

DEVELOPMENT REVIEW BOARD

Meeting Type: **Regular Meeting** (2nd and 4th Thursdays of each Month)
 Date: **Thursday, May 26, 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). **Rowley Family Real Estate II, LLC, Owner/Connor & Meghann Rowley, Applicants** request **Sketch Plan** approval for a proposed 2-lot **Minor Conventional Subdivision** located at **Lake Road and Hibbard Road**, described as Tax Map 14, Parcel 6 and SPAN #13077. A single family home is also proposed for the newly created 10-acre lot, to be served by on-site private septic and water and accessed from Hibbard Road. The subject property contains approximately 255.10 acres and is located within the "Agricultural/Rural Residential" (R5) Zoning District.

6(B). **David C. Howe, Owner/Applicant** requests **Sketch Plan** approval for a proposed 2-lot **Minor Conventional Subdivision** located at **42 Petty Brook Road**, described as Tax Map 3, Parcel 37, SPAN #11614. A single family home currently exists on the lot and a new single family home is proposed. The subject property contains approximately 12.13 acres and is located within the "Low Density Residential" (R3) Zoning District and Catamount Planning Area.

7. Other Business:

7(A). Staff Update

8. Approval of Minutes of May 12, 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



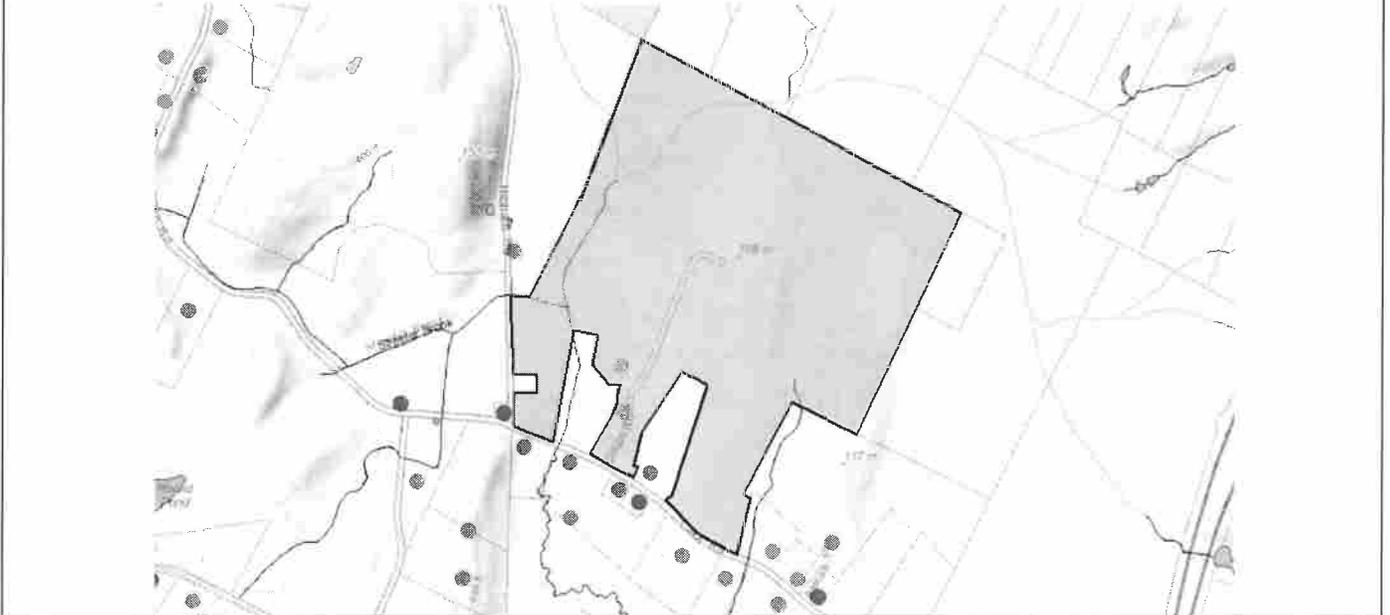
PLANNING DIVISION

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

DEVELOPMENT REVIEW BOARD

DEVELOPMENT REVIEW BOARD STAFF REPORT

Hearing Date: May 26, 2016	
Case No: DRB 2016-24	
Application(s): Minor Conventional Subdivision Sketch Plan	
Application Received: April 18, 2016	
Application Deemed Complete: April 21, 2016	
Staff Report Finalized: Monday, May 23, 2016	
Applicant(s): Connor and Meghann Rowley 501 Lake Road Milton, VT 05468 802-318-3544 connorowley13@aol.com	Owner(s): Rowley Family Real Estate c/o Lawrence Rowley 501 Lake Road Milton, VT 05468 802-893-7618
Engineer/License: Brian Tremback Lamoureux & Dickinson Consulting Engineers, Inc 14 Morse Drive Essex Junction, VT 05452	Surveyor/License: Doug Henson/ #656 Lamoureux & Dickinson Consulting Engineers, Inc 14 Morse Drive Essex Junction, VT 05452
E-911/Postal Address: 17 Dixon Road	
Tax Map, Parcel(s): 14, 6	
School Parcel Account Number(s) (SPAN): 13077	
Deed(s): Book 333, Page 894	
Existing Size: 255.1	
Zoning District(s): Agricultural Rural Residential "R5"	
Comprehensive Plan Planning Area/Sub-Area: West Milton Planning Area	
Location: Corner lot at Lake Road and Hibbard Road.	



INTRODUCTION

Noticed Summary of Proposal: Rowley Family Real Estate II, LLC, Owner/Connor & Meghann Rowley, Applicants request Sketch Plan approval for a proposed 2-lot Minor Conventional Subdivision located at Lake Road and Hibbard Road, described as Tax Map 14, Parcel 6 and SPAN #13077. A single family home is also proposed for the newly created 10-acre lot, to be served by on-site private septic and water and accessed from Hibbard Road. The subject property contains approximately 255.10 acres and is located within the "Agricultural/Rural Residential" (R5) Zoning District.

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 Conventional Subdivision Sketch Plan approval. The application and its associated materials are maintained by the Town in the application file and are available for public inspection

Applicant(s): The application was submitted by Connor and Meghann Rowley, referred to hereafter as the "applicant".

Landowner(s): The property is owned by Rowley Family Real Estate II, LLC. The Vermont Secretary of State website lists John M. Rowley, Lawrence K. Rowley, and Thomas A. Rowley as Members. All owners are signatories to this application.

Project Consultant(s): Brian Tremback of Lamoureux & Dickinson Consulting Engineers, Inc. is a consultant for this project.

Application Submission: The application form was received by the Planning and Economic Development Department on April 18, 2016. A balance of payment was received on April 21, 2016.

Application Completion: The application was deemed complete by Staff on April 21, 2016.

State Project Review & Act250: The applicant has not 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.

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

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

Regulatory Waivers Requested: No waivers have been requested.

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

Hearing: The Town Planner scheduled the hearing for May 26, 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:

- Property of Rowley Family Real Estate, Subdivision Sketch Plan; prepared by Lamoureux and Dickinson Consulting Engineers, Inc.; dated 3/15/2016.

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

- TAC School District Review Sheet dated 5/15/2016;
- TAC Police Review Sheet dated 5/10/2016;
- TAC Recreation Review Sheet dated 5/4/2016;

SITE, DISTRICT & AREA INFORMATION

Property Location: The subject property is located at 17 Dixon Road and shown on Milton's Tax Map 14 as Parcel 6. The corresponding School Parcel Account Number (SPAN) is 13077.

Size/Area: According to the evidence presented, the subject parcel is approximately 255 acres or 11,000,000 square feet. The Assessor's Grand List records this property as approximately 255.10 acres.

Deed(s): The deed is recorded on 7/27/2006 in Book 333, Page 894 of the Town of Milton Land Records to Rowley Family Real Estate II, LLC; Grantee.

Zoning District(s): The site is located within the Agricultural Rural Residential (R5) Zoning District described on the Town of Milton Zoning Map, last amended August 22, 2011, on record and display at the Municipal Offices and available on the Town's website. The ZR341 states that the purpose of this district is "to provide for continued agriculture, forestry and open space uses together with compatible low density residential development. Large portions of the Town have been included in this area because of a combination of circumstances, including high agricultural potential, distance from

community facilities, often severe limitations to development, and natural patterns of dispersed development.”

Comprehensive Planning Area: The site is located within the 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.

Objective 9.12.2.a. Develop standards and encourage low-density, well planned unit residential developments that work with the natural features of the landscape and protect scenic viewsheds.

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

Objective 9.12.3.a. Encourage the creation of outdoor recreation facilities along Lake Champlain for children and adults.

Goal 9.12.4. Encourage the preservation of historic sites.

Physical Characteristics/Natural Features:

Topography: Generally flat, sloping away from Hibbard Road.

