

# DEVELOPMENT REVIEW BOARD

Meeting Type:.....**Regular Meeting** (2nd and 4th Thursdays of each Month)  
 Date:.....**Thursday, June 9, 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). **Scott Allard, Owner/Applicant** requests **Conditional Use** approval at **467 West Milton Road** in order to elevate a portion of the existing structure so the living space is above the base flood elevation. The proposal does not include any increase in square footage. The subject property consists of approximately 0.85 acres, is described as SPAN# 13071, Tax Map 6 and Parcel 42, and is located in the Flood Hazard Zoning District and Lamoille Planning Area.

6(B). **J.M. Rowley Corporation, Owner/Kevin Carmichael, Applicant** request after-the-fact **Site Plan & Conditional Use** approval under Section 110 of the Milton Zoning Regulations for an expansion of use to add an accessory vehicle/trailer (U-Haul) rental service to the existing personal service use (Tool Wizard & More) at **5 River Street**. The proposal includes modifications to the approved parking and internal circulation. The subject property consists of approximately 1.68 acres, is described as Tax Map 34 and Parcel 2, and is in the Old Towne Residential/Commercial (M5) Zoning District and Town Core Planning Area.

7. Other Business:

7(A). **Staff Update**

8. **Approval of Minutes of May 26, 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> June 9, 2016	
<b>Case No:</b> DRB 2016-26	
<b>Application(s):</b> Conditional Use	
<b>Application Received:</b> April 28, 2016	
<b>Application Deemed Complete:</b> April 28, 2016	
<b>Staff Report Finalized:</b> Monday, June 6, 2016	
<b>Applicant(s):</b> Scott Allard 467 West Milton Road <a href="mailto:sallard@rowleyfuels.com">sallard@rowleyfuels.com</a> 802-316-0670	<b>Owner(s):</b> Same
<b>Engineer/License:</b> None	<b>Surveyor/License:</b> None
<b>E-911/Postal Address:</b> 467 West Milton	
<b>Tax Map, Parcel(s):</b> 6, 42	
<b>School Parcel Account Number(s) (SPAN):</b> 13071	
<b>Deed(s):</b> Book 436, Page 676	
<b>Existing Size:</b> 0.85 acres	
<b>Zoning District(s):</b> Flood Hazard "FH"	
<b>Comprehensive Plan Planning Area/Sub-Area:</b> Lamoille Planning Area	
<b>Location:</b> West Milton Road, between West Milton Road and the Lamoille River	
	

## INTRODUCTION

**Noticed/Warned Summary of Proposal:** Scott Allard, Owner/Applicant requests Conditional Use approval at 467 West Milton Road in order to elevate a portion of the existing structure so the living space is above the base flood elevation. The proposal does not include any increase in square footage. The subject property consists of approximately 0.85 acres, is described as SPAN# 13071, Tax Map 6 and Parcel 42, and is located in the Flood Hazard Zoning District and Lamoille Planning Area.

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

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

**Hearing Process/Procedure:** Applicants and interested persons can 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 Scott Allard referred to hereafter as the "applicant".

**Landowner(s):** The property is owned by Scott Allard. The owner is signatory to this application.

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

**Application Completion:** The application was deemed complete by Staff on April 28, 2016.

**State Project Review:** 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.

**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."

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."

Appendix A, Section VI, D states: "Conditional use review and approval by the DRB is required prior to the issuance of a permit by the ZA for the following proposed development: 1. Substantial improvement, elevation, relocation, or flood proofing of existing structures.... 3. Improvements to existing structures in the floodway."

**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 June 9, 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:

- Elevation Certificate, dated 4/28/2014
- Current Elevations, received 4/28/2016
- Proposed Elevations, received 4/28/2016
- Partial Site Plan, Received 4/28/2016
- Parcel Map, received 4/28/2016

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

- Technical Advisory Committee (TAC) Police Review Sheet dated 5/18/2016;
- TAC Recreation Review Sheet dated 5/17/2016.

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

**Property Location:** The subject property is located at 467 West Milton Road and shown on Milton's Tax Map 6 as Parcel 42. The corresponding School Parcel Account Number (SPAN) is 13071.

**Size/Area:** According to the Assessor's Grand List records this property as approximately 0.85 acres.

**Deed(s):** The deed is recorded in Book 436, Page 676 of the Town of Milton Land Records.

**Zoning District(s):** The site is located within the 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. Appendix A, Section II States the Purpose of the Flood Hazard Zoning District Regulations is to:

1. Implement the goals, policies, and recommendations in the current municipal plan;
2. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding;
3. Ensure that the selection, design, creation, and use of development is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair flood plain services or the stream corridor;
4. Manage the flood hazard area designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the Town of Milton its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

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

**Goal 9.11.1.** Encourage innovative neighborhood planning concepts.

**Objective 9.11.1.a.** Develop standards and encourage primarily residential areas with small neighborhood parks and a small local neighborhood store.

**Objective 9.11.1.b.** Encourage medium and low density planned residential developments.

**Goal 9.11.2.** Maximize access to the Lamoille riverfront.

**Objective 9.11.2.a.** Encourage recreational uses and facilities along the Lamoille River.

**Physical Characteristics/Natural Features:** The property is predominantly flat and slopes toward the Lamoille River. It drains to Lake Champlain via the Lamoille River. Prime agricultural soils and contains a mix of trees and open land.

**Surrounding Use/Structures:** The property is surrounded by existing agricultural uses and 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.

**Proposed Usage/Conditions of Use:** No change of use is proposed.

**Existing Improvements:**

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

**Structures:** The property currently contains existing garage.

**Access:** The site is accessed via an existing gravel drive with 2 accesses to West Milton Road.

**Utilities:** The site is served by onsite septic and well.

**Proposed Improvements:** The applicant is proposing to elevate a portion of the existing single family residence with no increase in square footage.

### 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.

### CONDITIONAL USE REVIEW

**Appendix A, Section VI, D:** states: "Conditional use review and approval by the DRB is required prior to the issuance of a permit by the ZA for the following proposed development: 1. Substantial improvement, elevation, relocation, or flood proofing of existing structures.... 3. Improvements to existing structures in the floodway."

**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 addition 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 elevate a portion of an existing structure.

**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 dwelling is located in the floodplain of the Lamoille River, and there are significant environmental limitations within an active floodplain. Staff finds that the proposal is to also elevate the existing structure, which will make the structure more resilient to future flooding.

1. 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 Lamoille Planning Area. The goals of this planning area include:

- Goal 9.11.1.** Encourage innovative neighborhood planning concepts.
- Goal 9.11.2.** Maximize access to the Lamoille riverfront.

Staff finds that the proposed construction will not have an adverse impact on these goals or the ordinances or regulations of the Town of Milton

**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*.

2. 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*.
3. The DRB shall determine if the proposal has an undo adverse effect on the above standards.

### **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.

The subject property is located in the Flood Hazard District, specifically the Special Flood Hazard Area and the Flood Way of the Lamoille River. 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 addition will be located in Special Flood Hazard Area.

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

**Appendix A, Section VII.A.3 Structures Substantially Improved in Zone AE:** Structures to be substantially improved shall be located such that the lowest floor is at least one (1) foot above the base flood elevation, this must be documented, in as-build condition, with a FEMA Elevation Certificate.

Staff finds that the base flood elevation in this area is 108.57 feet. The proposal is to elevate the new and existing structures to an elevation of 110.86 feet, which is over one foot above the base flood elevation.

5. The proposed improvements shall be located such that the lowest floor is at least one (1) foot above the base flood elevation, this must be documented, in as-build condition, with a FEMA Elevation Certificate.

**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. The applicant has acquired a State 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. 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

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

### STAFF RECOMMENDATION

The Planning Staff recommends that the DRB **APPROVE Conditional Use** approval for the elevation of a portion of the existing single family dwelling located at **467 West Milton Road** and described as SPAN 13071, Tax Map 6 and Parcel 42, subject to the conditions above.

**Respectfully Submitted:**



**Jeffrey Castle, Town Planner**

**ATTACHMENTS:**

- Elevation Certificate, dated 4/28/2014
- Current Elevations, received 4/28/2016
- Proposed Elevations, received 4/28/2016
- Partial Site Plan, Received 4/28/2016
- Parcel Map, received 4/28/2016
- Technical Advisory Committee (TAC) Police Review Sheet dated 5/18/2016;
- TAC Recreation Review Sheet dated 5/17/2016.

**COPIES TO:**

- Applicant(s)
- Owners(s)

**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.

# ELEVATION CERTIFICATE

IMPORTANT: Follow the instructions on pages 1-9.

OMB No. 1660-0008  
 Expiration Date: July 31, 2015

## SECTION A - PROPERTY INFORMATION

A1. Building Owner's Name <u>Scott K. Allard</u>		FOR INSURANCE COMPANY USE	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. <u>467 West Milton Road</u>		Policy Number:	
City <u>Milton</u> State <u>VT</u>		Company NAIC Number:	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) <u>Tax Map 4, Parcel 6, Deed Vol. 41, Page 194</u>		ZIP Code <u>05468</u>	
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Residential</u>			
A5. Latitude/Longitude: Lat. <u>44.371633</u> Long. <u>73.103420</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983			
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.			
A7. Building Diagram Number <u>2</u>			
A8. For a building with a crawlspace or enclosure(s):		A9. For a building with an attached garage:	
a) Square footage of crawlspace or enclosure(s) <u>1117</u> sq ft	a) Square footage of attached garage _____ sq ft		
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>0</u>	b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade _____		
c) Total net area of flood openings in A8.b <u>0</u> sq in	c) Total net area of flood openings in A9.b _____ sq in		
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No		

## SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number <u>Milton, 500038</u>		B2. County Name <u>Chittenden</u>		B3. State <u>VT</u>	
B4. Map/Panel Number <u>50007</u>	B5. Suffix <u>C0131D</u>	B6. FIRM Index Date <u>07/18/2011</u>	B7. FIRM Panel Effective/Revised Date	B8. Flood Zone(s) <u>AE</u>	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) <u>108.57</u>
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in item B9: <input checked="" type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ / _____ / _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

## SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction  
 \*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete items C2.a-h below according to the building diagram specified in item A7. In Puerto Rico only, enter meters.  
 Benchmark Utilized: D10452 Vertical Datum: NAVD 88 (Geoid 12A)

Indicate elevation datum used for the elevations in items a) through h) below.  NGVD 1929  NAVD 1988  Other/Source: \_\_\_\_\_  
 Datum used for building elevations must be the same as that used for the BFE.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	<u>103.36</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
b) Top of the next higher floor	<u>110.86</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only)	_____	<input type="checkbox"/> feet <input type="checkbox"/> meters
d) Attached garage (top of slab)	_____	<input type="checkbox"/> feet <input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	<u>103.62</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG)	<u>105.45</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG)	<u>107.15</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	<u>105.54</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters

RECEIVED  
 APR 28 2015  
 Planning & Economic Development  
 Milton, Vermont

## SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor?  Yes  No  
 Check here if attachments.

Certifier's Name <u>Douglas L. Henson</u>		License Number <u>VT 024.00000656</u>	
Title <u>Vice President</u>	Company Name <u>Lamoureux &amp; Dickinson</u>		
Address <u>14 Morse Drive</u>	City <u>Essex</u>	State <u>VT</u>	ZIP Code <u>05452</u>
Signature 	Date <u>04/28/2014</u>	Telephone <u>(802) 878-4450</u>	



APR 28 2016

Planning & Economic Development

ELEVATION CERTIFICATE, page 2

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>			<b>FOR INSURANCE COMPANY USE</b>
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 467 West Milton Road			Policy Number:
City Milton	State VT	ZIP Code 05468	Company NAIC Number:

**SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)**

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments The furnace is elevated on a 0.4' thick concrete slab set on dirt floor basement

Signature

Date 04/28/2014

**SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)**

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
  - a) Top of bottom floor (including basement, crawlspace, or enclosure) is \_\_\_\_\_ feet  meters  above or  below the HAG.
  - b) Top of bottom floor (including basement, crawlspace, or enclosure) is \_\_\_\_\_ feet  meters  above or  below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8–9 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is \_\_\_\_\_  feet  meters  above or  below the HAG.
- E3. Attached garage (top of slab) is \_\_\_\_\_  feet  meters  above or  below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is \_\_\_\_\_ feet  meters  above or  below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?  Yes  No  Unknown. The local official must certify this information in Section G.

**SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION**

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name Doug Henson

Address 14 Morse Drive City Essex State VT ZIP Code 05452

Signature *Doug Henson* Date 07/22/2013 Telephone (802) 878-4450

Comments

Check here if attachments.

**SECTION G – COMMUNITY INFORMATION (OPTIONAL)**

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

- G1.  The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2.  A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3.  The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate Of Compliance/Occupancy Issued
-------------------	------------------------	---

G7. This permit has been issued for:  New Construction  Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: \_\_\_\_\_  feet  meters Datum \_\_\_\_\_

G9. BFE or (in Zone AO) depth of flooding at the building site: \_\_\_\_\_  feet  meters Datum \_\_\_\_\_

G10. Community's design flood elevation: \_\_\_\_\_  feet  meters Datum \_\_\_\_\_

Local Official's Name \_\_\_\_\_ Title \_\_\_\_\_

Community Name \_\_\_\_\_ Telephone \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Comments

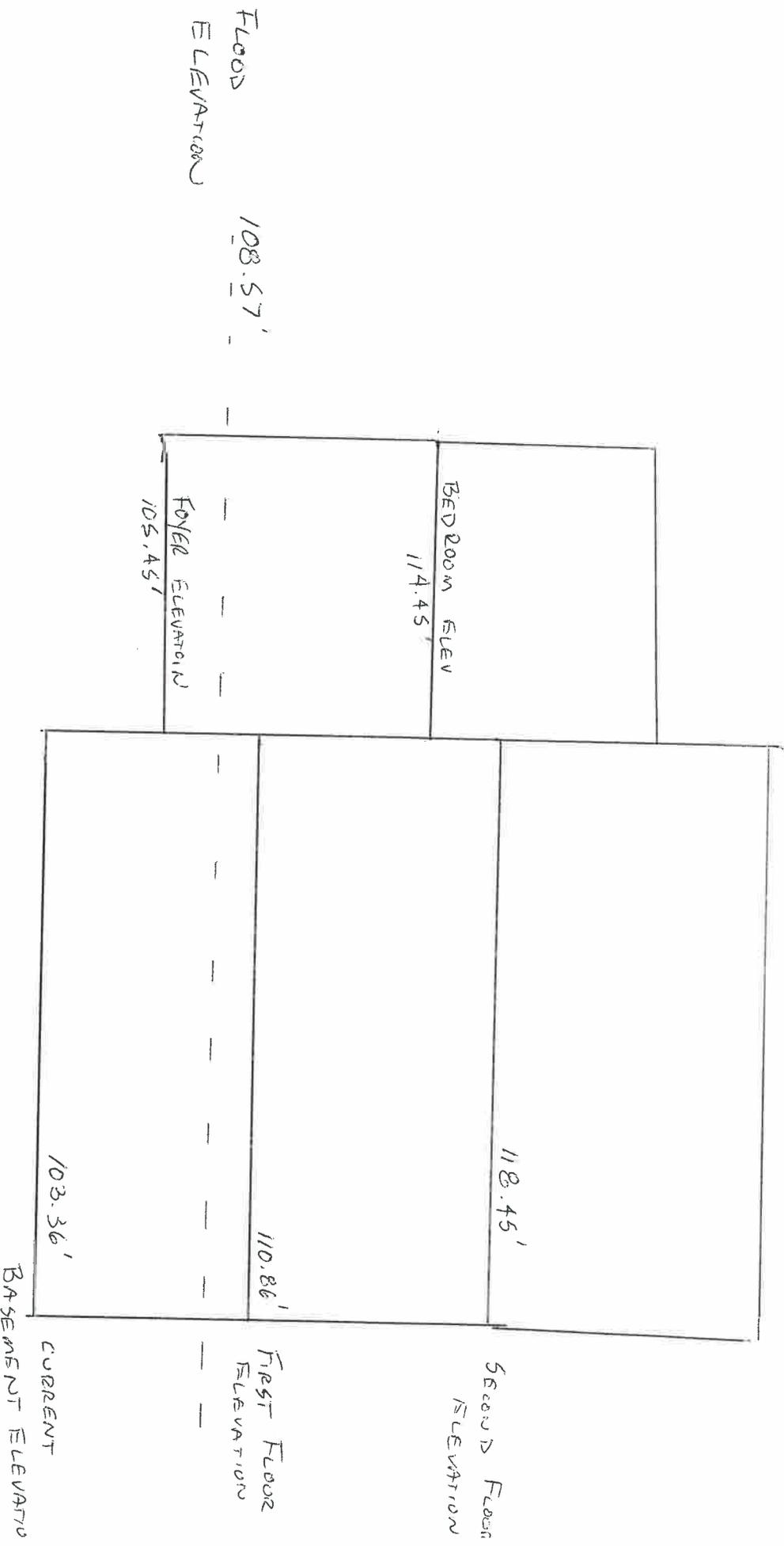
Check here if attachments.

CURRENT ELEVATIONS

RECEIVED

APR 28 2016

Planning & Economic Development  
Milton, Vermont

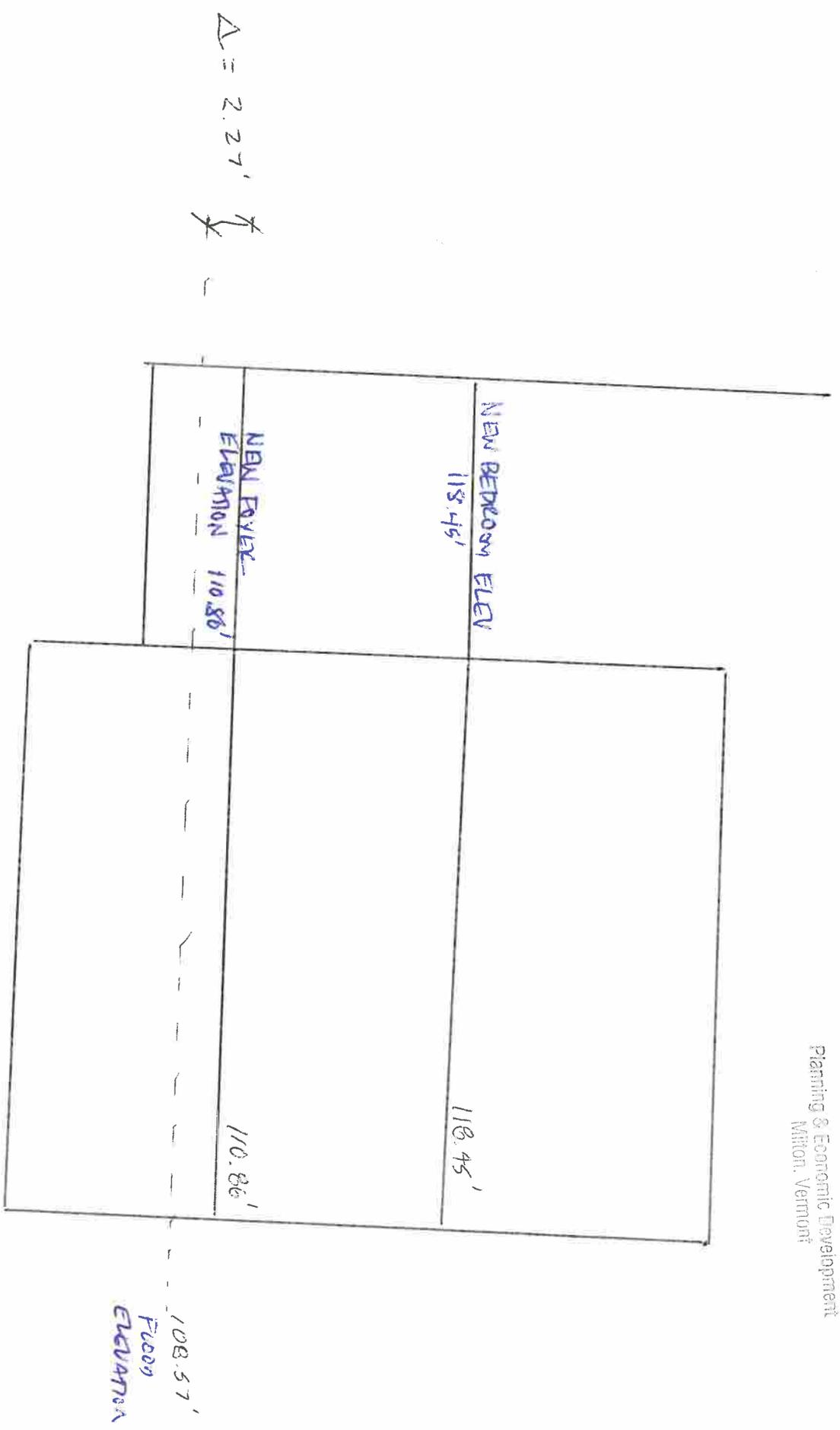


Proposed Elevation

RECEIVED

APR 28 2015

Planning & Economic Development  
Wilton, Vermont



TOP OF BANK

CALL "DIGSAFE" AT 811  
PRIOR TO ANY EXCAVATION

**RECEIVED**

APR 28 2016

Planning & Economic Development  
Milton, Vermont

SCOTT ALLARD  
1.84 ACRES

EXISTING AND PROPOSED  
HOUSE LOCATION

66'

