevent large flows from carrying sediment over the dam. If significant erosion occurs between check dams, a liner of stone should be installed.

**7. Construct Permanent Controls**

**Purpose:** Permanent storm water treatment practices are constructed to maintain water quality, ensure groundwater flows, and prevent downstream flooding. Practices include detention ponds and wetlands, infiltration basins, and storm water filters.

**Requirements:** If the total impervious\* area on your site, or within the common plan of development, will be 1 or more acres, you must apply for a State Storm water Discharge Permit and construct permanent storm water treatment practices on your site. These practices must be installed before the construction of any impervious surfaces.

**How to comply:** Contact the Vermont Storm water Program and follow the requirements in the Vermont Storm water Management Manual. The Storm water Management Manual is available at: [www.vwaterquality.org/stormwater.htm](http://www.vwaterquality.org/stormwater.htm)

\*An impervious surface is a manmade surface, including, but not limited to, paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates.

**8. Stabilize Exposed Soil**

**Purpose:** Seeding and mulching, applying erosion control matting, and hydroseeding are all methods to stabilize exposed soil. Mulches and matting protect the soil surface while grass is establishing.

**Requirements:** All areas of disturbance must have temporary or permanent stabilization within 7, 14, or 21 days of initial disturbance, as stated in the project authorization. After this time, any disturbance in the area must be stabilized at the end of each work day.

- The following exceptions apply:
- Stabilization is not required if earthwork is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours.
  - Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation, utility trenches).

All areas of disturbance must have permanent stabilization within 48 hours of reaching final grade.

**How to comply:** Prepare bare soil for seeding by grading the top 3 to 6 inches of soil and removing any large rocks or debris.

**Seeding Rates for Temporary Stabilization**  
 April 15 - Sept. 15 - Ryegrass (annual or perennial): 20 lbs/acre  
 Sept. 15 - April 15 - Winter ryegrass: 120 lbs/acre

**Seeding Rates for Final Stabilization: Choose**

Species	Rate (lbs/acre)	Rate (lbs/1000 sq. ft.)
Chenopodium	5	0.11
Digitaria	5	0.11
Lythrum	5	0.11
Phytolacca	5	0.11
Rubus	5	0.11
Sida	5	0.11
Urtica	5	0.11
Veronica	5	0.11

1-Mix 2.5 lbs each of Empire and Parade OR 2.5 lbs of Birdsfoot and 2.5 lbs. white clover per acre

**Mulching Rates**

April 15 - Sept. 15 - Hay or Straw: 1 inch deep (1-2 bales/1000 s.f.)  
 Sept. 15 - April 15 - Hay or Straw: 2 in. deep (2-4 bales/1000 s.f.)

**Erosion Control Matting**

As per manufacturer's instructions

**Hydroseed**

As per manufacturer's instructions

**9. Winter Stabilization**

**Purpose:** Managing construction sites to minimize erosion and prevent sediment loading of waters is a year-round challenge. In Vermont, this challenge becomes even greater during the late fall, winter, and early spring months.

\*Winter construction\* as discussed here, describes the period between October 15 and April 15, when erosion prevention and sediment control is significantly more difficult. Rains in late fall, thaws throughout the winter, and spring melt and rains can produce significant flows over frozen and saturated ground, greatly increasing the potential for erosion.

**Requirements for Winter Shutdown:** For those projects that will complete earth disturbance activities prior to the winter period (October 15), the following requirements must be adhered to:

- For areas to be stabilized by vegetation, seeding shall be completed no later than September 15 to ensure adequate growth and cover.
- If seeding is not completed by September 15, additional non-vegetative protection must be used to stabilize the site for the winter period. This includes use of Erosion Control Matting or netting of a heavy mulch layer. Seeding with winter ryegrass is recommended to allow for early germination during wet spring conditions.
- Where mulch is specified, apply roughly 2 inches with an 80-90% cover. Mulch should be tracked in or stabilized with netting in open areas vulnerable to wind.

**Requirements for Winter Construction:** If construction activities involving earth disturbance continue past October 15 or begin before April 15, the following requirements must be adhered to:

- Enlarged access points, stabilized to provide for snow stockpiling.
- Limits of disturbance moved or replaced to reflect boundary of winter work.
- A snow management plan prepared with adequate storage and control of meltwater, requiring cleared snow to be stored down slope of all areas of disturbance and out of storm water treatment structures.
- A minimum 25 foot buffer shall be maintained from perimeter controls such as silt fence.
- In areas of disturbance that drain to a water body within 100 feet, two rows of silt fence must be installed along the contour.
- Drainage structures must be kept open and free of snow and ice dams.
- Silt fence and other practices requiring earth disturbance must be installed ahead of frozen ground.
- Mulch used for temporary stabilization must be applied at double the standard rate, or a minimum of 3 inches with an 80-90% cover.
- Drainage structures must be kept open and free of snow and ice dams.
- To ensure cover of disturbed soil in advance of a melt event, areas of disturbed soil must be stabilized at the end of each work day, with the following exceptions:
  - If no precipitation within 24 hours is forecast and work will resume in the same disturbed area within 24 hours, daily stabilization is not necessary.
  - Disturbed areas that collect and retain runoff, such as house foundations or open utility trenches.
- Prior to stabilization, snow or ice must be removed to less than 1 inch thickness.
- Use stone to stabilize areas such as the perimeter of buildings under construction or where construction vehicle traffic is anticipated. Stone paths should be 10 to 20 feet wide to accommodate vehicular traffic.

**How to comply:** Stabilizing the site with seed and mulch or erosion control matting when it reaches final grade is the best way to prevent erosion while construction continues.

**Requirements:** Within 48 hours of final grading, the exposed soil must be seeded and mulched or covered with erosion control matting.

**How to comply:** Bring the site or sections of the site to final grade as soon as possible after construction is completed. This will reduce the need for additional sediment and erosion control measures and will reduce the total disturbed area.

For seeding and mulching rates, follow the specifications under Rule 8, Stabilizing Exposed Soil.

**11. Dewatering Activities**

**Purpose:** Treat water pumped from dewatering activities so that it is clear when leaving the construction site.

**Requirements:** Water from dewatering activities that flows off of the construction site must be clear. Water must not be pumped into storm sewers, lakes, or wetlands unless the water is clear.

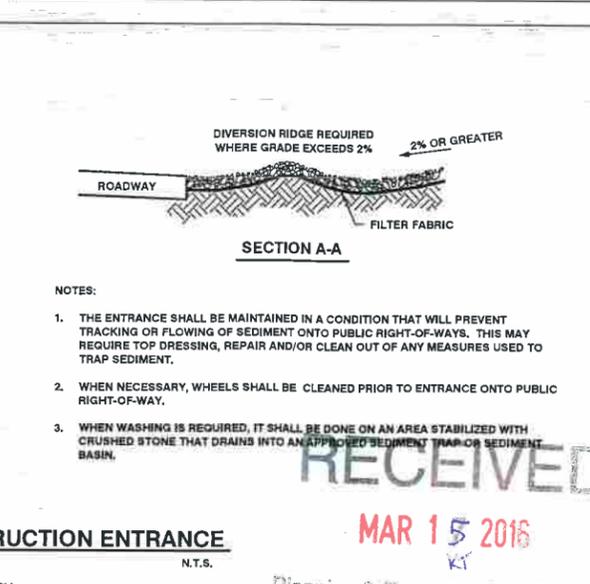
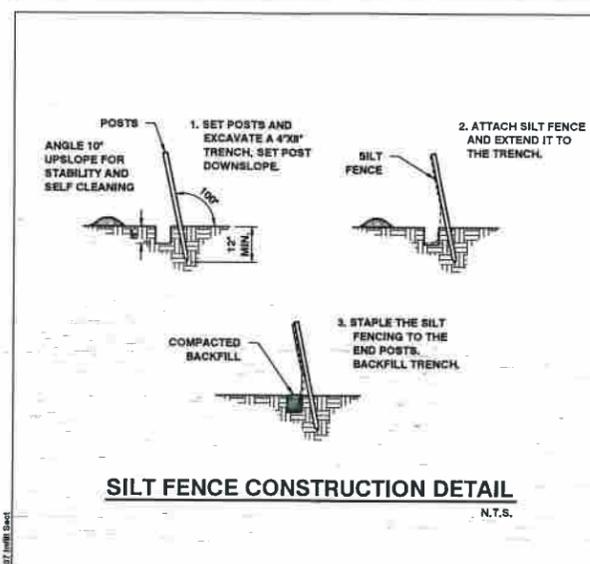
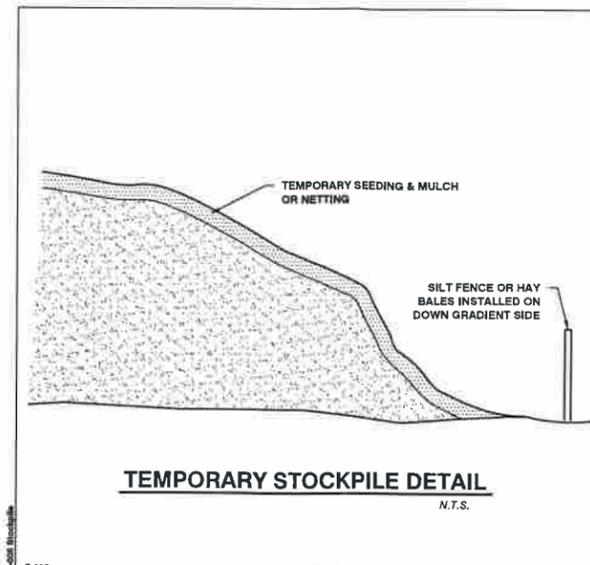
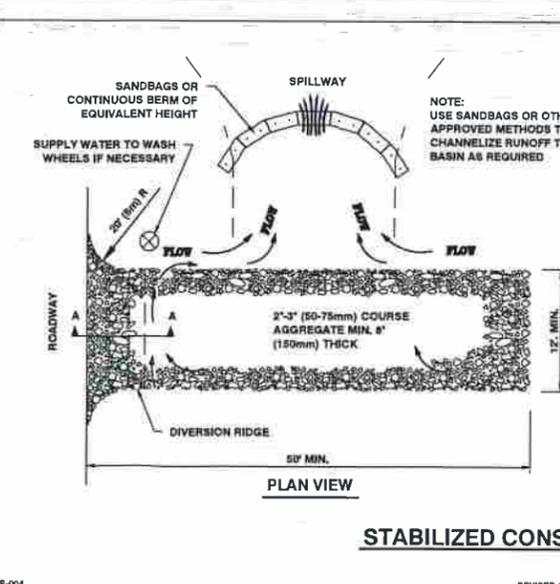
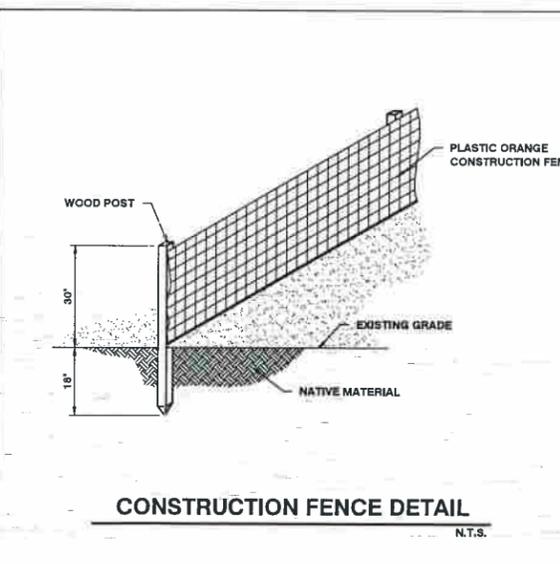
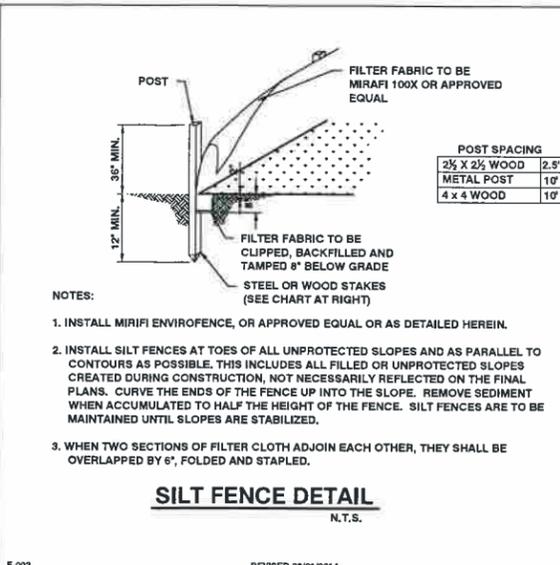
**How to comply:** Using sock filters or sediment filter bags on dewatering discharge hoses or pipes, discharge water into silt fence enclosures installed in vegetated areas away from waterways. Remove accumulated sediment after the water has dispersed and stabilize the area with seed and mulch.

**12. Inspect Your Site**

**Purpose:** Perform site inspections to ensure that all sediment and erosion control practices are functioning properly. Regular inspections and maintenance of practices will help to reduce costs and protect water quality.

**Requirements:** Inspect the site at least once every 7 days and after every rainfall or snow melt that results in a discharge from the site. Perform maintenance to ensure that practices are functioning according to the specifications outlined in this handbook.

In the event of a noticeable sediment discharge from the construction site, you must take immediate action to inspect and maintain existing erosion prevention and sediment control practices. Any visibly discolored storm water runoff to waters of the State must be reported. Forms for reporting discharges are available at: [www.vwaterquality.org/stormwater.htm](http://www.vwaterquality.org/stormwater.htm)



**SITE ENGINEER:**  
  
 CIVIL ENGINEERING ASSOCIATES, INC.  
 10 MAHFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403  
 802-864-2223 FAX: 802-864-2271 web: www.ces-vt.com

**DRAWN:** MAB  
**CHECKED:** JLM  
**APPROVED:** XXX

**OWNER:**  
**DAN & GINNY DUBOIS**  
 690 EVEREST ROAD  
 MILTON VERMONT 05468

**PROJECT:**  
**SHORELINE STABILIZATION**  
 690 EVEREST ROAD  
 MILTON, VT



**LOCATION MAP**  
 1" = 200'

DATE	CHECKED	REVISION

**EROSION CONTROL NOTES AND DETAILS**

**DATE:** 10/30/2015  
**SCALE:** AS SHOWN  
**PROJ. NO.:** 15183  
**REVISION NUMBER:** C2.0

**RECEIVED**  
**MAR 15 2016**  
 Planning & Economic Development  
 Milton, Vermont



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

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APR - 5 2016

**TECHNICAL ADVISORY COMMITTEE REVIEW SHEET** RECREATION DEPARTMENT  
MILTON, VERMONT

Development Review Board Meeting of Thursday, April 28, 2016

Date of Review: 4-5-16

Department: Recreation

TAC Member: Kyrus Dechesneady

Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 304 Cold Spring Road

- No comments

Virginia & Daniel Dubois, Owner/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 690 Everest Road

- No comments

H.W. Ventures, L.C., Owner/Applicant - Boundary Line Adjustment - Westford Road

- No comments

Poor Farm Acres, LLC, Owner/Applicant - Minor Conventional Subdivision Final Plan - 114 Poor Farm Road

- No comments



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

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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, April 28, 2016

Date of Review: 04.05.16

Department: Police

TAC Member: BRETT VAN NOORDT

Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 304 Cold Spring Road

NO COMMENTS or CONCERNS.

Virginia & Daniel Dubois, Owner/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 690 Everest Road

NO COMMENTS or CONCERNS.

H.W. Ventures, L.C., Owner/Applicant - Boundary Line Adjustment - Westford Road

NO COMMENTS or CONCERNS.

Poor Farm Acres, LLC, Owner/Applicant - Minor Conventional Subdivision Final Plan - 114 Poor Farm Road

NO COMMENTS or CONCERNS.



