

**TOWN OF MILTON DEVELOPMENT REVIEW BOARD**  
**PUBLIC NOTICE OF MEETING & AGENDA**  
**Regular Meeting on Thursday, July 9, 2015 at 7:00 p.m.**

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Municipal Building Community Room  
43 Bombardier Road, Milton, VT 05468  
802.893.1186 ♦ www.miltonvt.org

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- 6:00 p.m. Site Visit to Greenfield Way**  
*Site visits are open to the public but are not an open development review hearing. No testimony shall be taken and no ex parte communication shall occur.*
- 7:00 p.m. Call to Order, Attendance, Agenda Review**
- 7:00 p.m. Public Forum**  
*The public may attend and be heard in accordance with Vermont's Open Meeting Law (1VSA312).*

**Development Review Hearings**

- 7:00 Variance Application – Green Field Way – Green Field Homeowners Inc., Owners/Applicants.** The Applicants are requesting a one-year Variance according to Section 1020 and 1070 of the Zoning Regulations in order to be able to construct and formalize dwelling unit egress and HVAC structures restricted by the Regulations and the 2009 DRB Final Plan & Site Plan Decision and Plat for the Type "A" Planned Residential Development. The Plat restricts the placement of "structures" outside of the defined "building envelopes" (subsequently redefined as "buildable envelopes") and within a designated common area, "open space", "buffer strip" (within which no "structures" other than fences may be placed) according to the Sections 844.3, 844.7(a) and 1010 of the March 26, 2007 Regulations (active at the time of approval), as well as Sections 856, 856.3(a) and 1110 of the (current) January 5, 2015, Regulations . The subject development is located at Green Field Way, described as SPAN #10148, Tax Map 25, Parcel 1. The subject property contains a total of approximately 1.92 acres and is located within the "Checkerberry "M4" Zoning District.
- 7:15 p.m. Sketch Plan Application, Major Conventional Subdivision – 159 East Road - Sandra Martell, Owner and Chris Blondin, Applicant.** The Applicant is requesting Sketch Plan approval for a proposed 8-lot Major Conventional Subdivision located at 159 East Road, described as SPAN# 12211, Tax Map 11, Parcel 93. The subject lots are proposed to be served by shared septic and shared wells. Also proposed is a new, looped private road within a 60' private right-of-way accessed from two intersections on East Road. The site contains several existing structures. The subject property contains a total of 59.13 acres. and is located within the "Old Towne Residential" (R1) Zoning District.
- 7:25 p.m. Site Plan Application – Catamount Drive (Lot 14 B) – T. Chase Investments, LLC c/o Neagley & Chase Construction Co; Owners/Applicants.** The Applicant seeks Site Plan Approval according to the Milton Zoning Regulations to construct a 10,100 sq. ft. compressed natural gas trucking distribution facility in the Catamount Industrial Park. The site is proposed to be served by municipal water and sewer and accessed from two curb cuts off Catamount Drive. The site is located at Catamount Drive (Lot 14 B), described as SPAN #11527, Tax Map 3, Parcel 8-145. The subject property contains a total of approximately 3.34 acres and is located within the "General Industrial "I2" Zoning District.

Milton Development Review Board Agenda

- 7:45 p.m. **Other Business**
  - Staff Update
- 7:55 p.m. **Minutes**
  - June 25, 2015
- 8:00 p.m. **Possible Deliberative Session** (Private Session per 1 VSA 312)
  - Review Pending Written Decisions
- 8:00 p.m. **Adjournment**

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**Jacob Hemmerick, Town Planner**

Agenda filed in the Town Clerk's Office. Posted in the Municipal Building Lobby, Planning & Economic Development Department, Town's Facebook page, Town's DRB webpage, Middle Road Market, Milton Beverage, & Rene's Discount Beverage. E-mailed to the Regional Planning Commission, *Burlington Free Press*, *Milton Independent*, & LCATV. The times shown above are estimates. The Monday before meeting, the DRB meeting materials are posted online under the DRB's "Agendas and Minutes" page: <http://www.miltonvt.org/government/boards/drb.html>.



## TOWN OF MILTON

### Planning & Economic Development Department

43 Bombardier Road  
Milton, Vermont 05468-3205  
www.miltonvt.org  
(802) 893-1186  
planning@town.milton.vt.us

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## MEMO

TO: Development Review Board (DRB)  
CC: Applicant  
FROM: Jacob Hemmerick, Planning Director *JMH*  
DATE: July 1, 2015  
SUBJECT: GREENFIELD WAY VARIANCE APPLICATION PLAN SUBMISSION

On July 1, 2015, I spoke with Greenfield Way Homeowners Association President Jay Nadeau regarding the site visit and hearing continuance to the DRB's regular meeting on July 9, 2015.

The Applicant is working on plans that will show:

- Existing non-complying structures granted certification of compliance by the Town, and
- Proposed structures.

The plans were not available at the time of packet preparation, and the Applicant will present them at the hearing for DRB consideration.

One aspect that the DRB should remain aware of is the possibility that unpermitted non-complying structures have been erected since the certification of occupancy/compliance. While Staff has no evidence that this has occurred nor evidence of what was specifically present at the time of certification, unpermitted and uncertified existing non-complying structures could be a third category to the two mentioned above. These would be in violation of the Regulations and should be handled with some care since no officer or body of the Town would have reviewed, permitted or certified them. If such structures exist, they could be formalized through the Variance application, if approved.

**Minutes from  
TOWN OF MILTON – DEVELOPMENT REVIEW BOARD  
August 27, 2009**

For a complete record of the meeting, it is available to listen to in the Planning and Economic Development office.

**Members Present:** Bruce Jenkins, John Jorschick, Clayton Forgan, David Conley, Ron Harding, David Keelty, alternate (arrived 7:30 p.m.).

**Members Absent:** None

**Staff Present:** Carrie Violette, Economic Development Coordinator and David Joachim, Zoning Administrator.

**Others Present:** See attached sign-in sheet.

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**CALL TO ORDER**

Mr. Jenkins called the meeting to order at 7:04 p.m.

**PUBLIC FORUM**

None.

**PUBLIC HEARINGS ON APPLICATIONS**

**Site Plan & Conditional Use Application – T-Mobile Northeast, LLC c/o Mark Hall, Applicant – Camp Holdings, LLC, Owner.** The Applicant is requesting Site Plan and Conditional Use approval for nine wireless telecommunications antennas on a 121' monopole, equipment cabinets and cable runs within a 25' x 25' area, described as Lister's Map 3, Parcel 20-1. The Applicant also proposes a 10' access drive from the existing driveway to the tower area. The subject property contains a total of 15.50 acres and is located within the "General Industrial" (I2) Zoning District.

The DRB members who participated in this hearing were: Bruce Jenkins, John Jorschick, Clayton Forgan, Ron Harding, and David Conley.

Mark Hall, Jeff David, and Glen Kreisberg represented the Applicant. Mr. Jenkins administered the oath and read the numbered items from the staff report. In response to comment #1, the DRB asked how tall the nearby Camp silo is. Mr. Hall replied it is 66' tall. The DRB will need to determine if the proposed 121' tall monopole will adversely impact the character of residences to the east of this property. In response to comment #2 regarding possible location of the antennas on one of the existing Camp silos, Mr. Hall stated they prefer to co-locate the antennas on an existing structure whenever possible, but in this case, they would lose approximately 50% of their coverage and create a large gap to the south if they reduce the height to 66' & place them on the existing Camp silo. In response to comment #3, regarding the request from the Fire Department to widen the driveway and add a 40' long turn-around, Mr. Hall said they don't think they can do the 40' turnaround due to the size of their lease area. Mr. Hall stated they would talk to Camp to

see if they can get some additional room. He also said they would make the driveway 12' wide, although they prefer 10'. He said they could possibly expand the parking area and round off the corner if they can't get the additional 40'. Mr. Hall stated he does not think this is a fire or rescue risk. He said the pole is smooth, so no one can climb it like the older-style towers. In response to comment #4, Mr. Hall stated there would be approximately one vehicle visit per month or every couple months. He stated the construction period would last approximately three weeks. The construction equipment will include a cement truck and a crane truck. In response to comment #5, Mr. Hall stated there is no lighting on the pole itself. There will be one light within the utility box that will only come on when the door to the utility box is opened by a technician. In response to comment #6, Mr. Hall stated he does not believe landscaping is necessary, because it is impossible to screen a 121' tall monopole. It would only screen the utility box, which they do not think is necessary. He stated the pole will be painted brown, although they are willing to paint it whatever color the Town prefers. In response to comment #7, Mr. Hall agreed to submit erosion and stormwater management details, although he does not believe much will be necessary due to the flat site and sandy soils.

Mr. Jenkins closed the hearing at 7:30 p.m.

**Site Plan & Conditional Use Application— Rick Sharp and Ruth Masters, Owners/Applicants.** The Applicant is requesting Site Plan and Conditional Use approval for a proposed ropes course with multiple zip lines, camping spaces, and Segway riding, rentals and instruction located on Cobble Hill Road, described as Lister's Map 3, Parcel 64-1. Onsite water and septic is proposed. The subject property contains approximately 84.76 acres and is located within the "Agricultural/Rural Residential" (R5) and "Forestry/Conservation/Scenic Ridgeline" (FC) Zoning Districts.

The DRB members who participated in this hearing were: Bruce Jenkins, John Jorschick, Clayton Forgan, Ron Harding, and David Conley.

Rick Sharp and Ruth Masters were present. Mr. Jenkins administered the oath and read the numbered items from the staff report. Mr. Jenkins stated he lives in the neighborhood of the subject property, and asked if anyone had an objection to his participation in the hearing. No one expressed an objection.

In response to comment #1, Mr. Sharp stated the barn will be used primarily to support the Christmas tree farm. They will be making wreaths and selling them, and they will use the barn one month a year to sell Christmas trees. They will use it the remainder of the year to support the other uses. There will be a bathroom in the barn for which they have received a State wastewater permit. Ms. Masters stated the barn will also be used to store farm equipment. In response to comment #2, Mr. Sharp stated they are holding back on the construction of the bed and breakfast due to the economy. They are proceeding with the construction of the barn instead. Mr. Sharp stated they will put together a plan showing all the uses on the property. Mr. Sharp stated they are showing 60 parking spaces, which is what is there now. They are not adding any parking spaces for the new uses, but they feel what they have now is adequate. Mr. Sharp stated a maximum of 16-17 cars park there on a busy December weekend. He stated they have the ability to park another 100 cars in the paragliding area if they needed to. There are 40

parking spaces in the gravel pit and another 12 near the barn. There will be an additional 12 spaces near the bed & breakfast, with the open fields for overflow.

In response to comment #4, Mr. Sharp stated it is not possible for him to show how pedestrians will get from the parking area to the activity areas. He stated they walk up the road or they walk wherever they want to, as it is all open. His response was similar for #5; people will walk to the camping spaces or will drive a four-wheel drive vehicle down a logging road to get to the more remote sites. In response to a question from the DRB, Mr. Sharp stated that there will be mostly tents, although once in awhile there may be a camper.

In response to comment #s 6 & 7, Mr. Sharp stated the driveway will be 24' wide from the gate to the large parking area and then 20' wide from the large parking area to the bed & breakfast. He stated the Fire Department will be provided with a key to the gate. Mr. Jenkins asked what the grade of the driveway is. Mr. Sharp responded it is less than 15%. In response to comment #8, Mr. Sharp agreed to indicate the size of the parking spaces on the plan. In response to comment #9, Mr. Sharp agreed to designate a handicapped parking space on the plan. Comment #10 was previously addressed. In response to comment #11, Mr. Sharp stated the parking area will consist of crushed slate.

In response to comment #12, Mr. Sharp stated that they will put the outdoor lighting on the plans. In response to comment #13, Mr. Sharp stated there will be no formal landscaping, as the site is naturally landscaped. In response to comment #14, Mr. Sharp agreed to show a screened dumpster on the plans if they are going to have one. In response to comment #15, Mr. Sharp stated he is not aware of any natural features on the property, but if there are, they are cognizant of not disturbing things. In response to comment #16, Mr. Sharp stated no trees will be cleared for the ropes course, although some of the lines may be anchored into live trees, and there may be platforms built on live trees. Mr. Sharp stated there will be no tree clearing for camping, either. Mr. Sharp stated they are clearing now for additional Christmas trees and to repair damage done by ATVs. In response to comment #17, Mr. Sharp stated there will be no impact on any potential natural resources on the property. He stated there will be no campfires and no platforms for the campsites. He stated the Segways may leave some marks on the trails, but it will be less than the ATVs.

Mr. Sharp stated the campers will have access to the bathroom in the barn, which will include a shower. He stated there will be a snack bar in the barn, but no cooking, as their wastewater permit does not allow it.

Mr. Jenkins closed the hearing at 7:54 p.m.



**Final Plan & Site Plan Application, Type "A" Planned Residential Development (PRD) – Green Field Housing, LLC c/o Richard Colton, Owner/Applicant.** The Applicant is requesting Final Plan and Site Plan approval for a Type "A" PRD located at 23 West Milton Road, described as Tax Map 25, Parcel 1. The proposal is to construct 12 units in 4 three-unit buildings. The project is proposed to be serviced by a new private road and municipal water and sewer. The subject property contains a total of 1.94 acres and is located within the "Checkerberry" (M4) Zoning District.