APPROXIMATE  
EXISTING  
- TO BE  
IN

EXISTING  
DRILLED WELL

EXISTING  
GARAGE

EXISTING  
4-BEDROOM HOUSE  
#467

3  
D1  
2" SCH 40 PVC  
FORCE MAIN

2  
D1  
NEW 1,000-GAL  
PUMP STATION

1  
D1  
NEW 1,000

EXISTING DRIVEWAY

FM

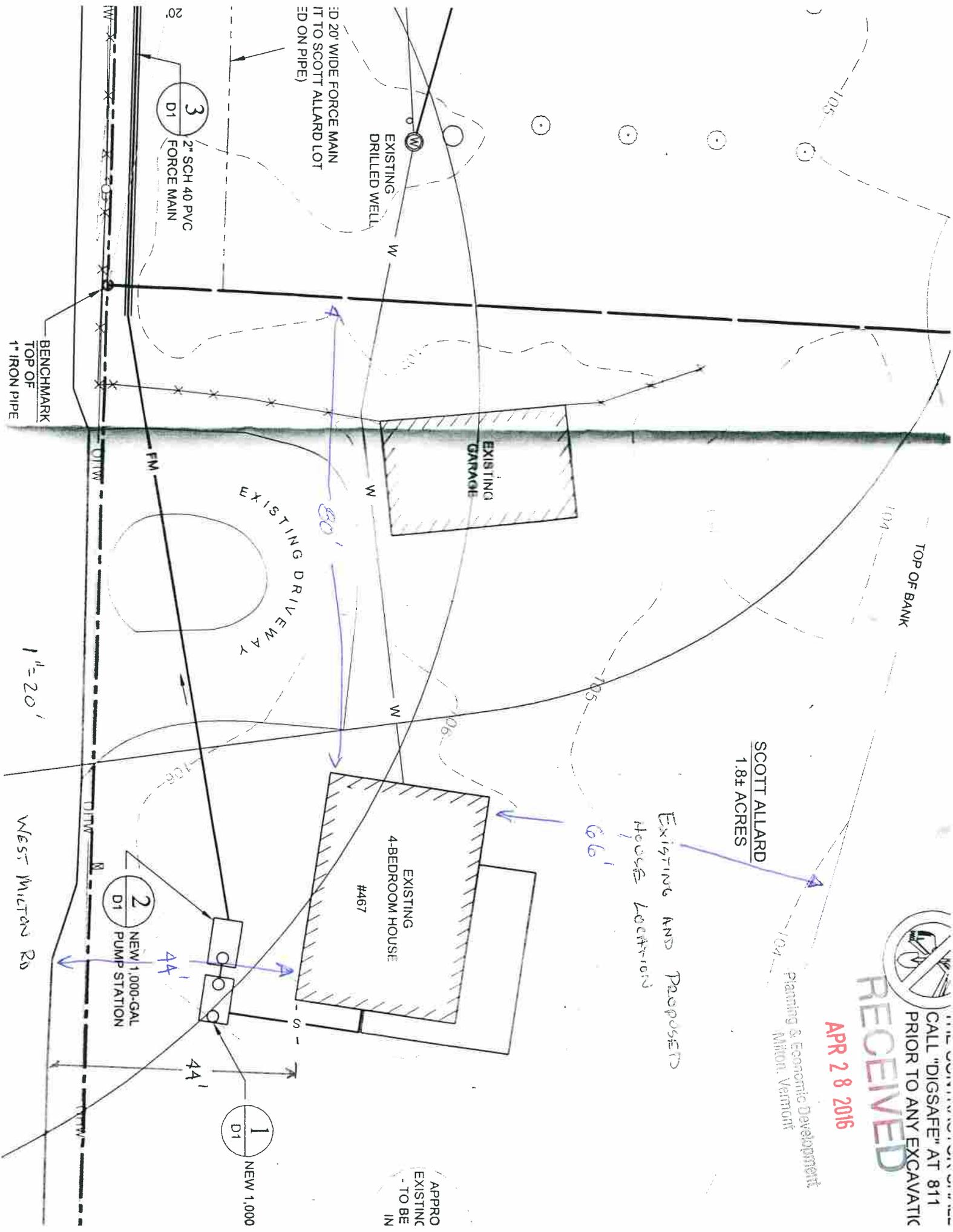
OTTW

DITW

BENCHMARK  
TOP OF  
1" IRON PIPE

1" = 20'

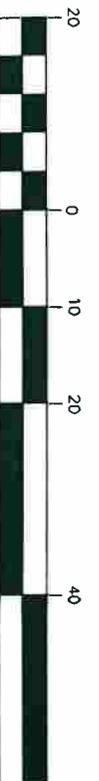
West Milton Rd



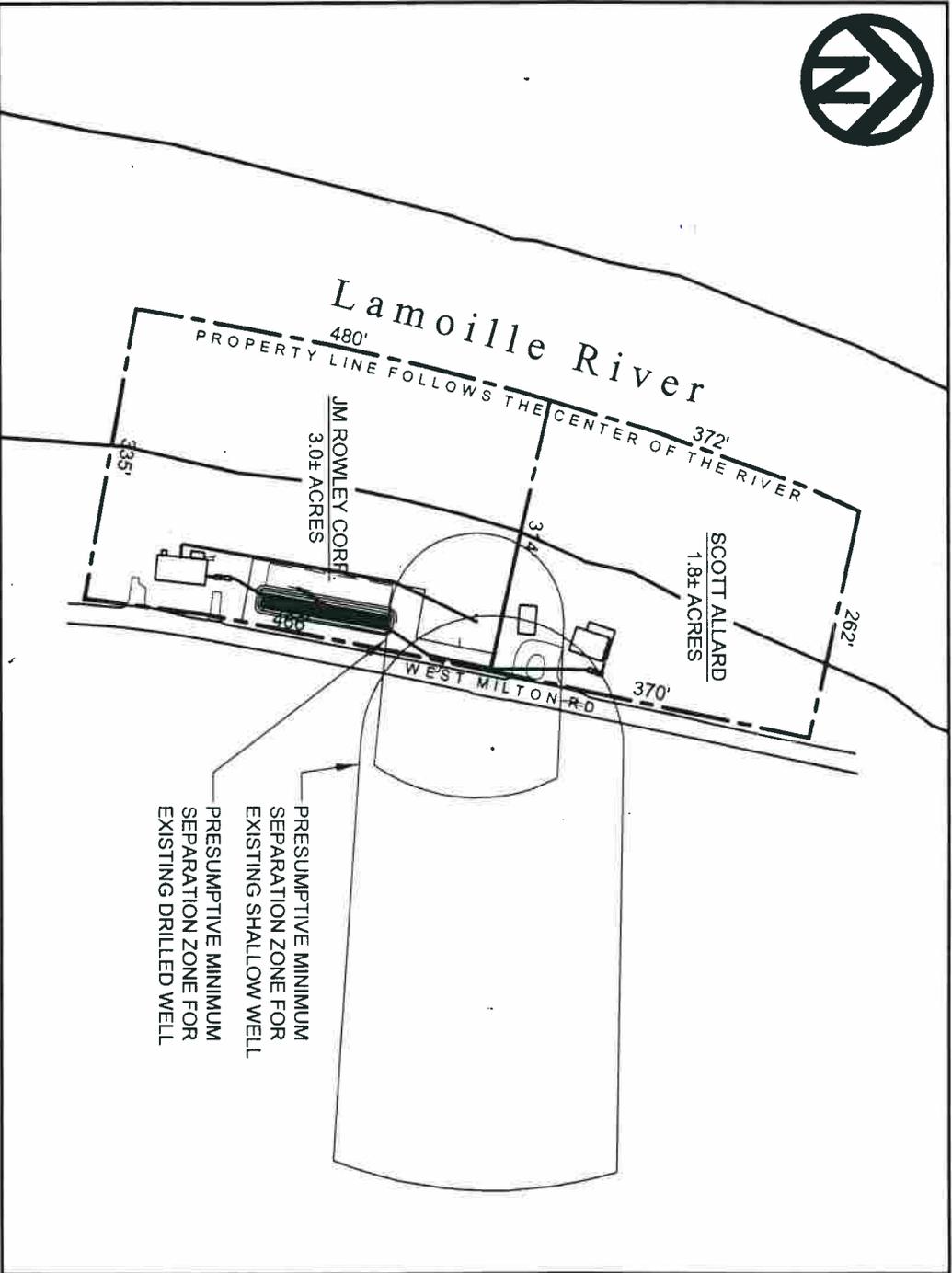
APR 28 2016

Planning & Economic Development  
Milton, Vermont

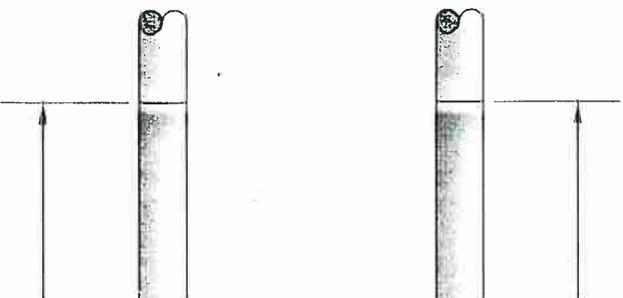
GRAPHIC SCALE



( IN FEET )  
1 inch = 20 ft.