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

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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, April 28, 2016

Date of Review: 4/14/16

Department: School

TAC Member: Ann Bradshaw

Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 304 Cold Spring Road

*No comments*

Virginia & Daniel Dubois, Owner/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 690 Everest Road

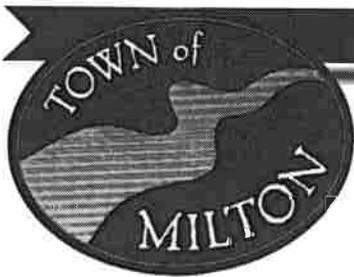
*No comments*

H.W. Ventures, L.C., Owner/Applicant - Boundary Line Adjustment - Westford Road

*No comments*

Poor Farm Acres, LLC, Owner/Applicant - Minor Conventional Subdivision Final Plan - 114 Poor Farm Road

*No comments*



# PLANNING DIVISION

43 Bombardier Road  
 Milton, Vermont 05468-3205  
 (802) 893-1186  
[miltonvt.org/planning](http://miltonvt.org/planning)

## DEVELOPMENT REVIEW BOARD STAFF REPORT

<b>Hearing Date:</b> April 28, 2016	
<b>Case No:</b> SLB 2016-19	
<b>Application(s):</b> Boundary Line Adjustment	
<b>Application Received:</b> March 23, 2016	
<b>Application Deemed Complete:</b> March 23, 2016	
<b>Staff Report Finalized:</b> Thursday, April 21, 2016	
<b>Applicant(s):</b> H.W. Venture LLC c/o James Harrison PO Box 2098 Georgia, VT 05468 802.849.6688	<b>Owner(s):</b> Same
<b>Engineer/License:</b> Cross Consulting Engineers, PC ATTN: Peter Mazurak PE 103 Fairfax Road St. Albans, VT 0478	<b>Surveyor/License:</b> Peter H. Cross, LC (507) PE (3681)
<b>E-911/Postal Address:</b> Westford Road	
<b>Tax Map, Parcel(s):</b> 16, 20 (Lot1); 16; 20-7 (Lot 7)	
<b>School Parcel Account Number(s) (SPAN):</b> 11413 & 14899	
<b>Deed(s):</b> Book 332, Page 650 (14899 has no conveyance history)	
<b>Existing Size:</b> 645.9 acres; 9.25 acres	
<b>Zoning District(s):</b> Agricultural Rural Residential "R5"	
<b>Comprehensive Plan Planning Area/Sub-Area:</b> Cobble Hill Planning Area	
<b>Approximate Location:</b> North side of Westford Road between Garden Pl. and Ted Rd.	
<small>Sources: Esri, HERE, DeLorme, Intermap, Incorporel P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBasis, IGN, Intermap, Inc., Swisstopo, Mapbox, Bing, OpenStreetMap contributors, and the GIS User Community</small>	

## INTRODUCTION

**Noticed/Warned Summary of Proposal:** H.W. Ventures, L.C., Owner/ Applicant requests Boundary Line Adjustment approval to adjust the lot lines of Lots 1 and 7 of a property located on Westford Road, described as SPAN #11413 [*& 14899 omitted from notice*], Map 16, Parcel 20 [*& Map 156, Parcel 20-7 omitted from notice*]. The acreage of Lot 1 is proposed as 645.9 acres and Lot 7 as 9.251 acres. The subject property contains approximately 655 acres and is located within the Agricultural/Rural Residential (R5) and Forestry/Conservation (FC) Zoning Districts 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 HW Ventures LLC referred to hereafter as the "applicant".

**Landowner(s):** The property is owned by HW Ventures LLC All owners are signatories to this application.

**Project Consultant(s):** Cross Consulting Engineer and Surveyor Peter H. Cross is a consultant for this project.

**Application Submission:** The application form was received by the Planning and Economic Development Department on March 23, 2016. Unless otherwise noted, the associated exhibits were received the same day.

**Application Completion:** The application was deemed complete by Staff on March 23, 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:** None.

**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 28, 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:

- Application Form and Dimensional Tables signed March 22, 2016
- Boundary Line Adjustment Concept Sheet 1 of 1 dated March 23, 2016

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

14. None. Technical Advisory Committee Members submitted no comments.

**SITE, DISTRICT & AREA INFORMATION**

**Property Location:** The subject property is located at Westford Road and shown on Milton's Tax Map 16 as Parcel 20. The corresponding School Parcel Account Number (SPAN) is 11413.

**Size/Area:** According to the evidence presented, the area of the parcels subject to the adjustment is either 655.151 acres (according to the plans) or 1,291.8 acres (according to the application's dimensional tables). The Assessor's Grand List records the parcels as approximately 778.93 acres. The latest recorded Plat showing the subject lands, presents Lot 7 as 9.251 acres, but does not show an area for Lot 1.

1. The applicant shall complete the table below to clarify what's happening with this proposal.

Lot	Existing Size	Proposed Size	Increase/Decrease
1	664.397	645.9	18.497
7	Not shown on plans or listed	9.251	?

<b>Totals</b>	?	?	?
---------------	---	---	---

**Deed(s):** According to the application the deed recorded in Book 185, Page 144 of the Town of Milton Land Records. The Grand List show that SPAN14899 has no deed associated with (has not been conveyed since subdivision); and the deed for SPAN11413 is recorded in Book 332, Page 650.

2. The Applicant shall submit a copy of the most current book and page deed reference to ensure that the property's deed description(s) are accurate and to avoid any defects of title for future owners.

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

ZR341 states that the purpose of the R5 district is to:

The purpose of this area 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.

ZR341 states that the purpose of the R5 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.

**Comprehensive Planning Area:** The site is located within the Town Core Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan. The site is located in the New Downtown Sub Area, as delineated in Figure 9.1 of the 2013 Comprehensive Plan (p.112). The Plan states the following about this area:

#### 9.13. East Milton Area Goals

This area has the highest potential for resource utilization and the highest concentration of natural resources in need of protection. The Georgia Wind Company began construction on wind towers in 2012, with completion proposed for 2013. The most prevalent resource utilization land use in Milton is agriculture. Once dominated by dairy farming, Milton still supports an agricultural economy. 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 in this area, taking into account the need to provide for resource utilization activities and to protect natural resources. The encouragement of cluster developments and the 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.
- Objective 9.13.2.a. Develop standards and encourage low density, well planned unit residential developments that work with the natural features of the landscape.
- Goal 9.13.3. Promote the development of community activities for a range of ages.
- Objective 9.13.3.a. Encourage the creation of outdoor recreation facilities for children and adults.
- Goal 9.13.4. Encourage the preservation of historic sites.

**Physical Characteristics/Natural Features:**

Topography: The site contains hillside topography, contours shown on the plans (Plan Map 5).

Soil: The site contains little soil of statewide or prime agricultural significance (Map 7).

Watershed: The site contains a mapped streamcourse, not shown on the plans, which flows to Lake Champlain via Mallets Creek (Map 6).

Wetland: The site contains mapped wetlands, as shown on the plan (Map 6).

Vegetation: The site is wooded with some open clearing.

Habitat/Wildlife Crossings: The site has a 8 or 10 (with ten being highest) in terms of habitat block, and Westford road is known as a important wildlife crossings (Map 9).

**Surrounding Use/Structures:** The site is bordered by other single family dwelling uses. The abutting property of Peter and Karen Staniels has since been subdivided and is not correctly shown on the plans.

3. The Final Plat shall show all adjoining properties as they exist in the Town of Milton Land Records.

**SITE HISTORY**

**Background:** The subject property last underwent Milton Development Review, receiving minor conventional subdivision sketch plan approval on December 12, 2013. The subdivision was realized upon Plat recording, Slide 459A and dated February 27, 2014.

4. All conditions of DRB Approval of December 12, 2013 are in full force and effect except as further amended herein.

**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:** Lot 1 contains an agricultural sugarhouse with Site Plan approval for a banquet hall. Lot 7 is undeveloped, although shared driveway development has begun.

**Proposed Use:** For conventional subdivision, the only relevant question is whether or not the intended use is residential or commercial to apply the corresponding dimensional requirements. No change of use is proposed for Lot 1 and Lot 7 is to house a residential use.

**Existing Improvements:** It is staff's understanding that the no proposed improvements are changing between this and past approval.

5. The Applicant shall verify that no improvements shown on the exhibits are changing from the prior subdivision approval.

**Existing Restrictions or Covenants:** The prior plat includes several easements, some to be retained and some to be dissolved.

6. The final plat shall show all existing and proposed easements, indicating which easements are to be retained and which are to be dissolved.
7. The applicant shall submit, with the final plat, draft legal instruments necessary to establish and alter and dissolve easements.

**Proposed Restrictions or Covenants:** The proposed plat includes the addition of a 20' wide ROW across the proposed Lot 7, but it does not say to whom it should benefit.

8. The final plat shall clearly indicate to whom or which lot all easements benefit; if any easement has an associated instrument recorded in the land records, it shall include a recording reference.

## DIMENSIONAL CONFORMITY

### **ZR150, Applicability of Dimensional Requirements:**

Every USE involving the construction, reconstruction, conversion, structural ALTERATION, relocation or enlargement of a STRUCTURE must comply with the minimum LOT AREA, FRONTAGE, SETBACK areas and all other requirements specified in these Regulations for the district in which the USE occurs. A summary district dimensional table is located immediately following Articles III and IV, District Regulations.

**ZR484 & Dimensional Requirements:** The applicant did not provide accurate dimensional tables that correspond to the plans (see application).

9. The Applicant shall confirm the accuracy of the dimensional tables below as calculated by staff.

The table below shows the required dimensional requirement for the subject property's Zoning District, as well as the existing and proposed compliance as understood by staff, but this is not clear in the application.

Lot 1	Required R5	Required FC	Existing	Proposed
Minimum LOT AREA (sq. ft.)	400,000	600,000	664.3 acres	645.9 acres
Minimum Road FRONTAGE (linear ft.)	400	100	480	480
Minimum FRONT SETBACK (linear ft.)	35	35	>35	>35
Minimum SIDE SETBACK (linear ft.)	50	50	>50	>50
Minimum REAR SETBACK (linear ft.)	50	50	>50	>50
Maximum BUILDING COVERAGE (%)	40	40	<40	<40
Maximum LOT COVERAGE (%)	n/a	n/a	n/a	n/a

A very small portion of this lot occurs in the FC.

Lot 7	Required R5	Required FC	Existing	Proposed
Minimum LOT AREA (sq. ft.)	400,000	600,000	402,973	402,973
Minimum Road FRONTAGE (linear ft.)	400	100	0	0
Minimum FRONT SETBACK (linear ft.)	35	35	>35	>35
Minimum SIDE SETBACK (linear ft.)	50	50	>50	>50
Minimum REAR SETBACK (linear ft.)	50	50	>50	>50
Maximum BUILDING COVERAGE	40	40	<40	<40
Maximum LOT COVERAGE (%)	n/a	n/a	n/a	n/a

**ZR530, Required Frontage & Approved Access:** Staff finds that the frontage requirements have been met through a waiver granted in a prior approval.

**ZR640, Minimum Lot Width to Depth Ratio:** The width of any new lot shall not be less than one-third (1/3) of the depth of the lot. This requirement may be waived by the Development Review Board for any lot occurring within the Forestry/Conservation/Scenic Ridgeline District. A very small portion of this lot is within the FC District. The purpose of this standard is to prevent long, narrow lots that become functionally useless working lands (agriculture & forestry). Staff finds that the lot at its narrowest is approximately 250 feet in depth, and its longest 1045 feet.  $1045 \times .33 = 344$ . The standard is not met, and therefore would require a waiver.

**ZR671 Lots in Forestry/Conservation/Scenic Ridgeline District and Agricultural/Rural Residential District:** The standard is met for Lot 7.

## ARTICLE VI, SUBDIVISION APPLICATION SUBMISSION REQUIREMENTS

**SR 610.1, Final Plat for Minor & Major Subdivision Requirements:** The plan submitted to the DRB is labeled as a "BLA concept". Milton requires a draft plat ready to be recorded after one hearing. Many of the items included on the application checklist are not included on the plans. Specifically, Milton's application requests that the plans show the existing and proposed boundaries. The exhibit presented only show proposed boundaries, but does not show what is changing.

10. The Final Plans shall show the existing and proposed boundaries according to Milton's requirements and shall meet the requirements for a Final Subdivision Plat per SR610 to be eligible for signature.
11. The Final Plat's legend shall also include explanations for all symbols and lines shown on the plans and vice versa, some of which are not explained in the legend. T

**SR920, Legal Data:**

12. Legal Escrow: The Applicant shall submit \$500 to cover the legal review of the revised deeds and any other required legal instruments by the Town Attorney. Any funds not expended on the legal review will be refunded to the Applicant
13. Legal Review: The applicant shall submit deeds and any other associated legal instruments for all impacted lots for review and approval by the Town Attorney. All requested revisions must be complete before the Plat may be recorded. Only instruments approved by the Town may be recorded in the Town of Milton Land Records.

**SR940, Filing of Final Plat**

14. Staff Review of Revisions: The applicant shall submit one paper or electronic .PDF version of the revised final Plat (any any associated plans) for review and approval by Staff prior to submitting the mylar. The Applicant shall also submit one full-sized (to scale) paper Final Plat and one 11x17 paper plat depicting the requested changes, to be maintained in the Planning Office's application file.
15. Final Plat Submission: The final Plat shall be 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 Subdivision Regulations Section 940. 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**

15. 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. In the event the subdivision plat is recorded without complying with this requirement, the Plat shall be considered null and void.

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

Per 24 VSA4449 "Any application for an approval or permit and any approval or permit 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."

16. 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

### TECHNICAL REVIEW COMMITTEE

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

### STAFF RECOMMENDATION

Due to the number of issues identified in the application above, the Planning Staff recommends that the DRB **continue** the boundary line adjustment for the property located on Westford Road, described as SPAN #11413 [*& 14899 omitted from notice*], Map 16, Parcel 20 and Parcel 20-7 to allow the applicant time to revise the plans responsive to the conditions proposed above.

**Respectfully Submitted:**

---

Jacob Hemmerick, Planning Director

#### ATTACHMENTS:

- Repeat exhibits

#### 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.

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MAR 23 2016

Planning & Economic Development  
Milton, Vermont

TOWN OF MILTON  
DEVELOPMENT REVIEW BOARD APPLICATION  
Boundary Line Adjustment

---

Please be advised that your application will not be processed unless all questions are answered adequately. If you need assistance, please contact the Department of Planning & Economic Development.

---

- 1) *Name, mailing address, email address and phone number of the Applicant(s):*  
H.W. Ventures, L.C.  
c/o James Harrison  
P.O. Box 2098  
Georgia, VT 05468 (802) 849-6688
- 2) *Name, mailing address, email address and phone number of record owner(s) of properties (If different from Applicants):*
- 3) *Names and addresses of any person(s) you wish to have correspondence from the Planning Office or Development Review Board copied:*  
Cross Consulting Engineers, PC  
Peter Mazurak, PE  
103 Fairfax Road  
St. Albans, VT 05478
- 4) *Location of Properties:*  
Street/Road Westford Road  
SPAN #11413  
Milton Tax Map Reference(s) (Map #, Parcel #) Map 16, Parcel 20  
Deed Reference(s) (Volume #, Page #) 185/144
- 5) *Please indicate the name, address, and license number of the land surveyor that you will be using. (If one has not been selected, please be advised that one will be needed).*  
Peter H. Cross, LS (507) PE (3681)
- 6) *Are there any easements on this property?  YES  NO*  
If Yes, please list and show on survey.
- 7) *Please attach a copy of the Milton tax map showing all parcels affected by this*

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Milton, Vermont

proposed boundary line adjustment. Darken your parcels. (Contact the Planning Office or Lister's Office for tax map information.)

- 8) For each parcel in the proposed boundary line adjustment, list the existing Subdivision Name and Lot Number (if applicable), Lister's Map Number and Parcel Number, Zoning District, Lot Area and Dimensional Requirements, Existing Lot Area and Dimensions, and Proposed Lot Area and Dimensions. Please refer to the Zoning Regulations for the specific requirements of the Zoning District(s) in which the subject parcels are located or see the attached Development Standards chart. If a parcel is or will be in more than one zone, answer question for all Zoning Districts. If there are more than two parcels involved in the boundary line adjustment, attach additional charts.

Subdivision Name: <u>HW Ventures L.C.</u>		Lot #: <u>1</u>	
Lister's Tax Map #: <u>16</u>		Parcel #: <u>20</u> Zoning District: <u>FC &amp; R5</u>	
Zoning Requirement	Required	Existing	Proposed
Lot Area	600,000/400,000 ft. <sup>2</sup>	645.9 ac. <del>ft<sup>2</sup></del>	645.9 ac. <del>ft<sup>2</sup></del>
Road Frontage	100/400 ft.	ft.	ft.
Front Setback	35 ft.	>35 ft.	>35 ft.
Side Setback	50 ft.	>50 ft.	>50 ft.
Rear Setback	50 ft.	>50 ft.	>50 ft.
Lot Coverage	N/A %	N/A %	N/A %
Other (if any)			

Subdivision Name: <u>H.W. Ventures L.C.</u>		Lot #: <u>7</u>	
Lister's Tax Map #: <u>16</u>		Parcel #: <u>20</u> Zoning District: <u>R5</u>	
Zoning Requirement	Required	Existing	Proposed
Lot Area	600,000/400,000 ft. <sup>2</sup>	645.9 ac. <del>ft<sup>2</sup></del>	645.9 ac. <del>ft<sup>2</sup></del>
Road Frontage	60 ft. row ft.	60 ft. row ft.	60 ft. row ft.
Front Setback	35 ft.	>35 ft.	>35 ft.
Side Setback	50 ft.	>50 ft.	>50 ft.
Rear Setback	50 ft.	>50 ft.	>50 ft.
Lot Coverage	N/A %	N/A %	N/A %
Other (if any)			

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9) *Other Information - Please read carefully and sign in the space provided:*

*Fee Information* - Application fees are required upon submission of the boundary line adjustment application. See fee schedule for a boundary line adjustment application.