**Motion by John Jorschick, second by Ron Harding, to continue the Final Plan and Site Plan application for Greenfield Housing, LLC, to September 24, 2009. Discussion: None. Vote: Mr. Jenkins: yea; Mr. Jorschick: yea; Mr. Forgan: yea; Mr. Harding: yea; Mr. Conley: yea. MOTION PASSED**

**OTHER BUSINESS**

The DRB members introduced themselves to new alternate member, David Keelty.

Mr. Jenkins signed the mylar for the Lombard/Hayes Boundary Line Adjustment.

**ZONING ADMINISTRATOR'S REPORT**

Mr. Joachim stated the Town Attorney is working on two cases, one involving junk vehicles, the other involving litter in the village. Mr. Joachim stated he sent out two junk vehicle violation letters today.

**APPROVAL OF MINUTES**

**Motion by John Jorschick second by Clayton Forgan to approve the minutes from the August 13, 2009, DRB meeting, as written. Discussion: None. Vote: Mr. Jenkins: yea; Mr. Jorschick: yea; Mr. Forgan: yea; Mr. Harding: yea; Mr. Conley: yea. MOTION PASSED**

**EXECUTIVE SESSION per VSA Title 1, Section 312, e, f for the Purposes of Deliberations**

**Motion by David Conley, second by Clayton Forgan, to enter Executive Session at 8:05 p.m. All present voted in favor.**

**RETURN TO PUBLIC MEETING to Vote on Decisions**

**Motion by Clayton Forgan, second by Ron Harding, to return to public session at 8:43 p.m. All present voted in favor.**

**DECISIONS**

**Motion by Ron Harding, second by John Jorschick, to approve the Site Plan and Conditional Use application of Velija Setkic and Bonnie Dattilio for the conversion of a bottle redemption facility to a dance and exercise studio located at 62 West Milton Road. Discussion: None. Vote: Mr. Jenkins: yea; Mr. Jorschick: yea; Mr. Forgan: yea; Mr. Harding: yea; Mr. Conley: yea. MOTION PASSED.**

**Motion by Clayton Forgan, second by Ron Harding, to approve the Type B PRD Final Plan application of Belva A. Meulemans, Trustee, for a 6-lot, 5-unit subdivision located on the westerly side of East Road. Discussion: None. Vote: Mr. Jenkins: yea; Mr. Jorschick: yea; Mr. Forgan: yea; Mr. Harding: yea; Mr. Conley: yea. MOTION PASSED.**

**ELECTIONS**

**Motion** by Bruce Jenkins, **second** by Clayton Forgan, to nominate John Jorschick as Chair. Discussion: None. Vote: Mr. Jenkins: yea; Mr. Jorschick: abstain; Mr. Forgan: yea; Mr. Harding: yea; Mr. Conley: yea. **MOTION PASSED.**

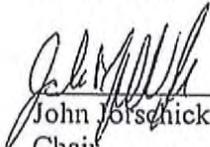
**Motion** by Bruce Jenkins, **second** by David Conley, to nominate Ron Harding as Vice-Chair. Discussion: None. Vote: Mr. Jenkins: yea; Mr. Jorschick: yea; Mr. Forgan: yea; Mr. Harding: abstain; Mr. Conley: yea. **MOTION PASSED.**

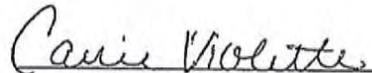
**Motion** by Bruce Jenkins, **second** by John Jorschick, to nominate David Conley as Clerk. Discussion: None. Vote: Mr. Jenkins: yea; Mr. Jorschick: yea; Mr. Forgan: yea; Mr. Harding: yea; Mr. Conley: abstain. **MOTION PASSED.**

**ADJOURNMENT**

**Motion** by David Conley, **second** by Clayton Forgan, to adjourn the meeting at 8:45 p.m. All present voted in favor.

Respectfully submitted,

  
\_\_\_\_\_  
John Jorschick  
Chair

  
\_\_\_\_\_  
Carrie Violette  
Economic Development Coordinator

Date Approved: September 24, 2009

SIGN-IN SHEET FOR DEVELOPMENT REVIEW BOARD MEETING

DATE: August 27, 2009

NAME (PRINT)	SIGNATURE	MAILING ADDRESS	PHONE #
JEFF DAVIS	<i>[Signature]</i>	Syracuse, New York	315-425-2223
Lena Kreisberg	<i>[Signature]</i>	WoodsBock, NY Box 1278 12498	845-917-156
Mark Hal	<i>[Signature]</i>	1 Church St. PO 1307 Burlington VT	658-2511
SUMNER COHEN	<i>[Signature]</i>	15 COUNTRY LAKE	343-3721
Rick Sharp	<i>[Signature]</i>	116 Waybury Rd, Colchuck	878-3507
Ruth Masters	<i>[Signature]</i>	116 Waybury Rd. Colchuck	899-3707
Roy Hedges	<i>[Signature]</i>	201 Cobble Hill Rd.	893-4697
Sandra Halper	<i>[Signature]</i>	201 Cobble Hill Rd.	893-4697

IT APPEARS THAT THE DECISION MISTAKENLY REFERENCES  
A CONTINUANCE TO SEP. 10, 2009 INSTEAD OF SEP. 24.

Minutes from  
TOWN OF MILTON – DEVELOPMENT REVIEW BOARD  
September 10, 2009

JMH

For a complete record of the meeting, it is available to listen to in the Planning and Economic Development office.

**Members Present:** Ron Harding, Vice-Chair; David Conley, Clerk; and David Keelty, Alternate.

**Members Absent:** None

**Staff Present:** Carrie Violette, Economic Development Coordinator.

**Others Present:** See attached sign-in sheet.

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### CALL TO ORDER

Mr. Harding called the meeting to order at 7:05 p.m.

### PUBLIC FORUM

None.

### PUBLIC HEARINGS ON APPLICATIONS

**Site Plan Amendment Application – 28-30 River Street, LLC, Owner/Applicant.** The Applicant is requesting Site Plan amendment approval for the change of use of a garage from residential to commercial located at 28-30 River Street, described as Lister's Map 32, Parcel 22, 22-1 and 22-2. This application also covers the additional U-haul rental facility on the property. The property is serviced by municipal water and sewer. The subject property contains a total of 1.69 acres and is located within the "Old Towne Residential/Commercial" (M5) Zoning District. *Continued from March 12, 2009, April 23, 2009, June 25, 2009 & July 23, 2009.*

**Motion by David Conley, second by David Keelty, to continue the Site Plan Amendment application for 28-30 River Street, LLC, to October 8, 2009.** Discussion: None. Vote: Mr. Jenkins: absent; Mr. Jorschick: absent; Mr. Forgan: absent; Mr. Harding: yea; Mr. Conley: yea; Mr. Keelty: yea. **MOTION PASSED**

**Appeal from Decision of Zoning Administrator – Randall & Marcie Jorgensen, Owners/Appellants.** The Appellants are requesting an Appeal of the Zoning Administrator's Decision denying Zoning Permit # 126-09A, an amendment to Zoning Permit # 126-09, for a single family residence with access via a private right-of-way and a Class 4 road. The permit was denied for the following reasons: incomplete application (no plan showing access via Class 4 road), no approved highway access permit, and use of Class 4 road is not permitted by Milton Selectboard & Section 530 of the Milton Zoning Regulations. The subject property is described as Tax Map 18, Parcel 35-202, contains 73.54 acres, and is located within the "Agricultural/Rural Residential" (R5) Zoning District.

Motion by David Conley, second by David Keelty, to continue the Appeal of Randall and Marcie Jorgensen to October 8, 2009. Discussion: None. Vote: Mr. Jenkins: absent; Mr. Jorschick: absent; Mr. Forgan: absent; Mr. Harding: yea; Mr. Conley: yea; Mr. Keelty: yea. **MOTION PASSED**

**OTHER BUSINESS**

Motion by David Conley, second by David Keelty, to grant a 6-month extension of the Sketch Plan approval to May 20, 2009, for the Waldo and Sandra Martell Minor Conventional Subdivision. Discussion: None. Vote: Mr. Jenkins: absent; Mr. Jorschick: absent; Mr. Forgan: absent; Mr. Harding: yea; Mr. Conley: yea; Mr. Keelty: yea. **MOTION PASSED**

**ZONING ADMINISTRATOR'S REPORT**

None.

**APPROVAL OF MINUTES**

Minutes were not approved.

**EXECUTIVE SESSION per VSA Title 1, Section 312, e, f for the Purposes of Deliberations**

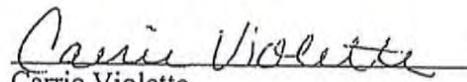
There was no executive session or decisions.

**ADJOURNMENT**

Motion by David Conley, second by David Keelty, to adjourn the meeting at 7:10 p.m. All present voted in favor.

Respectfully submitted,

  
\_\_\_\_\_  
John Jorschick  
Chair

  
\_\_\_\_\_  
Carrie Violette  
Economic Development Coordinator

Date Approved: 10/8/09



**Minutes from  
TOWN OF MILTON – DEVELOPMENT REVIEW BOARD  
September 24, 2009**

For a complete record of the meeting, it is available to listen to in the Planning and Economic Development office.

**Members Present:** John Jorschick, Chair; David Conley, Clerk; Bruce Jenkins; Clayton Forgan; and David Keelty, Alternate.

**Members Absent:** Ron Harding, Vice-Chair.

**Staff Present:** Carrie Violette, Economic Development Coordinator and David Joachim, Zoning Administrator.

**Others Present:** See attached sign-in sheet.

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**CALL TO ORDER**

Mr. Jorschick called the meeting to order at 7:04 p.m. and appointed alternate member David Keelty to serve as a board member for the meeting.

**PUBLIC FORUM**

Steven Kilburn was present to discuss proposed changes to the landscaping plan for the Ice Barn. Mr. Kilburn explained that he is not proposing any reductions in numbers or changes in species, just relocating some of the proposed plantings. Mr. Kilburn showed his proposed plan to the DRB. The DRB found the proposed changes acceptable and instructed Mr. Kilburn to submit the revised plan and a letter describing the changes to the Planning Office.

**PUBLIC HEARINGS ON APPLICATIONS**

**Sketch Plan Application, Minor Conventional Subdivision – Jason Scott, Applicant; Richard & Laurie Scott, Owners.** The Applicant is requesting Sketch Plan approval for a proposed 2-lot Minor Conventional Subdivision located at 455 Everest Road, described as Tax Map 9, Parcel 6-9. The proposal is to subdivide a 10 acre lot from the larger parcel. The subject property contains a total of 114.0 acres and is located within the "Agricultural/Rural Residential" (R5) Zoning District. Continued from May 28, 2009, June 11, 2009 & July 23, 2009.

Laurie Scott and Jason Scott were present. Ms. Violette explained that the hearing was originally continued so the Scotts could determine how many lots they are going to subdivide. Laurie Scott stated that they are going to subdivide two 10-acre lots and a separate 4.79-acre lot.

Mr. Jorschick closed the hearing at 7:15 p.m.

 **Final Plan & Site Plan Application, Type "A" Planned Residential Development (PRD) – Green Field Housing, LLC c/o Richard Colton, Owner/Applicant.** The Applicant is requesting Final Plan and Site Plan approval for a Type "A" PRD located at 23 West Milton Road, described as Tax Map 25, Parcel 1. The proposal is to construct 12 units in 4 three-unit

Mr. Jorschick closed the hearing at 7:37 p.m.

#### **OTHER BUSINESS**

Ms. Violette stated she had a mylar to be signed for the Overlake Lot 10B approval.

Ms. Violette suggested an alternate meeting schedule for the rest of the year due to holiday conflicts and the general slow-down in agenda items. She suggested the DRB have one meeting a month, cancelling the second meeting of the month for October, November, and December. In November and December the second meetings are Thanksgiving & Christmas Eve, plus it is difficult to get plans to the TAC Committee and get comments back in time for staff reports when the agendas are not set enough time in advance. The DRB did not want to cancel any meetings at this time. They want to hold both meetings in October and then will reevaluate. They may decide to go with one meeting in November & December or may want to go with a first & third Thursday schedule (instead of 2<sup>nd</sup> & 4<sup>th</sup>).

#### **ZONING ADMINISTRATOR'S REPORT**

None.

#### **APPROVAL OF MINUTES**

The minutes from the September 10, 2009, meeting could not be approved.

**Motion** by Bruce Jenkins, **second** by Clayton Forgan, to approve the minutes from the August 27, 2009, meeting as written. Discussion: None. Vote: Mr. Jenkins: yea; Mr. Jorschick: yea; Mr. Forgan: yea; Mr. Harding: absent; Mr. Conley: yea; Mr. Keelty: yea. **MOTION PASSED**

#### **EXECUTIVE SESSION per VSA Title 1, Section 312, e, f for the Purposes of Deliberations**

**Motion** by Clayton Forgan, **second** by Bruce Jenkins to enter Executive Session at 7:45 p.m. All present voted in favor.

#### **RETURN TO PUBLIC MEETING to Vote on Decisions**

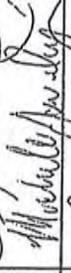
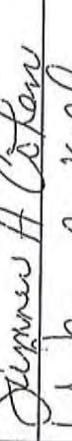
**Motion** by Clayton Forgan, **second** by Bruce Jenkins, to return to public session at 8:26 p.m. All present voted in favor.