1 SEWER/W  
S1 NOT TO SCALE



PARCEL MAP  
SCALE: 1" = 200'



## 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, June 9, 2016

Date of Review: 05-18-16

Department: Police

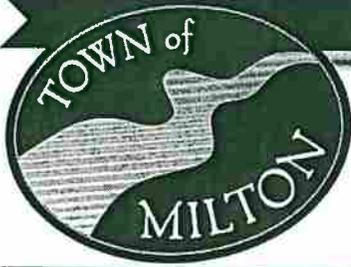
TAC Member: BRETT VAN NOORDT

J.M. Rowley Corporation, Owner/Kevin Carmichael, Applicant -- Site Plan & Conditional Use -- 5 River Street

NO COMMENTS  
OR CONCERNS.

Scott Allard, Owner/Applicant -- Conditional Use -- 467 West Milton Road

NO COMMENTS  
OR CONCERNS.



**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, June 9, 2016

**RECEIVED**

Date of Review: 5-17-16

**MAY 17 2016**

Department: Recreation

RECREATION DEPARTMENT  
MILTON, VERMONT

TAC Member: Kevin Duchesneau

J.M. Rowley Corporation, Owner/Kevin Carmichael, Applicant -- Site Plan & Conditional Use -- 5 River Street

*- No comments*

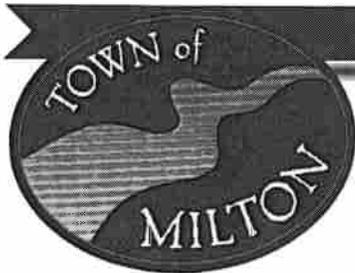
Scott Allard, Owner/Applicant -- Conditional Use -- 467 West Milton Road

*- No comments*

**RECEIVED**

**MAY 16 2016**

Planning & Economic Development  
Milton, Vermont



## 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> June 9, 2016	
<b>Case No:</b> DRB 2016-27	
<b>Application(s):</b> Conditional Use, Site Plan Amendment	
<b>Application Received:</b> May 2, 2016	
<b>Application Deemed Complete:</b> May 2, 2016	
<b>Staff Report Finalized:</b> Friday, June 3, 2016	
<b>Applicant(s):</b> J.M. Rowley Corp PO Box 21, Milton, VT 04568 <a href="mailto:sallard@rowleyfuels.com">sallard@rowleyfuels.com</a> 802-893-7952	<b>Owner(s):</b> Kevin Carmichael 5 River Street, Milton, VT 05468 <a href="mailto:toolwizardandmore@gmail.com">toolwizardandmore@gmail.com</a> 802-891-6320
<b>Engineer/License:</b> None	<b>Surveyor/License:</b> None
<b>E-911/Postal Address:</b> 5 River Street	
<b>Tax Map, Parcel(s):</b> 34, 2	
<b>School Parcel Account Number(s) (SPAN):</b> 13069	
<b>Deed(s):</b> Book 372, Page 841	
<b>Existing Size:</b> 1.68	
<b>Zoning District(s):</b> Old Towne Residential/Commercial	
<b>Comprehensive Plan Planning Area/Sub-Area:</b> Town Core Planning Area/Old Towne Sub-Area	
<b>Location:</b> West side of River Street, between Cherry Street and Main Street.	



## INTRODUCTION

**Noticed/Warned Summary of Proposal:** J.M. Rowley Corporation, Owner/Kevin Carmichael, Applicant request after-the-fact Site Plan & Conditional Use approval under Section 110 of the Milton Zoning Regulations for an expansion of use to add an accessory vehicle/trailer (U-Haul) rental service to the existing personal service use (Tool Wizard & More) at 5 River Street. The proposal includes modifications to the approved parking and internal circulation. The subject property consists of approximately 1.68 acres, is described as Tax Map 34 and Parcel 2, and is in the Old Towne Residential/Commercial (M5) Zoning District and Town Core 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/dr.html>.

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## APPLICATION, JURISDICTION, NOTICE

**Application:** This matter comes before the Town of Milton Development Review Board (DRB) for Conditional Use and Site Plan Amendment approval. The application and its associated materials are maintained by the Town in the application file and are available for public inspection

**Applicant(s):** The application was submitted by Kevin Carmichael, referred to hereafter as the "applicant".

**Applicant's Legal Interest in Land:** Lease Agreement

**Landowner(s):** The property is owned by J.M. Rowley Corp. Scott Allard is signatory to this application.

**Application Submission:** The application form was received by the Planning and Economic Development Department on May 2, 2016. Unless otherwise noted, the associated exhibits were received the same day.

**Application Completion:** The application was deemed complete by Staff on May 2, 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.

**Site Plan 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."

ZR130 states, "In accordance with Section 1000 of this Ordinance, no LAND DEVELOPMENT, excavation or construction shall be started on any land parcel or STRUCTURE and no EXPANSION, ALTERATION or change of USE shall be started within any existing STRUCTURE without a Zoning Permit issued by the Zoning Administrator."

ZR170 states, "The following requirements and reviews shall be fulfilled by all applicants before a Zoning Permit is granted, unless specifically exempted in this Ordinance:

- (1) Sewage Disposal - Section 570
- (2) Roads and Drives - Section 590
- (3) Site Plan Review - Section 800"

ZR800 states, "Site Plan approval, granted in accordance with this Section by the Milton Development Review Board, shall be required before a Zoning Permit is issued for any USE in any district with the exception of SINGLE FAMILY DWELLINGS, DUPLEXES, and TRIPLEX - OWNER OCCUPIED on single lots, ACCESSORY residential STRUCTURES, and all agricultural USES."

**Site Plan Review Standards & Procedures:** ZR802.2(a) states that the DRB "may consider the following in its review of a Site Plan application.

- Maximum safety of vehicular and pedestrian circulation on site, between the site and adjacent roads and sidewalks, and between the site and adjacent land uses
- Adequacy of traffic circulation, parking, and loading facilities.
- Impacts on capacity of roadways and other transportation facilities in the vicinity.
- Adequacy of landscaping, screening, and outdoor lighting.
- Impacts on the Town's ability to provide adequate sewer, water, fire, police, or other municipal services and facilities.
- Suitability of the site for the proposed scope of development, including due regard for the preservation of existing natural and historical resources.
- Consistency with the Comprehensive Plan."

**Conditional Use Specific Jurisdiction:** ZR110 states: Any USE not specifically permitted or prohibited in this Ordinance may be considered as a Conditional Use by the Development Review Board and reviewed in accordance with Section 500 of these Regulations.

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:** Pursuant to 803.12, the Development Review Board may waive any of the Site Plan Review Submission Requirements. The Applicant has requested waivers from 803.7, 803.8, 803.9 and 803.10.

**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 June 6, 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 because it would allow the DRB to better assess the proposal's affect on the character of the area, site limitations, and the goals of the Comprehensive Plan.

1. 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:

- Partial Site Plan, with truck and trailer parking added;
- U-Haul Site Plan Amendment sketch, prepared by Nathan R. Dandrow dated April 11, 2016.

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

- Administrative Site Plan Approval, Notice of Decision, dated September 30, 2015;
- Technical Advisory Committee (TAC) Police Review Sheet dated 5/18/2016;
- TAC Recreation Review Sheet dated 5/17/2016;

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

**Property Location:** The subject property is located at 5 River Street and shown on Milton's Tax Map 34 as Parcel 2. The corresponding School Parcel Account Number (SPAN) is 13069.

**Size/Area:** According to the Assessor's Grand List records, the subject parcel is approximately 1.68 acres.

**Deed(s):** The deed is recorded on 10/19/2001 in Book 372, Page 841 of the Town of Milton Land Records to J.M. Rowley Corporation, Grantee.

**Zoning District(s):** The site is located within the Old Town Residential/Commercial (M5) 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 ZR451 states that the purpose of this district is to "allow mainly for residential uses, and some limited commercial uses."

**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 Old Towne Sub Area, as delineated in Figure 9.1 of the 2013 Comprehensive Plan (p.112).

**Physical Characteristics/Natural Features:**

Topography: Site is generally flat and sloping toward the Lamoille River.

Soil: No soil of agricultural significance.

Watershed: Drains to Lake Champlain via the Lamoille River.

Wetland: No mapped wetlands.

Vegetation: Mix of lawn and hardwood trees.

Habitat/Wildlife Crossings: None

Historic Resources: No known.

**Surrounding Use/Structures:** The property is surrounded by a multifamily dwelling to the north, a mixed use convenience store with a dwelling unit, a gas station, and a mixed use auto repair with duplex to the east, vacant land to the south, and the Lamoille River to the west.

**SITE HISTORY**

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

- Administrative Site Plan Approval for “**Change of use from retail to personal service (Tool Wizard and More, offering repair and maintenance of tools and small engine machinery, shipping and handling, and design/print services)**”, September 30, 2015
- Site Plan Approval to “convert the existing residence into office space and a 1-bedroom apartment.” May 15, 2002.

**Zoning Compliance:** On February 16, 2016, the Zoning Administrator issued a Voluntary Compliance Letter to JM Rowley Corporation for a possible zoning violation including:

1. *Expansion of use/ change of use without Site Plan approval per Section 800 and Zoning Permit approval per Section 130 and 1000 (Uhaul business)*
2. *Unpermitted sign for UHaul business.*

This subsequent application for Site Plan and Conditional Use approval is an attempt to obtain after-the-fact Site Plan approval in response to the above letter.