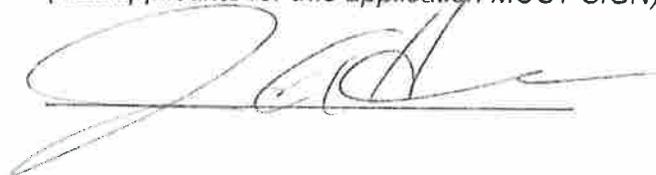
*Public Record* - By filing this application, you are creating a file at the Milton Planning and Zoning Office; all information kept in this file is PUBLIC RECORD, and may be examined and photocopied (for fee) by anyone who so requests.

*Review Fees* - In the event that outside consultation is necessary to review this application, such as an engineer, attorney's opinion, or other professional, the applicant(s) will be billed. The Town Planner shall not process the application if any of these bills have not been paid.

*Other Requirements* - Although this application is intended to convey the intent of Boundary Line Adjustments, it does not list all requirements under the Town of Milton Zoning Regulations, Subdivision Regulations, Public Works Specifications, Comprehensive Plan, or any State requirements.

I, APPLICANT, on this 22 day of March, 2016 CERTIFY THAT I UNDERSTAND THE TERMS OF THIS APPLICATION FOR BOUNDARY LINE ADJUSTMENT; I FURTHER SWEAR THAT THE INFORMATION PROVIDED IN THIS APPLICATION SUBMISSION IS TRUE AND ACCURATE.

*(ALL applicants for this application MUST SIGN)*

  
\_\_\_\_\_   
\_\_\_\_\_

If applicant and owner of parcel are different, all owners must attest to the following:

I, OWNER, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, CERTIFY THAT I UNDERSTAND THE CONCEPT AND TERMS OF THIS APPLICATION AND PERMIT THE APPLICANT(S) TO PURSUE APPROVAL FROM THE MILTON DEVELOPMENT REVIEW BOARD.

*(ALL owners of property/properties contained within this application MUST SIGN)*

\_\_\_\_\_

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BOUNDARY LINE ADJUSTMENT CHECK LIST

*Items to be included with this completed application are as follows:  
Please review and check off all items before submitting your application.*

**Milton Tax Map highlighting the proposed subdivision**

**Boundary Line Adjustment Survey:**

The following items shall be included on your survey for the proposed boundary line adjustment. Please submit four (4) full-scale prints of your survey and fifteen (15) reduced copies (11" x 17").

- Existing subdivision name (if any), identifying title, and name of Town.
- Name and address of record owner(s).
- Name, license number, and seal of the licensed land surveyor.
- Name of owners of all abutting properties.
- All existing features showing their locations, measurements, and distances from lot lines (where applicable): contours, buildings and structures, septic systems, water lines, utility easements, large trees, streets, driveways, rights-of-way, land use and deed restrictions
- Location, bearing, and length of all existing and proposed boundary lines.
- Existing and proposed lot area, expressed in square feet and acres.
- Date, true north arrow, and scale (numerical and graphic - bar)
- Permanent reference monuments and lot corner markers indicated as set, with a letter from the Applicant's surveyor certifying this has been done.
- Deed reference(s).
- Tax map reference(s).
- Zoning district(s).

Signatory block for the Development Review Board as follows:

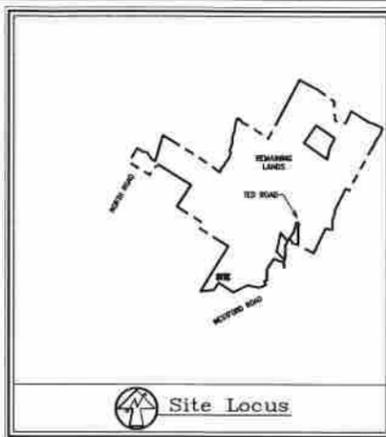
THIS BOUNDARY LINE ADJUSTMENT TO THE FINAL PLAT DATED \_\_\_\_\_ HAS BEEN APPROVED BY RESOLUTION OF THE DEVELOPMENT REVIEW BOARD OF THE TOWN OF MILTON, VERMONT, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_, SUBJECT TO THE REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_,

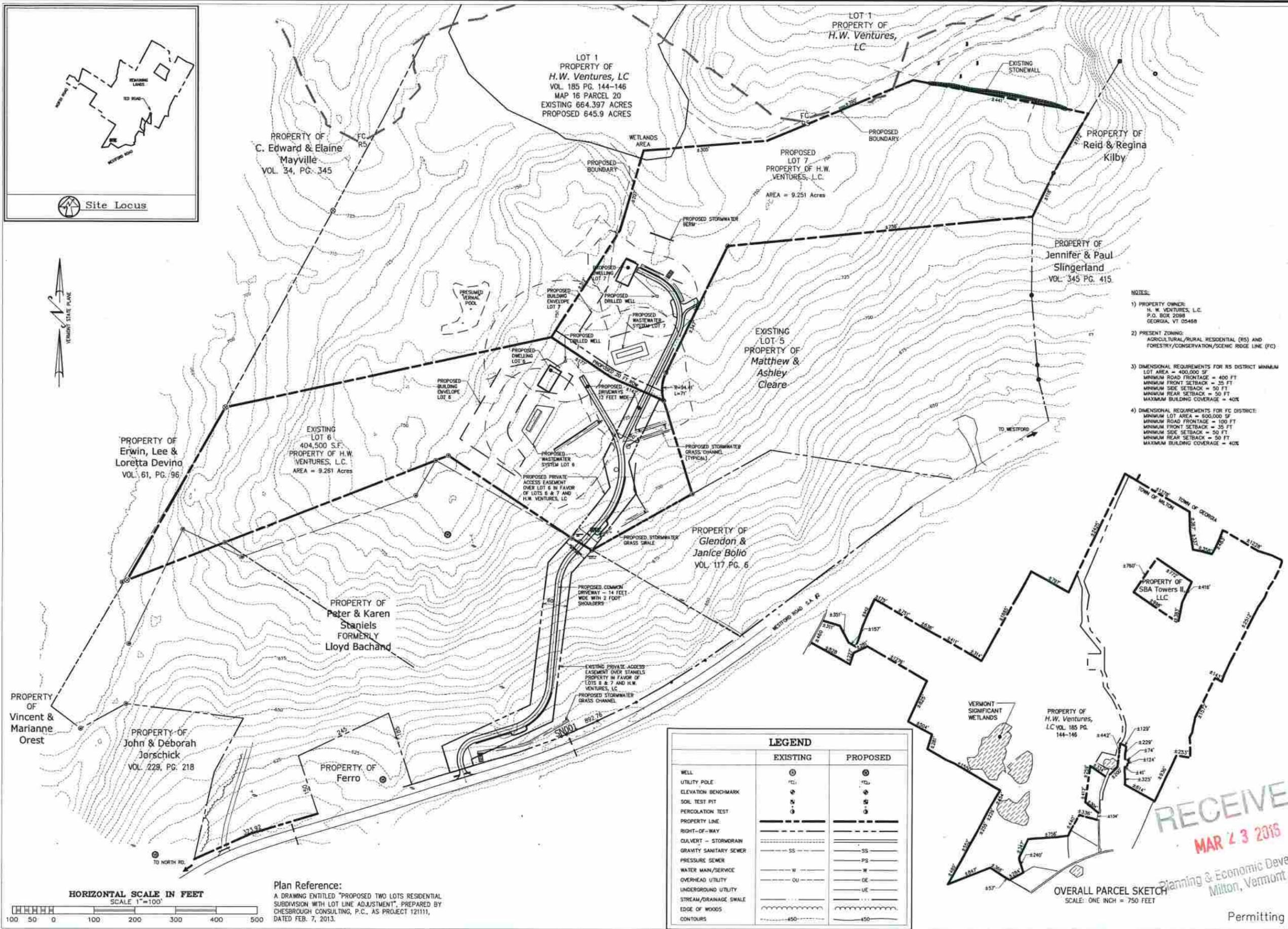
BY \_\_\_\_\_, CHAIR.

See fee schedule for application fees. Make checks payable to the Town of Milton.

Staff recommends that the mylars be submitted in digital form.



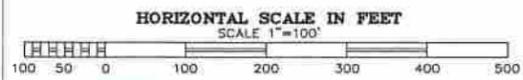
Site Locus



- NOTES:
- 1) PROPERTY OWNER:  
H. W. VENTURES, L.C.  
P.O. BOX 2098  
GEORGIA, VT 05488
  - 2) PRESENT ZONING:  
AGRICULTURAL/RURAL RESIDENTIAL (R5) AND  
FORESTRY/CONSERVATION/SCENIC RIDGE LINE (FC)
  - 3) DIMENSIONAL REQUIREMENTS FOR R5 DISTRICT MINIMUM  
LOT AREA = 400,000 SF  
MINIMUM ROAD FRONTAGE = 400 FT  
MINIMUM FRONT SETBACK = 35 FT  
MINIMUM SIDE SETBACK = 50 FT  
MINIMUM REAR SETBACK = 50 FT  
MAXIMUM BUILDING COVERAGE = 40%
  - 4) DIMENSIONAL REQUIREMENTS FOR FC DISTRICT:  
MINIMUM LOT AREA = 600,000 SF  
MINIMUM ROAD FRONTAGE = 100 FT  
MINIMUM FRONT SETBACK = 35 FT  
MINIMUM SIDE SETBACK = 50 FT  
MINIMUM REAR SETBACK = 50 FT  
MAXIMUM BUILDING COVERAGE = 40%

	EXISTING	PROPOSED
WELL	⊙	⊙
UTILITY POLE	⊙	⊙
ELEVATION BENCHMARK	⊕	⊕
SOIL TEST PIT	⊕	⊕
PERCOLATION TEST	⊕	⊕
PROPERTY LINE	---	---
RIGHT-OF-WAY	---	---
CULVERT - STORMDRAIN	---	---
GRAVITY SANITARY SEWER	---	---
PRESSURE SEWER	---	---
WATER MAIN/SERVICE	---	---
OVERHEAD UTILITY	---	---
UNDERGROUND UTILITY	---	---
STREAM/DRAINAGE SWALE	---	---
EDGE OF WOODS	---	---
CONTOURS	---	---

01/2013 Drawn: JAL/2008, MARRISON KOWE/CURRENT/BLA Concept.dwg, Date: 3/23/2015, 9:07:28 AM



Plan Reference:  
A DRAWING ENTITLED "PROPOSED TWO LOTS RESIDENTIAL  
SUBDIVISION WITH LOT LINE ADJUSTMENT", PREPARED BY  
CHESBROUGH CONSULTING, P.C., AS PROJECT 121111,  
DATED FEB. 7, 2013.

OVERALL PARCEL SKETCH  
SCALE: ONE INCH = 750 FEET

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Milton, Vermont

PROJECT: 13008  
DATE: 2016/03/23  
DESIGN: PM  
DRAWN: PM  
CHECKED: PHC  
APPROVED: PHC

161-802-224-3113  
161-802-204-9861  
CROSS CONSULTING ENGINEERS, P.C.  
103 Park St.  
St. Albans, Vermont 05478  
Copyright © 2016  
Cross Consulting Engineers, Inc.

BLA Concept

H.W. Ventures, L.C.  
Georgia, VT  
Subdivision

Milton, VT  
Westford Road

CIVIL

C-1

Permitting

SHEET C-1 OF 1



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

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**TECHNICAL ADVISORY COMMITTEE REVIEW SHEET** RECREATION DEPARTMENT  
MILTON, VERMONT

Development Review Board Meeting of Thursday, April 28, 2016

Date of Review: 4-5-16

Department: Recreation

TAC Member: Kyr Dueshnead

Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 304 Cold Spring Road

- No comments

Virginia & Daniel Dubois, Owner/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 690 Everest Road

- No comments

H.W. Ventures, L.C., Owner/Applicant - Boundary Line Adjustment - Westford Road

- No comments

Poor Farm Acres, LLC, Owner/Applicant - Minor Conventional Subdivision Final Plan - 114 Poor Farm Road

- No comments



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

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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, April 28, 2016

Date of Review: 04.05.16

Department: Police

TAC Member: BRETT VAN NOORDT

Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 304 Cold Spring Road

NO COMMENTS or CONCERNS.

Virginia & Daniel Dubois, Owner/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 690 Everest Road

NO COMMENTS or CONCERNS.

H.W. Ventures, L.C., Owner/Applicant - Boundary Line Adjustment - Westford Road

NO COMMENTS or CONCERNS.

Poor Farm Acres, LLC, Owner/Applicant - Minor Conventional Subdivision Final Plan - 114 Poor Farm Road

NO COMMENTS or CONCERNS.



TOWN OF MILTON

Planning & Economic Development Department

43 Bombardier Road  
Milton, Vermont 05468-3205  
802.893.1186  
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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, April 28, 2016

Date of Review: 4/14/16

Department: School

TAC Member: Ann Bradshaw

Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 304 Cold Spring Road

*No comments*

Virginia & Daniel Dubois, Owner/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 690 Everest Road

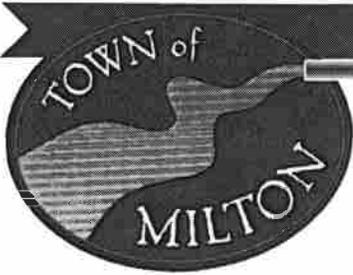
*No comments*

H.W. Ventures, L.C., Owner/Applicant - Boundary Line Adjustment - Westford Road

*No comments*

Poor Farm Acres, LLC, Owner/Applicant - Minor Conventional Subdivision Final Plan - 114 Poor Farm Road

*No comments*



# PLANNING DIVISION

43 Bombardier Road ♦ Milton, Vermont 05468-3205  
 (802) 893-1186  
[miltonvt.org/planning](http://miltonvt.org/planning)  
 Monday - Friday 8 AM to 5 PM, Tuesday 9 AM to 5 PM (except holidays)

## DEVELOPMENT REVIEW BOARD

### DEVELOPMENT REVIEW BOARD STAFF REPORT

<b>Hearing Date:</b> April 28, 2016	
<b>Case No:</b> DRB 2016-20	
<b>Application(s):</b> 2-lot Minor Conventional Subdivision Final Plan	
<b>Application Received:</b> March 28, 2016	
<b>Application Deemed Complete:</b> March 29, 2016	
<b>Staff Report Finalized:</b> Friday, April 22, 2015	
<b>Applicant(s):</b> Poor Farm Acres, LLC c/o William Sawyer PO Box 69 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> Unaddressed between Poor Farm Road and Highland Ave	
<b>Tax Map, Parcel(s):</b> 15, 55	
<b>School Parcel Account Number(s) (SPAN):</b> 11180	
<b>Deed(s):</b> Book 458, Page 275	
<b>Existing Size:</b> 2.0 acres	
<b>Zoning District(s):</b> Medium Density Residential (R2)	
<b>Comprehensive Plan Planning Area/Sub-Area:</b> Arrowhead Lake Planning Area	
<b>Location:</b> On Poor Farm Road north of Highland Avenue	



## INTRODUCTION

**Noticed/Warned Summary of Proposal:** Poor Farm Acres, LLC, Owner/Applicant is requesting Final Plan approval for a proposed 2-lot Minor Conventional Subdivision located at an unaddressed property on Poor Farm Road, described as Tax Map 15, Parcel 55 and SPAN #11180. The applicant proposes access to Lot 1 via Poor Farm Road and Lot 2 via Highland Avenue. The properties are proposed to be served by on-site water and wastewater. The subject property contains approximately 2.00 acres and is located within the "Medium Density Residential" (R2) Zoning District and Arrowhead Lake 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>.

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## APPLICATION, JURISDICTION & NOTICE

**Application:** This matter comes before the Town of Milton Development Review Board (DRB) for Subdivision Final 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 William Sawyer referred to hereafter as the "applicant".

**Landowner(s):** The property is owned by Poor Farm Acres, LLC.

**Project Consultant(s):** Karl Marchessault of O'Leary-Burke is a consultant for this project.

**Application Submission:** The application form was received by the Planning and Economic Development Department on March 28, 2016. Unless otherwise noted, the associated exhibits were received the same day.

**Application Completion:** The application was deemed complete by Staff on March 29, 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:** At sketch approval, the DRB granted a waiver from the minimum frontage requirement for Lot 2 per 532.1.

**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 28, 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:

- Section 700 Responses
- Warranty Deed Indicating Access Easement, dated March 27, 1997
- Site Plan for Poor Farm Acres, LLC, revision dated 3/08/2016
- Water and Wastewater Details and Specifications, revision dated 3/08/2016
- Subdivision Plat of Lands Owned by Poor Farm Acres, LLC, dated 10/2015

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

- Technical Advisory Committee (TAC) School District Review Sheet dated April 14, 2016;
- TAC Police Review Sheet dated April 5, 2016;
- TAC Recreation Review Sheet dated April 5, 2016;

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

**Property Location:** The subject property is located at an unaddressed location on Poor Farm Road and shown on Milton's Tax Map 15 as Parcel 55. The corresponding School Parcel Account Number (SPAN) is 11180.

**Size/Area:** According to the evidence presented, the subject parcel is approximately 1.97 acres or 86,031 square feet. The Assessor's Grand List records this property as approximately 2.0 acres.