Soil: Soils of Statewide agricultural significance and some Prime Agricultural soil on Lot 2

Watershed: Drains to the Lamoille River via Streeter Brook.

Wetland: Property contains mapped class II wetlands.

Vegetation: Property predominantly contains agricultural fields with some tree cover.

Habitat/Wildlife Crossings: Property contains a portion of a forested habitat block of 801-1600 acres.

Historic Resources: None known.

Surrounding Use/Structures: Surrounding properties contain agricultural uses, single family dwellings, and preserved open space.

SITE HISTORY

Background: Staff was unable to locate prior approvals relevant to this application.

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 and agricultural use.

Proposed Use: The plan indicates a proposed single family dwelling.

Existing Improvements:

Buildings and structures: Single family dwelling, barn, accessory agricultural structures.

Utilities: The property is served by on-site water and wastewater.

Access: The property is accessed via Dixon Road, an existing Class 4 Road (linking to Lake Rd.)

Proposed Improvements:

Buildings: 3-bedroom single family dwelling on proposed Lot 2

Utilities: onsite water and wastewater system

Access: driveway access to proposed Lot 2 from Hibbard Road

Existing Restrictions or Covenants: The application submitted indicates that the property is subject to an easement to Vermont Electric Power Company. The Sketch Plan submission labels a right-of-way to CVPS.

1. All existing Restrictions and Covenants shall be shown and labeled on the final application plat.

Proposed Restrictions or Covenants: None

SUBDIVISION SKETCH PLAN REVIEW

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

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

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

SR300, Submittal of Application: Staff finds the application requirements have been adequately met.

SR320, Subdivision Classification: The section states, "The DRB shall classify the sketch plan at the meeting as either a minor subdivision or a major subdivision." The proposal is a two-lot (2) subdivision,

originating with one (1) parent lot and resulting in two (2) individual lots. SR200.5 defines a minor subdivision as, "Any subdivision containing less than seven lots; any planned residential development or planned unit development containing less than seven units." Staff, therefore, finds that the proposal is a minor subdivision.

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

ZONING REGULATION LOT CONFORMANCE

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

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

Lot 1 (Containing Existing Dwelling)	Required	Proposed
Minimum LOT AREA (sq. ft.)	400,000	10,562,851
Minimum Road FRONTAGE (linear ft.)	400	900
Minimum FRONT SETBACK (linear ft.)	35	500
Minimum SIDE SETBACK (linear ft.)	50	70
Minimum REAR SETBACK (linear ft.)	50	2,900
Maximum BUILDING COVERAGE (%)	40	<1
Maximum LOT COVERAGE (%)	15	<1

Lot 1 would conform to the dimensional standards of the R5 District.

Lot 2 (Accessed via Hibbard Road)	Required	Proposed
Minimum LOT AREA (sq. ft.)	400,000	437,149
Minimum Road FRONTAGE (linear ft.)	400	402
Minimum FRONT SETBACK (linear ft.)	35	>35
Minimum SIDE SETBACK (linear ft.)	50	>50
Minimum REAR SETBACK (linear ft.)	50	>50
Maximum BUILDING COVERAGE (%)	40	0.5
Maximum LOT COVERAGE (%)	15	1

Lot 2 would conform to the dimensional standards of the R5 District.

Staff finds that the dimensional tables submitted with the application state that the frontage for Lot 2 is 402 feet, the sketch depicts the frontage to be 443 feet. Both meet the frontage requirement for the R5 district, but should be consistent.

2. The applicant should state the proposed frontage for Lot 2.

RETURN TO SUBDIVISION REVIEW

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

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

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

SR610, Final Application Content:

4. The final plat application shall include all items listed in Subdivision Regulations 610.

Subdivision Standards of Evaluation, Section 700:

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

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

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

SUBDIVISION REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

SR800, Streets: No new streets are proposed.

SR810, Curbs, Sidewalks, and Pedestrian Access: Staff does not find the addition of sidewalks and curbs to be appropriate for this site, but may be deemed so by the DRB.

SR830, Outdoor Lighting: Staff does not find the addition of outdoor lighting to be appropriate for this site, but may be deemed so by the DRB.

SR830, Street Trees: Staff does not find the addition of street trees to be appropriate for this site, but may be deemed so by the DRB.

SR840, Drainage: No change to drainage on the site has been proposed. This item will be further addressed pending Sketch Plan approval. According to SR840, "Where a subdivision is traversed by a water course or drainage way there shall be provided a storm water drainage easement of such width as to encompass the twenty five (25) year flood area of such water course, which easement shall be indicated on the Final Plat."

6. The location of a storm water drainage easement of such width as to encompass the twenty five (25) year flood area of the water course within the subdivision shall be included in the Final Plat application.

SR850, Water System: The applicant has proposed an onsite drilled well for Lot 2. If approve the adequacy of the proposed water system can be further evaluated at Final.

SR860, Sewage Disposal: The applicant is proposing on-site sewage disposal with septic tank, pump station and absorption system. If approve the adequacy of the proposed sewage disposal system can be further evaluated at Final.

SR860, Utilities: No new utility easements have been proposed.

SR880, Layout: Staff finds the proposed lot layout to be slightly irregular but generally meets the layout requirements of SR880.

Legal Escrow, SR910:

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

Legal Review, SR920:

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

TECHNICAL REVIEW COMMITTEE

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

STATE PERMITS

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

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

STAFF RECOMMENDATION

The Planning Staff recommends that the DRB **approve** the Sketch Plan for a proposed 2-lot Minor Conventional Subdivision located at Lake Road and Hibbard Road, described as Tax Map 14, Parcel 6 and SPAN #13077, subject to the conditions above.

Respectfully Submitted:

Jeffrey Castle, Town Planner

ATTACHMENTS:

- Property of Rowley Family Real Estate, Subdivision Sketch Plan; prepared by Lamoureux and Dickinson Consulting Engineers, Inc.; dated 3/15/2016.
- TAC School District Review Sheet dated 5/15/2016;
- TAC Police Review Sheet dated 5/10/2016;
- TAC Recreation Review Sheet dated 5/4/2016;

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.



TECHNICAL ADVISORY COMMITTEE

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, May 26, 2016

Date of Review: 5/5/16

Department: School

TAC Member: Ann Bradshaw

Rowley Family Real Estate II, LLC, Owner/Connor & Meghann Rowley, Applicants -- Minor Conventional Subdivision Sketch Plan -- Lake Road and Hibbard Road

No comments

David C. Howe, Owner/Applicant -- Minor Conventional Subdivision Sketch Plan -- 42 Petty Brook Road

No comments



TECHNICAL ADVISORY COMMITTEE

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, May 26, 2016

Date of Review: 05-10-16

Department: Police

TAC Member: Freu Van Noordt

Rowley Family Real Estate II, LLC, Owner/Connor & Meghann Rowley, Applicants -- Minor Conventional Subdivision Sketch Plan -- Lake Road and Hibbard Road

NO COMMENTS
OR CONCERNS.

David C. Howe, Owner/Applicant -- Minor Conventional Subdivision Sketch Plan -- 42 Petty Brook Road

NO COMMENTS
OR CONCERNS.

RECEIVED
MAY 10 2016
Planning & Economic Development
Milton, Vermont



TECHNICAL ADVISORY COMMITTEE

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, May 26, 2016

Date of Review: 5-4-16

Department: Recreation

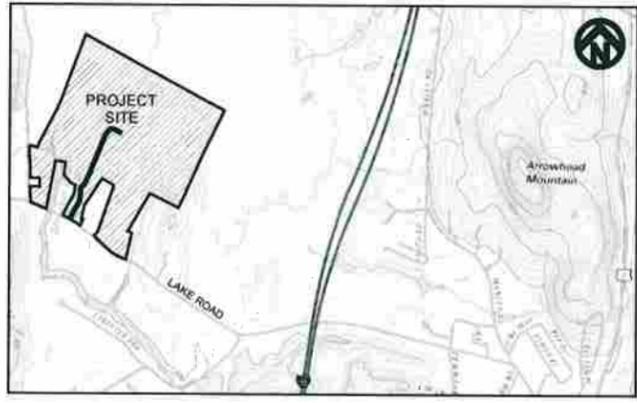
TAC Member: Kyle Duchesneau

Rowley Family Real Estate II, LLC, Owner/Connor & Meghann Rowley, Applicants -- Minor Conventional Subdivision Sketch Plan -- Lake Road and Hibbard Road

- No comments

David C. Howe, Owner/Applicant -- Minor Conventional Subdivision Sketch Plan -- 42 Petty Brook Road