#### **DECISIONS**

**Motion** by Clayton Forgan, **second** by Bruce Jenkins, to approve the Site Plan and Conditional Use application of Rick Sharp and Ruth Masters for a proposed ropes course with multiple zip lines, camping spaces, and Segway riding, rental, and instruction located on Cobble Hill Road. Discussion: None. Vote: Mr. Jenkins: yea; Mr. Jorschick: yea; Mr. Forgan: yea; Mr. Harding: absent; Mr. Conley: yea. **MOTION PASSED**

SIGN-IN SHEET FOR DEVELOPMENT REVIEW BOARD MEETING

DATE: September 24, 2009

NAME (PRINT)	SIGNATURE	MAILING ADDRESS	PHONE #
Steven Kilburn		384 RT 7 South Mt	893-4237
Starrs Dentele		29 West Milton Rd	893-2174
Michelle Diagon		17 Phyllis Drive	893-3643
AET SHIELDS		1360 DOBLET ST SO. BURLINGTON	863-1855
LAURIE A SCOTT		455 Everest Rd Milton VT 05468	893-2152
PHYLLIS EVEREST		3 Beach Rd Milton	893-7834
Amy Murray		4 Trip's Place Milton	363-2497
Sara Mitchell		90 Beach Rd Milton	891-6233
JASON SCOTT		"	"
Richard F. Scott		Milton 455 EVEREST RD	893-2152
Summer H. COHEN		15 COUNTRY LN.	893-1992
Wendy Kilburn		Westmain St Milton	893-2607
David Burke		11 Corp Dr., Ste 1 Essex Jct VT 05752	878-9990

**TOWN OF MILTON  
DEVELOPMENT REVIEW BOARD  
43 BOMBARDIER ROAD, MILTON, VERMONT 05468  
PHONE (802) 893-1186**

**NOTICE OF DECISION for  
Green Field Housing LLC c/o Richard Colton  
*Type "A" Planned Residential Development - Final Plan & Site Plan***

This matter came before the Milton Development Review Board (DRB) on the application of Owner/Applicant Green Field Housing, LLC c/o Richard Colton, referred to hereafter as the "Applicant," for a Type "A" Planned Residential Development Final Plan & Site Plan located at 23 West Milton Road, described as Tax Map 25, Parcel 1. The DRB conducted a warned public hearing on August 27, 2009, which was continued to September 10, 2009.

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

**FINDINGS OF FACT**

1. The Applicant is requesting Final Plan and Site Plan approval for a Type "A" PRD located at 23 West Milton Road, described as Tax Map 25, Parcel 1. The proposal is to construct 12 units in 4 three-unit buildings. The project is proposed to be serviced by a new private road and municipal water and sewer.
2. The subject property contains a total of 1.94 acres and is located within the "Checkerberry" (M4) Zoning District. The property owner and applicant is Green Field Housing LLC c/o Richard Colton.
3. The DRB held a warned public hearing on August 27, 2009, which was continued to September 10, 2009, at the request of the Applicant. No other testimony was taken on August 27. The following DRB members were present and participated at the hearing on September 10: John Jorschick, Bruce Jenkins, Clayton Forgan, David Conley, and alternate member David Keely. The Applicant was represented by David Burke from O'Leary-Burke Civil Associated PLC and Art Shields.

**CONCLUSIONS**

**Background**

1. Section 844.2: *Approval Procedures for Type "A" PRDs* of the Zoning Regulations requires the Applicant to submit a plan prepared by a certified engineer that includes a narrative, a survey, a density analysis, and a sketch plan. The Applicant's Sketch Plan was approved on September 25, 2008, and the DRB subsequently granted an extension of the Sketch Plan approval to March 24, 2009. In the Sketch Plan Decision, the DRB found that the project density must be reduced from four 3-unit buildings to three 3-unit buildings due to concerns over the proposed density due to the character of the neighborhood being mostly single-family dwellings, and concerns that it will be difficult to fit four buildings on the site while still leaving an appropriate amount of open space and appropriate buffer space between the buildings and between adjacent properties. The Applicant subsequently attended the DRB meeting on October 23, 2008, and requested that the DRB allow them to proceed with their plan as proposed, because they felt if they were given the opportunity to present more

NOTICE OF DECISION FOR Green Field Housing LLC c/o Richard Colton  
Type "A" Planned Residential Development – Final Plan & Site Plan

detailed information at the preliminary stage, then they might be able to alleviate some of the DRB's concerns. After considerable discussion, the DRB recommended that the plans that are presented for preliminary approval should be as detailed as possible and should show that the project will fit in with the character of the neighborhood. At this meeting, the Applicant also stated that the project will consist of senior-type housing for retirees, people trying to scale down, and empty-nesters, and will be all one-level units of about 1250-1400 square feet.

2. The DRB granted Preliminary Plan approval on June 25, 2009. The Preliminary Plan decision included conditions requiring additional parking and a sidewalk, and states the density will be evaluated with the Final Plan application to determine if additional parking and a sidewalk can be provided while also maintaining an appropriate amount of open space.
3. The Final Plan generally meets the requirements of the Subdivision Regulations, as well as the requirements of the Zoning Regulations. A Site Plan application was submitted for review with the Preliminary Plan application and will be reviewed again with the Final Plan application.

**Site Visit**

4. The DRB held a site visit on September 6, 2008, and the site was staked out. Clayton Forgan and Ron Harding attended this site visit. The following DRB members visited the site on their own: Allen Lasell, Bruce Jenkins, George Belansek, and David Conley.

**Narrative**

5. Section 844.2(d): *Narrative* of the Zoning Regulations requires the Applicant to provide a narrative that describes how the proposed design provides for the purposes of PRDs as listed in Section 842 in the Zoning Regulations, identifies the benefits to the Town of the Type "A" PRD over a conventional subdivision, and identifies the proposed use of the open space and possible mechanisms for its protection. The Applicant's narrative was considered during the Sketch Plan review. Based on the Sketch Plan and corresponding narrative submitted by the Applicant, the DRB believes the proposed subdivision will generally meet the goals of the Type "A" PRD.

**Section 844.1: Density Analysis**

6. The density analysis submitted with the application shows that the maximum density for the site is 12 units. The Applicant is proposing 12 units in 4 three-unit buildings. The density analysis in the application was figured using the allowable maximum density in the M4 District for multifamily dwellings, which is 7 units per acre. This results in 12 units. The DRB found in the Sketch Plan Decision that this methodology was acceptable, although there is a discrepancy in the Zoning Regulations. Section 844.1(c)[4] within the Type "A" PRD regulations states that the total developable land area must be divided by the minimum lot area for single family dwellings, which in this case is 20,000 square feet. This would result in 5 units allowed. So although greater density is allowed within the M4 Zoning District for multifamily structures, which are defined as structures containing three or more dwelling units, when a PRD is proposed if the density analysis is done using the minimum

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lot area for the zoning district, it often results in fewer units allowed. Therefore, the DRB found that the density calculation could be done using the maximum allowable density in the M4 Zoning District of 7 units per acre for multifamily dwellings.

7. Section 844.1(d) of the Zoning Regulations states: "This density analysis shall be deemed to be the **maximum** number of units that could be sustained within the subdivision. The Development Review Board, at its discretion, may require that the number of units permitted be less than the maximum number if it finds that fewer units than the maximum will be necessary to fulfill the purposes of such developments, as indicated in Section 842 and 842.1 above and the *Comprehensive Plan of the Town of Milton*, or if the Development Review Board finds that development constraints on the land prevent the number of units generated through the density analysis."
8. As previously noted in the "Background" section, the DRB initially found, during the Sketch Plan review, that the proposal was too dense and requested a reduction in density. The Applicant subsequently requested that the DRB allow them to proceed with the proposal and be reevaluated at the Preliminary Plan stage when more details were presented. The DRB granted Preliminary Plan approval on June 25, 2009, but stated in the decision that the density would be further evaluated at the Final Plan stage when the requested additional parking and sidewalk were incorporated into the plans, to ensure that enough open space remained.
9. The Final Plan shows 12 units within four 3-unit buildings. The building elevations show one-story buildings with each unit having a one-car garage. The DRB will need to consider factors such as open space, parking, and character of the area, among other factors, when making the determination of whether or not the proposed density is acceptable. The DRB finds that the Applicant's assurances during the follow-up meeting to the sketch plan decision that the project would consist of one-story, senior-type housing for retirees, people trying to scale down, and empty-nesters has alleviated some of their initial concerns about the overall density, and therefore finds that the twelve units are appropriate for this type of use.

### Survey

10. Section 844.2(a): *Survey* of the Zoning Regulations requires the Applicant to submit a metes and bounds survey of the entire land tract affected by the Type "A" PRD prepared by a certified land surveyor. The Applicant has submitted a survey that meets the requirements of the Subdivision Regulations. The survey must be placed on mylar, signed by the DRB Chair, and recorded in the land records within 180 days of the Final Plan approval, if approved.

### Lot Layout

11. Section 844.7(j): *Type "A" PRD Conventional Lot Waivers* of the Zoning Regulations states that all lots must fully comply with the lot area and dimensional requirements of the Zoning District in which the Type "A" PRD is located unless specifically waived by the DRB.
12. The Final Plans note that the total lot area including the private right-of-way is 1.94 acres; when the 0.66-acre right-of-way is excluded from the lot area, in accordance with the

NOTICE OF DECISION FOR Green Field Housing LLC c/o Richard Colton  
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definition of lot area in the Zoning Regulations, the lot area is 1.28 acres. However, the Applicant now proposes footprint lots. The Milton Zoning Regulations do not include special provisions for footprint lots within PRDs; therefore, footprint lots must be considered regular lots for which waivers must be requested. Essentially, the footprint lots change the proposal from one lot with 12 units clustered on it to a 13-lot subdivision, with 12 footprint lots and one common land lot. The Applicant has requested waivers for the footprint lots, which will require waivers from the required minimum lot area, minimum frontage, minimum setbacks, and maximum lot coverage. The footprint lot areas are shown on the plans. The DRB hereby approves the requested waivers to allow for the requested footprint lot areas and to allow for zero frontage, zero setbacks, and 100% lot coverage for the footprint lots. Although the plans do show the footprint areas and the lot area with and without the footprints, the plans (including the "Project Data" box) should be clarified to indicate that there are 13 lots proposed and include the requested waivers from the dimensional requirements. Additionally, the "Lot Areas" box on the plat should be revised to clarify that there are 13 lots and indicate what the areas of the 13 lots are (this will be 12 footprint lots plus one "common land" lot). Although this information is on the plans and can be pieced together, this information should be clear in one table to assist the Lister's Office when they establish the new parcels.

13. Dimensional tables from the Preliminary/Final Plan application form must be filled out for each lot.
14. Previously, the Applicant requested a waiver to a 0' front setback from the sidelines of the 60' private right-of-way, and the DRB granted the requested waiver in the Preliminary Plan decision. The common land lot's frontage is established along West Milton Road and the proposed private right-of-way.
15. The plans show the required PRD buffer strip along the side and rear property lines of the development, in accordance with Section 844.7(a). This buffer will fall within the 60' right-of-way, and a small portion of the hammerhead and parking spaces will extend into the buffer, but since this is not a structure, this is acceptable. The 20' PRD buffer should be labeled on the plat.
16. In accordance with Section 844.3 of the Zoning Regulations, the site plan shall include building envelopes. Sheets 1 and 2 of the Final Plan set appear to show building envelopes, although they do not appear to be labeled. The Plat shows typical units (footprints), but does not show the building envelopes. The building envelopes must be labeled on the Site Plan sheets and added to the Plat.

**Section 844.5: Open Space**

17. The M4 Zoning District requires a minimum of 25% of the total land area in a Type "A" PRD be permanently protected as open space. The engineer's Preliminary Plan cover letter stated that the total common land, which excludes the units, the driveways, and the roadway, represents 60.8% of the parcel. A portion of the common land at the front of the lot has been designated for passive recreational use. This area represents 16.7% of the structure. The DRB found in the Preliminary Plan decision that since more than 25% of the lot will remain open as common land, this meets the intent of the Zoning Regulations. The homeowners' association documents have been submitted and are being reviewed to

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ensure they include language clarifying what are the intent and uses of the different types of common land and that they include provisions for its permanent protection.

**Section 700 Review, "Standards for Evaluation"**

18. Final approval of any subdivision must be based on a finding by the DRB that the proposed subdivision is in accordance with the twelve standards for evaluation contained in Section 700 of the Subdivision Regulations. The Applicant has submitted responses to Section 700. The DRB finds that the Applicant's responses are generally adequate, and the proposal is generally in accordance with the twelve standards of evaluation.