**Deed(s):** The deed is recorded on 8/4/2015 in Book 458, Page 275 of the Town of Milton Land Records to Poor Farm Acres, LLC, Grantee.

**Zoning District(s):** The site is located within the Medium Density Residential (R2) 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 ZR311 states that the purpose of this district is to "allow for medium density development in an area close to the core and within easy access to community services and facilities which has already experienced significant residential development. Due to the severe environmental limitation in parts of this area all development will be carefully reviewed for compatibility with the specific site's development capability."

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

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

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

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

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

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

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

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

**Physical Characteristics/Natural Features:** The site is generally flat with a low area on the southwest side of the property. It is a wooded lot, 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 by residential single family dwellings and is bordered to the northeast by agricultural property.

### **SITE HISTORY**

**Background:** The site currently has an open Zoning Permit for one single family dwelling. If subdivision is approved, the existing zoning permit must be amended to reflect the change of the property boundaries.

1. If final subdivision is approved, the existing zoning permit for a single family home on the existing lot must be amended to reflect the change of the property boundaries.

**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 is currently vacant. There is an approved zoning permit for one single family home.

**Proposed Use:** The applicant is proposing to construct two (2) single family homes on the property.

**Existing Improvements:** There currently no improvements on the subject property.

**Proposed Improvements:** The applicant is proposing two single family homes to be constructed on the property. Each home would be served by their own on-site well and septic system. Lot 1 would be accessed via Poor Farm Road. Lot 2 would be accessed via Highland Ave over an existing 60' easement across the land of Michael Marquis SPAN 12073.

**Existing Restrictions or Covenants:** A current easement held by Vermont Gas Systems, Inc, traverses the property along the Poor Farm Road boundary. The property is served by a 60' wide easement over the lands of Marquis for the purpose of ingress and egress access to Highland Ave and utilities.

### **SUBDIVISION FINAL 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.

**SR400, Minor Subdivision Application:** The section states: 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. Staff finds that the application was submitted within six months of sketch plan approval

and conforms to the layout shown on the sketch plan plus recommendations made by the DRB at sketch approval.

**SR610, Final Application Content:** Unless otherwise stated herein, Staff has found that the draft Final Plat is in compliance with all applicable provisions of SR610. The following requirements were not found on the Final Plat:

SR610.1: The license number and seal of the licensed land surveyor.

SR610.7: The location of all improvements referred to in Article VIII including the location of proposed sewage disposal

2. The Final Plat shall be in compliance with SR610, and include all improvements referred to in Article VIII of the Subdivision Regulations, including but not limited to the proposed locations of water and sewage disposal systems.

**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. The applicant's responses are attached to this Staff Report.

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

**SR800, Streets:** The applicant proposes no new streets.

**SR810, Curbs, Sidewalks, and Pedestrian Accesses:** Sidewalks already exist on this portion of Highland Avenue. Staff finds that no new sidewalks are appropriate.

**SR820, Outdoor Lighting:** The DRB may require lighting where deemed appropriate. The Applicant proposes no new lighting. Staff finds that no additional lighting is needed in this location.

**SR830, Street Trees:** The applicant proposes no new street trees. Staff finds that street trees are not found on this portion of Poor Farm road. The applicant does not own frontage on Highland Avenue.

**SR840, Drainage:** No change to drainage on the site is proposed. The applicant stated in their response to 700.4 that, "the subject 2-lot subdivision will utilize the flat, highly infiltrative sandy soils to handle run-off and erosion during and after construction."

**SR850, Water System:** The applicant is proposing drilled wells for water supplies on the two lots. The applicant has stated that there is sufficient water to meet the demands of residential housing.

**SR860, Sewage Disposal:** The applicant is proposing onsite septic systems for each lot. Individual systems shall meet the requirements of the state regulations and standards.

**SR870.1, Utilities:** Easements of sufficient width shall be provided so as to serve the proposed subdivision. Staff finds that the Plat and Plans show the location of existing easements.

**SR880.1, Zoning Regulations:** The layout of lots shall conform to the requirements of the Town’s Zoning Regulations.

**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, ZR450:** The tables below show the required dimensional requirement for the subject property's applicable Zoning District and proposed compliance.

<b>Lot 1 (Accessed via Poor Farm Road)</b>	<b>Required</b>	<b>Proposed</b>
Minimum LOT AREA (sq. ft.)	40,000	43,154
Minimum Road FRONTAGE (linear ft.)	200	208
Minimum FRONT SETBACK (linear ft.)	35	35
Minimum SIDE SETBACK (linear ft.)	15	15
Minimum REAR SETBACK (linear ft.)	15	15
Maximum BUILDING COVERAGE	40	3
Maximum LOT COVERAGE (%)	15	4.5

Lot 1 would conform to the dimensional standards of the R2 District.

<b>Lot 2 (Accessed via Highland Avenue)</b>	<b>Required</b>	<b>Proposed</b>
Minimum LOT AREA (sq. ft.)	40,000	42,877
Minimum Road FRONTAGE (linear ft.)	200	0
Minimum FRONT SETBACK (linear ft.)	35	35
Minimum SIDE SETBACK (linear ft.)	15	15
Minimum REAR SETBACK (linear ft.)	15	15
Maximum BUILDING COVERAGE	40	3
Maximum LOT COVERAGE (%)	15	4.5

Staff finds that there is no frontage for lot 2, and therefore does not conform to the **minimum road frontage** requirement for the M2 District. The applicant has stated that the property benefits from a 60' easement over the property of M.C. and A.A. Marquis for the purpose of ingress, egress, and the installation of utilities.

**ZR530, Required Frontage & Approved Access:** Land development shall only be permitted on lots having frontage on public waters, lots having access on a PUBLIC ROAD meeting Class 1, 2, or 3 state standards, or, with the approval of the Development Review Board, lots having access to a PUBLIC ROAD meeting Class 1, 2, or 3 state standards over a permanent, private easement or private right-of-way at least 60-feet wide, or 40-feet wide as permitted within these regulations.

**ZR532, Residential Frontage Requirement Waivers:** The Development Review Board may, in accordance with 24 V.S.A. § 4414(8) authorize a waiver from the minimum FRONTAGE requirements for any two-lot subdivision located within a district that permits single FAMILY residential USES provided that the subdivision is in compliance with the Town of Milton Public Works Specifications for Private Right-of-Way construction. This section applies to all zoning districts except the OLD TOWNE RESIDENTIAL, OLD TOWNE RESIDENTIAL/COMMERCIAL, and MAIN STREET Districts.

- 532.1 The subdivision must result FRONTAGE on a PUBLIC ROAD appropriate to enable a curb cut. As a general standard, the Development Review Board shall encourage at least sixty (60) feet of FRONTAGE on a PUBLIC ROAD for each lot, but may waive this requirement only if pre-existing lot characteristics render this requirement infeasible.
- 532.2 The Development Review Board may limit the number of curb cuts allowed through such action by requiring shared DRIVEWAYS to be maintained by both lots.
- 532.3 The Development Review Board may deny such a request if the creation of a new lot would alter community character or result in the disruption of the continuity of a streetscape, or if the proposal contradicts any element of the *Comprehensive Plan of the Town of Milton*.

Staff finds that the proposed Lot 2 is currently served by a 60' access easement and an existing curb cut along Highland Ave. Staff also finds that the proposed lots are in line with the surrounding residential developments and would not alter community character or result in the disruption of the continuity of the streetscape and does not contradict elements of the Plan.

*The DRB has granted a waiver from the minimum frontage requirement for Lot 2 per 532.1.with sketch approval.*

The applicant has provided documentation of the 60' easement allowing ingress and egress from Highland Ave to benefit Lot 2.

### **RETURN TO SUBDIVISION REVIEW**

**Legal Escrow, SR910:** The Applicant has submitted \$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:**

3. 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:**

4. **Staff Review of Revisions:** The applicant shall submit one paper or electronic .PDF version of the revised final Plat (any any associated plans) for review and approval by Staff prior to submitting the mylar. The Applicant shall also submit one full-sized (to scale) paper Final Plat and one 11x17 paper plat depicting the requested changes, to be maintained in the Planning Office's application file.
5. **Final Plat Submission:** The final Plat shall be 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 Subdivision Regulations Section 940. 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, 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. In the event the subdivision plat is recorded without complying with this requirement, the Plat shall be considered null and void.

**TECHNICAL REVIEW COMMITTEE**

**Technical Advisory Committee:** The committee had no comments or concerns. All comments raised at sketch phase approval shall be addressed.

**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 has obtained a Project Review Sheet from the Permit Specialist in the District 4 Regional Office of the Agency of Natural Resources, provided a copy to the Town

6. The Applicant shall obtain all required State permits and approvals

**STAFF RECOMMENDATION**

The Planning Staff recommends that the DRB **approve** the Final Plan for a proposed 2-lot Minor Conventional Subdivision located on Poor Farm Road, described as Tax Map 15, Parcel 55 and SPAN #11180, subject to the conditions above.

**Respectfully Submitted:**



**Jeffrey Castle, Town Planner**

**ATTACHMENTS:**

- Section 700 Responses
- Warranty Deed Indicating Access Easement, dated March 27, 1997
- Site Plan for Poor Farm Acres, LLC, revision dated 3/08/2016
- Water and Wastewater Details and Specifications, revision dated 3/08/2016
- Subdivision Plat of Lands Owned by Poor Farm Acres, LLC, dated 10/2015
- Technical Advisory Committee (TAC) School District Review Sheet dated April 14, 2016;
- TAC Police Review Sheet dated April 5, 2016;
- TAC Recreation Review Sheet dated April 5, 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

Development Review Board Case Number 2016-20 Staff Report  
2-lot Minor Conventional Subdivision Final Plan - Poor Farm Road - Poor Farm Acres, LLC

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.

Other Requirements (if any)		
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**Section 700 Review**

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

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

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

The subject 2-lot subdivision is surrounded by similar single family housing. The parcel is on relatively flat, good draining sandy soils. The soils are good for conventional in-ground septic. There is one Vermont Gas utility easement on the front of Lot 1. There is nothing proposed that will be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivisions and/or it's surrounding areas.

*700.2 The proposal includes due regard for the preservation and protection of existing aesthetic features such as trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources and historical resources.*

The subject 2-lot subdivision has the septic system and well locations positioned to meet the State of Vermont regulations. Trees will be preserved as shown on the plan. There are no brooks, streams, rock outcrops, water bodies on this parcel and no natural resources or historical resources will be adversely affected by this proposal.

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

The subject 2-lot subdivision proposes lots in excess of the required size of 40,000 sf. The lots are appropriately sized to leave room for open space area on each lot which may be used for passive recreation.

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

The subject 2-lot subdivision will utilize the flat, highly infiltrative sandy soils to handle run-off and erosion during and after construction.

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

**MAR 28 2016**

The subject 2-lot subdivision is in compliance with the Town of Milton Plan, Comprehensive Plan, Zoning Regulations and other Bylaws in effect.

700.6 *The proposed development will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable health and Vermont Department of Water Resources regulations.*

The subject 2-lot subdivision will not result in undue water or air pollution. The elevation of the site is at elevation 360 +/- . There are no floodplains in this area. The on-site soils have been tested and permitted for on-site septic. A State of Vermont Water and Wastewater Permit is pending. The slopes of the existing land will not be drastically altered and are such that effluent will be treated by the on-site soils. There are no streams on the subject parcel.

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

The subject 2-lot subdivision proposes 2 single family homes similar in character with the surrounding single family homes.

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

The subject 2-lot subdivision meets all the density requirements as outlined in the zoning requirement tables above.

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

The subject 2-lot subdivision proposes one lot off of Poor Farm road and one lot off of Highland Avenue. There is an existing sidewalk on Highland Avenue and Poor Farm road is used for pedestrian traffic without hindering safety, convenience, access to points of destination and attractiveness for others currently using these amenities.

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

The subject 2-lot subdivision is small in size and will not place an unreasonable burden on the ability of local governmental units to provide municipal, educational, or governmental services and facilities.

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

development.

The subject 2-lot subdivision proposes drilled wells for water supplies of the two lots. These two proposed wells meet the isolation distances required by the State of Vermont and will be reviewed as part of the Water and Wastewater permitting. There is sufficient water to meet the low demands of residential housing.

700.12 *The proposed development will not cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.*

The subject 2-lot subdivision proposes one access off Poor Farm Road via a non-curbed access and one access off Highland Avenue which is curbed and currently has a curb cut for this Lot 2. The minimal impact of 2 residential houses will not cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town of Milton.

10) **Other information** - Please read carefully and sign in the space provided:

Although this application is intended to convey the intent of Minor Conventional Subdivisions, it does not list all requirements under the Town of Milton Zoning Regulations, Subdivision Regulations, Public Works Specifications, Comprehensive Plan, or any State requirements.

I, APPLICANT, on this 28 day of March, 2016, CERTIFY THAT I UNDERSTAND THE TERMS OF APPLICATION FOR CONVENTIONAL SUBDIVISIONS AND THE TERMS OF THIS APPLICATION; I FURTHER SWEAR THAT THE INFORMATION PROVIDED IN THIS APPLICATION SUBMISSION IS TRUE AND ACCURATE. (ALL applicants MUST SIGN.)

  
\_\_\_\_\_

If applicant and owner of parcel are different, all owners must attest to the following:

I, OWNER, on this 28 day of March, 2016, CERTIFY THAT I UNDERSTAND THE CONCEPT AND TERMS OF THIS APPLICATION AND PERMIT THE APPLICANT(S) TO PURSUE APPROVAL FROM THE MILTON DEVELOPMENT REVIEW BOARD. (ALL owners of property/properties contained within this application MUST SIGN)

  
\_\_\_\_\_

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MILTON, VT

**FINAL PLAN CHECK LIST**  
**MINOR CONVENTIONAL SUBDIVISION**  
**(Refer to Section 610 of the Subdivision Regulations)**

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*Items to be included with this completed application are as follows:  
Please review and check off all items before submitting your application.*

X

**Final Plan:**

The following items shall be included on your Final Plan for the proposed subdivision in addition to the Sketch Plan requirements and approvals. Please submit four (4) prints of your Final Plans and fifteen (15) reduced copies (11" x 17").

- Proposed subdivision name or identifying title and name of Town.
- Name and address of record owner, subdivider and designer of Final Plan.
- Name, license number and seal of the licensed land surveyor.
- Street names, as approved by the Zoning Administrator, and lines, pedestrian ways, lots, reservation, easements and areas to be dedicated to public use.
- Location, bearing and length of every street line, lot line, and boundary lines.
- The length of all straight lines, deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
- Note all public open space for which offers of cession are made by the subdivider, and those open spaces to which title is reserved by the Applicant/Owner.
- Lots within the subdivision numbered in alternating order within the blocks.
- The location of all improvements as referred to in Article VIII of the Subdivision Regulations: streets, curbs, sidewalks, pedestrian accesses, outdoor lighting, shade trees, water systems, fire protection devices, utility poles, sewage disposal systems, rough grading, and methods of drainage.
- Permanent reference monuments and lot corner markers indicated as set in the subdivision on the plans, with a letter from the Applicant's surveyor certifying this has been done.
- Signatory block for the Development Review Board as follows:  
  
THIS FINAL PLAT HAS BEEN APPROVED BY RESOLUTION OF THE DEVELOPMENT REVIEW BOARD OF THE TOWN OF MILTON, VERMONT, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_, SUBJECT TO THE REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION.  
  
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_,  
  
BY \_\_\_\_\_, CHAIR.
- Proposed irrevocable offers of dedication, warranty deeds, easements, or other instruments for conveying proposed public infrastructure, open space, park and recreation areas, or paths to be reviewed and approved by the Town Attorney.

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**FINAL PLAN CHECK LIST - Continued**  
**MINOR CONVENTIONAL SUBDIVISION**

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When filing this Final Plan application, fees will need to be paid. See fee schedule for applicable fees.



Staff recommends that the Applicant schedule a meeting with Staff upon Final Plan submission to determine completeness of the application relative to submission requirements and conditions of Sketch Plan approval.



No new application materials will be accepted within seven (7) days of the public hearing. New materials submitted so close to the hearing will result in a continuation.



Staff recommends that the mylars be submitted in digital form.

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Town of Milton

Abutters List  
Subject Parcel 015-055-000  
Span 396-123-11180  
Poor Farm Acres LLC

Jen Baird & Reid Hutchinson  
738 Nugent Lane  
Weems, VA 22576

William & Holly Richardson  
124 Poor Farm Road  
Milton, VT 05468

Ronald Coburn  
117 Poor Farm Road  
Milton, VT 05468

Michael Marquis  
24 Highland Avenue  
Milton, VT 05468

Highland Woods Homeowner's Association, Inc.  
c/o David Perrotte  
15 Highland Avenue  
Milton, VT 05468

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Economic Development

180/233  
Copy for Town  
include in final application

VERMONT WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS that PFWRS, INC., a Vermont corporation with principal place of business in Milton, in the County of Chittenden and State of Vermont Grantor, in the consideration of -----Ten and More-----Dollars, paid to its full satisfaction by BRIAN R. BROWN and VANESSA L. BROWN, husband and wife, of the Town of Milton, County of Chittenden and State of Vermont, Grantees, by these presents, do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said Grantees, BRIAN R. BROWN and VANESSA L. BROWN, husband and wife, as tenants by the entirety, and their heirs and assigns forever, a certain piece of land in the Town of Milton in the County of Chittenden and State of Vermont, described as follows, viz:

Being Lot No.7 as depicted on a plan of lands entitled, "Subdivision Plan, Highland Woods, Poor Farm Road, Milton, Vermont," by Frank R. O'Brien, P.E. dated April 8, 1994 and last revised February 23, 1995 which plan appears of record at Map Slide 260 Map 326 of the Town of Milton Land Records and any buildings constructed thereon.