- No comments



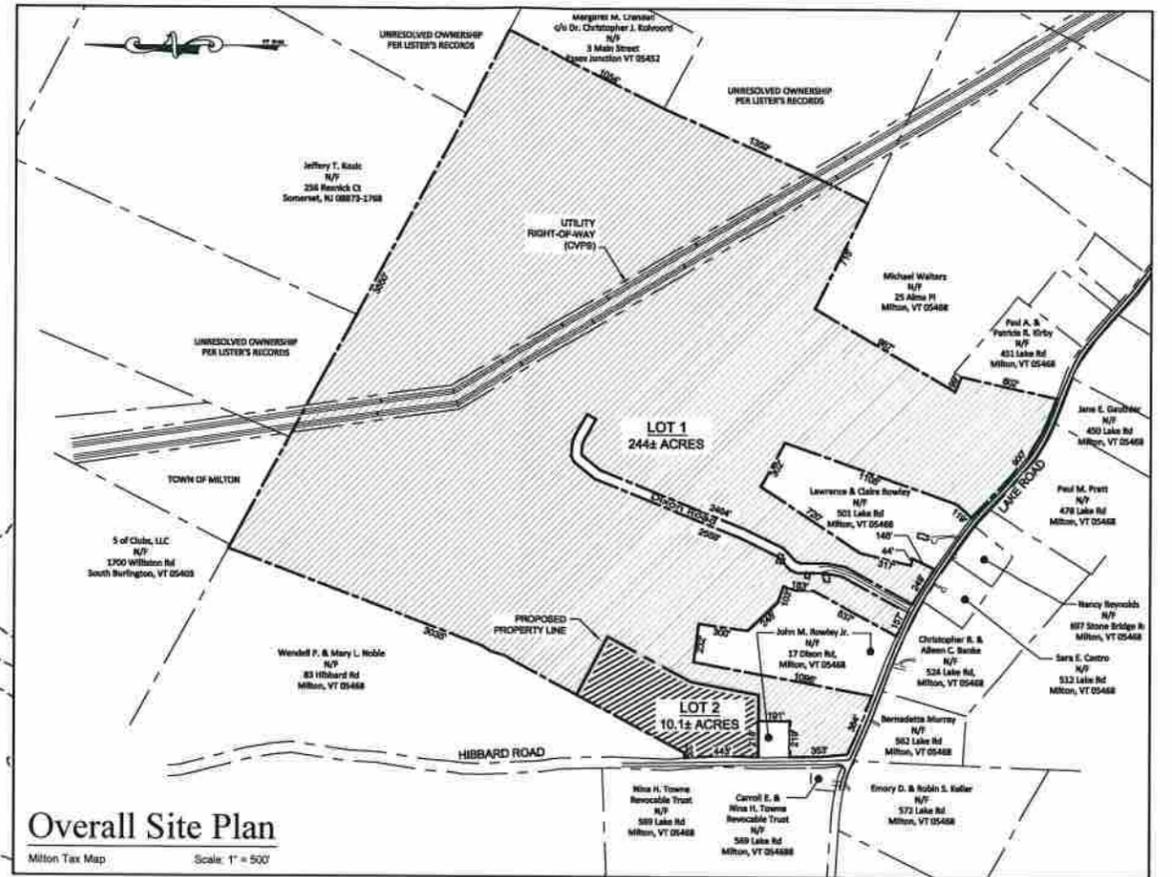
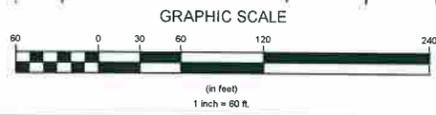
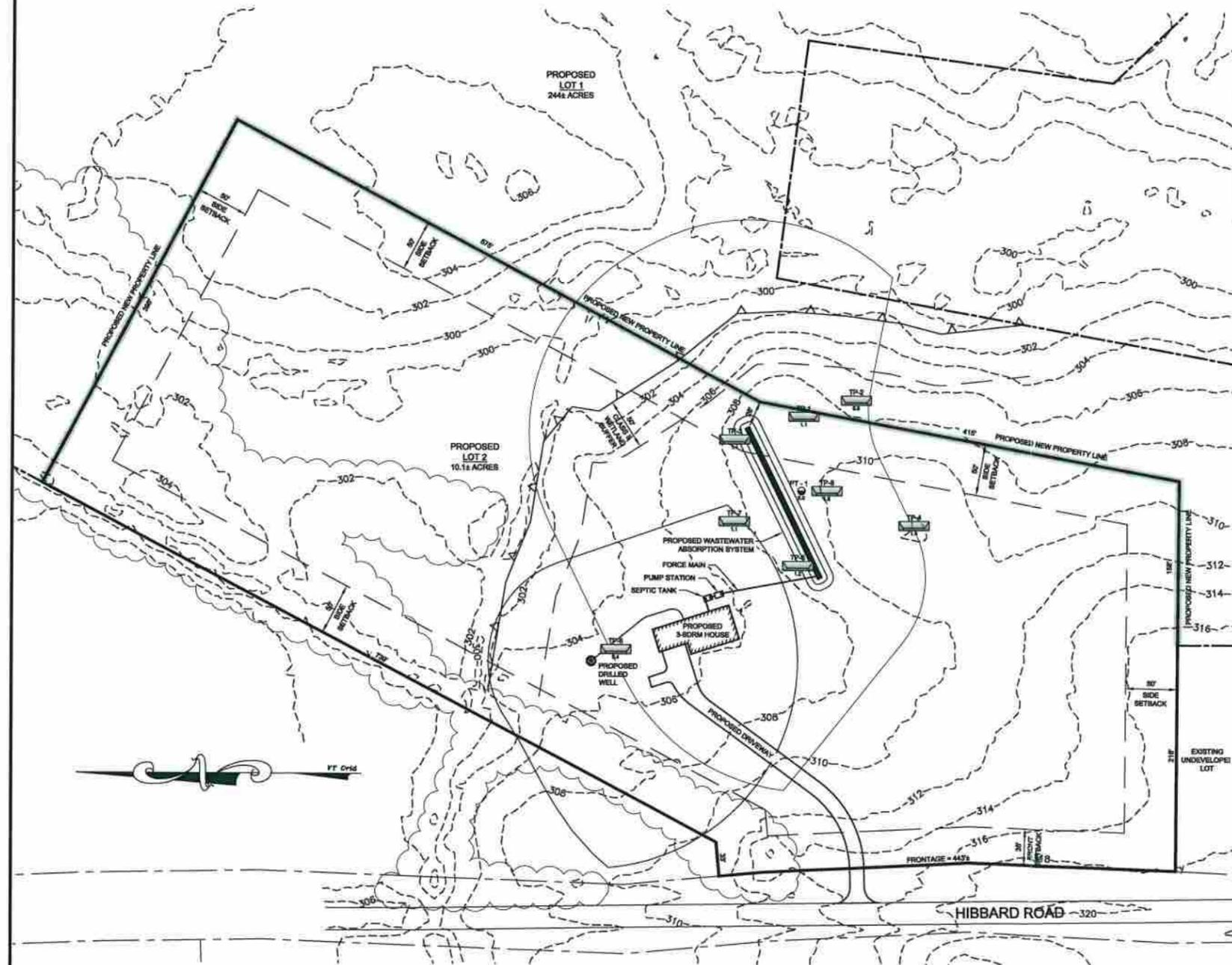
VICINITY MAP
NOT TO SCALE

Legend

- APPROXIMATE PROPERTY LINE
- PROPOSED PROPERTY LINE
- ABUTTER PROPERTY LINE
- - - 700 EXISTING SURFACE CONTOUR
- ▲ WETLAND
- △ UPLAND
- DETAIL NUMBER
- DETAIL REFERENCE
- APPEARS ON PLAN SHEET
- TP-1 TEST PIT LOCATION
- DEPTH (FT) TO EVIDENCE OF SEASONAL HIGH GROUNDWATER
- PT-1 TEST NUMBER
- PERCOLATION TEST LOCATION
- PERCOLATION RATE (MINUTES PER INCH)

SURVEY NOTE

LAMOUREUX & DICKINSON DID NOT PERFORM DEED RESEARCH OR A BOUNDARY SURVEY AND THEREFORE CANNOT PROVIDE DEFINITIVE BOUNDARY INFORMATION. THE TOPOGRAPHIC BASE PLAN WAS CREATED USING LIDAR CONTOURS MADE AVAILABLE BY VERMONT CENTER FOR GEOGRAPHIC INFORMATION. PROPERTY LINES ARE FROM THE TOWN OF MILTON DIGITAL PARCEL MAP, WITH ADDITIONAL INFORMATION PROVIDED BY THE OWNERS. PROPERTY LINE LENGTHS AND LOCATIONS ARE BASED ON THIS PRELIMINARY INFORMATION AND MAY, OR MAY NOT, BE ACCURATE.



THE CONTRACTOR SHALL CALL "DIGSAFE" AT 811 PRIOR TO ANY EXCAVATION.