**Site Plan Review Standards**

19. In accordance with Section 800 of the Zoning Regulations, Site Plan approval shall be required before a Zoning Permit is issued for any use in any district with the exception of single-family dwellings, duplexes, triplex – owner-occupied on single lots, accessory residential structures, and all agricultural uses. In accordance with Section 802.3 of the Zoning Regulations, the DRB may consider the following criteria listed below in bold italic text in its review of a Site Plan application.
- (a) ***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.***
20. The Applicant is proposing to access the site via a new 24' wide private road within a 60' wide private right-of-way off of West Milton Road. A roadway profile and details have been submitted. The proposed roadway is approximately 400 feet long, which is less than the 1,000-foot maximum for a dead-end road specified in Section 800.5 of the Subdivision Regulations. A hammerhead has been provided at the road's terminus. The Zoning Administrator has found the name "Green Field Way" to be an acceptable name for the proposed private road. Homeowners Association documents have been submitted and are being reviewed to ensure they address the perpetual ownership and maintenance of the private road. In accordance with Section 800.1 of the Subdivision Regulations the DRB may require that a 60' right-of-way is established and extended to the western property line as there is potential for future development in that direction. In the Sketch Plan Decision, the DRB found that an extension of the 60' right-of-way to the adjacent property to the west is not necessary. The 60' private right-of-way should be labeled on the plat.
21. Visibility triangles have been delineated on the plans in accordance with Section 815.2 of the Zoning Regulations, and they are free from obstructions.
22. Section 810.1 of the Subdivision Regulations: Curbs, Sidewalks, and Pedestrian Accesses, states that curbs and sidewalks may be required when deemed appropriate by the DRB. In accordance with the Sketch Plan Decision, the Applicant proposes a 5' wide concrete sidewalk along the property's frontage on West Milton Road to connect to the sidewalk in the Field Ridge subdivision. The Town has future plans to extend the sidewalk from Field Ridge to Route 7. In the Preliminary Plan decision, the DRB required a sidewalk along one side of the proposed private road up to the first driveway and connecting to the proposed sidewalk along West Milton Road. Instead, a cinder path is being proposed across the passive recreation area. The engineer's cover letter states they feel this location is favorable for proper drainage,

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to avoid conflict with the three visitor parking spaces, and provide use of the designated common area and connection to the other sidewalk. Staff believes the proposed location of the path is adequate; however, it should be constructed to the Town's sidewalk standards; i.e. a 5' wide concrete path. The DRB will need to determine if the path should be allowed in the proposed location and if it should be constructed to the Town's sidewalk standards; i.e. a 5' wide concrete path. At the hearing, Mr. Burke stated that he believes a cinder path would be more aesthetically pleasing than a concrete sidewalk going through a field. He explained if built according to the plan, the cinder path would last as long as a concrete path. The DRB finds that a cinder path is appropriate for this location.

23. The procedures for the acceptance of public infrastructure outlined in the Public Works Specifications will need to be followed for the sidewalk within the public right-of-way, including the submission of a construction cost estimate and the establishment of a surety in the amount approved by the Town Engineer and the Selectboard, and a pre-construction meeting must be held.

**(b) Adequacy of traffic circulation, parking, and loading facilities.**

24. Section 812 of the Zoning Regulations requires 2 parking spaces per dwelling unit with 3 or more bedrooms and 1.5 spaces per dwelling unit with 1 or 2 bedrooms. The floor plans indicate that the units will be 2 bedrooms, which would require a total of 18 parking spaces. There is just enough room within each driveway for one car based on the required parking dimensions of 9' x 18', but it is tight, especially for the units on the east side of the proposed road, where there is approximately 19'-20' from the edge of pavement to the edge of garage. The driveway parking spaces are within the private right-of-way; however, since this right-of-way is private, this is not an issue. The DRB found in the Preliminary Plan decision that the Applicant must provide 1.5 unobstructed spaces per unit, which means the garage parking space cannot be counted towards the 18 required parking spaces. The Final Plans include 6 additional visitor parking spaces: 3 at the entrance to the project and 3 off of the hammerhead. Therefore, 18 unobstructed parking spaces are now provided. Since each unit will have a one-car garage, there are potentially 12 additional spaces available, if the garage is used for parking. The DRB's Preliminary Plan decision additionally requested that visitor and residential parking should be properly described in the homeowners' association documents and should be appropriately marked onsite with signage or markings (and these measures should be detailed on the final plans). The homeowners' association documents are being reviewed for compliance with this condition; however, the plans do not indicate if any signage will be installed. The DRB finds that "no parking" signs should be shown on the plans and installed to prevent on-street parking that may block the required fire lanes. This parking prohibition along the private roadway should also be included within the homeowners' association covenants.
25. Section 814.2 of the Zoning Regulations requires the minimum distance between an intersection and a driveway to be 50 feet for a local street. The proposed driveways meet the minimum separation distance from the intersection of Green Field Way and West Milton Road. The proposed driveways do not meet the minimum separation distance required by the Public Works Specifications, but this is a private road, so this is acceptable. However, this road will never be able to become public due to the driveway spacing issue as well as the parking spaces within the driveways being located solely within the right-of-way.

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**(c) *Impacts on capacity of roadways and other transportation facilities in the vicinity.***

26. Sight distances have been provided and are adequate. A traffic study has been submitted and reviewed by the Town Engineer, who found it acceptable. The Applicant's engineer estimates there will be an additional 10 A.M. peak hour trips and 11 P.M. peak hour trip generated by this project, and there will be a level of service of A at the intersection of the proposed private road and West Milton Road.

**(d) *Adequacy of landscaping, screening, and outdoor lighting.***

27. The plans include a landscaping plan that includes street trees at the front of the lot and foundation plantings. A landscaping cost estimate prepared by a professional landscape architect or landscape contractor has been submitted in the amount of \$10,730. The total land development has been submitted (\$1,070,000), and the landscaping estimate is in accordance with the schedule in Section 806.4 of the Zoning Regulations. The landscaping schedule on Sheet 6 should be checked to determine if the numbers of each plant are correct. For example, the typical unit planting shows 2 serviceberry and 6 summer wine ninebark. There are 4 buildings proposed, so there should be 8 serviceberry and 24 summer wine ninebark on the schedule; however, there are only 6 serviceberry and 18 summer wine ninebark on the schedule. If the schedule needs adjustment, the cost estimate may need to be adjusted as well.

28. In accordance with Section 806.3, a landscaping surety must be established prior to the issuance of any zoning permits to ensure the completion of the landscaping and its survival for three years from installation.

29. The plans include a street light at the entrance to the proposed Green Field Way. At the Preliminary Plan hearing, the Applicant's engineer stated that there would be standard porch lights and one street light at the intersection with West Milton Road; there will not be any flood lights. All outdoor lighting should be in conformance with Section 820 of the Zoning Regulations (the street light appears to be). A note on the plan states that the lights shall be separately metered for ownership and operation of the homeowners' association. This provision must be included in the homeowners' association documents, as the Town shall not be responsible for owning, operating, or maintaining the street lights. The homeowners' association documents have been submitted and are being reviewed for compliance with this provision.

**(e) *Impacts on the Town's ability to provide adequate sewer, water, fire, police, or other municipal services and facilities.***

30. Municipal water and sewer are proposed for the project, but will remain privately owned services. The Applicant has applied for water and wastewater allocation. The Water/Wastewater Superintendent has provided comments (attached to the staff report) that will need to be addressed.

31. No further comments, other than those attached to the staff report, were received from the Fire Department or any other TAC member prior to the close of the hearing.

32. The plans include a snow storage area at the northeastern corner of the property (Sheet 2).

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**(f) *Suitability of the site for the proposed scope of development, including due regard for the preservation of existing natural and historical resources.***

33. The DRB believes the site is suitable for the proposed development. There are no known natural or historic resources on the property.
34. The engineer's cover letter that was submitted with the Preliminary Plan stated that a State stormwater permit will not be necessary. A 20' wide drainage easement was proposed on the Santerre property to the northwest, where the outlet to a proposed footing drain was proposed. However, in a phone conversation with Sue Santerre on July 10, 2009, Mrs. Santerre stated that they had not agreed to this easement at that point in time. The Applicant was asked to provide documentation that the Santerres agree to the proposed easement on their property, or another discharge location will need to be provided on the Applicant's property. The plans have been revised to keep the drainage on the Applicant's property, and the easement has been eliminated.

**(g) *Consistency with the Comprehensive Plan.***

35. The subject property is located within the Checkerberry Sub-Area of the Town Core Planning Area. The Applicant has taken steps to meet the goals for the Town Core Planning Area when designing this development, including enhancing the pedestrian environment through adequate sidewalk connections and street trees.

***Other***

36. If the Town Attorney has any comments on the legal documents, these will need to be addressed.
37. A \$10 recording fee, to record the Final Plan decision in the land records, must be submitted.
38. Sumner Cohen, president of the Ridgefield Homeowners' Association, stated that 22 of 24 homeowners within the Ridgefield development have voiced their concern that they thought they had an agreement with Mr. Colton to better maintain his property before he develops it. They would like this noted in the record.

**DECISION**

MOTION by David Conley, second by Clayton Forgan, to **APPROVE** the Applicant's proposed Final Plan & Site Plan application for a proposed 12-unit, 13-lot Type A Planned Residential Development located at 23 West Milton Road, subject to the following conditions being completed to the satisfaction of Staff:

1. This project shall be completed, operated, and maintained as set forth in the plans and exhibits as approved by the Development Review Board and on file in the Department of Planning and Economic Development, and in accordance with the conditions of this approval.
2. No changes, erasures, modifications, or revisions, other than those required by this

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decision, shall be made on the plans after approval unless revised plans are first submitted to the Department of Planning and Economic Development for approval.

3. The Applicant must submit 3 full-size and 3 reduced plan sets depicting the requested changes. Staff advises the Applicant to submit one full-size plan set for review prior to submitting all the required plan sets, to ensure that all the requested changes have been properly addressed.
4. The survey must be placed on mylar, signed by the DRB Chair, and recorded in the land records within 180 days of the Final Plan approval, if approved.
5. The plans (including the "Project Data" box) should be clarified to indicate that there are 13 lots proposed and include the requested waivers from the dimensional requirements. Additionally, the "Lot Areas" box on the plat should be revised to clarify that there are 13 lots and indicate what the areas of the 13 lots are (this will be 12 footprint lots plus one "common land" lot). Although this information is on the plans and can be pieced together, this information should be clear in one table to assist the Lister's Office when they establish the new parcels.
6. Dimensional tables from the Preliminary/Final Plan application form must be filled out for each lot.
7. The 20' PRD buffer should be labeled on the plat.
8. The building envelopes must be labeled on the Site Plan sheets and added to the Plat.
9. The 60' private right-of-way should be labeled on the plat.
10. The procedures for the acceptance of public infrastructure outlined in the Public Works Specifications will need to be followed for the sidewalk within the public right-of-way, including the submission of a construction cost estimate and the establishment of a surety in the amount approved by the Town Engineer and the Selectboard, and a pre-construction meeting must be held.
11. "No parking" signs should be shown on the plans and installed to prevent on-street parking that may block the required fire lanes. This parking prohibition along the private roadway should also be included within the homeowners' association covenants.
12. In accordance with Section 806.3, a landscaping surety must be established prior to the issuance of any zoning permits to ensure the completion of the landscaping and its survival for three years from installation.
13. The landscaping schedule on Sheet 6 should be checked to determine if the numbers of each plant are correct. If the schedule needs adjustment, the cost estimate may need to be adjusted as well.
14. The Water/Wastewater Superintendent has provided comments (attached to the staff report) that will need to be addressed.

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- 15. If the Town Attorney has any comments on the legal documents, these will need to be addressed.
- 16. A \$10 recording fee, to record the Final Plan decision in the land records, must be submitted.

VOTE RECORD:

Bruce Jenkins – yea/nay/abstain/absent/didn't vote  
John Jorschick – yea/nay/abstain/absent/didn't vote  
Clayton Forgan – yea/nay/abstain/absent/didn't vote  
David Conley - yea/nay/abstain/absent/didn't vote  
David Keely - yea/nay/abstain/absent/didn't vote

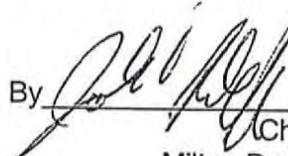
MOTION TO APPROVE PASSED BY A VOTE OF

5 / 0 / 0 / 0 / 0  
YEA NAY ABSTAIN ABSENT DIDN'T VOTE

Decision made at the meeting on October 8, 2009.

Signed:

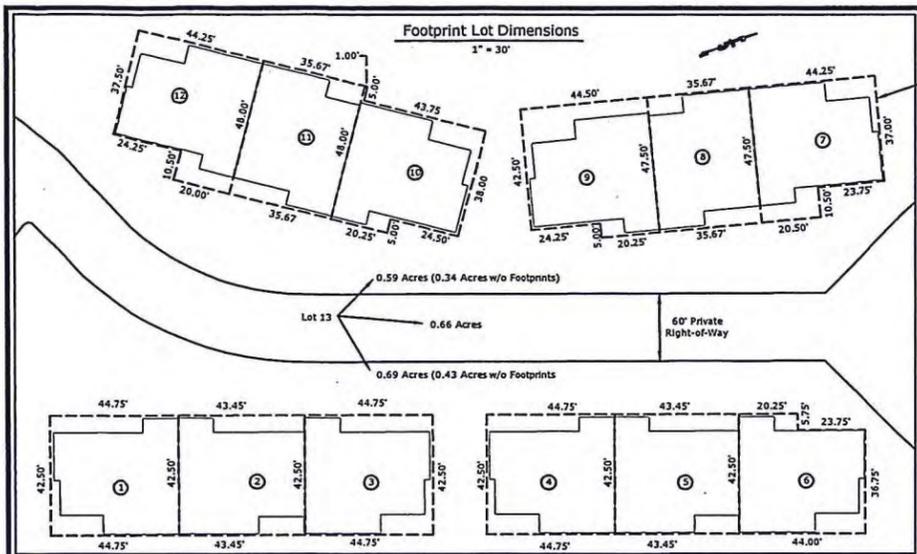
Dated at Milton, Vermont, this 19<sup>th</sup> day of October, 2009.