Lot No. 7 has total frontage on Highland Avenue of 329 feet, more or less, and contains 40,679 square feet, more or less.

The within conveyed land has the benefit of and is subject to the Declaration of Covenants, Easements and Restrictions of Highland Woods Subdivision, Milton, Vermont dated the 17th day of August, 1995 of record in Book 168, Pages 371-376 and the Bylaws of the Highland Woods Homeowners Association, Inc. dated the 17th day of August, 1995 of record in Book 168, Pages 377-384 of said land records.

This conveyance is subject to State of Vermont Land Use Permit No. 4C0964 dated February 2, 1995, of record in Book 165, Pages 22 and Vermont Subdivision Permit No. EC-4-1865 dated January 10, 1995 of record in Book 165, Page 557 of the Town of Milton Land Records. Complete copies of all referenced permits are recorded in Claimant's Book 6 in the Milton Land Records.

Also included herewith is a nonexclusive easement for ingress, egress and utilities over and through the roadway known as Highland Avenue on the aforementioned plan of lands until such time as the road is accepted by the Town of Milton.

Included in this conveyance is one (1) membership interest in Highland Woods Homeowners Association, Inc., which association shall own and manage the common land as shown on said plan.

Reserved by the Grantor herein, its successors and assigns, is a right of way 60 feet in width leading in a northwesterly direction from the northerly sideline of Highland Avenue to land now or formerly of one Wadleigh. The beginning point of the 60 foot wide right of way shall be the intersection of the southeast corner of Lot No. 7 with the southwest corner of the Common Land, so-called, for Highland Woods Subdivision and the northerly sideline of Highland Avenue, all as shown on the above referred to Plan of Land.

Said right of way is to be used for the purpose of ingress and egress to and from the land now or formerly of said Wadleigh and for the installation of utilities.

Being a portion of the land and premises conveyed to William A. Sawyer by Executors' Deed of Elizabeth Jen Baird, Executrix of the Estate of Ray A. Gain dated May 15, 1995 and of record in Book 166, Page 390-392 of the Town of Milton Land Records and by Warranty Deed of Julia Hutchinson to William A. Sawyer dated May 15, 1995 of record in Book 166, Page 395-397 of

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Milton, Vermont

said land records.

Also being a portion of all and the same land and premises conveyed to PFWRS, Inc. by Quit Claim Deed of William R. Sawyer, (Also known as William A. Sawyer), dated the 17th day of August, 1995 and of record in Book 168, Pages 367-8 of the said Land Records.

Grantees, for themselves, their heirs and assigns, by acceptance of this deed hereby acknowledge that Grantor is not in any way responsible for any warranties express or implied, liabilities or claims concerning the construction and/or any defects in the construction of the dwelling house located on the above described lot which was constructed by WRS Investments, Inc.

WRS Investments, Inc. joins in this conveyance to extend all usual and normal warranties and covenants as builder in connection with the newly constructed residential dwelling located on the premises herein conveyed.

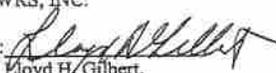
Reference is hereby made to the above mentioned instruments, the records thereof, the references therein made, and their respective records in further aid of this description.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said Grantees, BRIAN R. BROWN and VANESSA L. BROWN, husband and wife, as tenants by the entirety, and their heirs and assigns, to their own use and behoof forever; And the said Grantor, PFWRS, INC., for itself and its successors, executors and administrators, do covenant with the said Grantees, BRIAN R. BROWN and VANESSA L. BROWN, their heirs and assigns, that until the ensembling of these presents it is the sole owner of the premises, and has good right and title to convey the same in manner aforesaid, that they are FREE FROM EVERY ENCUMBRANCE; except as above stated, and it hereby engages to

WARRANT AND DEFEND the same against all lawful claims whatever, except as above stated.

IN WITNESS WHEREOF, I hereunto set my hand and seal this 27 day of March, A.D. 1997.

IN PRESENCE OF:  
  
Witness

PFWRS, INC.  
By:   
Lloyd H. Gilbert,  
Duly Authorized Agent  
pursuant to Corporate  
Resolution dated 7-31-95  
recorded at Book 168,  
Page 370

IN WITNESS WHEREOF, I hereunto set my hand and seal this 27th day of March, A.D. 1997.

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Albany, Vermont

IN THE PRESENCE:

  
Witness

WRS Investments, Inc.

By:   
Lloyd H. Gilbert  
Duly Authorized Agent  
pursuant to Corporate  
Resolution dated 7-31-95  
recorded at Book 168,  
Page 369

STATE OF VERMONT,  
CHITTENDEN COUNTY, SS.

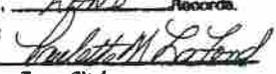
At Williston, this 27<sup>th</sup> day of March, A.D. 1997, Lloyd H. Gilbert, appeared personally, and as duly authorized agent for PFWRS, INC. and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of PFWRS, INC.

Before me   
Notary Public

STATE OF VERMONT,  
CHITTENDEN COUNTY, SS.

At Williston, this 27<sup>th</sup> day of March, A.D. 1997, Lloyd H. Gilbert, appeared personally, and as duly authorized agent for WRS INVESTMENTS, INC. and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of WRS INVESTMENTS, INC.

Before me   
Notary Public

Milton Vermont 32897  
Received for record 11 o'clock  
02 minutes A M.  
and recorded in Vol 160 Page 2335  
Milton, LAND Records.  
Attest   
Town Clerk 1st

Vermont Property Transfer Tax  
32 V.S.A. Chap. 251  
- ACKNOWLEDGEMENT -  
Return Rec'd - Tax Paid - Board of Health Cer. Rec'd  
Vt. Land Use & Development Plans Act Cert. Rec'd.  
Return No. 97-48  
Signed RM Roland Clerk  
Date 3-28-97

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**STAKE-OUT REQUIREMENTS**

- THE SEWAGE SYSTEM LOCATIONS SHALL BE STAKED OR VERIFIED BY O'LEARY-BURKE CIVIL ASSOCIATES, PLC PRIOR TO CONSTRUCTION.

**GENERAL SPECIFICATIONS**

- UTILITIES INFORMATION SHOWN ON THIS PLAN WAS OBTAINED FROM AVAILABLE SOURCES AND MAY OR MAY NOT BE EITHER ACCURATE OR COMPLETE. THE CONTRACTOR SHALL VERIFY EXACT LOCATION OF EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ANY UTILITY, PUBLIC OR PRIVATE, SHOWN OR NOT SHOWN ON THIS PLAN.
- PRIOR TO CONSTRUCTION, ALL MATERIALS, INCLUDING STONE SHALL BE APPROVED BY THE ENGINEER.
- ALL FILL AROUND THE STRUCTURES SHALL BE PLACED IN 12" LIFTS AND THOROUGHLY COMPACTED TO 95% OF MAXIMUM DENSITY AT OPTIMUM MOISTURE CONTENT.

**CONSTRUCTION SPECIFICATIONS**

- THE OULET PIPE FROM THE SEPTIC TANK TO THE DISTRIBUTION BOX SHALL BE 4" SDR 35 PVC, AT A MINIMUM SLOPE OF 1/8"/FT. THE PIPE SHALL BE LAID ON UNDISTURBED GROUND OR PROPERLY BEDDED.
- A DISTRIBUTION BOX SHALL BE INSTALLED BETWEEN THE SEPTIC TANK AND THE ABSORPTION TRENCHES. THE DISTRIBUTION BOX SHALL BE SET LEVEL ON UNDISTURBED GROUND TO EVENLY DISTRIBUTE THE EFFLUENT TO EACH DISTRIBUTION LINE. ADEQUATE PROVISIONS SHALL BE TAKEN TO ASSURE THE STABILITY AND ACCESSIBILITY OF THE DISTRIBUTION BOX FOR INSPECTIONS. LEVELNESS OF THE DISTRIBUTION BOX SHALL BE WITNESSED BY THE ENGINEER & AN AUTHORIZED TOWN REPRESENTATIVE.
- EACH DISTRIBUTION LINE SHALL CONNECT INDIVIDUALLY TO THE DISTRIBUTION BOX AND EXIT AT THE SAME SLOPE FOR THE FIRST 5 FEET TO 10 FEET. THE PIPE CONNECTING THE DISTRIBUTION BOX TO THE DISTRIBUTION LINES SHALL BE WATER TIGHT AND LAID ON UNDISTURBED GROUND OR PROPERLY BEDDED.
- WHEN THE TRENCHES HAVE BEEN EXCAVATED, THE SIDES AND BOTTOM SHALL BE RAKED TO LOOSEN ANY SMEARED SOIL SURFACES.
- CONSTRUCTION EQUIPMENT SHALL BE KEPT OFF THE AREA TO BE USED FOR SEWAGE DISPOSAL AS MUCH AS POSSIBLE TO PREVENT COMPACTION OF THE SOILS.
- PLACEMENT OF CRUSHED STONE IN THE TRENCHES SHALL BE INITIATED IMMEDIATELY AFTER TRENCH EXCAVATION IS COMPLETED. THIS WILL REQUIRE THAT THE ENGINEER & AUTHORIZED TOWN INSPECTOR BE PRESENT AT THE TIME OF COMPLETION OF TRENCH EXCAVATION (SEE INSPECTION SPECIFICATIONS).
- 12" OF CLEAN CRUSHED STONE (1 TO 1-1/2 INCHES) SHALL BE PLACED IN THE BOTTOM OF THE TRENCHES IN ACCORDANCE WITH THE PLANS. THE DISTRIBUTION LINE SHALL BE CAREFULLY PLACED ON THE BEDDING AT A UNIFORM SLOPE (1/8 INCH PER 10 FEET) AND COVERED WITH AT LEAST 2 INCHES OF STONE. THE ENDS OF THE DISTRIBUTION LINES SHALL BE CAPPED.
- THE GRADING SHALL DIRECT RUN-OFF AWAY FROM THE SEPTIC SYSTEM AREAS AND FREE OF POCKETS WITH SUFFICIENT SLOPE TO ENSURE DRAINAGE.

**INSPECTION REQUIREMENTS**

- THE CONTRACTOR SHALL NOTIFY THE ENGINEER & AUTHORIZED TOWN INSPECTOR A MINIMUM OF 24 HOURS IN ADVANCE FOR INSPECTION OF THE BOTTOM OF THE TRENCHES PRIOR TO PLACEMENT OF STONE AND PIPING.
- THE CONTRACTOR SHALL NOTIFY THE ENGINEER & AUTHORIZED TOWN INSPECTOR A MINIMUM OF 24 HOURS IN ADVANCE FOR INSPECTION OF THE SYSTEM PRIOR TO BACKFILLING, INCLUDING THE DISTRIBUTION BOX (LEVELNESS CHECK) & SEPTIC TANK.
- THIS DESIGN MUST BE INSPECTED BY O'LEARY-BURKE CIVIL ASSOCIATES, PLC ESSEX JUNCTION, VERMONT TO ENSURE COMPLIANCE WITH THESE PLANS. O'LEARY-BURKE CIVIL ASSOCIATES WAIVES ANY AND ALL RESPONSIBILITY AND LIABILITY FOR PROBLEMS THAT ARISE FROM FAILURE TO FOLLOW FAILURE TO FOLLOW SPECIFICATIONS, AND THE DESIGN INTENT THAT THE PLANS CONVEY, AND FROM FAILURE TO HAVE BEEN NOTIFIED BY THE CONTRACTOR FOR INSPECTIONS.

**OPERATION + MAINTENANCE RECOMMENDATIONS**

- THE SEPTIC TANK'S PURPOSE IS TO SETTLE OUT SOLIDS, CONTAIN THE SCUM AND PASS TREATED EFFLUENT. BACTERIA WITHIN THE SEPTIC TANK HELPS DECOMPOSE THE SOLIDS. SHOULD ANY SOLIDS PASS THROUGH THE SEPTIC TANK INTO THE SYSTEM, PREMATURE CLOGGING OF THE PIPING, STONE OR NATIVE SOIL BENEATH THE SYSTEM IS LIKELY TO OCCUR. ONLY HUMAN WASTES SHOULD ENTER THE SEWAGE SYSTEM. WATER USE SHOULD BE CONSERVATIVE AND CLEANING AGENTS CAN NOT ENTER THE SYSTEM, AS THEY KILL BACTERIA.
- THE STATE FLOW FIGURES OF 150 GAL/DAY/BEDROOM ARE BASED ON SHORT TERM PEAK USE PERIODS (I.E. DAILY EVENTS). ACTUAL FLOWS FOR A 4 BEDROOM HOME SHOULD AVERAGE 175 - 225 GALLONS PER DAY.
- ONCE PER YEAR, THE DEPTH OF SCUM AND SLUDGE IN THE SEPTIC TANK SHOULD BE MEASURED AND THE TANK SHALL BE PUMPED IF:
  - THE SLUDGE LEVEL IS WITHIN 12 INCHES OF THE BOTTOM OF THE
  - THE SCUM LAYER IS WITHIN 3 INCHES OF THE TOP OF THE OUTLET
  - IF A OR B IS ANTICIPATED TO OCCUR PRIOR TO THE NEXT INSPECTION.
  - IN ANY CASE, THE TANK SHALL BE PUMPED AT A MAXIMUM 5 YEAR INTERVAL.
- ONCE A YEAR, THE DISTRIBUTION BOX SHOULD BE INSPECTED AND ANY SETTLED SOLIDS REMOVED.
- ABOVE ITEMS 1 - 4 ARE INTENDED TO PROLONG THE LIFE OF THE SYSTEM, NOT GUARANTEE IT. A PROPERLY OPERATED & MAINTAINED SYSTEM GENERALLY FUNCTIONS PROPERLY FOR 8 - 25 YEARS.

**SEWAGE DESIGN INFORMATION**

- IT IS THE OPINION OF THE ENGINEER THAT THE SOIL CONDITIONS WITHIN THE PROPOSED SEWAGE DISPOSAL AREAS MEET THE STATE OF VERMONT EPH RULES & ARE SUITABLE FOR CONVENTIONAL SUBSURFACE SEWAGE AS SHOWN ON THIS PLAN & PLAN SHEET 1.
- THE SEWAGE DISPOSAL SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE VERMONT ENVIRONMENTAL PROTECTION RULES.
- THE FOLLOWING MINIMUM ISOLATION DISTANCES SHALL BE MAINTAINED FROM THE DISPOSAL AREA TO:
  - WATER MAIN 50 FEET
  - WATER SERVICE PROPERTY LINE 25 FEET
  - BUILDING FOOTING DRAIN UPSLOPE OR SIDESLOPE 25 FEET (UNLESS EASEMENT PROVIDED)
  - BUILDING (WITH FOOTING DRAIN) DOWNSLOPE 25 FEET
  - DRIVEWAYS 75 FEET
  - TREES 10 FEET
  - 10 FEET

WATER MAIN 50 FEET  
WATER SERVICE PROPERTY LINE 25 FEET  
BUILDING FOOTING DRAIN UPSLOPE OR SIDESLOPE 25 FEET (UNLESS EASEMENT PROVIDED)  
BUILDING (WITH FOOTING DRAIN) DOWNSLOPE 25 FEET  
DRIVEWAYS 75 FEET  
TREES 10 FEET  
10 FEET

**BASIS OF DESIGN (INDIVIDUAL SYSTEMS):**

**LOT 1**

NO. OF BEDROOMS 4  
DESIGN FLOW (140 GPD/3 BDRM, 70 GPD/4TH) 490 GPD

PERCOLATION RATE <4 MIN./IN.  
LOADING RATE, Q (TRENCHES) 1.5 GAL./SF/DAY  
ABSORPTION AREA REQUIRED 327 SQ. FT. MIN.

