MILTON DEVELOPMENT REVIEW BOARD
PUBLIC NOTICE OF MEETING & HEARINGS

Meeting Type: **Regular Meeting**
Date: **Thursday, November 12, 2015**
Time: **7:00 p.m.**
Place: **Municipal Building Community Room**
Address: **43 Bombardier Road, Milton, Vermont 05468-3205**
Contact: **(802) 893-1186**
Website: **miltonvt.org**

Bruce Jenkins *Clayton Forgan* *David Conley* *Henry Bonges*

AGENDA

1. Call to Order
2. Attendance
3. Agenda Review
4. Public Forum

The public may attend and be heard in accordance with Vermont's Open Meeting Law (1 V.S.A. 312).

5. Old Hearings/Business

5(A). Appeal from Decision of Zoning Administrator – Southerly Side of Route 7, LLC, Owner & Appellant. The Appellant is appealing a Notice of Violation dated September 3, 2015, and reissued September 10, 2015, which states Appellant has not complied with the approved Southerberry PUD Site Plans for Phase I, Phase II and Phase IIIA, marked Final 5/24/13, 4/23/10 and 8/16/13, respectively. The subject property is located at 368 Route 7 South; described as SPAN# 13341, Tax Map 7, Parcel 14-1, contains 18.56 acres, and is located within the "Checkerberry" (M4) Zoning District.

6. New Hearings/Business

6(A). Site Plan Amendment I Application – 8 Catamount Drive – Greater Burlington Industrial Corp., Owners; Rick & Mark Bove, Applicants. The Applicants are requesting Site Plan Amendment approval to reduce the building footprint by approx. 35%, reduce impervious surface areas, and make minor adjustments to the site layout in accordance with the reduction of overall size. Also proposed is the relocation of the loading area to the west side of the building, and improved drainage of stormwater on the northern boundary. The site is located at 8 Catamount Drive and described as SPAN #13974, Tax Map 3, Parcel 817. The subject property contains a total of approximately 6.82 acres and is located within the "General Industrial" (I2) Zoning District.

7. Other Business, Staff Update

8. Approval of Minutes of October 22, 2015

9. Possible Deliberative Session

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

10. Adjournment

Jeffrey Castle, Town Planner

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.

TOWN OF MILTON

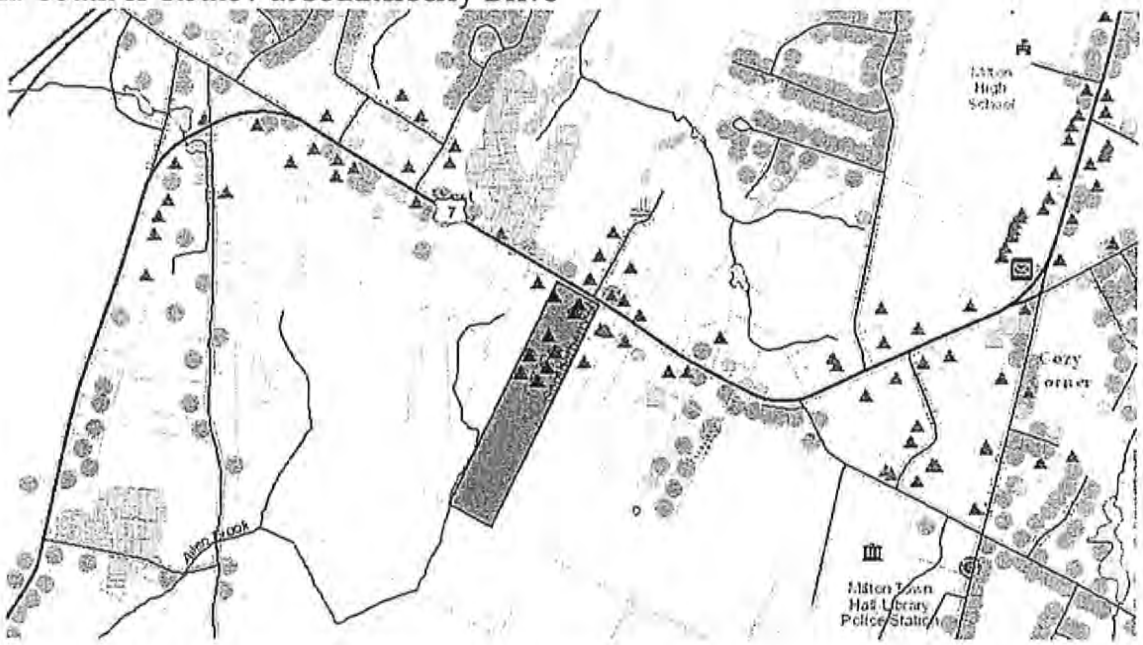
Planning & Economic Development Department