By  \_\_\_\_\_  
Chair  
Milton Development Review Board

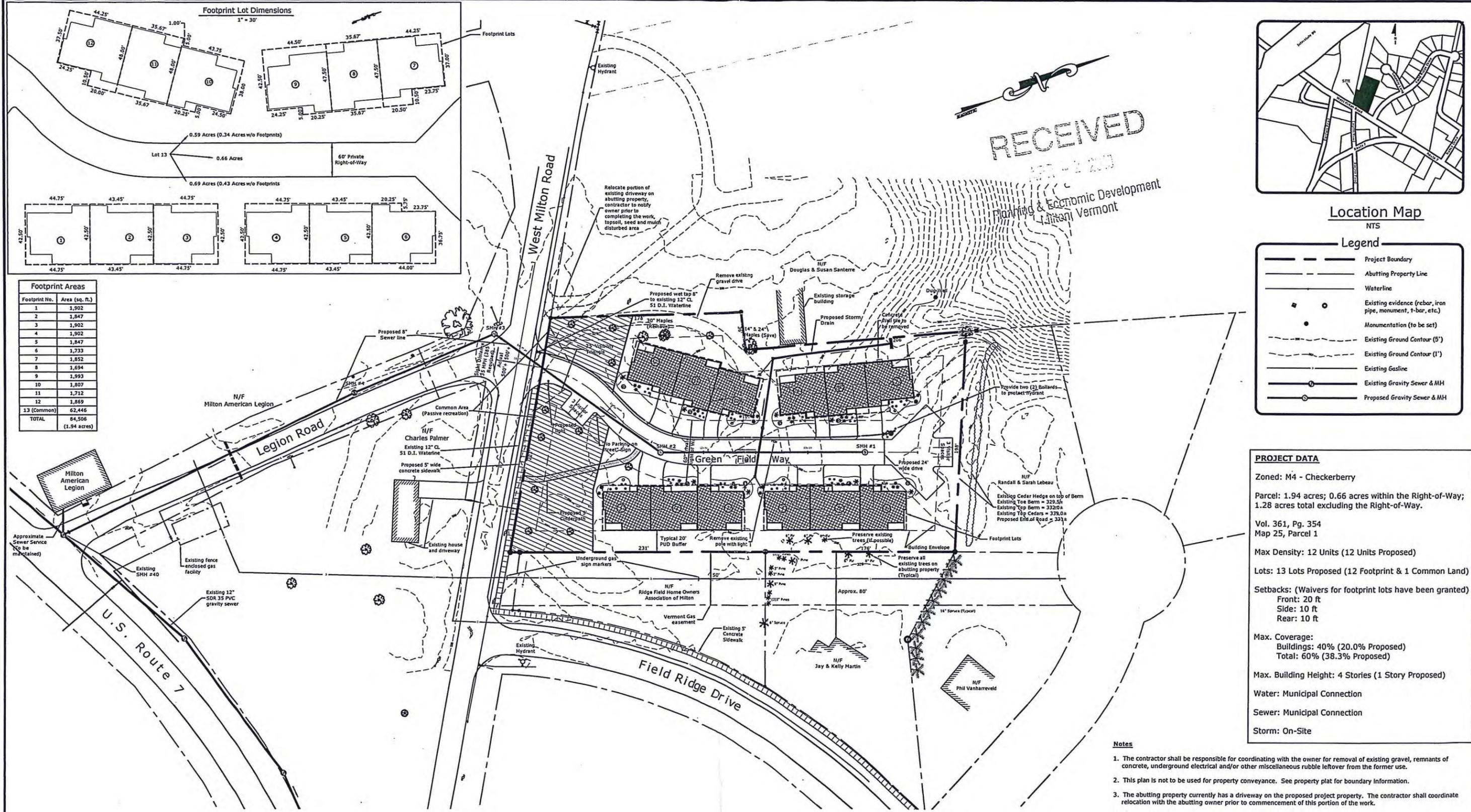
**30 Day Appeal Information:**

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

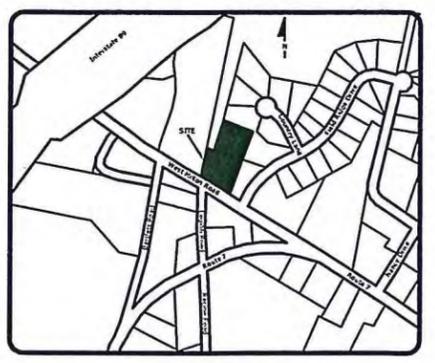
Notice of the Appeal, along with applicable fees, should be sent by certified mail to the Vermont Environmental Court. A copy of the notice of appeal should also be mailed to the Town of Milton Planning & Zoning Office at 43 Bombardier Road, Milton, VT 05468. Please contact the VT Environmental Court,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



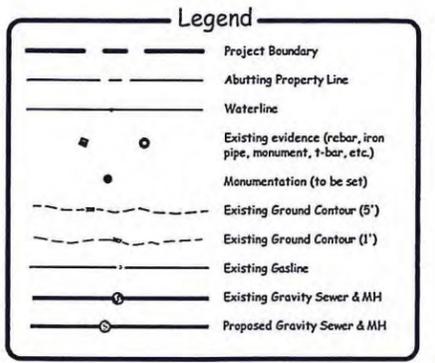
Footprint No.	Area (sq. ft.)
1	1,902
2	1,847
3	1,902
4	1,902
5	1,847
6	1,733
7	1,852
8	1,694
9	1,993
10	1,807
11	1,712
12	1,869
13 (Common)	62,446
<b>TOTAL</b>	<b>84,506 (1.94 acres)</b>



**RECEIVED**  
 2010-11-20  
 Planning & Economic Development  
 Milton Vermont



**Location Map**  
NTS



**PROJECT DATA**

Zoned: M4 - Checkerberry

Parcel: 1.94 acres; 0.66 acres within the Right-of-Way; 1.28 acres total excluding the Right-of-Way.

Vol. 361, Pg. 354  
Map 25, Parcel 1

Max Density: 12 Units (12 Units Proposed)

Lots: 13 Lots Proposed (12 Footprint & 1 Common Land)

Setbacks: (Waivers for footprint lots have been granted)  
 Front: 20 ft  
 Side: 10 ft  
 Rear: 10 ft

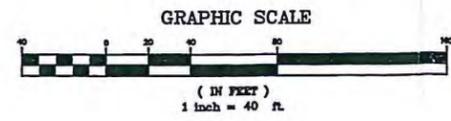
Max. Coverage:  
 Buildings: 40% (20.0% Proposed)  
 Total: 60% (38.3% Proposed)

Max. Building Height: 4 Stories (1 Story Proposed)

Water: Municipal Connection  
 Sewer: Municipal Connection  
 Storm: On-Site

- Notes**
- The contractor shall be responsible for coordinating with the owner for removal of existing gravel, remnants of concrete, underground electrical and/or other miscellaneous rubble leftover from the former use.
  - This plan is not to be used for property conveyance. See property plat for boundary information.
  - The abutting property currently has a driveway on the proposed project property. The contractor shall coordinate relocation with the abutting owner prior to commencement of this portion of the work.
  - All new utility lines, services and service modifications shall be underground.
  - Existing sewer information derived from plans by Dufresne-Henry plan sheet C9, sheet 11 of 26, job #6180057.
  - Existing water information derived from plans in Town of Milton Public Works office including plan by Lamoureux, Stone & O'Leary, plan sheet #2 entitled "Ridge Field - Ridge Field Drive Plan & Profile"

**Owner/Applicant**  
 Green Field Housing, LLC  
 c/o Richard Colton  
 28 Lake Forest Drive  
 Burlington, VT 05401



**Final Plans**  
 Date: 5/14/10  
 Initials: CV

The lands indicated on this subdivision Plan comprise a "Type 'A' Planned Residential Development" in accordance with the Milton zoning regulations, and shall not be included in any future subdivision.

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

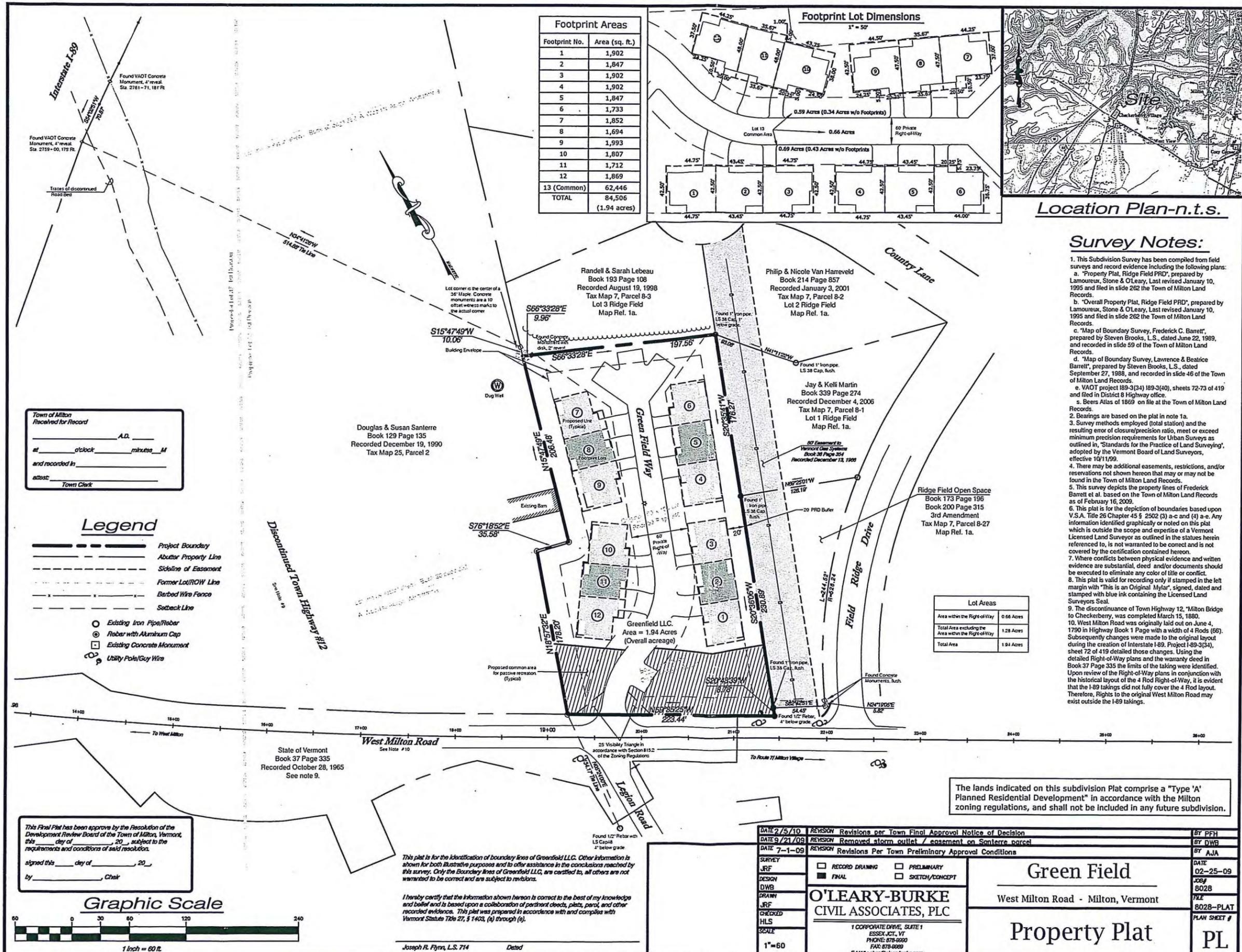


2/5/10	Revisions per Town Final Approval Notice of Decision	PFH
9/21/09	Removed storm outlet / easement on Santerre parcel	DMB
8/29/09	Revisions per Town Preliminary Approval Conditions	BT AJA
DATE	REVISION	DATE
8/18/08	PRELIMINARY	8/18/08
8/22/08	SKETCH/CONCEPT	8/22/08
DATE	REVISION	DATE
8/22/08	FINAL	8/22/08
DATE	REVISION	DATE
8/22/08	FINAL	8/22/08
DATE	REVISION	DATE
8/22/08	FINAL	8/22/08

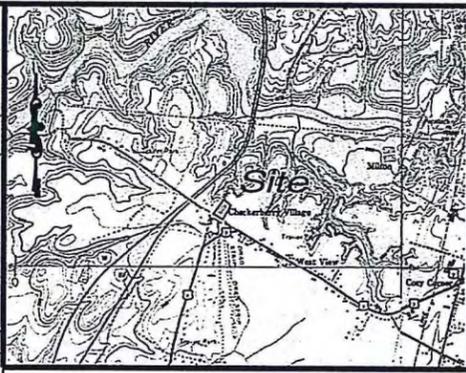
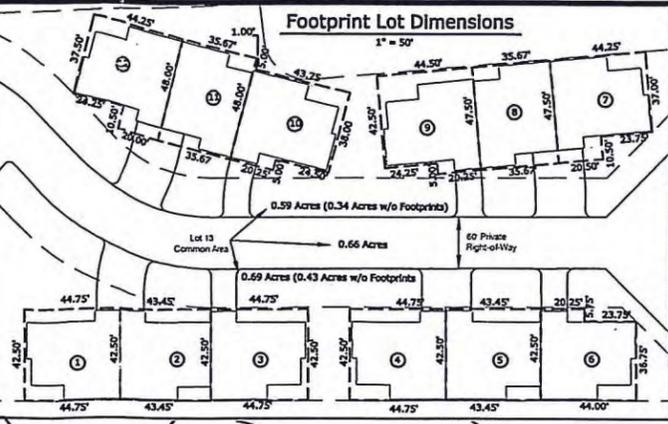
**O'LEARY-BURKE CIVIL ASSOCIATES, PLC**  
 23 West Milton Road, Milton, VT  
 1 CORPORATE DRIVE, SUITE #1  
 ESSEX, VT  
 PHONE: 878-0000 FAX: 878-0000  
 EMAIL: obo@olearyburke.com

**Green Field**  
 23 West Milton Road, Milton, VT  
**Site Plan**  
 1

This is an original Mylar



Footprint No.	Area (sq. ft.)
1	1,902
2	1,847
3	1,902
4	1,902
5	1,847
6	1,733
7	1,852
8	1,694
9	1,993
10	1,807
11	1,712
12	1,869
13 (Common)	62,446
<b>TOTAL</b>	<b>84,506</b>
	(1.94 acres)



Location Plan-n.t.s.