**EXISTING AND PROPOSED USE/IMPROVEMENTS/LAND RESTRICTIONS**

**Existing Use:** The lot contains a commercial building containing a personal service (Tool Wizard and More, offering repair and maintenance of tools and small engine machinery, shipping and handling, and design/print services), and a single family residence.

Classification: The use would be classified as a Mixed Use Planned Unit Development (PUD) by current Zoning Regulations, but the site has not been approved as such.

Conformity: The site has not been approved as a Mixed Use PUD and is therefore non-conforming.

**Proposed Use:** The Applicant proposes the addition of an accessory U-haul truck and trailer rental service use to the existing commercial building and utilizing existing parking.

Classification: Staff finds that this is an expansion of the existing personal service use.

Conformity: The proposed use would be an expansion of the existing non-conforming mixed uses.

**Existing Improvements:**

Buildings: 7,576 square foot commercial building and a single family residence.

Structures: Flower box along River Street Frontage, deck attached to the residence.

Utilities: Municipal sewer and water.

Access: Accessed via two 32 foot driveway accesses from River Street.

Site Circulation: Internal circulation in front of the commercial building, between rows of parking. A 20 foot internal drive between the buildings and a north of the commercial building allows access to back parking.

Parking/ADA: 24 outdoor parking spaces, 5 indoor parking spaces (some obstructed by outdoor parking).

Loading/Unloading: No loading/unloading spaces indicated on the plans.

Lighting: None indicated on plans.

Signage: Building mounted sign on commercial building.

Fill, Excavation and Grading:

Stormwater/Snow Management: Site contains large amounts of impervious surface connecting directly to River Street.

Landscaping/Screening/Value: Minimal landscaping present, small flower box is located in front of commercial building.

**Proposed Improvements:**

Site Circulation: Parking of rental trucks along access to back parking north of the existing commercial building.

Parking: Designation of 12 existing parking spaces as rental truck and trailer parking, reducing available outdoor parking to 12 parking spaces.

**Existing Restrictions or Covenants:** None indicated in application.

**GENERAL ZONING PROVISIONS**

**ZR510, Non-Conforming Uses:** Staff finds that the existing mixed use of the site, which has not been approved as a Mixed Use - PUD is a non-conforming use. The following provisions shall apply to all non-conforming uses.

**ZR512, Non-Conforming Expansion or Enlargement Criteria:**

A NON-CONFORMING USE or STRUCTURE containing a NON-CONFORMING USE may not be expanded or enlarged, except as follows:

- (1) The EXPANSION or enlargement is approved by the Development Review Board under the requirements of Section 500 for CONDITIONAL USE approval; and
- (2) The proposed EXPANSION is a permitted USE in at least one ZONING DISTRICT within the Town of Milton, except as limited under Section 894(1) of this Ordinance; and
- (3) The proposed EXPANSION does not exceed that which is permitted for the most extensive USE permitted within the ZONING DISTRICT in which it is located; and
- (4) The proposed EXPANSION or enlargement of USE results in an increase in only the volume, intensity, frequency or area of the previous USE, and does not involve the creation

- of a new NON-CONFORMING USE, the displacement of a conforming USE, nor the creation of a non-conformity in relation to SETBACKS or LOT COVERAGE.
- (5) In situations where residential uses or structures were made NON-CONFORMING as the result of a zoning amendment, such NON-CONFORMING residential uses or structures may be expanded or enlarged or used for a home occupation as a matter of right without CONDITIONAL USE approval by the Development Review Board provided that the current setback distances and building coverage requirements are met.

Staff finds that the criteria of ZR512 are met, and that the expansion of use may be approved by the Development Review Board under the requirements of ZR500 for Conditional Use approval.

**ZR580 Accessory Structures & Uses:**

ACCESSORY USES and STRUCTURES, as defined in Section 1010 of this Ordinance,

[ACCESSORY as defined by ZR 1110: A USE or STRUCTURE on the same lot with, and of a nature customarily and clearly incidental and subordinate to, the PRINCIPAL USE or STRUCTURE. See the definition for PRINCIPAL STRUCTURE and PRINCIPAL USE]

shall be allowed in all districts, subject to the following provisions:

580.1, Regulatory Conflicts

“They do not conflict with any other provision of this Ordinance.”

Staff finds that there is potential conflict with the parking requirements for the existing uses on site. This will be further reviewed in Site Plan Review.

580.2, Nuisance

“They do not constitute a threat or nuisance to the health, safety, and welfare of neighboring property owners.”

580.7, Accessory Use Area Limitation

“ACCESSORY USES shall not exceed 10% or 2,000 sq. ft., whichever is the lessor, of the total GROSS FLOOR AREA of the PRINCIPAL STRUCTURE.”

Staff finds that the proposed accessory use involves the storage of rental trucks in the parking area, not within the principal structure. It is unclear if a section of the principal structure is designated for the Truck Rental Use.

2. The applicant shall state if a portion of the building housing the existing personal service is specifically designated for the U-Haul business.

**CONDITIONAL USE REVIEW**

**ZR120, Applicability of ZP/CC for Permitted & Conditional Uses**

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.

3. If approved, a Zoning Permit is required and an associated Certificate of Compliance is required to cure the Zoning Violation.

#### **ZR120, Applicability of Conditional Use Review**

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.

**ZR500 Conditional Use:** The section states, "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 [on the following standards]:"

#### **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."

Unless otherwise stated in this Report, Staff finds that the proposed use would not have an undue adverse effect on the capacity of existing or planned community facilities.

#### **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 ZR451 states that the purpose of this district is to "allow mainly for residential uses, and some limited commercial uses." The site contains both commercial and residential uses. The proposal may be affecting the character of the area if the expansion of the commercial use on the site has an undue adverse effect on the existing residential use. Staff finds that the storage of rental vehicles directly in front of the existing single family home does have undue adverse effect on the character of the area.

4. Rental vehicles and trailers shall not be parked in the 4 existing parking spaces in front of the existing single family residence.
5. The DRB shall determine if the proposed use has undue adverse effect on the character of the area affected.

#### **ZR500.3, Environmental Limitations & Natural Resources**

"Environmental limitations of the site or area, and significant natural resource areas or sites."

Unless otherwise stated in this Report, Staff finds that the proposed use would not have an undue adverse effect on the environmental limitation of the site of area.

#### **ZR500.4, Comprehensive Plan, Bylaws, Ordinances, Regulations**

"The *Comprehensive Plan* and all bylaws, ordinances and/or regulations of the Town of Milton."

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 Old Towne Sub Area, as delineated in Figure 9.1 of the 2013 Comprehensive Plan (p.112). Staff finds that the Comprehensive Plan narrative contains the following descriptions of the property location:

*“River Street, which also has an historic character, could also be utilized for more intense commercial enterprises that do not detract from the aesthetic character of the area. River Street presents a challenge as it is the main travel route appropriate for commercial uses, and it also needs to function as a transition between the New Downtown and the Old Towne. The 2007 Route 7 Land Use Study suggests that this district should include commercial or retail on the first floor with residential apartments above in order to act as this transition.”*

The Plan states the following goals about this area:

**Goal 9.3.1.** Protect the historic character of the Old Towne.

**Objective 9.3.1.a.** Explore the possibility of establishing an historic district and guidelines to encourage historic and adaptive reuse strategies.

**Objective 9.3.1.b.** Investigate incentives for preservation and adaptive reuse of buildings and the landscape.

**Objective 9.3.1.c.** Encourage new structures to respect the architectural character of existing buildings and to fit into their surroundings.

**Goal 9.3.2.** Encourage commercial and retail on the first floor with residential apartments above on River Street in order to appropriately manage this section as the transition from the New Downtown to historic Main Street.

**Goal 9.3.3.** Enhance streetscape elements by incorporating streetlights, street trees, and signage.

**Goal 9.3.4.** Consider passenger rail service to Milton. Develop potential railroad station locations in the Main Street area.

**Goal 9.3.5.** Take advantage of the scenic resources of Arrowhead Lake and the Lamoille River.

**Objective 9.3.5.a.** Relocate the municipal garage and develop a public park along Arrowhead Lake with pedestrian connections to Main Street.

**Objective 9.3.5.b.** Take advantage of the lake and riverfront areas for recreation and commerce, and be sensitive to the resources.

**Goal 9.3.6.** Promote the development of community activities for a range of ages.

**Objective 9.3.6.a.** Encourage the expansion of already existing or creation of community centers for such activities as a theater or performance space, arts facility, and community gatherings.

**Goal 9.3.7.** Encourage public green spaces and small parks throughout this area (such as neighborhood parks as recommended in the Recreation Plan).

Staff finds that the storage of rental vehicles and trailers directly along the public right-of-way without any visual buffer does not meet the Comprehensive Plan vision for development of *“more intense commercial enterprises that do not detract from the aesthetic character of the area”* for this portion of River Street. Staff finds that the location of the rental vehicles and trailers in the rear parking areas or within the existing garage bays would reduce the impact on the aesthetic character of the area.

6. The parking of rental vehicles shall be limited to the existing side and rear parking spaces.

#### ZR500.5, Traffic

*“Traffic on roads and highways in the vicinity.”*

Staff finds that the site is located on a busy stretch of Route 7 and in close proximity to a busy intersection with Main Street. Staff notes a potential for undue adverse effect on traffic caused by the rental of large vehicles on this site.

7. The applicant shall state how many rental vehicles and trailers are kept on the property and how many trips the rental vehicles make per day.
8. The DRB shall determine if the proposed use has undue adverse effect on the traffic on roads and highways in the vicinity.

ZR500.6, Renewable Energy Resources:

“Utilization of renewable energy resources.”

Unless otherwise stated in this Report, Staff finds that the proposal would not have an undue adverse effect on the standards of 500.6.

ZR501, Conditional Use Conditions

9. 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*.

SITE PLAN STANDARDS

ZR802.1, Appropriate Conditions: The section states:

10. The DRB may impose appropriate conditions and safeguards to meet the standards of this section.

Site Plan Review Standards & Procedures: ZR802.2(a) states that the DRB "may consider the following in its review of a Site Plan application.