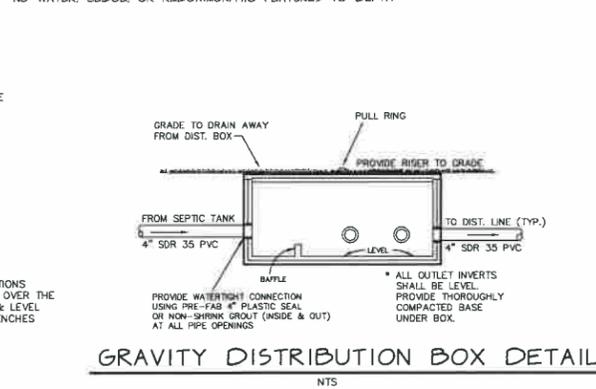
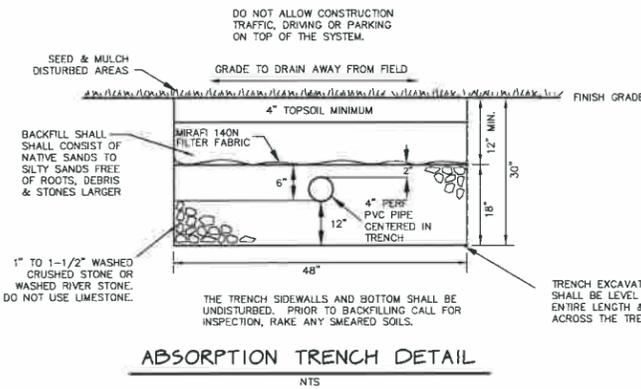
**LOT 2**

NO. OF BEDROOMS 4  
DESIGN FLOW (140 GPD/3 BDRM, 70X2 GPD/ACCESSORY) 560 GPD  
4 BEDROOMS OR 3 BEDROOMS + 1 BEDROOM ACCESSORY

PERCOLATION RATE <4 MIN./IN.  
LOADING RATE, Q (TRENCHES) 1.5 GAL./SF/DAY  
ABSORPTION AREA REQUIRED 374 SQ. FT. MIN.

**SEPTIC TANK:**

- EACH LOT SHALL USE A 1,000 GALLON PRECAST CONCRETE SEPTIC TANK WITH PVC BAFFLES & OUTLET FILTER. CAMP PRECAST OR APPROVED WITH EQUAL WITH THREE COVERS: 4,000 PSI CONCRETE, WATERPROOF JOINTS AND SET ON THOROUGHLY COMPACTED SUB-BASE.
  - THE USE OF GARBAGE DISPOSALS IS NOT RECOMMENDED BUT SHOULD ONE BE USED THE SEPTIC TANK SHOULD BE INCREASED BY ONE SIZE TO 1,250 GALLONS.
- MISC.:**
- IF A WATER TREATMENT SYSTEM IS GOING TO BE USED THE BACKWASH WATER MAY NOT DISCHARGE INTO THE DISPOSAL SYSTEM.



**SOIL TEST PIT LOGS**

POOR FARM ROAD  
ALL TEST PITS PERFORMED BY BACKHOE, LOGGED BY DAVID W. BURKE, LICENSED DESIGNER #316 ON 8-26-15 AND WITNESSED BY BILL ZADLOSKI, STATE OF VERMONT ASSISTANT REGIONAL ENGINEER

**TEST PIT #1**  
0'-5" DARK BROWN LOAMY SAND  
5'-20" BROWN SAND  
20'-73" RED/BROWN SAND  
NO WATER, LEDGE OR REDOXIMORPHIC FEATURES TO DEPTH

**TEST PIT #2**  
0'-3" DARK BROWN TOPSOIL/FOREST DUFF  
3'-25" REDDISH BROWN FINE SINGLE GRAIN SAND  
25'-63" BROWN FINE SINGLE GRAIN SAND  
63'-74" GREYISH BROWN FINE SINGLE GRAIN SAND, FIRM  
NO WATER, LEDGE OR REDOXIMORPHIC FEATURES TO DEPTH

**TEST PIT #3**  
0'-4" DARK BROWN TOPSOIL/FOREST DUFF  
4'-21" REDDISH BROWN FINE SINGLE GRAIN SAND  
21'-56" BROWN FINE SINGLE GRAIN SAND  
56'-59" GREYISH BROWN FINE SINGLE GRAIN SAND, VERY FIRM (DISCOLORED)  
59'-70" GREYISH BROWN FINE SINGLE GRAIN SAND  
NO WATER, LEDGE OR REDOXIMORPHIC FEATURES TO DEPTH

**TEST PIT #4**  
0'-6" DARK BROWN TOPSOIL/FOREST DUFF  
6'-28" REDDISH BROWN FINE SINGLE GRAIN SAND  
28'-68" BROWN SINGLE GRAIN SAND  
68'-78" LIGHT BROWN FINE SAND  
NO WATER, LEDGE OR REDOXIMORPHIC FEATURES TO DEPTH

**TEST PIT #5**  
0'-3" DARK BROWN TOPSOIL/FOREST DUFF  
3'-21" REDDISH BROWN FINE SINGLE GRAIN SAND  
21'-60" BROWN SINGLE GRAIN SAND  
60'-73" LIGHT BROWN FINE SAND  
NO WATER, LEDGE OR REDOXIMORPHIC FEATURES TO DEPTH

**TEST PIT #6**  
0'-3" DARK BROWN TOPSOIL/FOREST DUFF  
3'-10" REDDISH BROWN FINE SINGLE GRAIN SAND  
10'-47" BROWN SINGLE GRAIN SAND  
47'-73" LIGHT BROWN FINE SAND  
NO WATER, LEDGE OR REDOXIMORPHIC FEATURES TO DEPTH

**SOIL AUGERS PERFORMED 9/15/15 BY BRIAN BERTSCH**

**A-1**  
0'-5" DARK BROWN TOPSOIL  
5'-15" REDDISH BROWN FINE SINGLE GRAIN SAND  
15'-30" BROWN FINE SINGLE GRAIN SAND  
30'-72" GREYISH BROWN FINE SINGLE GRAIN SAND  
NO WATER, LEDGE, OR REDOXIMORPHIC FEATURES TO DEPTH

**SOIL AUGERS PERFORMED 01/15/16 BY JORDAN YOUNG**

**A-2**  
0'-3" DARK BROWN TOP SOIL  
3'-11" RED/BROWN FINE SAND  
11'-20" BROWN FINE SAND  
20'-56" OLIVE/BROWN COARSE SAND  
56'-67" LIGHT BROWN VERY FINE SAND  
NO WATER, REDOXIMORPHIC FEATURES OR LEDGE TO DEPTH.

**A-3**  
0'-4" DARK BROWN TOP SOIL  
4'-12" RED/BROWN FINE SAND  
12'-24" LIGHT BROWN COARSE SAND  
24'-57" OLIVE/BROWN COARSE SAND  
57'-67" LIGHT BROWN VERY FINE SAND  
NO WATER, REDOXIMORPHIC FEATURES OR LEDGE TO DEPTH.

**PERCOLATION TEST RESULTS**

TESTS PERFORMED ON 9/15/15 BY BJB  
ALL TESTING PERFORMED IN MOST DENSE LAYER IN SOIL PROFILE

TEST NUMBER	TEST LOCATION	TEST DEPTH (INCHES)	PERCOLATION RATE (MINUTES/INCH)
PT-1	SEE SITE PLAN	36"	11 MIN/INCH
PT-2	SEE SITE PLAN	36"	0.3 MIN/INCH

**PERCOLATION TEST RESULTS**

TESTS PERFORMED ON 01/15/16 BY JYJ  
ALL TESTING PERFORMED IN MOST DENSE LAYER IN SOIL PROFILE

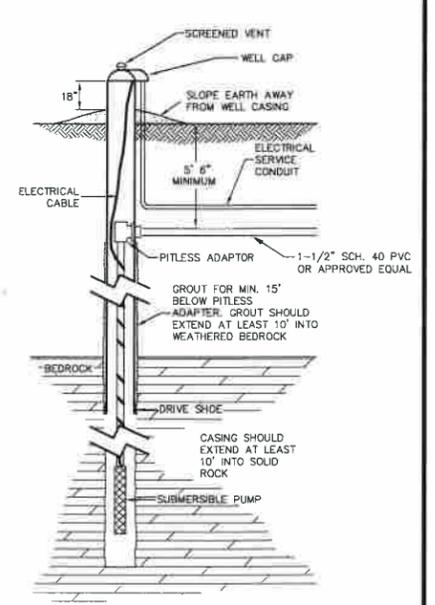
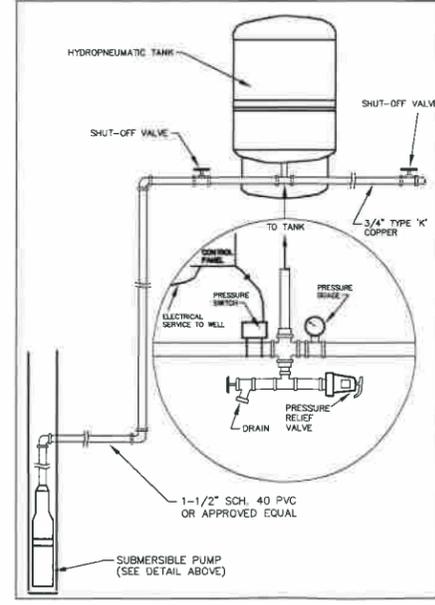
TEST NUMBER	TEST LOCATION	TEST DEPTH (INCHES)	PERCOLATION RATE (MINUTES/INCH)
PT-3	SEE SITE PLAN	36"	10 MIN/INCH
PT-4	SEE SITE PLAN	36"	2.2 MIN/INCH

**INDIVIDUAL DRILLED WELL DESIGN DATA**

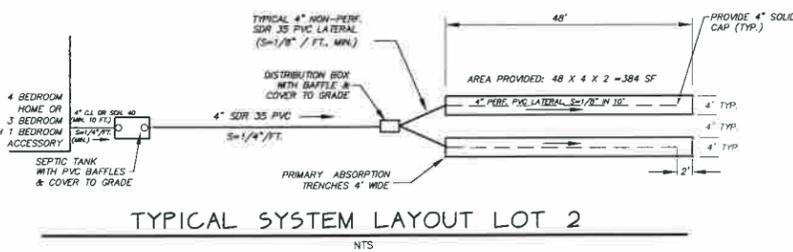
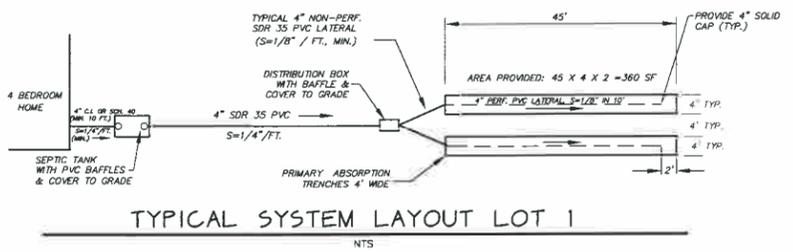
- THE DRILLED WELL(S) CONSTRUCTION, LOCATION, DISINFECTION AND TESTING SHALL BE IN ACCORDANCE WITH THE STATE OF VERMONT - WATER SUPPLY
- THE BASIS OF DESIGN FOR EACH DRILLED WELL IS:
  - AVG. DAY DEMAND: 490 GPD (LOT 1), 560 GPD (LOT 2)
  - MAX. DAY DEMAND: 490 GPD/720 MIN/DAY = 0.68 GPM (LOT 1), 560 GPD/720 MIN/DAY = 0.78 GPM (LOT 2)
  - INSTANTANEOUS PEAK DEMAND: 5 GPM
  - SOURCE CAPACITY: TO BE DETERMINED, AREA WELL LOGS SHOW AN ADEQUATE WATER SOURCE IN THE PROJECT AREA.
  - STORAGE CAPACITY: SIZE TO BE DETERMINED BASED ON WELL YIELD (IF REQUIRED).
  - PUMP CAPACITY AT HOUSE: 5 GPM MINIMUM (LOT 1 & 2)
  - OPERATING PRESSURE RANGE: 40 - 80 PSI AT PRESSURE SWITCH

**DRILLED WELL ISOLATION DISTANCES**

ROADWAY, PARKING	25 FEET
DRIVES, < 3 RESIDENCES	15 FEET
SEWAGE PIPING / TANKS	50 FEET
PROPERTY LINE	10 FEET
SURFACE WATER	10 FEET
BUILDINGS	10 FEET
SEWAGE SYSTEM: DOWNSLOPE WELL	200 FEET
UPSLOPE WELL	100 FEET



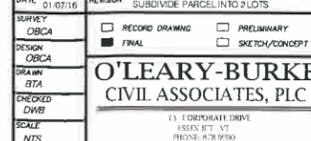
NOTES:  
1. LOT 1 WAS PREVIOUSLY APPROVED BY THE STATE OF VERMONT PER WW-4-4537.



**1,000 GAL. CONCRETE SEPTIC TANK**



- NOTES:
- CONCRETE: 4,000 PSI AFTER 28 DAYS, REINFORCING: # 4 @ 10" X 10" AND FIBERS
  - HEAVY-DUTY SEPTIC TANK TOPS REINFORCED WITH 5/8" REBAR @ 12" O.C. EACH WAY.
  - KEVED JOINT SEALED WITH BUTYL NUMBER
  - EXCAVATION MUST BE AT LEAST 12" WIDER AND LONGER THAN TANK SIZE.
  - PROVIDE WATER TIGHT PIPE CONNECTIONS USING PRE-FAB 4" PLASTIC BOOTS OR NON-SHRINK GROUT.



DATE	REVISIONS	BY	KGM
03/08/16	ADD SOIL TESTING DATA FOR LOT 2, MINOR REVISIONS		
01/07/16	SUBDIVIDE PARCEL INTO 2 LOTS		

RECORD DRAWING     PRELIMINARY  
 FINAL     SKETCH/CONCEPT

**O'LEARY-BURKE CIVIL ASSOCIATES, PLC**

11 CORPORATE DRIVE  
ESSEX JCT. VT  
PHONE: 878-9390  
FAX: 878-9680  
E-MAIL: olearyburke@comcast.net

**Poor Farm Acres, LLC**  
Poor Farm Road, Milton, VT

**Water and Wastewater Details and Specifications**

DATE: 09-09-15  
JOB: 2015-70  
FILE: 2015-70-54  
PLAN SHEET: 2

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 Planning & Economic Development  
 Montpelier, Vermont

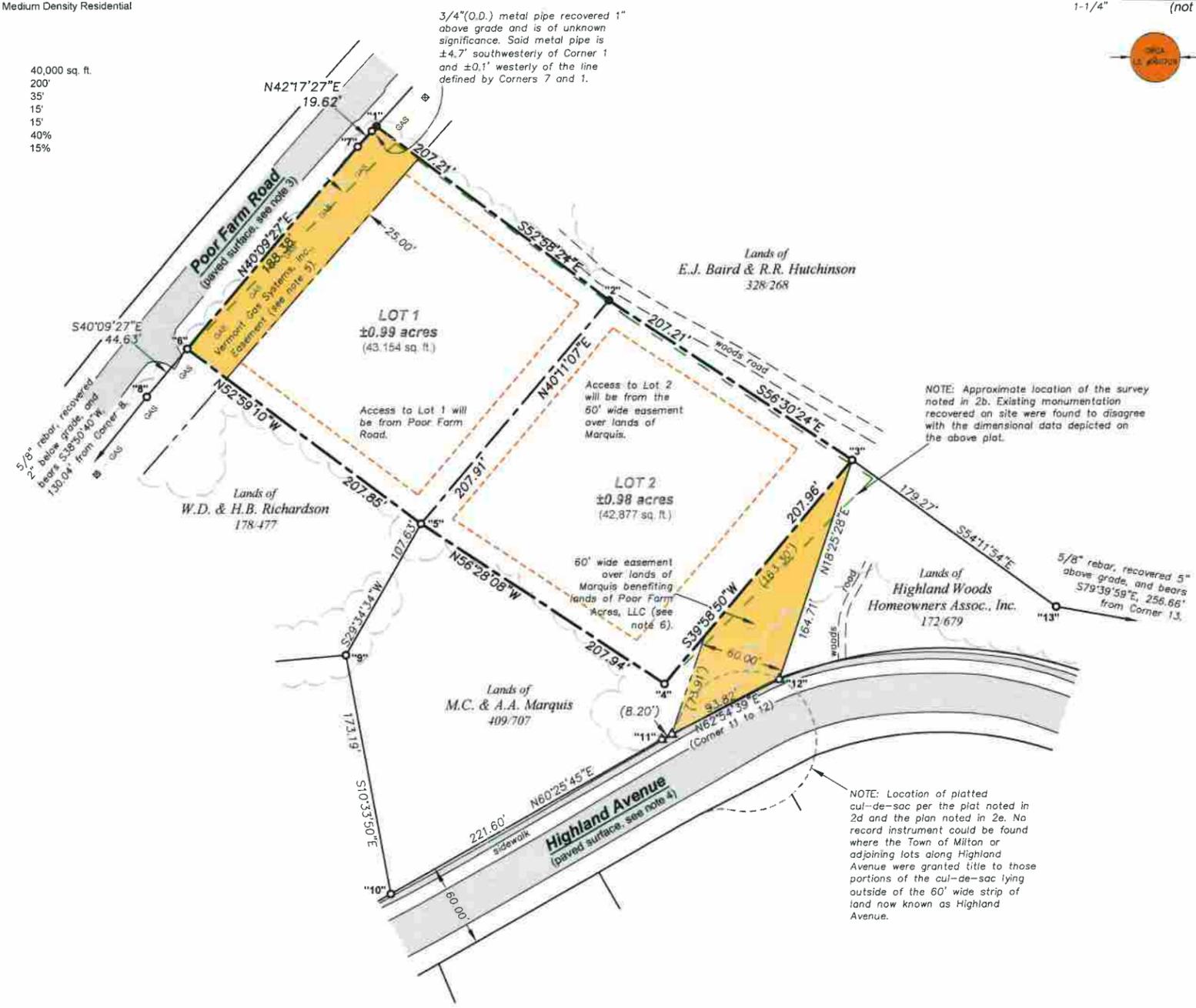
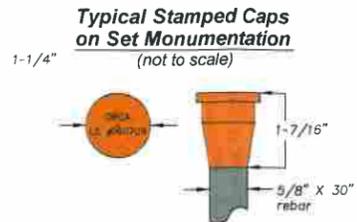
**TOWN OF MILTON ZONING INFORMATION**

Lands depicted hereon are located within the Medium Density Residential (R2) District.