Survey Notes:

- This Subdivision Survey has been compiled from field surveys and record evidence including the following plans:
  - "Property Plat, Ridge Field PRD", prepared by Lamoureux, Stone & O'Leary, Last revised January 10, 1995 and filed in slide 262 the Town of Milton Land Records.
  - "Overall Property Plat, Ridge Field PRD", prepared by Lamoureux, Stone & O'Leary, Last revised January 10, 1995 and filed in slide 262 the Town of Milton Land Records.
  - "Map of Boundary Survey, Frederick C. Barrett", prepared by Steven Brooks, L.S., dated June 22, 1989, and recorded in slide 59 of the Town of Milton Land Records.
  - "Map of Boundary Survey, Lawrence & Beatrice Barrett", prepared by Steven Brooks, L.S., dated September 27, 1988, and recorded in slide 46 of the Town of Milton Land Records.
  - VAOT project 189-3(34) 189-3(40), sheets 72-73 of 419 and filed in District 8 Highway office.
  - Beers Atlas of 1869 on file at the Town of Milton Land Records.
- Bearings are based on the plat in note 1a.
- Survey methods employed (total station) and the resulting error of closure/precision ratio, meet or exceed minimum precision requirements for Urban Surveys as outlined in, "Standards for the Practice of Land Surveying", adopted by the Vermont Board of Land Surveyors, effective 10/11/99.
- There may be additional easements, restrictions, and/or reservations not shown hereon that may or may not be found in the Town of Milton Land Records.
- This survey depicts the property lines of Frederick Barrett et al. based on the Town of Milton Land Records as of February 16, 2009.
- This plat is for the depiction of boundaries based upon V.S.A. Title 26 Chapter 45 § 2502 (3) a-c and (4) a-e. Any information identified graphically or noted on this plat which is outside the scope and expertise of a Vermont Licensed Land Surveyor as outlined in the statutes herein referenced to, is not warranted to be correct and is not covered by the certification contained hereon.
- Where conflicts between physical evidence and written evidence are substantial, deed and/or documents should be executed to eliminate any color of title or conflict.
- This plat is valid for recording only if stamped in the left margin with "This is an Original Mylar", signed, dated and stamped with blue ink containing the Licensed Land Surveyors Seal.
- The discontinuance of Town Highway 12, "Milton Bridge to Checkerberry", was completed March 15, 1880.
- West Milton Road was originally laid out on June 4, 1790 in Highway Book 1 Page with a width of 4 Rods (66'). Subsequently changes were made to the original layout during the creation of Interstate I-89, Project 189-3(34), sheet 72 of 419 detailed those changes. Using the detailed Right-of-Way plans and the warranty deed in Book 37 Page 335 the limits of the taking were identified. Upon review of the Right-of-Way plans in conjunction with the historical layout of the 4 Rod Right-of-Way, it is evident that the I-89 takings did not fully cover the 4 Rod layout. Therefore, Rights to the original West Milton Road may exist outside the I-89 takings.

Town of Milton  
Received for Record  
A.D. \_\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ minutes \_\_\_\_\_ M  
and recorded in \_\_\_\_\_  
at \_\_\_\_\_  
Town Clerk

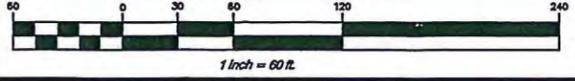
Legend

- Project Boundary
- Abutter Property Line
- Sideline of Easement
- Former Lot/ROW Line
- Barbed Wire Fence
- Setback Line
- Existing Iron Pipe/Rebar
- Rebar with Aluminum Cap
- Existing Concrete Monument
- Utility Pole/Guy Wire

Lot Areas	
Area within the Right-of-Way	0.66 Acres
Total Area excluding the Area within the Right-of-Way	1.28 Acres
<b>Total Area</b>	<b>1.94 Acres</b>

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

Graphic Scale



This plat is for the identification of boundary lines of Greenfield LLC. Other information is shown for both illustrative purposes and to offer assistance in the conclusions reached by this survey. Only the boundary lines of Greenfield LLC, are certified to, all others are not warranted to be correct and are subject to revisions.

I hereby certify that the information shown hereon is correct to the best of my knowledge and belief and is based upon a collaboration of pertinent deeds, plats, parcel, and other recorded evidence. This plat was prepared in accordance with and complies with Vermont Statute Title 27, § 1403, (4) through (6).

Joseph R. Flynn, L.S. 714

The lands indicated on this subdivision Plat comprise a "Type A" Planned Residential Development" in accordance with the Milton zoning regulations, and shall not be included in any future subdivision.

DATE 7/5/10	REVISION Revisions per Town Final Approval Notice of Decision	BY PFH
DATE 9/21/09	REVISION Removed storm outlet / easement on Santerre parcel	BY DWR
DATE 7-1-09	REVISION Revisions Per Town Preliminary Approval Conditions	BY AJA
SURVEY	<input type="checkbox"/> RECORD DRAWING <input type="checkbox"/> PRELIMINARY	DATE 02-25-09
DESIGN	<input checked="" type="checkbox"/> FINAL <input type="checkbox"/> SKETCH/CONCEPT	JOB# 8028
DRAWN		FILE 8028-PLAT
CHECKED		PLAN SHEET #
HLS		PL
SCALE		
1"=60'		

**Green Field**  
West Milton Road - Milton, Vermont

**Property Plat**

Final Plans  
Date: 5/19/10  
Initials: CV

RECEIVED

MAY 17 2010

Planning & Economic Development  
Milton, Vermont

Final Plat

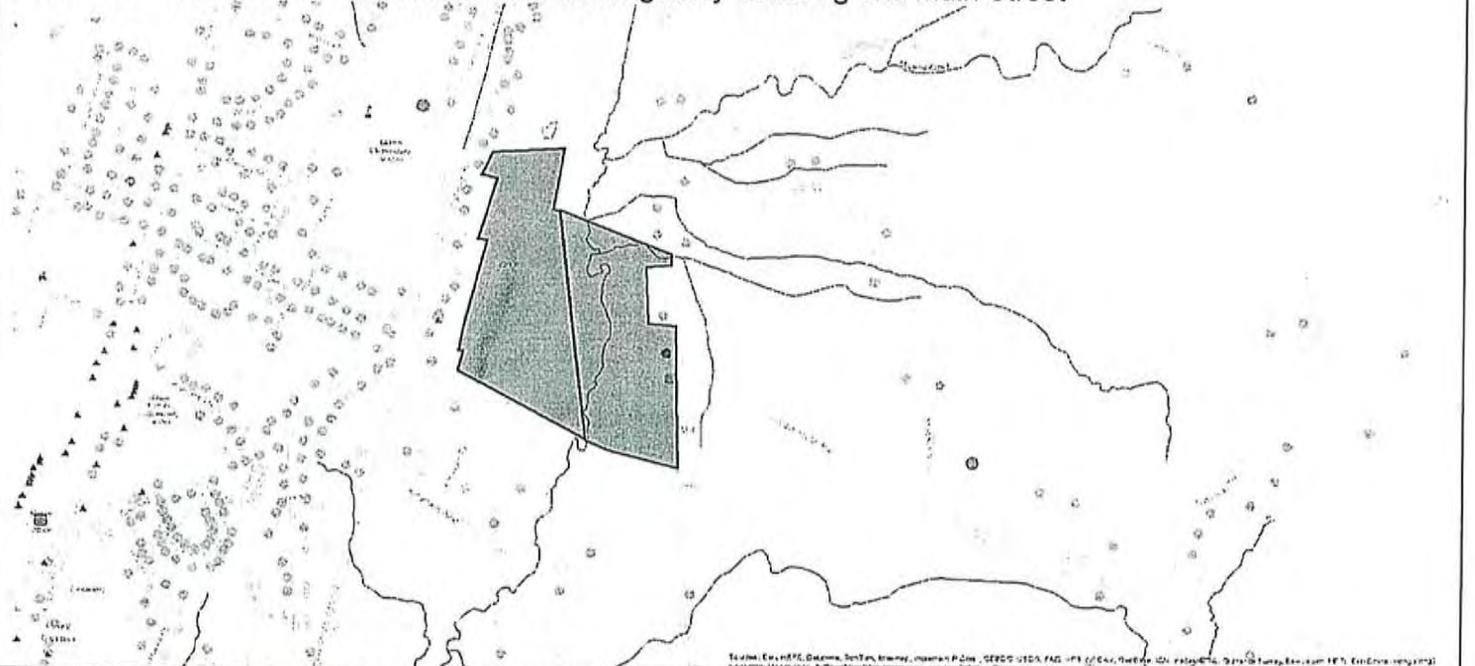
# TOWN OF MILTON DEVELOPMENT REVIEW BOARD

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



## STAFF REPORT

<b>Hearing Date:</b> July 9, 2015	
<b>Case No:</b> 2015-19	
<b>Application(s)/Requested Action:</b> 8-Lot Major Conventional Subdivision Sketch Plan	
<b>Existing Use:</b> Residential	
<b>Proposed Use:</b> Unknown	
<b>Application Received:</b> May 12, 2015	
<b>Application Deemed Complete:</b> May 12, 2015	
<b>Staff Report Finalized:</b> Friday, June 5, 2015	
<b>Applicant(s):</b> Chris Blondin 3 Athens Drive, Essex Jct., VT 05452 802.343.3942 blondinbuilders@yahoo.com	<b>Owner(s):</b> Sandra Martell 159 East Road, Milton VT 05468 802.373.8491
<b>Engineer/License:</b> None	<b>Surveyor/License:</b> Warren A. Robenstien PO Box 171, Winooski VT 05404 802.878.2359
<b>E-911/Postal Address:</b> 159, 169 and 173 East Road	
<b>Tax Map, Parcel(s):</b> 11, 93	
<b>School Parcel Account Number(s) (SPAN):</b> 12211 & 12210	
<b>Deed(s):</b> Book 237, Page 133	
<b>Existing Size:</b> 38.7/22.71 (Grand List), 59.13 (Surveyor)	
<b>Zoning District(s):</b> Old Towne Residential "R1"	
<b>Comprehensive Plan Planning Area/Sub-Area:</b> Town Core/Eastern Transition	
<b>Location:</b> West side of East Road between Kingsbury Crossing and Main Street	



**Comments:** Jacob Hemmerick, Town Planner; and Amanda Pitts, Zoning Administrator, herein referred to as Staff, have reviewed the application, materials and plans submitted and have the following comments. The numbered items below request points of clarification, frame discretionary decisions for the Milton Development Review Board (DRB) and pose conditions of approval.

**Applicant:** This matter comes before the Milton Development Review Board (DRB) on the application of Chris Blondin, referred to hereafter as the "Applicant".

**Application:** The Applicant requested Major Conventional Subdivision Sketch Plan approval for an 8-lot subdivision.

**Application Submission:** The application was submitted on June 4, 2015. Upon submission, Staff deemed the application incomplete because the dimensional tables had missing lot areas and the plan's content did not meet the application requirements. Staff documented this conversation in the file, and the Applicant returned on June 8, 2015 with revised plans and dimensional tables. The Town Planner deemed the application sufficiently complete on June 8, 2015. A copy of the application and all supporting materials are maintained in the file and available for public inspection during Planning and Economic Development Department business hours.

**Ownership:** The Application form stated that the property is owned by Sandra Martell and the Deed is recorded in the Town's Land Records in Volume 237, Page 133. Sandra Martell is a signatory to this application. The Grand List shows that the property described as SPAN number 12210 is owned by Waldo Martell. The Grand List shows that the property described as SPAN number 12211 is owned by Waldo J. and Sandra L. Martell. Waldo J. Martell is not signatory to this application.

1. The Applicant shall state for the record that all persons with an ownership interest are party to this application.

**General Jurisdiction:** Land development is subject to the control of 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; and The Town of Milton Subdivision Regulations (SR), effective June 28, 2010.

**Specific Jurisdiction:** SR110.1 states, "It is hereby declared to be the policy of the Town of Milton to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Town of Milton pursuant to the Vermont Planning and Development Act (Act) and the Milton Town Comprehensive Plan (Plan) for the orderly, planned, efficient and economical development of the Town."

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

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

**Application Exhibits:** The following exhibits were submitted with the application and attached to the Staff Report: "A Plan Showing Subdivision of Waldo J. Martell and Sandra L. Martell Property 4-Lot Subdivision" dated January 25, 2009 and last revised on October 1, 2009. Staff finds that the plan is not correctly dated or titled, and the stated acreage does not correspond with the application form, and may, therefore, not be

reliable evidence that accounts for real estate actions subsequent to October 1, 2009. So long as there are no major defects; however, Staff finds that the surveyor can and must update this at Preliminary, if approved.

**Staff Report Exhibits:** The following exhibits were attached to the Staff Report: School Technical Advisory Committee (TAC) review dated 6/22/15; Public Works TAC Review dated June 25, 2015; Police TAC Review dated July 1, 2015; Fire TAC Review dated June 30, 2015.