Soil Test Summary
Logged by Brian Tremback on May 19, 2015

Test #	Depth to evidence of seasonal high groundwater (ft)	Depth to existing groundwater (ft)	Depth to bedrock (ft)
TP-1	1.1	>4.5	>4.5
TP-2	0.9	>4.5	>4.5
TP-3	1.1	>5.0	>5.0
TP-4	1.4	>4.4	>4.4
TP-5	1.2	>4.0	>4.0
TP-6	0.4	>2.5	>2.5
TP-7	1.1	>3.0	>3.0
TP-8	1.5	>3.2	>3.2

Percolation Test Results
Tested by Brian Tremback on May 19, 2015

Test #	Percolation rate (min/in)
PT-1	5.0

APPLICANT
Connor & Meghan Rowley
501 Lake Road
Milton, VT 05468

OWNER
Rowley Family Real Estate
501 Lake Road
Milton, VT 05468

ZONING REQUIREMENTS
Zoning District - Agricultural/Rural Residential (R5)
Tax Map 14 Parcel 6
Parcel ID: 214006.000
Deed Reference: Book 333, Page 894
Lot Area = 255± Acres

2 - LOT MINOR CONVENTIONAL SUBDIVISION

DIMENSIONS

Proposed LOT 2	Required	Proposed
Lot Area	400,000 sf (min.)	437,149 sf
Road Frontage	400 ft (min.)	402 ft
Front Setback	35 ft (min.)	> 35 ft
Side Setback	50 ft (min.)	> 50 ft
Rear Setback	50 ft (min.)	> 50 ft
Building Coverage	40% (max.)	0.5% (2,400 sf)
Lot Coverage	15% (max.)	1.0% (5,300 sf)

Date	Revision	By

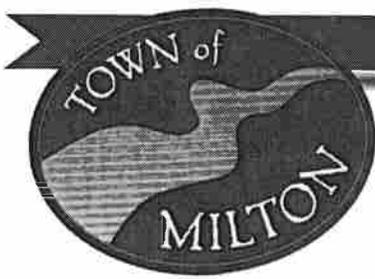
These plans shall only be used for the purpose shown below:

<input checked="" type="checkbox"/> Sketch/Concept	<input type="checkbox"/> Act 250 Review
<input type="checkbox"/> Preliminary	<input type="checkbox"/> Construction
<input type="checkbox"/> Final	<input type="checkbox"/> Record Drawing

Property of Rowley Family Real Estate Lake Road / Hibbard Road Milton, VT	Project No. 15056 Survey -- Design BJT
Subdivision Sketch Plan	Drawn WEH/BJT Checked DJG Date 3-15-2016 Scale 1" = 200' Sheet number S1

Lamoureux & Dickinson
Consulting Engineers, Inc.
14 Morse Drive, Essex, VT 05452
802-878-4450 www.LDengineering.com

RECEIVED
APR 18 2016
Planning & Economic Development
Milton, Vermont



PLANNING DIVISION

43 Bombardier Road • Milton, Vermont 05468-3205
 (802) 893-1186
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

Hearing Date: May 26, 2016	
Case No: DRB 2016-25	
Application(s): 2-lot Minor Conventional Subdivision Sketch Plan	
Application Received: April 29, 2016	
Application Deemed Complete: April 29, 2016	
Staff Report Finalized: May 23, 2016	
Applicant(s): David C. Howe 42 Petty Brook Road Milton, VT 05468 802-343-0032	Owner(s): Same
Engineer/License: None	Surveyor/License: Warren Robenstien 2407 Blakely Road Colchester, VT
E-911/Postal Address: 42 Petty Brook Road	
Tax Map, Parcel(s): 3, 37	
School Parcel Account Number(s) (SPAN): 11614	
Deed(s): Book 69, Page 397 / Book 34, Page 418	
Existing Size: 12.13	
Zoning District(s): Low Density Residential "R3"	
Comprehensive Plan Planning Area/Sub-Area: Catamount Planning Area	
Location: North Side of Petty Brook Road	



INTRODUCTION

Summary of Proposal: The Applicant is seeking Sketch Plan approval for a proposed 2-lot Minor Conventional Subdivision located at 42 Petty Brook Road, described as SPAN# 11614, Tax Map 3, Parcel 37. The site contains an existing single family home served by on-site septic and drilled well. One lot is proposed to contain 6.63 acres and the existing single family home. The second lot is proposed to contain 5.5 acres and a proposed new single family home. The subject property contains a total of 12.13 acres. and is located within the "Low Density Residential" (R3) Zoning District and the Catamount Planning Area.

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

Ethics Disclosure: Staff herein notes that there are no known direct or indirect conflicts of interests between Staff and the owner/applicant.

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

APPLICATION, JURISDICTION, NOTICE

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

Applicant(s): The application was submitted by David C. Howe, referred to hereafter as the "applicant".

Landowner(s): The property is owned by David C. Howe. All owners are signatories to this application.

Project Consultant(s): Warren Robenstien, Surveyor, is a consultant for this project.

Application Submission: The application form was received by the Planning and Economic Development Department on April 29, 2016. Unless otherwise noted, the associated exhibits were received the same day.

Application Completion: The application was deemed complete by staff on April 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: Pursuant to ZR532, the applicant requests a waiver from the minimum frontage requirement for the proposed Lot 2.

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 May 26, 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 pre-application.

- Plat of Survey Clifford, Mary & David Howe Property, by Warren Robenstien, dated August 22, 2003; with proposed subdivision boundaries added.

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

- TAC School District Review Sheet dated 5/15/2016;
- TAC Police Review Sheet dated 5/10/2016;
- TAC Recreation Review Sheet dated 5/4/2016.

SITE, DISTRICT & AREA INFORMATION

Property Location: The subject property is located at 42 Petty Brook Road and shown on Milton's Tax Map 3 as Parcel 37. The corresponding School Parcel Account Number (SPAN) is 11614.

Size/Area: According to the evidence presented, the subject parcel is approximately 12.13 acres or 528383 square feet. The Assessor's Grand List records this property as approximately 12.13 acres.

Deed(s): The deed is recorded in Book 69, Page 387 of the Town of Milton Land Records.

Zoning District(s): The site is located within the Low Density Residential (R3) 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 ZR321 states that the purpose of this district is to "allow for low density clustered residential development. Due to severe environmental limitations 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 Catamount Planning Area, as delineated in Map 2 of the 2013 Comprehensive Plan. The Plan states the following goals about this area:

- Goal 9.7.1.** Encourage high quality industrial development in a sub-regional growth center, which will provide greater employment opportunities and broaden the tax base.
- Goal 9.7.2.** Ensure an aesthetically pleasing approach into Milton.
- Objective 9.7.2.a.** Develop a plan to work towards enhancing the character of Route 7.
- Objective 9.7.2.b.** Encourage high quality planned unit developments to cluster new housing in a way that minimizes visual impacts from Route 7.

Physical Characteristics/Natural Features:

Topography: The site is generally flat with low lying portions on the western half of the property, adjacent to Allen Brook.

Soil: Contains soils of Statewide Agricultural Significance.

Watershed: Drains to Lake Champlain's Mallets Bay via Allen Brook.

Wetland: Contains a small portion of mapped wetlands in the northwest portion of the property. The western portion of the property is traversed by Allen Brook, and likely contains additional unmapped wetlands.

Vegetation: The western portion of the property is wooded, the eastern portion contains an agricultural field.

Habitat/Wildlife Crossings: The wooded portion of the property is part of a Habitat Block of greater than 1600 acres. Petty Brook Road has a low Wildlife Crossing rating.

Historic Resources: No known historic resources have been identified at this time

Surrounding Use/Structures: The property is surrounded on all sides by single family residences.

SITE HISTORY

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

- Sketch Plan Approval for 2-Lot Minot Conventional Subdivision August 17, 2000. EXPIRED.

The applicant conducted a Pre-Application Evaluation with Staff prior to the submission of this application.

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: Single Family Dwelling and Agriculture.

Proposed Use: The proposal is to create additional lot for a Single Family Dwelling on proposed Lot 2.

Existing Improvements:

Buildings: Single Family Residence, accessory structure.

Utilities: On-site Septic and Drilled Well

Access: Driveway onto Petty Brook Road for single family home. Additional access with culvert to access agricultural field.

Proposed Improvements:

Buildings: Additional Single Family Dwelling on proposed new lot.

Utilities:

Water: The proposed new lot is in the water service area.

Wastewater: On-site septic.

Access: Proposed addition driveway at location of existing culvert and access to agricultural field.

Existing Restrictions or Covenants: Plans do not show any existing easements, restrictions, or covenants.

Proposed Restrictions or Covenants: Proposed 20' easement across new lot for access to lot 1.

SUBDIVISION SKETCH PLAN SUBDIVISION SKETCH PLAN REVIEW

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

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

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

SR300, Submittal of Application: Staff finds the application requirements have been adequately met.

SR320, Subdivision Classification: The section states, "The DRB shall classify the sketch plan at the meeting as either a minor subdivision or a major subdivision." The proposal is for a two-lot (2)

subdivision, originating with one (1) parent lot and resulting in two (2) individual lots. SR200.5 defines a minor subdivision as, "Any subdivision containing less than seven lots; any planned residential development or planned unit development containing less than seven units." Staff, therefore, finds that the proposal is a minor subdivision.