**Dimensional Requirements**

Minimum Lot Area:	40,000 sq. ft.
Minimum Road Frontage:	200'
Front Setback:	35'
Side Setback:	15'
Rear Setback:	15'
Maximum Building Coverage:	40%
Maximum Lot Coverage:	15%

3/4"(O.D.) metal pipe recovered 1' above grade and is of unknown significance. Said metal pipe is ±4.7' southwesterly of Corner 1 and ±0.1' westerly of the line defined by Corners 7 and 1.



**CORNER LIST**

- NOTE: (O.D.) indicates outside diameter of applicable monument.
- CORNER 1: 5/8" rebar TO BE SET
  - CORNER 2: 5/8" rebar TO BE SET
  - CORNER 3: 5/8" rebar recovered 6" above grade.
  - CORNER 4: 5/8" rebar recovered 2" above grade.
  - CORNER 5: 5/8" rebar recovered 2" above grade.
  - CORNER 6: 5/8" rebar recovered leaning and was located at it's base.
  - CORNER 7: 5/8" rebar recovered 2" below grade.
  - CORNER 8: 5/8" rebar recovered flush with grade.
  - CORNER 9: 1/2" rebar recovered "X" above/below grade.
  - CORNER 10: 1/2" rebar recovered 4" below grade.
  - CORNER 11: Unmonumented point
  - CORNER 12: Unmonumented point
  - CORNER 13: 5/8" rebar recovered 4" above grade.

**SURVEY NOTES**

1. The purpose of this survey was to retrace, subdivide, monument and re-monument the lines and corners of lands deeded to Poor Farm Acres, LLC in Volume 458, Page 275 of the Town of Milton Land Records dated August 4, 2015.
2. The following plats and plans recovered in the Milton Land Records were used in aid of this survey:
  - a. Plan entitled, "STA 1456+00 - 1488+00, Vermont Gas Systems, Inc., Natural Gas Pipeline, Highgate-Burlington", dated March 1, 1965 by Webster-Martin, Inc., and is recorded in Map Volume 2, Page 31 of the Milton Land Records.
  - b. Plat entitled, "Plat of Survey for Clarice B. Wadleigh in the Town of Milton, VT.", dated November 11, 1978 by John A. Marsh, L.S. 256, and is recorded in Map Volume 2, Page 92 of the Milton Land Records.
  - c. Plat entitled, "Plat of Survey, Ray A. Gain & Julia Hutchinson Property", dated December, 1983 by Warren A. Robenstien, L.S. 48 and is recorded in Map Slide #148 of the Milton Land Records.
  - d. Plat entitled, "Plat of Survey, Highland Woods Sub-Division, Poor Farm Rd., Milton, Vermont, 15.85 ac ±", dated February, 1995 by Warren A. Robenstien, L.S. 48 and is recorded in Map Slide #259 of the Milton Land Records.
  - e. Plan entitled, "Subdivision Plan, Highland Woods, Poor Farm Road, Milton, Vermont", dated April 8, 1994, last revised February 23, 1995 by Frank R. O'Brien, P.E. and is recorded in Map Slide #260 of the Milton Land Records.
3. The easterly line of Poor Farm Road was established from existing monumentation recovered on site. Said highway is assumed to be 3 rods (49.5') wide in accordance with 19 V.S.A. 32.
4. Highland Avenue was determined to be 60' wide per Volume 214, Page 433, dated August, 1995. The side lines of Highland Avenue as depicted hereon were established from existing monumentation recovered on site and information taken from the plat noted in 2d.
5. Lands of Poor Farm Acres, LLC is subject to an easement held by Vermont Gas Systems, Inc., and was created in Volume 37, Page 518 of the Milton Land Records, dated August 17, 1965 (see also the plan noted in 2a). The center of the easement as depicted hereon was established from existing natural gas structures recovered at, or near, the project location. Said structures are presumed to identify the center of the current natural gas line.
6. Lands of Poor Farm Acres, LLC are benefited by a 60' wide easement crossing the easterly portion of lands of Marquis per Volume 180, Page 233 of the Milton Land Records, dated March 27, 1997. Said easement is for the purposes of ingress, egress and the installation of utilities.
7. Unless otherwise noted, the physical location of underground utilities were not determined by this survey.
8. The information on this plat reflects conditions that were existing at the time of the survey both at the project location and in the land records of the Town of Milton as of September and October, 2015.
9. The direction of this survey is oriented to Vermont Grid North (NAD83, VT-4400) as determined by Network RTK-GPS observations made on site September 2, 2015.

**LEGEND**

- Found Corner Monument (See Corner List) ○
- Set Corner Monument (See Corner List) ●
- Unmonumented Point △
- Corner Number (See Corner List) "5"
- Natural Gas Line Marker Ⓢ
- Subject Boundary Line ———
- Record Boundary Line - - - - -
- Adjoining Boundary Line ———
- Easement Boundary Line - - - - -
- Subsurface Natural Gas Line (approximate) — GAS — GAS — GAS
- Zoning Setback Boundary - - - - -
- Approximate Tree Line ———

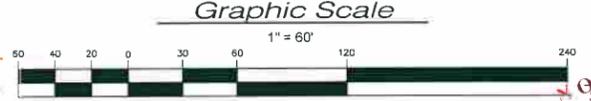
This Final Plat has been approved by the resolution of the Development Review Board of the Town of Milton, Vermont, this \_\_\_\_ day of \_\_\_\_ A.D. 20\_\_\_\_, subject to the requirements and conditions of said resolution signed this \_\_\_\_ day of \_\_\_\_ A.D. 20\_\_\_\_.

\_\_\_\_\_  
Chair, Town of Milton Development Review Board

Town of Milton Clerk's Office Received for Record

This \_\_\_\_ day of \_\_\_\_ A.D. 20\_\_\_\_ at \_\_\_\_ o'clock \_\_\_\_ minutes \_\_\_\_ M. and filed in: \_\_\_\_\_

\_\_\_\_\_  
City Clerk



PAPER COPY FOR RECORD

Seth W. Kittredge, L.S. 060709

THE INFORMATION ON THIS PLAT IS A COMPILATION AND REVIEW OF PERTINENT LAND RECORD INFORMATION, FIELD MEASUREMENTS, PARCEL EVIDENCE AND OTHER STATE AND LOCAL DOCUMENTS. THIS PLAT IS IN ACCORDANCE WITH 27 V.S.A. 1403 AND CURRENT RULES SET FORTH BY THE VERMONT BOARD OF LAND SURVEYORS. THIS PLAT IS ONLY VALID WITH MY ORIGINAL SEAL AND SIGNATURE.	DATE	REVISION	<b>SUBDIVISION PLAT</b> of Lands Owned by <b>POOR FARM ACRES, LLC</b> Easterly Side of Poor Farm Road Town of Milton, County of Chittenden, State of Vermont	DATE
	SURVEY OBCA DESIGN OBCA DRAWN SWK CHECKED DWB/SWK SCALE 1"=60'	<input type="checkbox"/> RECORD DRAWING <input type="checkbox"/> PRELIMINARY <input checked="" type="checkbox"/> FINAL <input type="checkbox"/> SKETCH		O'LEARY-BURKE CIVIL ASSOCIATES, PLC 13 CORPORATE DRIVE ESSEX JCT., VT PHONE: 878-9990 FAX: 878-9989 E-MAIL: obca@olearyburke.com

MAR 26 2016  
 Chittenden County Department of Planning & Zoning



TOWN OF MILTON

Planning & Economic Development Department

43 Bombardier Road  
Milton, Vermont 05468-3205  
802.893.1186  
miltonvt.org

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TECHNICAL ADVISORY COMMITTEE REVIEW SHEET RECREATION DEPARTMENT  
MILTON, VERMONT

Development Review Board Meeting of Thursday, April 28, 2016

Date of Review: 4-5-16

Department: Recreation

TAC Member: Cyril Duchesneau

Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 304 Cold Spring Road

- No comments

Virginia & Daniel Dubois, Owner/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 690 Everest Road

- No comments

H.W. Ventures, L.C., Owner/Applicant - Boundary Line Adjustment - Westford Road

- No comments

Poor Farm Acres, LLC, Owner/Applicant - Minor Conventional Subdivision Final Plan - 114 Poor Farm Road

- No comments



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

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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, April 28, 2016

Date of Review: 04.05.16

Department: Police

TAC Member: BRETT VAN NOORDT

Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 304 Cold Spring Road

NO COMMENTS or CONCERNS.

Virginia & Daniel Dubois, Owner/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 690 Everest Road

NO COMMENTS or CONCERNS.

H.W. Ventures, L.C., Owner/Applicant - Boundary Line Adjustment - Westford Road

NO COMMENTS or CONCERNS.

Poor Farm Acres, LLC, Owner/Applicant - Minor Conventional Subdivision Final Plan - 114 Poor Farm Road

NO COMMENTS or CONCERNS.



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

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## TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, April 28, 2016

Date of Review: 4/14/16

Department: School

TAC Member: Ann Bradshaw

Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 304 Cold Spring Road

*No comments*

Virginia & Daniel Dubois, Owner/Jack Milbank - Civil Engineering Associates, Applicant - Conditional Use - 690 Everest Road

*No comments*

H.W. Ventures, L.C., Owner/Applicant - Boundary Line Adjustment - Westford Road

*No comments*

Poor Farm Acres, LLC, Owner/Applicant - Minor Conventional Subdivision Final Plan - 114 Poor Farm Road

*No comments*



## DEVELOPMENT REVIEW BOARD

Meeting Type:..... **Regular**  
Date:..... **Thursday, April 14, 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 7:08 p.m.  
3

4 **2. ATTENDANCE**

5 **Members Present:** Bruce Jenkins, Chair; David Conley, Vice-Chair; Henry Bonges, Clerk; Clayton Forgan  
6 (arrived late)

7 **Members Absent:** None

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

9 **Public Present:** Laura Webb; Dan Bigos; Tom Curran; Karl Marchessault; Chad Brannon; Gordon J.  
10 LaFountain; Jenna LaFountain; William J. Sorrentino; Barb Steiner; Gordon LaFountain, Jr.; Adam Steiner;  
11 Erich Meisberger; Cathi Sorrentino  
12

13 **3. AGENDA REVIEW**

14 In order to expedite those applicants with less complex applications, the order of hearings was changed to  
15 the following:

- 16 • Devino - Minor Conventional Subdivision Sketch Plan - 242 North Road
- 17 • LaFountain - Minor Conventional Subdivision Final Plan - 165 Railroad Street
- 18 • Curran - Planned Unit Development (PUD) Sketch Plan - 26-28 Route 7 North
- 19 • Turner Estates LLC - PUD Site Plan Amendment - 20 Clifford Drive Units 101 & 102  
20

21 **4. PUBLIC FORUM**

22 None.  
23

24 **5. OLD HEARINGS**

25 None.  
26

27 **6. NEW HEARINGS**

28 **6(A). Minor Conventional Subdivision Sketch Plan - 242 North Road - Erwin Devino, Owner/Applicant.**  
29

30 The Chair read the following summary to open the hearing:  
31

32 **Erwin Devino, Owner/Applicant** requests **Sketch Plan** approval for a proposed 2-lot **Minor Conventional**  
33 **Subdivision** located at **242 North Road**, described as Tax Map 15, Parcel 119-1 and SPAN #10952. A single  
34 family home currently exists on the lot and a new single family home is proposed. The subject property  
35 contains approximately 1.08 acres and is located within the "Old Towne Residential" (R1) Zoning District and  
36 North Road Planning Area.  
37

38 The Chair administered the Oath to Interested Persons. Representing the Applicant was Karl Marchessault of  
Town of Milton Development Review Board Meeting Minutes of April 14, 2016

1 O'Leary-Burke, hereafter referred to as "Applicant."

2  
3 In response to the following numbered items within the Staff Report:

- 4 1. The Applicant agreed that within six (6) months of classification by the DRB of the sketch plan as a  
5 minor subdivision, the sub-divider shall submit an application for approval of a subdivision plat.  
6 The application shall contain those items set forth in Section 610 of these regulations, and shall  
7 conform to the layout shown on the sketch plan plus any recommendations made by the DRB.
- 8 2. The Applicant agreed that the final plat application shall include all items listed in Subdivision  
9 Regulations 610, including a survey of all lots resulting from the proposed subdivision.
- 10 3. The Applicant agreed that the Final application shall include Section 700 responses, submitted by e-  
11 mail in Microsoft .DOC format to the Town Planner.
- 12 4. The Applicant agreed that the DRB may require that street trees be planted along North Road in  
13 accordance with SR830.
- 14 5. The Applicant agreed that if required, the final plan application shall include the location of street trees  
15 along North Road pursuant to SR830.
- 16 6. The Applicant agreed to obtain a water & wastewater allocation from the Department of Public  
17 Works prior to submitting a Final Application.
- 18 7. The Applicant agreed that the proposed driveway shall be constructed according to ZR593 and the  
19 driveway specifications as defined in the Public Works Specifications.
- 20 8. The Applicant agreed to submit \$500 with the Final application to cover the legal review of the deeds  
21 and any other required legal instruments by the Town Attorney. Any funds not expended on the  
22 legal review will be refunded to the Applicant.
- 23 9. The Applicant agreed to submit draft deeds and any other associated legal instruments for all  
24 impacted lots for review and approval by the Town Attorney, that all requested revisions must be  
25 complete before the Plat may be recorded, and that only instruments approved by the Town may be  
26 recorded in the Town of Milton Land Records.
- 27 10. The Applicant agreed to obtain a Project Review Sheet from the Permit Specialist in the District 4  
28 Regional Office of the Agency of Natural Resources, provide a copy to the Town, and obtain all  
29 required State permits and approvals.

30  
31 Marchessault clarified that the waiver noted on page 3 of the Staff Report is not necessary, and Staff  
32 confirmed that it was a typo. The waiver is not necessary. Hearing no further questions or comments, the  
33 Chair closed the Hearing at 7:15 p.m.

34  
35 **6(B). Minor Conventional Subdivision Final Plan - 165 Railroad Street - Gordon LaFountain, Sr.,**  
36 **Owner/Gordon LaFountain, Jr. & Jenna LaFountain, Applicants.**

37  
38 The Chair read the following summary to open the hearing:

39  
40 **Gordon LaFountain Sr., Owner/Gordon LaFountain Jr. & Jenna LaFountain, Applicants request Final Plan**  
41 **approval for a proposed 2-lot Minor Conventional Subdivision located at 165 Railroad Street, described as Tax**  
42 **Map 31, Parcel 98 and SPAN #11903. A single family home currently exists on the lot. The subject property**  
43 **contains approximately 5.67 acres and is located within the "MCMP Center" (M1) Zoning District and Town**  
44 **Core Planning Area.**

45  
46 The Chair administered the Oath to Interested Persons. Representing the Applicants were Gordon LaFountain,  
47 Jr. and Jenna LaFountain, hereafter referred to as "Applicant(s)."  
48

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

- 2 1. The DRB will determine if the street trees to be planted along Railroad Street are suitable and in  
3 accordance with SR830.
- 4 2. The Applicant agreed to provide a landscaping surety to guarantee the completion of the approved  
5 landscaping, to submit a written cost estimate for the proposed trees from a landscape contractor,  
6 that a performance bond shall guarantee their survival for three years from installation and that the  
7 surety must be established prior to the issuance of a Zoning Permit.
- 8 3. The Applicant agreed to obtain a water & wastewater connection permit prior to obtaining a zoning  
9 permit for the proposed Single Family Residence.
- 10 4. The Applicant agreed to show any proposed new utility easements on the Final Plat, though none are  
11 anticipated.
- 12 5. The Applicant agreed to apply for a Town Highway Access permit as part of the Zoning Permit  
13 Application for the new driveway, per ZR594, *Highway Access Permit*.
- 14 6. The Applicant agreed that the proposed driveway shall be constructed according to ZR593 and the  
15 driveway specifications as defined in the Public Works Specifications.
- 16 7. The Applicant agreed to submit any other associated legal instruments for all impacted lots for  
17 review and approval by the Town Attorney, that all requested revisions must be complete before the  
18 Plat may be recorded, and that only instruments approved by the Town may be recorded in the  
19 Town of Milton Land Records.