**Waivers Requested:** The Applicant requested no waivers.

**DRB Approval History:** The subject property received Sketch Plan approval from the DRB for a 4-lot minor conventional subdivision in 2008 and 2011, as well as a Boundary Line with an adjacent property on Railroad Street in 2009.

**Property Description:** The site is located at 159 East Road, described as Tax Map (2)11, Parcel 93 and Tax Map (1)11, Parcel 93, with respective SPAN #s 12211 and 12210. It is Staff's understanding that there are two parcels and SPAN numbers due to the former political boundary between the Town and the Village that bisected this property.

**Size/Area:** According to application form the subject parcel is approximately 59.13 acres or 2,575,702 square feet. The Assessor's Grand List records 12210 as 38.7 acres and 12211 as 22.71, totaling 61.41 acres. The Sketch plans states that the lot is 62.0 acres.

2. The Applicant shall state how they calculated a total area of 59.13 acres, and, if approved, the Preliminary Plans shall show areas and be prepared by and attested by a licensed surveyor.

**Zoning District & Planning Area:** The site is located within the Old Towne Residential "R1" Zoning District described on the Town of Milton Zoning Map, last amended August 22, 2011, on record and display at the Municipal Offices and available on the Town's website.

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

**Physical Characteristics/Natural Features:** The site is bisected by Mallets Creek, which drains directly to Lake Champlain and is noted on Map 6 of the *Plan* as having high fluvial erosion hazard. Map 9 of the *Plan* shows that East Road, at this location, is a level 4 wildlife road crossing. The land contains some Prime Agricultural soil approximately where the shared septic is shown on the plans and approximately 50% of the remaining land is classified as Statewide Agricultural Soil according to Map 7 of the *Plan*. No presumed wetlands are delineated on Milton's Mapviewer. While contours are not shown on the plans, Staff finds that the site is relatively flat near east road sloping downhill towards Mallets Creek.

**Existing Use/Structures/Characteristics:** The plans show one existing house on proposed Lot 1. Staff understands that the lot houses three additional buildings as well as accessory structures. These may involve some non-conformities that can be addressed in more detail at Preliminary.

3. If approved, the Preliminary application/plans shall label all existing and proposed utilities as well as existing principal uses housed in each building or accessory structure and indicate if the existing uses/buildings/structures are to be retained or removed.

**Surrounding Use/Structures:** The lot has several adjoining properties, most of which contain single-family, duplex or agricultural uses.

**Proposed Use/Structures:** The application form does not propose uses for the lots, and this is not a requirement of conventional subdivision for this district.

**Existing Access:** The plans do not depict existing driveways. Staff finds that there is a looped driveway in rough alignment with Hardscrabble road as well as a third curb cut approximately 230 feet to the South.

**Proposed Access:** The plans show a looped, 60-foot private right-of-way highway access to the East Road public right-of-way. No street or driveway: type, location and size is shown, as required by SR300.

4. The Preliminary Plans shall show the type, location and approximate size of existing and proposed streets and driveways and shall indicate existing access to be retained or removed.

**Existing and Proposed Utilities:** The plan shows water and wastewater utilities but did not indicate if they are existing or proposed. The plans show a shared well on Lot 6 to serve Lot 6 and 7. The plans show a shared well on Lot 4 to serve Lots 3, 4 and 5. The plans show a shared well on Lot 2 to serve Lots 2 and 1. No water service is shown for Lot 8. The plans show a shared septic system on Lot 8 to serve Lots 1, 2, 3, 4, 5, 6, and 7. No electric service is shown.

5. The Preliminary plans shall show the type, location and approximate size of existing and proposed utilities and shall indicate existing utilities to be removed or retained.

**Existing Restrictions or Covenants:** The application form states that there are property restrictions shown on the plan. Staff finds that the only restriction shown is an abandoned Town Highway Access along the northern property boundary, although there is also a utility easement from Railroad Street that benefits the site.

**Proposed Restrictions or Covenants:** The applicant proposed a sixty (60) foot wide private-right-of way to create frontage (as defined and required by the Zoning Regulations) for the proposed lots.

6. The Preliminary Plans shall delineate all proposed easements.

### SKETCH PLAN SUBDIVISION REVIEW

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

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

- To protect and provide for the public health, safety, and general welfare of the Town of Milton.
- To guide the future growth and orderly development of the Town in accordance with the Comprehensive Plan, Zoning Regulations and all other By-Laws enacted to implement the Plan.
- To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent over-crowding of the land and undue congestion of population.
- To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools parks, playgrounds, recreation and other public requirements and facilities.
- To provide the most beneficial relationship between the uses of land and buildings, and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and highways.

- To insure that public facilities are available and will have a sufficient capacity to serve any proposed subdivision.
- To present the pollution of air, streams, ponds and Lake Champlain; to assure the adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity; stability, and beauty of the community and the value of land.
- To preserve the natural beauty and topography of the Town and to insure appropriate development with regard to these natural features.
- To further the purposes contained in the Vermont Planning and Development Act, and in particular, those purposes set forth in Section 4302 of the Act.

**SR300, Sketch Plan Application Requirements:** SR300 lists application requirements including the name of owners of record of contiguous properties. Staff finds that the plans do not match the abutters list.

5. The Preliminary Plans shall show the current names of owners of record of contiguous properties per SR300.2

**Sketch Plan Classification:** SR329 states, "The DRB shall classify the Sketch Plan at the meeting as either a minor subdivision or a major subdivision." SR200.6 defines a major subdivision as "Any subdivision containing seven (7) or more lots." The Applicant proposes eight (8) lots, the proposal is therefore a major subdivision.

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

### **COMPREHENSIVE PLAN CONFORMANCE**

#### **Eastern Transition Sub-Area**

The vision of this sub-area is a transitional area between the Town Core and the more rural East Milton. This sub-area lies to the east of the New Downtown, Gimlet Hill, and Old Towne sub-areas. The Beaverbrook zoning district, at the southern end of this sub-area, is a large moderate density residential neighborhood that is largely built-out. This subarea also includes larger undeveloped parcels along East Road, and newer residential neighborhoods to the north. The western boundary of this sub-area is Railroad Street. Railroad Street seems to function as the logical first line of transition from the denser Town Core to the less dense East Milton planning area, particularly because the railroad tracks and ROW creates a natural boundary. Currently some of the existing zoning districts within this sub-area have a minimum lot area as small as 10,000 square feet (about ¼ of an acre). This does not make a very logical transition to the 10-acre zoning district within the East Milton planning area. The presence of Mallets Creek creates a limiting factor to development in this area, however dimensional standards within this sub-area should also be revised to establish an appropriate level of density that transitions between 10,000 square feet to 10-acre zoning. In addition, amenities such as sidewalks and/or bike paths should be considered to help improve linkages between the Beaverbrook sub-area and the New Downtown sub-area.

#### **9.5. Town Core – Eastern Transition Sub-area Goals**

**Goal 9.5.1.** Encourage public green spaces and small parks throughout this area (such as neighborhood parks as recommended in the 2007-2027 Recreation Plan).

**Goal 9.5.2.** Dimensional standards should be reviewed in this sub-area in order to establish an appropriate level of density that transitions between 10,000 square feet to 10 acre zoning.

Staff finds that the creation of the looped private right-of-way has the potential to create a landscaped buffer and transition between the 10,000 square feet lots and the 10-acre zoning, as well as reduce the number of curb cuts on East Road. Additionally, a pedestrian connection to Railroad Street (if possible within existing easements between the subject lot and Railroad Street) could be a valued amenity to purchasers, particularly purchasers with school-aged children.

### **SUBDIVISION STANDARDS CONFORMANCE**

**SR800.1, Street Layout:** The section states, "Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless in the opinion of the DRB such extension is not necessary or desirable for the coordination of the layout of the proposed subdivision with the existing layout or the most advantageous future development of adjacent tracts." Due to the natural resource and topographical constraints, Staff does not recommend the extension of the right-of-way to the edge of the boundary line, but if the DRB finds that a feasible connection could be made to link to a future subdivision, then this section encourages that type of design.

**SR800.5, Street Dead Ends:** No dead end streets shall be permitted without a suitable cul-de-sac at its terminus with a radius of not less than forty (40) feet, and no dead end street shall be more than one thousand (1000) feet in length.

7. The Preliminary Plans shall show suitable dead ends in compliance with SR800/ZR590.

**SR800.10, Street Design:** The street design is not shown on the plans. The section states, "All streets shall be constructed in accordance with State design standards."

8. The Preliminary Plans shall show design in conformance with SR800.10/ZR590.

**Section 810, Curbs, Sidewalks, and Pedestrian Accesses:** The section states, "Curbs and sidewalks may be required when deemed appropriate by the DRB." Staff finds that a sidewalk connection to Main Street could be merited, given the continuous Zoning District Boundary that would allow 80-foot wide, 10,000 square foot lots on the development's side of East Road. Again, Staff would also recommend that the Applicant consider proposing a pedestrian easement/walking path between East Road and Railroad Street for dedication to the Town along the northern property boundary, if possible. With a stream crossing bridge, a pathway would offer a safe route to school for students along East Road and up Hardscrabble. Staff recommends that the DRB consider sidewalks at Preliminary, when there is more detail to work with.

**SR820, Outdoor Lighting:** The section states, "Outdoor lighting may be required where deemed appropriate by the DRB to illuminate areas such as streets, sidewalks, and parking areas." Staff recommends that the DRB defer this to Preliminary when more detail is available.

**SR830, Shade Trees:** The section states, "The DRB may require that suitable [ . . . ] trees [ . . . ] be planted along streets where trees do not exist at intervals of forty (40) feet or less. All trees shall measure ten (10) feet in height and at least two (2) inches in diameter measured at a point six (6) inches above finished grade level. All trees are to be planned within five (5) feet of the edge of the street right-of-way." Staff recommends that trees be sited between East Road and the proposed right of way to provide privacy to the new lots and buffer the higher density lots from the adjacent 10-acre zoning. Again, this is something that can be deferred to Preliminary.

**SR840, Drainage:** The subject property is traversed by the Mallets Creek watercourse. The section states:

- An adequate surface storm water drainage plan for the entire subdivision area shall be provided [with the Preliminary Plan application]. [ . . . ] Where a subdivision is traversed by a water course or drainage way there shall be provided a storm water drainage easement of such width as to encompass the twenty-five (25) year flood area of such water course, which easement shall be indicated on the Final Plat. The subdivider's engineer shall provide such information as the DRB deems necessary to determine the adequacy of all proposed drainage facilities

**SR850/860, Water System & Sewage Disposal:** Staff finds that the State Water/Wastewater permitting will ensure that the sections' standards are met

**SR870, Utilities:** The section states, "Easements - Easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision." Staff finds that there is no easement provided for the shared septic or water and it is unclear where the access right-of-way ends on Lot 1.

- The Preliminary Plans shall show easements of sufficient width for the proposed shared water and wastewater systems, as well as clearly delineate the boundaries of the access right-of-ways.

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

### **ZONING REGULATION CONFORMANCE**

**Applicability of Dimensional Requirements, ZR 150:** "Every USE involving the construction, reconstruction, conversion, structural ALTERATION, relocation or enlargement of a STRUCTURE must comply with the minimum LOT AREA, FRONTAGE, SETBACK areas and all other requirements specified in these Regulations for the district in which the USE occurs."

**Zoning Districts:** The subject property is located within the R1 Zoning District.

**Zoning District Purpose, Z301:** The purpose of the R1 Zoning District is stated as, "Residential USES should continue to characterize this ZONING DISTRICT. Owner-occupied buildings are encouraged and may contain up to three (3) DWELLING UNITS. However, these owner-occupied triplexes are only to be used as an adaptive reuse measure, therefore owner-occupied triplexes are only allowed within a residential buildings existing footprint and square footage that was in existence on or before December 21, 2006."

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

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

Development Review Board Case Number 2015-19 Staff Report  
Major Conventional Subdivision Sketch - 159 East Road - Blondin/Martell - July 9, 2015

Lot 1	R1 Required	Proposed
Minimum LOT AREA (sq. ft.)	10,000	37,440
Minimum Road FRONTAGE (linear ft.)	80	180
Minimum FRONT SETBACK (linear ft.)	20	35
Minimum SIDE SETBACK (linear ft.)	10	60
Minimum REAR SETBACK (linear ft.)	10	140

Lot 2	R1 Required	Proposed
Minimum LOT AREA (sq. ft.)	10,000	30,000
Minimum Road FRONTAGE (linear ft.)	80	150
Minimum FRONT SETBACK (linear ft.)	20	>20
Minimum SIDE SETBACK (linear ft.)	10	>10
Minimum REAR SETBACK (linear ft.)	10	>10

Lot 3	R1 Required	Proposed
Minimum LOT AREA (sq. ft.)	10,000	30,000
Minimum Road FRONTAGE (linear ft.)	80	150
Minimum FRONT SETBACK (linear ft.)	20	>20
Minimum SIDE SETBACK (linear ft.)	10	>10
Minimum REAR SETBACK (linear ft.)	10	>10

Lot 4	R1 Required	Proposed
Minimum LOT AREA (sq. ft.)	10,000	30,000
Minimum Road FRONTAGE (linear ft.)	80	150
Minimum FRONT SETBACK (linear ft.)	20	>20
Minimum SIDE SETBACK (linear ft.)	10	>10
Minimum REAR SETBACK (linear ft.)	10	>10

Lot 5	R1 Required	Proposed
Minimum LOT AREA (sq. ft.)	10,000	30,000
Minimum Road FRONTAGE (linear ft.)	80	150
Minimum FRONT SETBACK (linear ft.)	20	>20
Minimum SIDE SETBACK (linear ft.)	10	>10
Minimum REAR SETBACK (linear ft.)	10	>10

Lot 6	R1 Required	Proposed
Minimum LOT AREA (sq. ft.)	10,000	18,200
Minimum Road FRONTAGE (linear ft.)	80	150
Minimum FRONT SETBACK (linear ft.)	20	>20
Minimum SIDE SETBACK (linear ft.)	10	>10
Minimum REAR SETBACK (linear ft.)	10	>10

Lot 7	R1 Required	Proposed
Minimum LOT AREA (sq. ft.)	10,000	19,160
Minimum Road FRONTAGE (linear ft.)	80	130
Minimum FRONT SETBACK (linear ft.)	20	>20
Minimum SIDE SETBACK (linear ft.)	10	>10
Minimum REAR SETBACK (linear ft.)	10	>10

Lot 8	R1 Required	Proposed
Minimum LOT AREA (sq. ft.)	10,000	>10,000
Minimum Road FRONTAGE (linear ft.)	80	243.55
Minimum FRONT SETBACK (linear ft.)	20	>20
Minimum SIDE SETBACK (linear ft.)	10	>10
Minimum REAR SETBACK (linear ft.)	10	>10

Staff finds that the proposed lot area and frontage requirements are in compliance with the Zoning Regulations.