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

ZONING REGULATION LOT CONFORMANCE

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

District Dimensional Requirements, ZR324: The tables below show the required dimensional requirement for the subject property's applicable Zoning District and proposed compliance.

Lot 1 (Containing Existing Dwelling)	Required	Proposed
Minimum LOT AREA (sq. ft.)	120,000	288,000
Minimum Road FRONTAGE (linear ft.)	300	300
Minimum FRONT SETBACK (linear ft.)	35	>35
Minimum SIDE SETBACK (linear ft.)	35	35
Minimum REAR SETBACK (linear ft.)	35	>35
Maximum BUILDING COVERAGE	40	<40
Maximum LOT COVERAGE (%)	15	<15

Lot 1 would conform to the dimensional requirements of the R3 District as depicted on the submitted plan and dimensional tables.

Lot 2	Required	Proposed
Minimum LOT AREA (sq. ft.)	120,000	239,500
Minimum Road FRONTAGE (linear ft.)	300	<u>140/245</u>
Minimum FRONT SETBACK (linear ft.)	35	>35
Minimum SIDE SETBACK (linear ft.)	35	>35
Minimum REAR SETBACK (linear ft.)	35	>35
Maximum BUILDING COVERAGE	40	<40
Maximum LOT COVERAGE (%)	15	<15

Lot 2 would not conform to the **minimum road frontage** requirement of the R3 District. The lot contains two lengths of frontage, one equal to approximately 245 feet and another equaling 140 feet, separated by a lot under separate ownership.

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 would have frontage greater than 60 feet on a public road. The proposed access to Lot 2 would be over an existing highway access with an existing culvert, and would not require an additional curb cut. Staff also finds that the addition of a new residential lot would not alter the community character and would be similar to existing residential lots in the area.

1. The DRB shall determine if they shall grant the requested waiver from the minimum frontage requirement for Lot 2.

ZONING REGULATIONS GENERAL PROVISIONS

ZR 570, Sewage Disposal: No building or STRUCTURE shall be erected or altered unless an appropriate sewage disposal system is provided in compliance with all applicable regulations of the State of Vermont, or other governmental authorities.

2. The applicant shall apply for a State Water/Wastewater permit prior to submitting a final plan application.

ZR593, Driveways: The proposal indicates the location of a proposed driveway to utilize an existing access and culvert for the agricultural field. The proposed driveway improvements must meet the standards of ZR593.

3. If approved, the final application shall indicate if the existing culvert is adequate for the proposed driveway in conformance with the driveway standards of ZR593 and the driveway specifications as defined in the Public Works Specifications.

ZR594, Highway Access Permit: No Zoning Permit shall be issued for the construction of a PRIVATE ROAD or DRIVEWAY which intersects a Town or State highway without a valid Highway Access Permit.

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.

Staff finds that the proposed lot 1 has a depth of approximately 1,250 feet. If the “width” is interpreted to be the 300 feet of frontage for the new lot, this proposal does not meet the minimum lot width to depth ratio requirement of ZR640. With an irregular shaped lot, the regulations are not clear on where the width of the lot should be measured. Staff finds the intent of the regulations is to encourage the creation of lots with adequate frontage that are not excessively deep and narrow. Staff finds that the interpretation of this regulation should be made by the DRB in the case of an irregularly shaped lot.

4. The DRB shall determine if the proposed lots meet the minimum lot width to depth ratio as described in ZR640.

ZR691, Distance from Surface Waters: Unless otherwise provided by the Development Review Board in a PLANNED UNIT DEVELOPMENT, no building shall be closer than fifty (50) feet from the ordinary high water mark of any stream, river or brook.

Staff finds that the location of the proposed house on lot 2 is greater than 50 feet from the ordinary high water mark of Allen Brook.

RETURN TO SUBDIVISION REVIEW

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

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

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

SR610, Final Application Content:

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

Subdivision Standards of Evaluation, Section 700:

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

- 700.1 Suitability for Development
- 700.2 Preservation of Aesthetic Features
- 700.3 Sufficient Open Space for Recreation

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

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

SUBDIVISION REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

SR800, Streets: No new streets are proposed.

SR810, Curbs, Sidewalks, and Pedestrian Access: Staff does not find the addition of sidewalks and curbs to be appropriate for this site, but may be deemed so by the DRB.

SR830, Outdoor Lighting: Staff does not find the addition of outdoor lighting to be appropriate for this site, but may be deemed so by the DRB.

SR830, Street Trees: Staff does not find the addition of street trees to be appropriate for this site, but may be deemed so by the DRB.

SR840, Drainage: No change to drainage on the site has been proposed. This item will be further addressed pending Sketch Plan approval. According to SR840, "Where a subdivision is traversed by a water course or drainage way there shall be provided a storm water drainage easement of such width as to encompass the twenty five (25) year flood area of such water course, which easement shall be indicated on the Final Plat."

8. The location of a storm water drainage easement of such width as to encompass the twenty five (25) year flood area of the water course within the subdivision shall be included in the Final Plat application.

SR850, Water System: The applicant has not stated the proposed water system for Lot 2. If approve the adequacy of the proposed water system can be further evaluated at Final.

SR860, Sewage Disposal: The applicant is proposing on-site sewage disposal, but are not indicated on the plans. If approved, the adequacy of the proposed sewage disposal system can be further evaluated at Final. For both water and sewer, the applicant is aware that the subdivision will not be able to proceed to final if the lot layout is unable to obtain a State water/wastewater permit.

SR860, Utilities: No new utility easements have been proposed.

SR880, Layout: Staff finds the proposed lot layout to be irregular, but is attempting to take into account the existing lot shape, drainage patterns, and current land uses. The relevant layout standards are listed below.

SR880.1, Zoning Regulations: The proposed lots' dimensional conformity has been addressed above.

SR880.3, Side Lot Lines: Side lot lines shall generally be at right angles to straight streets or radial to curved street lines.

Staff finds that portions of side lot lines are at right angles to Petty Brook Road, but is inconsistent along the side boundary with Lot 1.

SR880.4, Topography: Consideration in lot layout shall be given to topographic, drainage and soil conditions.

Staff finds that the drainage of Allen Brook is located on Lot 2, with a portion of the actively used soil of statewide significance is split between Lot 1 and Lot 2.

9. The DRB shall determine if the proposed lot layout is in conformance to the lot layout requirements of SR880 above.

Legal Escrow, SR910:

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

Legal Review, SR920:

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

TECHNICAL REVIEW COMMITTEE

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

STATE PERMITS

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

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

STAFF RECOMMENDATION

The Planning Staff recommends that the DRB **approve** the Sketch Plan for a proposed 2-lot Minor Conventional Subdivision located at 42 Petty Brook Road, described as SPAN# 11614, Tax Map 3, Parcel 37, subject to the conditions above.

Respectfully Submitted:



Jeffrey Castle, Town Planner

ATTACHMENTS:

- Plat of Survey Clifford, Mary & David Howe Property, by Warren Robenstien, dated August 22, 2003; with proposed subdivision boundaries added.
- TAC School District Review Sheet dated 5/15/2016;
- TAC Police Review Sheet dated 5/10/2016;
- TAC Recreation Review Sheet dated 5/4/2016.

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.



TECHNICAL ADVISORY COMMITTEE

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, May 26, 2016

Date of Review: 5/5/16

Department: School

TAC Member: Ann Bradshaw

Rowley Family Real Estate II, LLC, Owner/Connor & Meghann Rowley, Applicants -- Minor Conventional Subdivision Sketch Plan -- Lake Road and Hibbard Road

No comments

David C. Howe, Owner/Applicant -- Minor Conventional Subdivision Sketch Plan -- 42 Petty Brook Road

No comments



TECHNICAL ADVISORY COMMITTEE

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, May 26, 2016

Date of Review: 05-10-16

Department: POLICE

TAC Member: Greg Van Noord

Rowley Family Real Estate II, LLC, Owner/Connor & Meghann Rowley, Applicants -- Minor Conventional Subdivision Sketch Plan -- Lake Road and Hibbard Road

NO COMMENTS
OR CONCERNS.

David C. Howe, Owner/Applicant -- Minor Conventional Subdivision Sketch Plan -- 42 Petty Brook Road

NO COMMENTS
OR CONCERNS.