20  
21 MOTION by Conley to APPROVE the Minor Conventional Subdivision Sketch Plan for 165 Railroad Street,  
22 subject to the conditions discussed above; SECOND by Forgan. UNANIMOUSLY APPROVED.

23  
24 **6(C). Residential Planned Unit Development (PUD) Sketch Plan - 26-28 Route 7 North - Curran**  
25 **Apartments, LLC, Owner/Thomas & Nancy Curran, Applicants.**

26  
27 The Chair read the following summary to open the hearing:

28  
29 **Curran Apartments, LLC, Owner/Thomas & Nancy Curran, Applicants** request **Sketch Plan** approval for a  
30 proposed 18-unit **Residential Planned Unit Development** located at **26-28 Route 7 North**, described as SPAN#  
31 10819, Tax Map 11, Parcel 86. The property contains an existing single family home and a 2-unit apartment  
32 building; access to all lots is proposed via a new private road off of US Route 7 North. On-site wastewater and  
33 municipal water service is proposed. The subject property contains a total of 23.00 acres and is located within  
34 the "Shoreland Residential" (R6) Zoning District and Arrowhead Lake Planning Area.

35  
36 The Chair administered the Oath to Interested Persons. Representing the Applicants was Thomas Curran,  
37 hereafter referred to as "Applicant(s)."

38  
39 The Applicant gave a brief overview of the proposal, stating that it was essentially a sketch plan application  
40 intended to make the parcel more attractive for sale and noting that any new owner may present their own  
41 plans at a later date. The Applicant also explained how he thought the plan benefitted the Town, as it may  
42 provide a secondary access to an area that is otherwise inaccessible if something happens to shut down a section  
43 of Lake Road. In response to a question from Conley, the Applicant advised that the proposed emergency  
44 access road would connect to Waterwheel Way Extension.

45  
46 In response to the following numbered items within the Staff Report:

- 47 1. Regarding the condition that, if approved, a multi-use path shall be shown on the Preliminary plans for  
48 possible future connection of Waterwheel Way to Route 7 North: neighbors (one later identified as Dan

1 Bigos) expressed hesitation about this, explaining that they've been taking care of the road since they've  
2 lived there and were under the impression that this was a private road that wouldn't ever change. The  
3 Chair asked if the Town has a right of way on Waterwheel Way Extension; Staff replied that Public  
4 Works believes the road has not been accepted by the Town but the Town has a 60' wide right of way on  
5 it. However, this is unclear and needs to be clarified; Staff will research. The Chair clarified to the  
6 concerned citizen that the burden of proving the Town has a right of way will be on the Applicant.

- 7 2. The Applicant agreed that the DRB will evaluate if the proposed plan is consistent with the goals and  
8 objectives of the Milton Comprehensive Plan.
- 9 3. The Applicant agreed that, if approved, the Applicant must submit a Preliminary Application  
10 including all elements listed in Subdivision Regulations Section 600. However, the Applicant  
11 reiterated that at this time that they do not plan on following up with a Preliminary or Final Plan  
12 application; rather the desire is to obtain Sketch Plan approval to make the property more  
13 marketable. The Clerk pointed out that anything the Applicant agrees to in this Sketch Plan hearing  
14 carries over to the Preliminary and Final Plans, regardless of who the owner/applicant is at that  
15 time, unless of course a new Sketch Plan application is submitted and heard.
- 16 4. The Applicant agreed that if approved, the applicant must submit Site Plans including all items  
17 listed in Zoning Regulations Section 803.
- 18 5. The Applicant agreed that, if approved, the applicant must submit a meets and bound survey with  
19 the Preliminary Application. Some discussion of existing surveys followed.
- 20 6. The Applicant agreed that if approved, Preliminary Plans shall show all features required by  
21 ZR851.4
- 22 7. The Applicant agreed that, if approved, Preliminary Plans shall show all features required by  
23 ZR851.5
- 24 8. The Applicant agreed that a site visit may be conducted by the DRB prior to the Preliminary  
25 Application hearing (if approved), and to place temporary markers on the lands in order to enable  
26 the DRB to readily locate and appraise the basic layout of the proposed PUD.
- 27 9. The Applicant agreed that the preliminary application shall also include a site plan application,  
28 including all requirements listed in ZR800.
- 29 10. The Applicant agreed to apply for Conditional Use approval to relocate the R6 district boundary no  
30 more than 100 feet in accordance with ZR670 to be heard with a Preliminary application, and to submit  
31 a survey of the new location of the zoning district boundary.
- 32 11. The Applicant agreed to apply for Conditional Use approval to include the existing duplex in the PUD  
33 located in the R2 district to be heard concurrently with the Preliminary application.
- 34 12. The Applicant agreed that the DRB will determine whether to grant a waiver for the proposed lots with  
35 areas less than 40,000 square feet and the lots with road frontage of less than 200 feet.
- 36 13. The Applicant agreed that, if approved, the location and design of the proposed sewage disposal  
37 systems will be presented with the Preliminary application. The Chair inquired about the plan for  
38 sewage disposal and the Applicant replied they plan to have individual, on-site septic systems for  
39 each lot.
- 40 14. The Applicant agreed that, if approved, the Preliminary application will include the specifications for  
41 a private road meeting the standards of ZR592, and the private road specifications as defined in the  
42 Public Works Specifications.
- 43 15. The Applicant agreed that the DRB may approve a private road of greater than 1000 linear feet if it is  
44 determined that the roadway proposed can provide safe access for emergency vehicles. The Chair  
45 asked what provisions the Applicant plans to provide for this requirement; the Applicant replied  
46 whatever is necessary. At this time, a citizen reiterated that he feels the left turn proposed is unsafe.  
47 The Applicant stated that VTrans has done studies refuting that.

- 1 16. The Applicant agreed that if the proposed road is to be considered for acceptance by the Town as a  
2 Public Road, the Preliminary application shall show a road that meets the standards of ZR591. Some  
3 discussion of the grading of the road followed, as it is a steep area. The Applicant stated that while  
4 difficult, meeting the grade requirement could be done.
- 5 17. The Applicant agreed to indicate on the plans the open space location with and total area equal to that  
6 of at least 25% of the lands within the R2 District and 35% of the lands located within the R6 district, to  
7 specify its agricultural, forestry, recreation or conservation use, and to propose legal instruments for the  
8 continued use and maintenance. This proposal must be consistent with all provisions of Section 852.15  
9 of the Zoning Regulations.
- 10 18. The Applicant agreed to submit for review with the Preliminary Plat proposed legal instruments and  
11 other provisions for the Public Access to the proposed Open Space consistent with ZR853.2(2).
- 12 19. The Applicant agreed that, if approved, the Preliminary Plans and Plat shall indicate the location of  
13 buildable envelopes.
- 14 20. The Applicant stated that the lot containing the existing single family home is not included in the  
15 proposed PUD, and that it is not included in the total area of the PUD. Staff stated that parts of the  
16 application seemed to indicate that it was included in the total area. The Applicant replied that an  
17 informational letter that was included in the application was from years ago and included the single  
18 family home in the PUD, as at that time the Applicant was considering it. However, they have since  
19 decided not to include it, and stated that the lot listed in the Application did not include the area.  
20 Staff thought they did, and all agreed this would be checked on and corrected if necessary.
- 21 21. The Applicant agreed to include the area of all restrictive easements and right-of-ways in the  
22 Undevelopable Land calculation per ZR856.1(b) and that the area of undevelopable land shall be  
23 calculated by a certified engineer.
- 24 22. The Applicant agreed to recalculate the Density Analysis and revise the proposed number of units to  
25 meet the standard of ZR856.1
- 26 23. The Applicant agreed that, if approved, the location and width of a buffer strip shall comply with  
27 ZR856.3 and be shown on the plans for the Preliminary application.
- 28 24. The Applicant agreed that no land included within a PLANNED UNIT DEVELOPMENT-Residential  
29 may be included in any future subdivision of land and that, if approved, covenants and deed  
30 restrictions to this effect shall be provided with the Preliminary application.
- 31 25. The Applicant agreed that the Preliminary application shall include narrative responses to the  
32 standards of SR700.
- 33 26. The Applicant agreed that within six (6) months of classification by the DRB of the sketch plan as a  
34 minor subdivision, the sub-divider shall submit an application for approval of a subdivision plat and  
35 that the application shall contain those items set forth in Section 610 of these regulations, and shall  
36 conform to the layout shown on the sketch plan plus any recommendations made by the DRB.
- 37 27. The Applicant agreed that, if approved, all draft legal documents associated with the development  
38 must be submitted with the Preliminary/Final application for review by the Town Attorney and that  
39 these documents must be revised to his satisfaction if necessary.
- 40 28. The Applicant agreed to submit \$500.00 with the preliminary/final application to be held in escrow by  
41 the Town to cover the costs of legal review by the Town Attorney, that any funds not expended on this  
42 proposal's legal review shall be refunded to the Applicant, and that any funds expended that exceed  
43 \$500 shall be paid for by the Applicant.
- 44 29. The Applicant agreed to obtain a Project Review Sheet from the Permit Specialist in the District 4  
45 Regional Office of the Agency of Natural Resources, provide a copy to the Town, and ensure that all the  
46 necessary State permits are obtained.
- 47 30. The DRB did not have any remaining comments or concerns, and some of the public present did.  
48 Dan Bigos wanted the record to show that this plan is essentially a "sales pitch," not a real

1 development plan. Erik Weisburger inquired about the buffer strip mentioned in Item 23 above:  
2 how big is it, and is it required? Staff answered that the buffer strip must be twice as wide as the  
3 setback of the zoning district, gave general info regarding buffer strips, and explained where the  
4 buffer strip would be. Weisburger expressed concerns about this being a wildlife corridor and hoped  
5 for a generous buffer strip or common land area between existing homes and the new development.  
6 Weisburger also commented on the legal situation with the road, stating his position that the Town  
7 has no claim to it. Laura Webb spoke to encourage the DRB to conduct a site visit, noting wetlands  
8 exist where the road is shown and questioning the feasibility of some of the proposals. The Chair  
9 noted that this is only a Sketch Plan and that many details are hammered out at later hearings.

10  
11 Hearing no further questions or comments, the Chair closed the Hearing at 8:15 p.m.

12  
13 **6(D). Planned Unit Development (PUD) Site Plan Amendment - 20 Clifford Drive Units 101 & 102 -**  
14 **Turner Estates, Owner/Applicant.**

15  
16 The Chair read the following summary to open the hearing:

17  
18 **Turner Estates LLC, Owner/ Applicant requests Planned Unit Development (PUD) Site Plan Amendment**  
19 **approval to amend the building lots to reflect the as-built locations of the foundations of Units 101 and 102,**  
20 **and associated infrastructure including sewer and water connection locations. The property is located at 20**  
21 **Clifford Drive Units 101 and 102, described as SPAN numbers 14496, 14497 & 14503; Tax Map 25, Parcels**  
22 **15-215, 15-216 & 15-200, respectively. The subject property contains a total of approximately 2.83 acres and is**  
23 **located within the Checkerberry (M4) Zoning District and Town Core Planning Area.**

24  
25 The Chair administered the Oath to Interested Persons. Representing the Applicants were Armand Turner, Jr.  
26 and Chad Branon of Fieldstone Land Consultants, hereafter referred to as "Applicant(s)."

27  
28 The Applicant gave a summary, stating the building footprint has moved 6.2 feet.

29  
30 In response to the following numbered items within the Staff Report:

- 31 1. The Applicant agreed that the DRB will determine if it shall grant application requirement waivers.  
32 The Applicant stated the waivers are being requested because they do not apply to the proposed  
33 revisions, read through a list of the requested waivers and explained why they do not apply. The  
34 Chair asked if the only thing that has changed is that the building footprint moved 6.2 feet and the  
35 Applicant replied that yes, that was the only change. Staff explained that although these factors may  
36 not be changing, a complete plan set is desirable for the sake of accuracy and thoroughness. Staff  
37 explained the liability and complications that are created when a Site Plan is piecemealed together  
38 from various approvals, reiterating the need for a complete plan set. The Applicant objected to this  
39 as unreasonable and impractical.  
40 The Vice-Chair asked how the misplacement of the foundation was noticed (for example, by a  
41 neighbor?). The Applicant stated that Public Works noticed it while performing a utility inspection,  
42 and that he was later told it was done to provide more of a buffer for the units to the east.
- 43 2. The Applicant agreed that any revisions to the previously approved plans and exhibits (as presented  
44 with this application) that are not consistent with the application's narrative (which states that the  
45 only change is the relocation of the footprint lot and building footprint), shall be considered null and  
46 void. This specific meaning of this was clarified by the Applicant and agreed to.

- 1 3. The Applicant agreed that after the plat has been recorded, a Zoning Permit is required and an  
2 associated Certificate of Compliance is required after construction is complete (and prior to  
3 occupation/use of the new structures).
- 4 4. The Applicant agreed that the applicant shall submit revised deeds (that account for changes to the  
5 association land and footprint lots) and any other associated legal instruments for all impacted lots  
6 for review and approval by the Town Attorney, that all requested revisions will be complete before  
7 the Plat may be recorded, and that only instruments approved by the Town may be recorded in the  
8 Town of Milton Land Records.
- 9 5. The Applicant agreed to submit \$500 to cover the legal review of the deeds and any other required  
10 legal instruments by the Town Attorney, and that any funds not expended on the legal review will be  
11 refunded to the Applicant.
- 12 6. The Applicant agreed to submit one paper or electronic .PDF version of the revised final Plan and  
13 Plat for review and approval by Staff prior to submitting the mylar, and to submit one full-sized (to  
14 scale) paper Final Plat and one 11x17 paper plat depicting the requested changes, to be maintained in  
15 the Planning Office's application file.
- 16 7. The Applicant agreed that the final Plat shall be submitted on mylar (18" x 24"), signed by the  
17 licensed surveyor and the Chair of the DRB, and recorded in the Town Clerk's Office within 180 days  
18 of the date of the DRB's Final Approval Decision, that final approval expires if not filed within 180  
19 days unless extended by the Zoning Administrator for pending local or state approvals. The  
20 Applicant also agreed that in the event a subdivision plat is recorded without complying with this  
21 requirement, the plat shall be considered null and void.
- 22 8. The Applicant agreed that this project shall be completed, operated, and maintained as set forth in  
23 the plans and exhibits as approved by the Development Review Board and on file in the Department  
24 of Planning and Economic Development, and in accordance with the conditions of this approval.
- 25 9. The Applicant agreed that all conditions of the original DRB approval of 2004 and subsequent  
26 amendments are in full force and effect except as amended therein and further amended herein.
- 27 10. The Applicant agreed that no changes, erasures, modifications, or revisions, other than those required  
28 by this Decision, shall be made on the Plat or Plans after approval unless a revised Plat and Plan is  
29 first submitted to the Department of Planning and Economic Development for DRB approval and  
30 that if a subdivision plat is recorded without complying with this requirement, the Plat shall be  
31 considered null and void.
- 32 11. The Applicant stated that they do not see a need to obtain a Project Review Sheet (PRS) from the  
33 Permit Specialist in the District 4 Regional Office of the Agency of Natural Resources. The Chair  
34 instructed the Applicant to check in with the Agency of Natural Resources to let the Agency make  
35 that determination, and to provide a copy of their response to the Town. The Applicant agreed.

36  
37 There was some discussion of the waivers again, and the Chair read through them. Staff asked that, at a  
38 minimum, the elevations to be submitted. The Applicant stated they would verify the details of any  
39 easements and submit any changes necessary. The Chair stated all seven requested waivers are granted.  
40

41 MOTION by Conley to APPROVE the PUD Site Plan Amendment for 20 Clifford Drive Units 101 & 102, subject  
42 to the conditions discussed above; SECOND by Forgan. UNANIMOUSLY APPROVED.  
43

44 Hearing no further questions or comments, the Chair closed the Hearing at 8:45 p.m.  
45

## 46 7. OTHER BUSINESS

### 47 7(A). Staff Update

1 Staff updated the DRB on the upcoming April 28, 2016 meeting, which is full with four hearings scheduled;  
2 and the May 12, 2016 meeting, which has three hearing scheduled. Staff gave a brief description of each.  
3 The Chair questioned whether or not certain Flood Hazard applications necessarily need to be heard by the  
4 DRB. Staff explained that it's simply a matter of how the regulations are written, and if there is a problem  
5 with the regulations the Planning Commission should be informed.  
6

7 **8. MINUTES**

8 **8(A). Minutes of March 24, 2016**

9 MOTION by Forgan to APPROVE the Minutes of March 24, 2016 as written; SECOND by Conley.  
10 Unanimously APPROVED.  
11

12 **9. DELIBERATIVE SESSION**

13 None.  
14

15 **10. ADJOURNED**

16 MOTION by Conley to adjourn at 9:01 p.m.; SECOND by Forgan. Unanimously APPROVED.  
17

18 **Minutes approved by the Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2016.**  
19  
20

21 \_\_\_\_\_  
22 **Bruce Jenkins, Chair**

/kt

23 **Draft filed with the Town Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 2016.**  
24

25 **Filed with the Town Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 2016.**