**ZR590, Roads and Drives:** All roads and drives shall conform to the requirements of this section.

**ZR592, Private Roads/ZR593, Driveways:**

11. The Preliminary Plan's application and plans shall demonstrate compliance with the road and driveway standards established ZR592 & 593.

**SR500, Major Subdivision Preliminary Plat Application:** The section states:

14. Within six (6) months of classification by the DRB of the sketch plan as a major subdivision, the subdivider shall submit an application for approval of a preliminary plat. The application shall contain those items set forth in Section 600 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the DRB

**Section 700, Standards of Evaluation:** Final approval of any subdivision, including Planned Unit Developments as regulated in Section 850 of the Zoning Regulations, shall be based on a finding by the DRB that the subdivision is in accord with the following standards:

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

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

700.3, Sufficient Open Space for Recreation: "The proposal includes sufficient open space for recreation."

700.4, Run-off and Erosion Control During & After Construction: "The proposal includes adequate provision for control of runoff and erosion during and after construction."

700.5, Compliance with Comprehensive Plan, Regulations & Bylaws: "The proposed development is in compliance with the Milton Comprehensive Plan, Zoning Regulations and other By-Laws then in effect."

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

700.7, Compatibility with Surroundings: "The proposed development is compatible with surrounding properties."

700.8, Suitability for Proposed Density: "The site is suitable for the proposed density."

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

The DRB should not advance a project to the next stage if there are concerns about the proposal's conformance to these standards. At this stage, Staff finds that the land is suitable for development.

15. The Applicant shall address any current concerns that the DRB may have related to the SR700 Standards above, and the Preliminary Application shall include Section 700 responses specifically addressing how the proposal meets each finding above.

#### Technical Advisory Committee:

16. All comments by the Development Review Board Technical Advisory Committee (Public Works & Fire) and attached to the Staff Report shall be addressed in the Preliminary Plans.

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

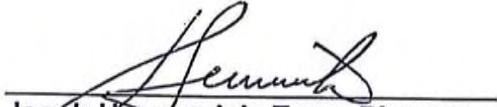
#### Concluding Review:

17. The Applicant shall address any remaining concerns from the DRB concerning the standards above.

### STAFF RECOMMENDATION

The Planning Staff recommends that the DRB **approve** the Sketch Plan for the proposed 8-lot Major Conventional Subdivision located at 159 East Road, described as SPAN# 12211, Tax Map 11, Parcel 93 with the conditions proposed above.

**Respectfully Submitted:**



\_\_\_\_\_  
Jacob Hemmerick, Town Planner

**ATTACHMENTS:**

1. Plans
2. TAC Comments

**COPIES TO:**

1. Applicant(s)
2. Owners(s)
3. Engineer/Surveyor

## Roger Hunt

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**To:** Jacob Hemmerick  
**Cc:** dkeely@town.milton.vt.us; Nathan Lavalley (nvalley@town.milton.vt.us); Christian Poirier; Brett Van Noordt; Planning  
**Subject:** TAC Review for July 9 DRB Meeting

RECEIVED

JUN 25 2015

Jake,

Planning & Economic Development  
Milton, Vermont

I have reviewed the proposed development projects and have the following requirements, questions and suggestions.

- Sketch Plan Application, 159 East Road, Martell & Blondin
  - The **site plan application** shall indicate that the existing structures situated on lots 2, 3, 4 & 5 will be removed.
  - The **site plan application** shall show the new private road alignment. The road shall form as close as possible a  $\perp$  alignment with Hardscrabble Road.
  - From Section 710.6 of the Public Works Specifications, the private road "shall be designed to State of Vermont A-76 standards. Town of Milton geometric standards and highway access standards apply to private roads at the intersection with public roads. No grades for private roads shall be greater than 10% as recommended in the A-76 standard. The width of the road shall be a minimum of 20 feet plus additional two (2) foot aggregate shoulders on each side."
  - The private road shall terminate in a hammerhead or adequate turn around for emergency vehicles.
  - The 99' East Road right of way may have been amended after its original dedication and shall be verified by the applicant.
  - The **site plan application** shall have a stormwater narrative.
  - The **site plan application** shall show the wetlands on lot 8 delineated.
  
- Site Plan Application, Catamount Drive Lot 14B, T. Chase Investments/Neagley & Chase Construction
  - The project has water & wastewater allocation, #2015-4.
  - Water
    - A hydrant will need to be located within 100' of any Fire Department Connection (FDC), *per PWS 1120.6*
    - The existing service gate valves are old double-disk type valves and will not pass a pressure test. The applicant shall install new valves on the discharge side of the old valves at their expense. This would be a good location for the 1-1/2" curb stop instead of on the property as the valves shall be in the public right of way.
    - The Town is considering commissioning the 10" fire main into potable service. Because of this the 8" fire main entrance into the structure shall have a Double Check Detector Assembly (DCDA) backflow preventer.
    - The Town believes a 1" nutating disk water meter will be adequate for this facility. Larger nutating disk meters result in excessive unmetered water loss.
  - Wastewater
    - The proposed "Grit & Spill Containment Tank" shall also be able to serve as an oil & water separator. Maintenance records shall be maintained on site for three years.
  - Highway
    - What will the truck trip generation be? *ANSWERED SMH 6/20*
    - The commercial entrances shall comply with Drawing #7 of the Public Works Specifications and Vtrans Specification B-71.
    - No open cuts for utility crossings will be allowed. *per PWS 1040.1 SMH 6/20/15*
  - Stormwater & Erosion Plans – No comment.
  - Standard Details

# FIRE DEPARTMENT REVIEW

DATE: 6/30/2015

APPLICANT NAME: S Martell, C Blondin  
PLANS REVIEWED BY: C. Poirier

LOCATION: 159 East Road  
INSPECTION: No

## Code Requirements

### NFPA 1141 Planned Building Groups

#### Roadway.

Roadways shall be constructed of a hard, all-weather surface designed to support the heaviest piece of fire apparatus likely to be operated on the roadway. [5.2.1]

Roadways shall have a minimum clear width of 3.7 m (12 ft) for each lane of travel, excluding shoulders and parking. Provisions shall be made for factors that could impinge on the minimum width for example, drainage, snow removal, parking, and utilities. [5.2.3]

Turn shall be constructed with a minimum radius of 25 feet to the inside curb line and a minimum of 50 feet to the outside curb line. [5.4.3]

### NFPA 1 SECTION 18

Required Access. Fire department access roads shall be provided in accordance with Section 18.2 for every facility, building, or portion of a building hereafter constructed or relocated. [18.2.2.1]

When there are not more than two one- and two-family dwellings or private garages, carports, sheds, and agricultural buildings, the requirements may be permitted to be modified. [18.2.2.1.1]

Dead Ends. Dead-end fire department access roads in excess of 150 ft. (46 m) in length shall be provided with approved provisions for the turning around of fire apparatus. [18.2.2.5.4]

1.) *A Hammerhead or T-Turn built to Milton public works specification shall be provide.*

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## Fire Department Recommendations

1. Owner shall be responsible to maintain access for emergency vehicles at all times.
2. The Fire Department reserves the right to alter or add additional comments if the applicant make any changes to the overall application.

**TOWN OF MILTON**  
**PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

43 Bombardier Road  
Milton, Vermont 05468-3205  
www.miltonvt.org  
(802) 893-1186



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**TECHNICAL ADVISORY COMMITTEE REVIEW SHEET**

Development Review Board Meeting of Thursday, July 9, 2015

Date of Review: 07.06.15

Department: Police

TAC Member: Brett Van Noordt

Sketch Plan Application, Major Conventional Subdivision – 159 East Road - Sandra Martell, Owner and Chris Blondin, Applicant.

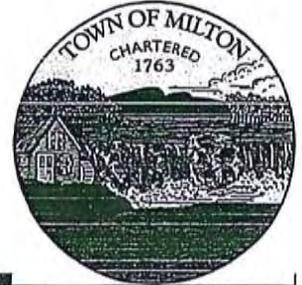
NO COMMENTS OR CONCERNS.

Site Plan Application – Catamount Drive (Lot 14 B) – T. Chase Investments, LLC c/o Neagley & Chase Construction Co; Owners/Applicants.

NO COMMENTS OR CONCERNS.

**TOWN OF MILTON  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

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**TECHNICAL ADVISORY COMMITTEE REVIEW SHEET**

Development Review Board Meeting of Thursday, July 9, 2015

Date of Review: 6/22/2015

Department: Milton Town School District

TAC Member: John Barone

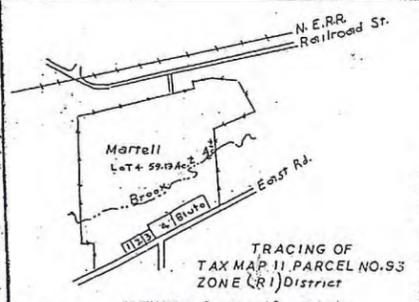
Sketch Plan Application, Major Conventional Subdivision – 159 East Road - Sandra Martell, Owner and Chris Blondin, Applicant.

*Recommendation for approval.*

Site Plan Application – Catamount Drive (Lot 14 B) – T. Chase Investments, LLC c/o Neagley & Chase Construction Co; Owners/Applicants.

*Recommendation for approval.*





TRACING OF TAX MAP II, PARCEL NO. 93 ZONE (R1) District

SECTION 304 Dimensional Requirements

(1) Minimum LOT AREA	16,000 sq. Ft.
(2) Minimum Road FRONTAGE	80 Ft.
(3) Minimum FRONT SETBACK	20 Ft.
(4) Minimum SIDE SETBACK	10 Ft.
(5) Minimum REAR SETBACK	10 Ft.
(6) Maximum BUILDING COVERAGE	40%
(7) Maximum LOT COVERAGE	50%
(8) Maximum BUILDING HEIGHT	3 STORIES

LOT 4 57.61 Ac. ±, 2,509,491 S.F. ± (excluding old town highway)  
 WALDO J. MARTELL & SANDRA L. MARTELL PROPERTY

- Chain of Title
- Vol. 237, Pg. 133
  - Vol. 67, Pg. 169
  - Vol. 31, Pg. 370
  - Vol. 24, Pg. 167
  - Vol. 23, Pg. 398
  - Vol. 22, Pg. 232
  - Vol. 21, Pg. 772
  - Vol. 16, Pg. 465

LEGEND

- existing iron pin
- set iron pin
- Wire Fence
- Stone Wall

NOTE:

Elevation Datum based on Town of Milton Sewer M.H. No. 43 Elev. 371.2

Surveyors Report

Boundaries of 57.61 acre parcel are based on deed description found in vol. 16 pg. 645 and surveys of adjacenters noted on plat.

Existing fence lines and stone walls match recorded deeds & plats of record.

Urban survey was performed.

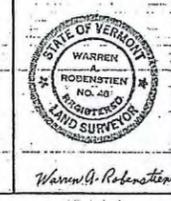
Magnetic bearings taken with Kern Theodolite.

Development Review Board

Approved by Resolution of the Development Review Board of the Town of \_\_\_\_\_ Vermont on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ subject to the requirements and conditions of said Resolution.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by \_\_\_\_\_ Chairman

This Survey is based on physical evidence found in the field and information abstracted from deeds and other pertinent records and this survey is consistent with that evidence. This plat conforms to 27 V.S.A. section 1403.



PLAN SHOWING SUBDIVISION OF WALDO J. MARTELL & SANDRA L. MARTELL PROPERTY 4 LOT SUB-DIV. EAST ROAD, MILTON, VERMONT 62.0 Acres ±		DRAWN BY	W.A.R.
Rev. 10-1-99 DATE: Jun 25, 2009	SCALE: 1" = 100'	APPROVED BY	W.A.R.
WARREN A. ROBENSTIEN, REG. VT & NH L.S. P.O. BOX 171 WINDSOR, VT 05404 (802) 878-2359		DRAWING NUMBER	

RECEIVED JUN 08 2015

Planning & Economic Development  
 Milton, Vermont

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

East Road Realty LLC

Discussed