RECEIVED

MAY 10 2016

Planning & Economic Development
Milton, Vermont



TECHNICAL ADVISORY COMMITTEE

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, May 26, 2016

Date of Review: 5-4-16

Department: Recreation

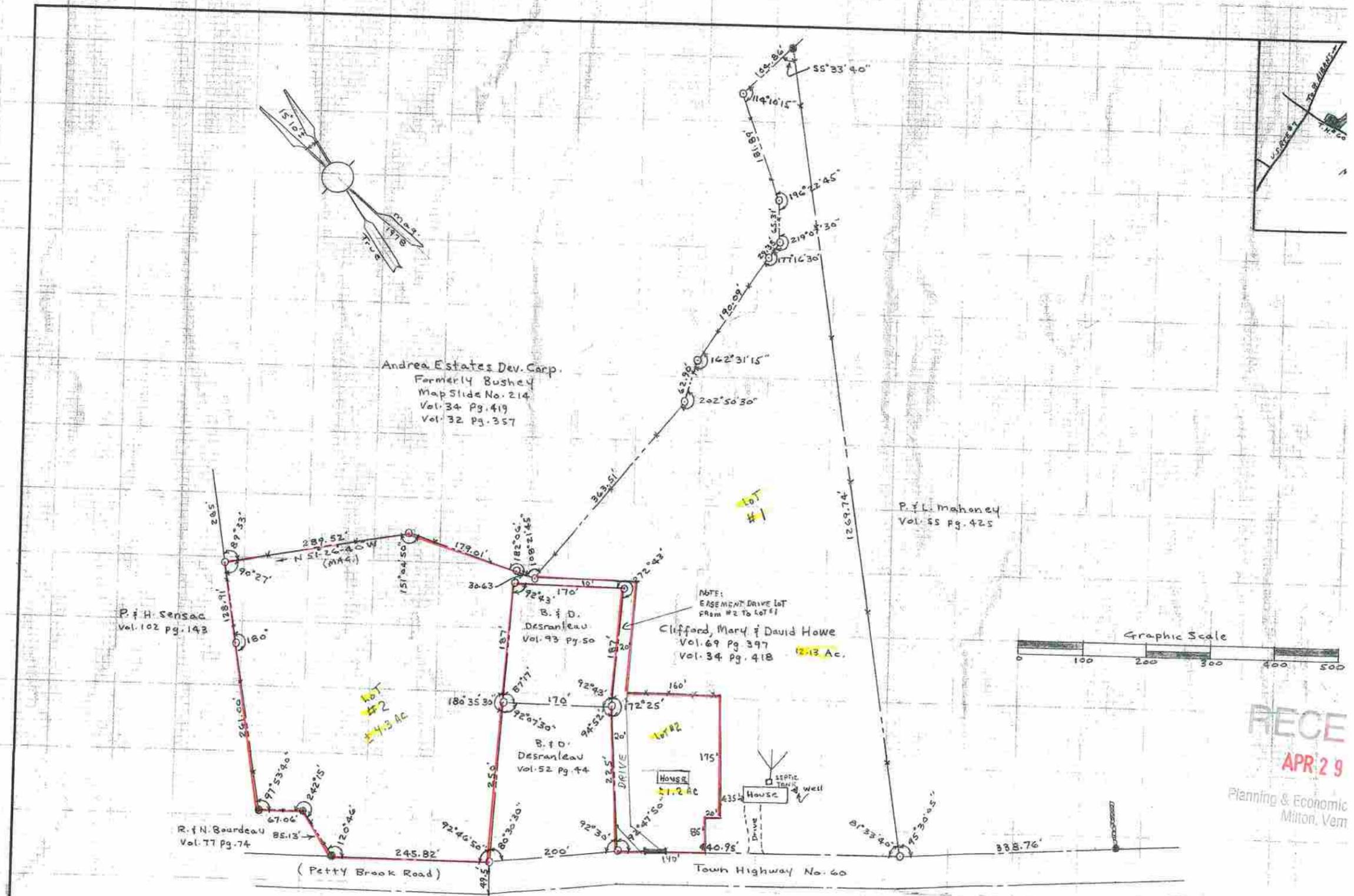
TAC Member: Tom Duchesneau

Rowley Family Real Estate II, LLC, Owner/Connor & Meghann Rowley, Applicants -- Minor Conventional Subdivision Sketch Plan -- Lake Road and Hibbard Road

- No comments

David C. Howe, Owner/Applicant -- Minor Conventional Subdivision Sketch Plan -- 42 Petty Brook Road

- No comments



Andrea Estates Dev. Corp.
Formerly Bushey
Map Slide No. 214
Vol. 34 Pg. 419
Vol. 32 Pg. 357

P. L. Mahoney
Vol. 55 Pg. 425

P. & H. Sensac
Vol. 102 Pg. 143

NOTE: EASEMENT DRIVE LOT FROM #2 TO LOT #1
Clifford, Mary & David Howe
Vol. 69 Pg. 397
Vol. 34 Pg. 418 12.13 Ac.

B. & D. Desranleau
Vol. 93 Pg. 50

B. & D. Desranleau
Vol. 52 Pg. 44

R. & N. Bourdeau
Vol. 77 Pg. 74



PECE
APR 29
Planning & Economic
Milton, Vermont

- Legend**
- existing iron pin ●
 - iron pin set ○
 - old wire fence —x—
 - old stone wall —o—o—o—
 - rural survey ———

SLIDE 140 MAY 636
Milton, Vt. Town Clerk's Office
Received For Record
SEPT 3 A.D. 2003
AT 10 o'clock 00 min. A.M.
AND Recorded in _____
Att:st _____
TOWN Clerk

ATTENTION!
SHOW PLAN
Not For Recording in City
Or Town Records

Plat of Survey Clifford, Mary & David Howe
Town Hwy. No. 60 Petty Brook Rd
Milton, Vermont 12.13 Ac

DATE: Aug. 22, 2003 SCALE: 1" = 100'

WARREN A. ROBSTENIEN, REG. VT & NH L.S.
Mr. Warren Robstien
2407 Blakely Rd
Colchester, VT 05446-4128





DEVELOPMENT REVIEW BOARD

Meeting Type:..... Regular
Date:..... Thursday, May 12, 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 7:03 p.m.
3

4 **2. ATTENDANCE**

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

7 **Members Absent:** None

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

9 **Public Present:**
10

11 **3. AGENDA REVIEW**

12 None.
13

14 **4. PUBLIC FORUM**

15 None.
16

17 **5. OLD HEARINGS**

18 **5(A). Conditional Use - 304 Cold Spring Road - Justin & Betsy Wheating, Owners/Jack Milbank -**
19 **Civil Engineering Associates, Applicant.**
20

21 A site visit was conducted earlier in the day at approximately 5:00 p.m. At the meeting, the Chair read
22 the following summary to open the hearing:
23

24 **Justin & Betsy Wheating, Owners/Jack Milbank - Civil Engineering Associates, Applicant,**
25 **request Conditional Use approval to repair and replace a failed retaining wall with a new, large**
26 **stone retaining wall along the shoreline at 304 Cold Spring Road. No other changes are proposed.**
27 **The subject property contains approximately 1.30 acres, described as SPAN# 13769, Map 9, Parcel**
28 **13-105, and is located within the "Shoreland Residential" (R6) and "Flood Hazard" (FH) Zoning**
29 **Districts and the West Milton Planning Area.**
30

31 Hearing no further questions or comments, the Chair closed the Hearing at 7:05 p.m.
32

33 **5(B). Conditional Use - 690 Everest Road - Virginia & Daniel Dubois, Owners/Jack Milbank -**
34 **Civil Engineering Associates, Applicants.**
35

1 A site visit was conducted earlier in the day at approximately 5:45 p.m. At the meeting, the Chair read
2 the following summary to open the hearing:

3
4 **Virginia & Daniel Dubois, Owners/Jack Milbank - Civil Engineering Associates, Applicant,**
5 request **Conditional Use** approval to repair and replace a failed retaining wall with a new, large
6 stone retaining wall along the shoreline at **690 Everest Road**. The relocation and replacement of
7 existing stairs and deck are proposed. The subject property contains approximately .60 acres,
8 described as SPAN# 10818, Map 37, Parcel 17, and is located within the "Shoreland Residential" (R6)
9 and "Flood Hazard" (FH) Zoning Districts and the West Milton Planning Area.

10
11 Hearing no further questions or comments, the Chair closed the Hearing at 7:06 p.m.

12 **6. NEW HEARINGS**

13 **6(A). Major Conventional Subdivision Sketch Plan - 159 East Road - Chris Blondin/Applicant &**
14 **Sandra Martell/Owner.**

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

18
19 **Chris Blondin/Applicant and Sandra Martell/ Owner** request **Sketch Plan** approval for a **Major**
20 **Conventional Subdivision** located at **159 East Road**. The proposal would result in eight (8) lots, to be
21 served by shared septic and wells. Also proposed is a new, looped private road within a 60' private
22 right-of-way accessed from two intersections on East Road. The site contains several existing
23 structures. The property is described as SPAN numbers 12211 & 12210, Tax Map 11, Parcel 93. The
24 subject property contains a total of 61.41 acres and is located within the "Old Towne Residential" (R1)
25 Zoning District and Town Core Planning Area.