- **Site Circulation Safety:** Maximum safety of vehicular and pedestrian circulation on site, between the site and adjacent roads and sidewalks, and between the site and adjacent land uses
- **Circulation, Parking, Loading Adequacy:** Adequacy of traffic circulation, parking, and loading facilities.
- **Transportation Impacts:** Impacts on capacity of roadways and other transportation facilities in the vicinity.
- **Landscaping, Screening, Lighting Adequacy:** Adequacy of landscaping, screening, and outdoor lighting.
- **Municipal Service Impact:** Impacts on the Town’s ability to provide adequate sewer, water, fire, police, or other municipal services and facilities.
- **Suitability for Development:** Suitability of the site for the proposed scope of development, including due regard for the preservation of existing natural and historical resources.
- **Comprehensive Plan Consistency:** Consistency with the Comprehensive Plan.

**ZR803, Site Plan Application Requirements:** The applicant has requested the following waivers from the Site Plan application requirements as they “do not feel this info is relevant to proposed project”:

- ZR803.6, Landscaping Plan
- ZR803.7, Building Elevations
- ZR803.8, Outdoor Lighting Plan
- ZR803.9, Utility Plan
- ZR803.10, Estimated Traffic Generation and Impacts

Per ZR803.12, the DRB may waive any of the above requirements of Site Plan Review.

11. The DRB may grant the requested waivers from the application requirement of ZR803.6, ZR803.7, ZR803.8, ZR803.9, and ZR803.10.

**ZR806, Landscape Plan Requirements:** No changes to landscaping or screening are proposed.

12. The DRB shall determine the appropriateness of the proposed landscaping and screening.

**ZR810, Parking and Loading Requirements:** The number and location of parking and loading spaces associated with any lot or use shall comply with the following requirements:

**ZR812.2, Parking Quantity:** The site currently contains 24 outdoor parking spaces and 5 indoor parking spaces (with some obstructed by outdoor parking). The proposal is for the designation of 12 existing parking spaces as rental truck and trailer parking, reducing available outdoor parking to 12 parking spaces.

The parking requirement for personal services is 3 spaces for every 1,000 square feet of gross floor area. Staff finds that the gross floor area of the commercial building is 7,576, requiring 23 parking spaces. The requirement for the single family residence is 2 spaces per dwelling unit. The total parking requirement for the site is 25 parking spaces.

Staff finds that the spaces designated for rental truck and trailer storage are considered working spaces, and should not be included in the parking available for customers, employees, and residents of the site. Staff finds that the proposal does not meet the parking requirements of ZR812.2.

13. The DRB shall consider the adequacy of existing parking.

**ZR812.3, ADA Parking:** Staff finds that ADA parking is provided on-site, but is not clearly indicated on the plans.

14. Final Plans shall clearly label existing ADA parking spaces.

**ZR812.4, Parking Barriers:** Parking spaces shall be arranged and physical barriers provided so that no part of any vehicle will encroach into any public right-of-way. Staff finds that there is no physical barrier preventing vehicle encroachment into the public right-of-way. The existing condition has the potential to allow vehicles to drive over or park on the pedestrian path along the existing sidewalk.

15. A physical barrier shall be provided so that no part of any vehicle will encroach into any public right-of-way. Barriers shall be indicated on the Final Plans.

**ZR813, Driveways:** No change to the driveway is proposed.

**ZR814, Parking Lot Design Standards:** No changes to the parking lot design are proposed.

**ZR814.3, Minimum Internal Road/Driveway/Aisle Widths:** The existing internal driveway widths vary, with 20' between the residence and the commercial structure, this does not meet the 24' minimum for two way traffic, but is an existing condition.

**ZR817, Pedestrian Circulation:** No changes to pedestrian circulation are proposed.

**ZR818, Off-Street Loading & Unloading Space:** Every structure constructed or used for business, trade, or industry shall provide adequate space on the premises for the unloading and loading of vehicles in addition to the required parking. A minimum of one space (10 feet by 60 feet) shall be required.

16. A 10 foot by 60 foot loading and unloading space shall be provided and be indicated on the Final Plans.

**ZR819, Bicycle Parking Space:** At least one bicycle parking or storage facility shall be provided for all uses subject to Site Plan review. Additional facilities may be required as deemed necessary by the DRB.

17. At least one bicycle parking or storage facility shall be provided and its location indicated on the Final Plans.

**ZR820, Outdoor Lighting:** No new outdoor lighting is proposed.

#### **TECHNICAL REVIEW COMMITTEE**

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

#### **ADMINISTRATION & ENFORCEMENT**

**State Project Review Zoning Permit:** 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."

18. 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 prior to issuance of a Zoning Permit.

**Final Plan Submission:**

19. The Applicant shall submit two (2) full-sized (to scale) and two (2) reduced (11 x 17) complete final plan sets depicting the requested changes. The revised plans must be deemed Final by the Town Planner prior to being eligible for a Zoning Permit from the Zoning Administrator. *The Applicant is advised to submit ONE plan set for staff review prior to submitting all the copies of the Final Plan sets.*

#### **ZR1030, Revocation of Approvals and Permits**

20. CONDITIONAL USE approval shall expire one year from the date of issue. If the work has not been completed, the applicant shall apply to the Zoning Administrator for an extension. The Zoning Administrator may grant a single one-year extension for the identical project only.

In addition to any other remedies provided for by law, a Zoning Permit, Sign Permit, variance, CONDITIONAL USE approval, or Site Plan approval may be revoked by the Zoning Administrator or Development Review Board, whichever granted the permit or approval, for violation of these Regulations or the terms and conditions of the permit or approval.

Omission or misstatement of any material fact by the applicant or agent on the application or at any hearing which would have warranted refusing the permit or approval shall be grounds for revoking the permit or approval at any time

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

21. A Zoning Permit is required for expansion of use or construction and an associated Certificate of Compliance is required.

#### **CONCLUDING REVIEW**

- **Site Circulation Safety:** Maximum safety of vehicular and pedestrian circulation on site, between the site and adjacent roads and sidewalks, and between the site and adjacent land uses
- **Circulation, Parking, Loading Adequacy:** Adequacy of traffic circulation, parking, and loading facilities.
- **Transportation Impacts:** Impacts on capacity of roadways and other transportation facilities in the vicinity.
- **Landscaping, Screening, Lighting Adequacy:** Adequacy of landscaping, screening, and outdoor lighting.
- **Municipal Service Impact:** Impacts on the Town's ability to provide adequate sewer, water, fire, police, or other municipal services and facilities.
- **Suitability for Development:** Suitability of the site for the proposed scope of development, including due regard for the preservation of existing natural and historical resources.
- **Comprehensive Plan Consistency:** Consistency with the Comprehensive Plan.

22. The applicant shall respond to any remaining questions or concerns from the DRB related to the standards above.

### STAFF RECOMMENDATION

The Planning Staff recommends that the DRB **CONTINUE** the **Site Plan & Conditional Use** approval hearing for the expansion of use to add an accessory vehicle/trailer (U-Haul) rental service to the existing personal service use (Tool Wizard & More) at **5 River Street**, described as Tax Map 34 and Parcel 2, to allow for a site visit to better inform the DRB's decision.

Respectfully Submitted:



Jeffrey Castle, Town Planner

#### ATTACHMENTS:

- Partial Site Plan, with truck and trailer parking added;
- U-Haul Site Plan Amendment sketch, prepared by Nathan R. Dandrow dated April 11, 2016..
- Administrative Site Plan Approval, Notice of Decision, dated September 30, 2015;
- Technical Advisory Committee (TAC) Police Review Sheet dated 5/18/2016;
- TAC Recreation Review Sheet dated 5/17/2016;

#### COPIES TO:

- Applicant(s)
- Owners(s)

#### 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

Development Review Board Case Number 2016-27 Staff Report  
Conditional Use & Site Plan Amendment - 5 River Street - Kevin Carmichael/J.M. Rowley Corp

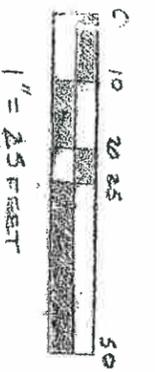
or agent on the application or at any hearing which would have warranted refusing the permit or approval shall be grounds for revoking the permit or approval at any time.

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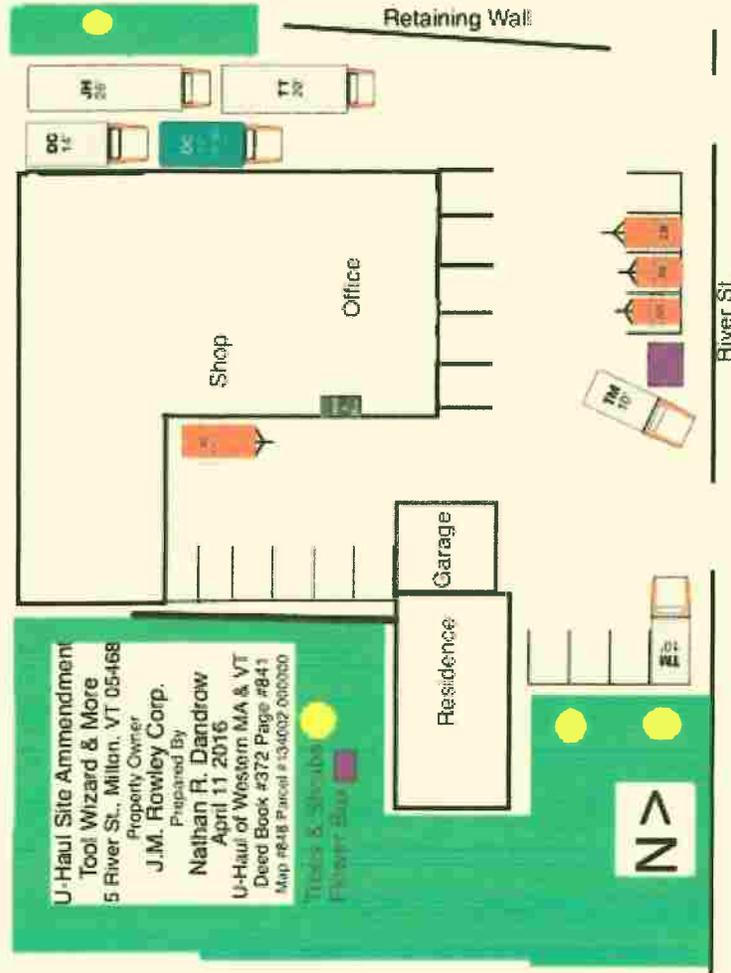
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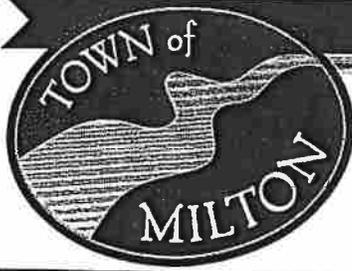
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RECEIVED  
MAY 02 2016





# 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, June 9, 2016

Date of Review: 05-18-16

Department: Police

TAC Member: BRET VAN NOORDT

J.M. Rowley Corporation, Owner/Kevin Carmichael, Applicant -- Site Plan & Conditional Use -- 5 River Street

NO COMMENTS  
OR CONCERNS.

Scott Allard, Owner/Applicant -- Conditional Use -- 467 West Milton Road

NO COMMENTS  
OR CONCERNS.



# 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, June 9, 2016

RECEIVED

Date of Review: 5-17-16

MAY 17 2016

Department: Recreation

RECREATION DEPARTMENT  
MILTON, VERMONT

TAC Member: Kevin Duchesneau

J.M. Rowley Corporation, Owner/Kevin Carmichael, Applicant -- Site Plan & Conditional Use -- 5 River Street

*- No comments*

Scott Allard, Owner/Applicant -- Conditional Use -- 467 West Milton Road

*- No comments*

RECEIVED

MAY 16 2016

Planning & Economic Development  
Milton, Vermont

TOWN OF MILTON  
ADMINISTRATIVE DECISION  
43 BOMBARDIER ROAD, MILTON, VERMONT 05468  
PHONE (802) 893-1186

September 30, 2015

NOTICE OF DECISION  
for  
*Kevin L. Carmichael*  
*Administrative Site Plan Approval*

This application came before the Acting Zoning Administrator from Kevin Carmichael doing business as Tool Wizard and More, hereafter referred to as the Applicant, for minor amendments to the 5-9 River Street Site Plan identified as SPAN#13069, Tax Map 34, Parcel 2. Based on the documents submitted by the Applicant on September 4, 2015, which are contained in the Document File for this application, the Zoning Administrator finds, concludes, and decides as follows:

**A. FINDINGS OF FACT**

1. The Site Plan changes submitted by the Applicant have been classified as *minor amendments* as defined in Section 801.2 of the Milton Zoning Regulations. In accordance with Section 801.1 of the Zoning Regulations, minor amendments to Site Plans may be approved by the Zoning Administrator.
2. On September 1, 2015 the Applicant submitted an amended Site Plan application for approval of minor amendments to the 5-9 River Street Site Plan identified as SPAN#13069, Tax Map 34, Parcel 7 and located in the M5 Zoning District.
3. The minor amendments consist of the following changes to the site plan:
  - A. Change of use from retail to personal service (Tool Wizard and More, offering repair and maintenance of tools and small engine machinery, shipping and handling, and design/print services).**
4. Personal Service is defined by the Zoning Regulations as follows:

Establishments primarily engaged in providing services involving the care of a person and/or his/her personal goods or apparel. Sales of products must be clearly incidental to the services provided. Personal services include but are not limited to tailor, photographic processing, travel agent, laundry service, linen supply, diaper service, beauty and barbershops, massage therapy, shoe repair, funeral services, repair services and clothing rental.
5. Public notice was issued to all adjoining landowners on September 9, 2015, informing them of the opportunity to request a public hearing on this minor Site Plan amendment. The Planning

and Zoning Department did not receive a written requests for public hearing within 15 days of the date that the notice was mailed.

### B. CONCLUSIONS

1. The Site Plan minor amendment involves a change of USE, which involves no exterior changes to the property including modifications to building or lot coverage, parking and circulation, landscaping and grading and minor changes to a building's façade as that defined in Section 801.2(b) and 801.2(c) of the Zoning Regulations), respectively.
2. The site is located in the M5 Zoning District and the lot contains a mixed-use building and a commercial building, such that the use would be classified as a Mixed Use Planned Unit Development use by the current Zoning Regulations.
3. The site has not been approved as a Mixed Use Planned Unit Development and is therefore non-conforming.
4. ZR511 states that "a non-conforming use may not be changed to another non-conforming use" [with specific exceptions not applicable to this case].
5. The Milton Development Review Board approved a retail (automotive parts shop) use within an entirely commercial building and a mixed-use building containing a 1-bedroom apartment and office unit in its Site Plan Decision of May 15, 2002.
6. The proposal would change the "retail use" (within the building housing the former automotive parts shop) to a "personal service" use.
7. A "personal service" use conforms as a use permitted in the site's zoning district per ZR452(7).
8. While the proposal would not bring the site's use into full conformity by establishing the site as a Mixed-Use Planned Unit Development, the minor proposal to change the commercial use within the existing and entirely commercial building from "retail" to "personal service" does not present a change of use that would otherwise be non-conforming to the district's permitted uses. Rather, it brings the site into greater conformity due to the fact that the current, approved retail use is not a permitted use within the M5 Zoning District, while a "personal service use" is permitted.
9. Inasmuch as this proposal is minor and would re-assign the existing and entirely commercial building at 5 River Street from a "retail" to a "personal service" use, the proposal brings the site into greater conformity.

### C. DECISION

Based on the Findings of Fact and Conclusions as described above, the Acting Zoning Administrator grants a minor amendment to the previously approved Site Plan subject to the

*NOTICE OF DECISION for Kevin Carmichael d.b.a. Tool Wizard and More  
Administrative Site Plan Approval*

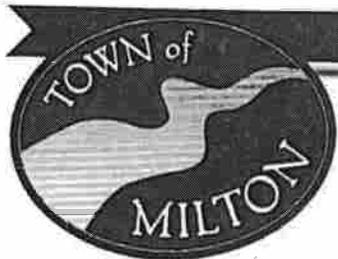
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following conditions:

- 1 The project shall be completed, operated and maintained as set forth in accordance with plans and exhibits as approved by the Zoning Administrator and on file in the Planning and Economic Development Department, and in accordance with this Site Plan approval.
- 2 No changes or alterations to the previously approved Site Plans other than those required as conditions of this decision shall be permitted without first submitting a new Site Plan application for review and approval. Prior to any future expansion or change in use, the Site Plan must be reviewed again.
- 3 Sales of products must be clearly incidental to the services provided, and all accessory "vendor sales" shall be conducted in compliance with ZR740 and 1110.
- 4 Prior to opening the personal service use Tool Wizard and More (offering repair and maintenance of tools and small engine machinery, shipping and handling, and design/print services) , the Applicant shall obtain an amended allocation from the Milton Public Works, an amended State Water/Wastewater Permit, and a Water/Wastewater Connection Permit from Milton Public Works.
- 5 The Applicant must obtain a Zoning Permit in accordance with Sections 1000 and 1010 before construction of any improvements on site.
- 6 The Applicant must also obtain a Certificate of Occupancy/Compliance in accordance with Sections 1000 and 1010 of the Milton Zoning Regulations when construction is completed.
- 7 Per 24 Vermont Statutes Annotated Section 4449 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 prior to the issuance of a Zoning Permit, and obtain all required State permits and approvals.

Dated at Milton, Vermont, this 30th day of September 2015

By   
Jacob Hemmerick, Acting Zoning Administrator



## DEVELOPMENT REVIEW BOARD

Meeting Type:.....Regular  
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

### MEETING MINUTES

1 **1. CALL TO ORDER**

2 The Chair called the meeting to order at 7:05 p.m.  
3

4 **2. ATTENDANCE**

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

6 **Members Absent:** None

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

8 **Public Present:**  
9

10 **3. AGENDA REVIEW**

11 Additions: Staff added the following items to the Agenda:

- 12 • Review of a Landscape Plan submitted for 8 Catamount Drive, per the conditions of their Site Plan
- 13 decision.
- 14 • Review/signing of a plat resulting from a minor conventional subdivision on Railroad Street.

15 Deletions: None.  
16

17 **4. PUBLIC FORUM**

18 None.  
19

20 **5. OLD HEARINGS**

21 None.  
22

23 **6. NEW HEARINGS**

24 **6(A). Minor Conventional Subdivision Sketch Plan -- Lake Road & Hibbard Road -- Rowley Family Real**  
25 **Estate II, LLC, Owner/Connor & Meghann Rowley, Applicants**  
26

27 The Chair read the following summary to open the hearing:  
28

29 **Rowley Family Real Estate II, LLC, Owner/Connor & Meghann Rowley, Applicants** request Sketch Plan  
30 approval for a proposed 2-lot **Minor Conventional Subdivision** located at **Lake Road and Hibbard Road**,  
31 described as Tax Map 14, Parcel 6 and SPAN #13077. A single family home is also proposed for the newly  
32 created 10-acre lot, to be served by on-site private septic and water and accessed from Hibbard Road. The  
33 subject property contains approximately 255.10 acres and is located within the "Agricultural/Rural Residential"  
34 (R5) Zoning District.  
35

36 The Chair administered the Oath to Interested Persons. Representing the applicants were Connor Rowley,  
37 Meghann Rowley, Clare Rowley, and Brian Tremback of Lamoureux Dickinson Engineering, hereafter referred  
38 to as "applicant(s)." The applicant gave an overview of the proposal and advised that there were 2 errors

1 contained in the application, regarding the frontage: the proposed newly created lot would have 443' of  
2 frontage, and the remaining parcel was listed as having 900' of frontage (based on Lake Road only), but Dixon  
3 Road actually extends in to the property and creates over 5000' of frontage on that road alone.  
4