26
27 The Chair administered the Oath to Interested Persons. Representing the applicant was Chris Blondin,
28 hereafter referred to as "applicant." The applicant gave an overview of the proposal, stating that it's
29 the same proposal the DRB heard somewhat recently, but the approval for that project had expired.
30 The applicant stated the mobile homes would be removed from the parcel and that three existing curb
31 cuts would remain.

32
33 In response to the following numbered items within the Staff Report:

- 34 1. The applicant agreed to clarify the total acreage, and agreed that, if approved, the
35 Preliminary Plans shall show areas and be prepared by and attested by a licensed surveyor.
36 At this time, a letter from a neighboring property owner, Marilyn Bluto, was brought up by
37 Staff. Bluto was present and expressed her concerns related to the property boundaries.
38 Bluto requested that the surveyor contact her and walk her around the property boundary,
39 showing her the survey pins; she also requested a copy of the survey. The Applicant
40 confirmed that he had Bluto's phone number and would be in contact with her to work
41 toward resolution of any issues.
- 42 2. The applicant agreed that, if approved, the Preliminary application/plans shall label all
43 existing and proposed utilities as well as existing principal uses housed in each building or

- 1 accessory structure and indicate if the existing uses/buildings/structures are to be retained
2 or removed.
- 3 3. The applicant agreed that the Preliminary Plans shall show the type, location and
4 approximate size of existing and proposed streets and driveways and shall indicate existing
5 access to be retained or removed. A brief discussion of lining the new intersection up with
6 Hardscrabble Road was held; it was quickly determined that this is not possible, because an
7 existing residence sits directly opposite Hardscrabble Road.
- 8 4. The applicant agreed that the Preliminary Plans shall delineate the boundaries all proposed
9 easements.
- 10 5. The applicant agreed that the Preliminary Plans shall show the current names of owners of
11 record of contiguous properties per SR300.2
- 12 6. The applicant agreed that the Preliminary Plan's application and plans shall demonstrate
13 compliance with the road and driveway standards established ZR592 & 593. The Applicant
14 stated that he was unsure if the road would be paved or not.
- 15 7. The applicant agreed to submit, within six (6) months of classification by the DRB of the
16 sketch plan as a major subdivision, an application for approval of a preliminary plat, that the
17 application shall contain those items set forth in Section 600 of these regulations, and shall
18 conform to the layout shown on the sketch plan plus any recommendations made by the
19 DRB.
- 20 8. The applicant agreed to address any current concerns that the DRB may have related to the
21 SR700 Standards above, and that the Preliminary Application shall include Section 700
22 responses specifically addressing how the proposal meets each finding above.
- 23 9. The applicant agreed that the Preliminary Plans shall show design in conformance with
24 SR800.10/ZR590. Brief discussion took place regarding a Technical Advisory Committee
25 (TAC) comment about the private road running parallel to East Road. It was agreed that this
26 is more desirable, for safety reasons, than new curb cuts on East Road.
- 27 10. The applicant agreed to provide an adequate surface storm water drainage plan for the entire
28 subdivision area with the Preliminary Plan application.
- 29 11. The applicant agreed that the Preliminary Plans shall show easements of sufficient width for
30 the proposed shared water and wastewater systems, as well as clearly delineate the
31 boundaries of the access right-of-ways.
- 32 12. The applicant agreed to address all comments by the Development Review Board Technical
33 Advisory Committee and attached to the Staff report. The parallel road and intersection
34 with Hardscrabble Road had already been discussed. A culvert requested by the TAC
35 committee was discussed, and the Chair felt this was not the Applicant's responsibility
36 because the Applicant is not crossing East Road. Adequate parking was brought up, and the
37 Applicant advised that all the lots were bigger than required, and parking should not be an
38 issue. Bluto was asked if she had any further concerns, and she asked which culvert they
39 had been talking about. Bluto stated there is a culvert running under East Road. There
40 appears to be confusion over which culvert the TAC was referring to, and Staff will follow
41 up.
- 42 13. The applicant shall respond to any remaining comments or concerns from the Development
43 Review Board.
- 44

1 Hearing no further questions or comments, the Chair closed the Hearing at 7:25 p.m.

2
3 **6(B). Commercial Planned Unit Development (PUD) Sketch Plan - 496 Route 7 South - David**
4 **Goodrich Properties, LLC/Owner & Applicant.**

5
6 The Chair read the following summary to open the hearing:

7
8 **David Goodrich Properties, LLC, Owner/Applicant** requests **Sketch Plan** approval for a proposed
9 **Commercial Planned Unit Development (PUD)** located at **496 Route 7 South**, described as SPAN
10 #12283, Tax Map 7, Parcel 15-1. The proposal is for four new structures: three single-story retail
11 structures and one two-story retail/office structure. The proposed project would be accessed from US
12 Route 7 South and Racine Road. The subject property contains approximately 10.98 acres and is
13 located within the "Checkerberry" (M4) Zoning District and Town Core Planning Area.

14
15 The Chair administered the Oath to Interested Persons. Representing the Applicant was David
16 Goodrich, hereafter referred to as "applicant(s)." The applicant gave an overview, stating that he had
17 previously proposed a mixed-use PUD but, with Interim Zoning in place and new residential units
18 restricted in this district, this new proposal does not include any residential units. The applicant stated
19 the plan was to build the structures and then, as the units are leased, to finish out the interior to suit.
20 The building footprint would remain the same, but individual unit sizes could change depending on
21 what the client needs. The applicant advised the exterior aesthetics would remain the same across all
22 of the buildings. The applicant also spoke about green space, stating didn't agree with a
23 recommendation in the Staff Report that recommended the green space be moved up toward Route 7.
24 The applicant envisions more of a gathering space/community green, and does not think that people
25 will congregate on a green along Route 7.

26
27 In response to the following numbered items within the Staff Report:

- 28 1. The applicant agreed that, if approved, the Preliminary/Final application shall include the
29 location of all existing and proposed restrictions and covenants on the property, and to
30 present plans consistent with all encumbrances to remain. At this time, the owner of a
31 neighboring parcel located at 484 Route 7 South spoke about her traffic concerns. She also
32 asked about the Route 7 improvements that have been discussed and wondered if this
33 proposal fits in to those plans. The Chair advised that the Route 7 improvements do not
34 concern the DRB, but the DRB is concerned with traffic impacts. The Applicant replied that
35 she is very concerned about the safety of her customers and thinks the proposal will add an
36 undue amount of traffic entering and exiting Route 7. Next, Diane Greenough spoke on
37 behalf of Ivy Lane Condominium Association, with the following questions:
- 38 • Regarding the entrance on Racine Road: does that have to be directly opposite the
39 road used to enter the condos?
 - 40 • Does the stormwater have to be contained on-site? Greenough stated that they
41 already have problems from other neighboring lots, and want it noted that this
42 problem exists.

- 1 • Is a traffic light being considered for the corner of Racine and Route 7? Todd
2 Greenough reiterated that the main entrance is across from condos' entrance, and does
3 not think this is safe or desirable.
4

5 Hannah Fanton, a resident of the condominiums, expressed similar concerns regarding
6 safety, traffic and stormwater runoff. The Applicant assured the neighboring property
7 owners that all stormwater management plans will have to be approved and permitted, and
8 that those permits will have to be in place before the proposal can move forward.

- 9 2. The applicant and the DRB agreed that this item has already been discussed, and the
10 applicant does not plan to relocate the structures closer to Route 7.
- 11 3. The applicant and the DRB agreed that this item has already been discussed, and the
12 applicant does not plan to relocate the green space closer to Route 7.
- 13 4. The applicant agreed that, if approved, Preliminary/Final Plans shall show the proposed
14 road extending to the Eastern property boundary connects to the existing Clifford Drive
15 right-of-way. Some discussion of the road commenced, and in response to questions from
16 the Chair, the Applicant confirmed that he will build a corner section of it, connecting to
17 Clifford Drive.
- 18 5. The applicant agreed that, if approved, Preliminary/Final plans shall indicate the location of
19 streetlights, street trees, signage, and all public spaces. The Applicant agreed to place a stop
20 sign at Racine Road.
- 21 6. The applicant agreed that, if approved, the applicant must submit a Preliminary/Final
22 Application including all elements listed in Subdivision Regulations Section 600.
- 23 7. The applicant agreed that, if approved, the applicant must submit Site Plans including all
24 items listed in Zoning Regulations Section 803.
- 25 8. The applicant stated that the proposal will remain in single ownership.
- 26 9. The applicant agreed to submit, if approved, metes and bound survey with the
27 Preliminary/Final Application.
- 28 10. The applicant agreed that, if approved, Preliminary/Final Plans shall show all features
29 required by ZR851.3.
- 30 11. The applicant agreed that, if approved, Preliminary/Final Plans shall show all features
31 required by ZR851.4.
- 32 12. The applicant agreed that, if approved, Preliminary/Final Plans shall show all features
33 required by ZR851.5
- 34 13. The applicant agreed that, if approved, the Preliminary/Final Plans shall include a narrative
35 response as required by ZR851.6
- 36 14. The Chair and the DRB agreed that a site visit had already been done, and also agreed that if
37 any changes are made another site visit may be conducted by the DRB, and if necessary the
38 applicant shall place temporary markers on the lands in order to enable the DRB to readily
39 locate and appraise the basic layout of the proposed PUD prior to any Preliminary hearing.
40 A couple of neighbors spoke at this time about traffic, a traffic light, and buffer zones.
- 41 15. The applicant is unable to state the total number of units the PUD will contain, as it depends
42 on how much square footage any given tenant wants. At this time, the applicant clarified
43 that, although he'd previously stated the property would remain in single ownership, it is

1 possible in the future that any given building might be sold, but the units within that
2 building would remain in single ownership.

- 3 16. The Chair stated that the applicant is not subdividing; Staff advised that the Regulations
4 require any PUD to be considered under the subdivision regulations. The DRB will discuss
5 in Deliberative Session.
- 6 17. The applicant agreed that the preliminary application shall also include a site plan application,
7 including all requirements listed in ZR800.
- 8 18. The Chair confirmed with the Applicant that at this time no footprint lots are proposed.
- 9 19. The applicant agreed to include the location and design of the proposed sewage disposal
10 system with the Preliminary/Final application. The applicant stated the project will be
11 connected to Town sewer.
- 12 20. The applicant agreed to include the location and design of the proposed water system with the
13 Preliminary/Final application, adding that the project will be served by municipal water.
- 14 21. The applicant agreed that, if approved, the applicant shall show all roads and driveways in
15 accordance with ZR590 and ZR800.
- 16 22. The applicant agreed that if approved, a letter of intent from the Vermont Agency of
17 Transportation in regards to access to Route 7 shall be included with the Preliminary/Final
18 application.
- 19 23. The applicant agreed to submit traffic generation data and provide Staff with a narrative or
20 outline showing how the traffic generation data was calculated at the Preliminary/Final Plan
21 review.
- 22 24. The applicant agreed that if approved, a traffic study must be submitted with the
23 Preliminary/Final Plan application that should address traffic impacts at project access points,
24 major intersections and other nearby locations, to include potential traffic impacts upon Route 7
25 South, Racine Road, Forbes Road and, if applicable, Clifford Drive.
- 26 25. The applicant agreed that the Site Plan shall include information concerning all infrastructure
27 improvements within the PUD and with Public Roads.
- 28 26. The applicant agreed that if approved, the Preliminary/Final plans shall include buildable
29 envelopes, per ZR854.1.
- 30 27. The applicant agreed that the Preliminary application shall include narrative responses to the
31 standards of SR700.
- 32 28. The applicant agreed that within six (6) months of classification by the DRB of the sketch
33 plan as a minor subdivision, the subdivider shall submit an application for approval of a
34 subdivision plat. The application shall contain those items set forth in Section 610 of these
35 regulations, and shall conform to the layout shown on the sketch plan plus any
36 recommendations made by the DRB.
- 37 29. The applicant agreed that if approved, all draft legal documents associated with the
38 development must be submitted with the Preliminary/Final application for review by the
39 Town Attorney. These documents must be revised to his satisfaction if necessary. The Chair
40 asked if this was necessary under single ownership. Staff stated that if it remains in single
41 ownership, deed review would not be necessary but other legal documents (such as
42 easements) would need to be reviewed.
- 43 30. The applicant agreed to submit \$500.00 with the preliminary/final application to be held in
44 escrow by the Town to cover the costs of legal review by the Town Attorney, that any funds not

1 expended on this proposal's legal review shall be refunded to the Applicant, and that any funds
2 expended in excess of \$500 shall be paid for by the Applicant.

- 3 31. The applicant agreed to obtain a Project Review Sheet from the Permit Specialist in the District
4 4 Regional Office of the Agency of Natural Resources, provide a copy to the Town, and ensure
5 that all the necessary State permits are obtained.
- 6 32. The applicant agreed that all comments by the Development Review Board Technical Advisory
7 Committee (TAC) and attached to the Staff report shall be addressed. The Chair read
8 through the TAC comments, and felt they had been mostly discussed already. The
9 comments of the Fire Department were reviewed and the Applicant agreed they would be
10 addressed.
- 11 33. The applicant responded to the few remaining comments from the Development Review
12 Board.

13
14 Hearing no further questions or comments, the Chair closed the Hearing at 8:41 p.m.

15
16 **6(C). Conditional Use & Variance - 13 Rainbow Place - Mike Crete/Owner & Rick
17 LeClair/Applicant.**

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

20
21 **Mike Crete, Owner/Rick LeClair, Applicant request Conditional Use and Variance** approval for
22 an addition of approximately 12' x 24' and to elevate the existing residence located in the Flood
23 Hazard Zone. The proposal also requires a Variance in order to expand a non-complying structure
24 per ZR520.2. The property is located at **13 Rainbow Place** and described as SPAN# 13654; Tax Map
25 2, Parcel 28 . The subject property contains .50 acres and is located within the "Flood Hazard" (FH)
26 Zoning District and West Milton Planning Area.

27
28 The Chair administered the Oath to Interested Persons. Representing the applicant was Rick LeClair,
29 hereafter referred to as "applicant." The Applicant stated the proposal is to construct an addition
30 facing Rainbow Place, and this requires elevating the entire structure by approximately three feet.
31 Bonges asked if the addition itself makes the property more non-conforming and the applicant stated
32 that it does not. However, the stairs necessary to access the newly-elevated deck would encroach
33 upon the setback. The applicant stated he would be willing to move the stairs to the side of the deck.
34 Conley asked if the camp is to remain seasonal; the Applicant confirmed it was.

35
36 In response to the following numbered items within the Staff Report:

- 37 1. The DRB felt that no site visit was necessary.
- 38 2. The applicant and the DRB agreed that all proposed additions and alterations to the
39 structure including decks and stairs had been discussed. The stairs were discussed again,
40 and the applicant stated again that he is willing to move the stairs to the south side of the
41 deck.
- 42 3. The DRB and applicant felt this item (any unique physical circumstances or conditions of the
43 site that create unnecessary hardship) had already been discussed.

- 1 4. As the structure is an existing non-conformity, the Variance and Conditional Use are
- 2 necessary. The DRB had no further questions regarding this point.
- 3 5. The group briefly discussed whether or not the unnecessary hardship has been created by the
- 4 appellant.
- 5 6. The Chair clarified that the stairs are only being added to make the existing deck accessible
- 6 once it is raised.
- 7 7. The DRB did not have any further questions regarding the Variance required findings.
- 8 8. The applicant agreed that proper erosion and sedimentation measures shall be implemented
- 9 during construction.
- 10 9. The applicant agreed that the DRB may attach such additional reasonable conditions and
- 11 safeguards as it may deem necessary to implement the provisions and intentions of the
- 12 Regulations and the Milton *Comprehensive Plan*.
- 13 10. The applicant agreed to construct and maintain the proposed addition in accordance with
- 14 Section VII of Appendix A, Special Flood Hazard Area.
- 15 11. The applicant agreed that the proposed improvements shall be located such that the lowest
- 16 floor is at least one (1) foot above the base flood elevation, and that this must be documented
- 17 in as-built condition with a FEMA Elevation Certificate.
- 18 12. The applicant stated this was no applicable. A Project Review Sheet has already been
- 19 obtained, which Staff confirmed.
- 20 13. The applicant stated he has already spoken with the State NFIP Coordinator.
- 21 14. The applicant agreed that a Zoning Permit is required prior to construction and an
- 22 associated Certificate of Compliance is required after construction is complete (and prior to
- 23 occupation/use of the new structures).
- 24 15. The DRB did not have any remaining questions or concerns.
- 25

26 Hearing no further questions or comments, the Chair closed the Hearing at 9:03 p.m.

27

28 **7. OTHER BUSINESS**

29 **7(A). Staff Update**

30 Staff gave a quick update on the scheduled hearings for the DRB's next meetings.

31

32 **8. MINUTES**

33 **8(A). Minutes of April 28, 2016**

34 MOTION by Forgan to APPROVE the Minutes of April 28, 2016 as written; SECOND by Conley.
35 Unanimously APPROVED.

36

37 **9. DELIBERATIVE SESSION**

38 MOTION by Conley to enter Deliberative Session at 9:05 p.m.; SECOND by Forgan. Unanimously
39 APPROVED.

40

41 **10. ADJOURNED**

42 MOTION by Conley to adjourn at 9:06 p.m.; SECOND by Forgan. Unanimously APPROVED.

1 Minutes approved by the Commission this _____ day of _____, 2016.
2
3

4 Bruce Jenkins, Chair _____ /kt
5

6 Draft filed with the Town Clerk this _____ day of _____, 2016.
7

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

DRAFT