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

- 6 1. The applicant agreed that all existing Restrictions and Covenants shall be shown and labeled on the  
7 final application plat. A right-of-way shown on the sketch plan is labeled as CVPS; the Chair clarified  
8 that VELCO is the correct holder of that right-of-way.
- 9 2. The Chair stated that the applicant had already given the proposed frontage for Lot 2: 443 feet.
- 10 3. The applicant agreed to submit an application for approval of a subdivision plat within six (6)  
11 months of classification by the DRB of the sketch plan as a minor subdivision, that the application  
12 shall contain those items set forth in Section 610 of these regulations, and shall conform to the layout  
13 shown on the sketch plan plus any **recommendations made by the DRB.**
- 14 4. The applicant agreed that the final **plat application shall include all items listed in Subdivision**  
15 **Regulations 610.**
- 16 5. The applicant agreed that the Final application shall include Section 700 responses, submitted by e-  
17 mail in Microsoft .DOC format to the Town Planner. The Chair briefly reviewed the contents of  
18 Section 700.
- 19 6. The applicant agreed that the location of a storm water drainage easement of such width as to  
20 encompass the twenty five (25) year flood area of the water course within the subdivision shall be  
21 included in the Final Plat application.
- 22 7. The applicant agreed to submit \$500 with the Final application to cover the legal review of the deeds  
23 and any other required legal instruments by the Town Attorney, and that any funds not expended on  
24 the legal review will be refunded to the applicant.
- 25 8. The applicant agreed to submit draft deeds and any other associated legal instruments for all  
26 impacted lots for review and approval by the Town Attorney, that all requested revisions must be  
27 complete before the Plat may be recorded, and that only instruments approved by the Town may be  
28 recorded in the Town of Milton Land Records. The applicant inquired who the Town Attorney is;  
29 Staff advised that the Town uses the firm Stitzel, Page & Fletcher and briefly went over the legal  
30 review process.
- 31 9. The applicant agreed to obtain a Project Review Sheet from the Permit Specialist in the District 4  
32 Regional Office of the Agency of Natural Resources, provide a copy to the Town, and obtain all  
33 required State permits and approvals.

34 Hearing no further questions or comments, the Chair closed the Hearing at 7:17 p.m.  
35

36 **6(B). Minor Conventional Subdivision Sketch Plan – 42 Petty Brook Road – David C. Howe/Owner &**  
37 **Applicant.**  
38

39 The Chair read the following summary to open the hearing:  
40

41 **David C. Howe, Owner/Applicant** requests **Sketch Plan** approval for a proposed 2-lot **Minor Conventional**  
42 **Subdivision** located at **42 Petty Brook Road**, described as Tax Map 3, Parcel 37, SPAN #11614. A single family  
43 home currently exists on the lot and a new single family home is proposed. The subject property contains  
44 approximately 12.13 acres and is located within the “Low Density Residential” (R3) Zoning District and  
45 Catamount Planning Area.  
46

47 The Chair administered the Oath to Interested Persons. Representing the Applicant was David Howe, hereafter

1 referred to as "applicant."  
2

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

- 4 1. The Applicant stated the waiver was necessary in order to retain the required 300' frontage on the  
5 remaining parcel. The DRB will determine if they shall grant the requested waiver from the  
6 minimum frontage requirement for Lot 2.
- 7 2. The applicant agreed to apply for a State Water/Wastewater permit prior to submitting a final plan  
8 application.
- 9 3. Item #3 of the Staff Report stated, "If approved, the final application shall indicate if the existing  
10 culvert is adequate for the proposed driveway in conformance with the driveway standards of ZR593  
11 and the driveway specifications as defined in the Public Works Specifications." The applicant stated  
12 the Town placed the culvert 3 years ago and that, if the Town placed it, it ought to be up to the  
13 Town's specifications. Staff clarified that there is a culvert in place to access the existing field, and it  
14 just needs to be confirmed that the culvert meets the Public Works Specifications for a private  
15 driveway.
- 16 4. The DRB shall determine if the proposed lots meet the minimum lot width to depth ratio as described  
17 in ZR640. Staff explained that the calculation is difficult to make in this case due to the irregular  
18 shape of the lot.
- 19 5. The applicant agreed to submit an application for approval of a subdivision plat within six (6)  
20 months of classification by the DRB of the sketch plan as a minor subdivision, that the application  
21 shall contain those items set forth in Section 610 of these regulations, and shall conform to the layout  
22 shown on the sketch plan plus any recommendations made by the DRB.
- 23 6. The applicant agreed that the final plat application shall include all items listed in Subdivision  
24 Regulations 610, including a survey of all lots resulting from the proposed subdivision.
- 25 7. The applicant agreed that the Final application shall include Section 700 responses, submitted by e-  
26 mail in Microsoft .DOC format to the Town Planner. The applicant stated he will work with Staff to  
27 achieve this.
- 28 8. The applicant agreed that the location of a storm water drainage easement of such width as to  
29 encompass the twenty five (25) year flood area of the water course within the subdivision shall be  
30 included in the Final Plat application. The Applicant stated the surveyor or engineer would do this.
- 31 9. The DRB and applicant felt this item had already been discussed. The DRB will determine if the  
32 proposed lot layout is in conformance to the lot layout requirements of SR880.
- 33 10. The applicant agreed to submit \$500 with the Final application to cover the legal review of the deeds  
34 and any other required legal instruments by the Town Attorney, and that any funds not expended on  
35 the legal review will be refunded to the Applicant.
- 36 11. The applicant agreed to submit draft deeds and any other associated legal instruments for all  
37 impacted lots for review and approval by the Town Attorney, that all requested revisions must be  
38 complete before the Plat may be recorded, and that only instruments approved by the Town may be  
39 recorded in the Town of Milton Land Records.
- 40 12. The applicant agreed to obtain a Project Review Sheet from the Permit Specialist in the District 4  
41 Regional Office of the Agency of Natural Resources, provide a copy to the Town, and obtain all  
42 required State permits and approvals.

43  
44 Hearing no further questions or comments, the Chair closed the Hearing at 7:32 p.m.  
45

46 **6(C). Bove Sauce Factory Landscaping Plan -- Rick Bove -- 8 Catamount Drive**

47 Staff presented the Landscape Plan and reviewed pertinent changes. The Chair inquired about a previously-  
48 approved statue, and Staff advised that the statue is on hold per the Applicant. The Vice-Chair inquired

1 about screening of neighboring properties, and Staff advised that the screening portion of the landscaping  
2 was not substantially changed. Questions were asked and answered.  
3

4 MOTION by Conley to APPROVE the Landscaping Plan for Bove's Sauce Factory at 8 Catamount Drive, as  
5 proposed. SECOND by Forgan. Unanimously APPROVED.  
6

7 **7. OTHER BUSINESS**

8 **7(A). Staff Update**

9 Staff gave a quick update on Planning Department activity:

- 10 • New DRB application forms are active and available online; any feedback is appreciated.
- 11 • Pre-application Review services are going well, and in conjunction with the new application forms  
12 should gather much more information up-front, making for a smoother process and Hearing.
- 13 • No Hearings are currently scheduled for the DRB's June 23, 2016 meeting.  
14

15 The Vice-Chair inquired about the Sidewalk Fund, and discussion followed. Staff will follow up.  
16

17 **8. MINUTES**

18 **8(A). Minutes of May 12, 2016**

19 MOTION by Bonges to APPROVE the Minutes of May 12, 2016 as written; SECOND by Conley.  
20 Unanimously APPROVED.  
21

22 **9. DELIBERATIVE SESSION**

23 MOTION by Conley to enter Deliberative Session at 7:52 p.m.; SECOND by Bonges. Unanimously  
24 APPROVED.  
25

26 **DECISIONS SIGNED:**  
27

28 **9(A). Conditional Use & Variance Application -- 13 Rainbow Place -- Mike Crete, Owner/Rick LeClair,  
29 Applicant.**

30 Bruce Jenkins, Chair	<u>yea</u> /nay/abstain/absent/recusal
31 Dave Conley, Vice-Chair:	<u>yea</u> /nay/abstain/absent/recusal
32 Henry Bonges, Clerk:	<u>yea</u> /nay/abstain/absent/recusal
33 Clayton Forgan:	<u>yea</u> /nay/abstain/absent/recusal

34  
35 **9(B). Conditional Use Application -- 304 Cold Spring Road -- Justin & Betsy Wheating, Owners/Jack  
36 Milbank - Civil Engineering Associates, Applicant.**

37 Bruce Jenkins, Chair	<u>yea</u> /nay/abstain/absent/recusal
38 Dave Conley, Vice-Chair:	<u>yea</u> /nay/abstain/absent/recusal
39 Henry Bonges, Clerk:	<u>yea</u> /nay/abstain/absent/recusal
40 Clayton Forgan:	<u>yea</u> /nay/abstain/absent/recusal

41  
42 **9(C). Conditional Use Application -- 690 Everest Road -- Virginia & Daniel Dubois, Owners/Jack Milbank  
43 - Civil Engineering Associates, Applicant.**

44 Bruce Jenkins, Chair	<u>yea</u> /nay/abstain/absent/recusal
45 Dave Conley, Vice-Chair:	<u>yea</u> /nay/abstain/absent/recusal
46 Henry Bonges, Clerk:	<u>yea</u> /nay/abstain/absent/recusal
47 Clayton Forgan:	<u>yea</u> /nay/abstain/absent/recusal

1 **9(D). Major Conventional Subdivision Sketch Plan Application -- 159 East Road -- Sandra Martell &**  
2 **Waldo Martell, Owners/Chris Blondin, Applicant.**

3 Bruce Jenkins, Chair            yea/nay/abstain/absent/recusal  
4 Dave Conley, Vice-Chair:       yea/nay/abstain/absent/recusal  
5 Henry Bonges, Clerk:           yea/nay/abstain/absent/recusal  
6 Clayton Forgan:                yea/nay/abstain/absent/recusal  
7

8 MOTION by Conley to exit Deliberative Session at 8:20 p.m.; SECOND by Bonges. Unanimously  
9 APPROVED.

10  
11 **10. ADJOURNED**

12 MOTION by Conley to adjourn at 8:21 p.m.; SECOND by Bonges. Unanimously APPROVED.  
13

14  
15 Minutes approved by the Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
16

17  
18 \_\_\_\_\_  
19 Bruce Jenkins, Chair /kt

20 Draft filed with the Town Clerk this 27<sup>th</sup> day of May, 2016.  
21

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