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

DEVELOPMENT REVIEW BOARD STAFF REPORT

Hearing Date: November 22, 2015 (Continued from October 22, 2015	
Case No: 2015-27	
Application(s): Appeal of Zoning Administrator Decision	
Application Received: September 14, 2015	
Application Deemed Complete: September 17, 2015	
Staff Report Finalized: November 5, 2015	
Applicant(s): Southerly Side of Route 7, LLC c/o Ward & Babb 3069 Williston Road South Burlington, VT 05403 802-863-0307	**Owner(s):** Same
Engineer/License: None	**Surveyor/License:** None
E-911/Postal Address: 368 Route 7 South	
Tax Map, Parcel(s): 7, 14-1	
School Parcel Account Number(s) (SPAN): 13341	
Deed(s): Book 226, Page 53-4	
Existing Size: 18.56	
Zoning District(s): Checkerberry "M4"	
Comprehensive Plan Planning Area/Sub-Area: Town Core / Checkerberry	

Location: South of Route 7 at Southerberry Drive



SUMMARY OF APPEAL

Noticed Summary: The Appellant is appealing a Notice of Violation dated September 3, 2015, and reissued September 10, 2015, which states Appellant has not complied with the approved Southerberry PUD Site Plans for Phase I, Phase II and Phase IIIA, marked Final 5/24/13, 4/23/10 and 8/16/13, respectively. The Appellant maintains that the violations do not constitute a change or expansion of use, per ZR§130(1). The subject property is located at 368 Route 7 South; described as SPAN 13341, Tax Map 7, Parcel 14-1, contains 18.56 acres, and is located within the "Checkerberry" (M4) Zoning District.

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

Application: This matter comes before the Town of Milton Development Review Board (DRB) to appeal the decision of the Zoning Administrator to issue a violation.

Applicant(s): The application was submitted by William B. Towle on behalf of Southerly Side of US Route 7, LLC referred to hereafter as the "applicant" or "appellant".

Application Submission: The application form and associated exhibits were received by the Planning and Economic Development Department on September 14, 2015. The application and its associated materials are maintained by the Town in the application file and are available for public inspection

Application Completion: The application was deemed complete by staff on September 18, 2015. Additional exhibits were presented at the October 22, 2015 DRB hearing.

Landowner(s): The property is owned by Southerly Side of US Route 7, LLC, a domestic limited liability company. The registered agent for this business is Ward & Babb, and the principal is William R. Sawyer Overview, Inc. William B. Towle is signatory to this application.

Project Consultant(s): William Towle of Ward & Babb Attorneys at Law

General Jurisdiction: Land development is subject to regulation by the Town of Milton pursuant to, but not limited to, the following: The Vermont Planning and Development Act (Act); The Town of Milton Zoning Regulations (ZR), effective January 5, 2015; the Town of Milton Interim Zoning Regulations (IZR) effective February 26, 2015; and The Town of Milton Subdivision Regulations (SR), effective June 28, 2010.

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

Appeals: ZR 1060 states, "Any interested PERSON may appeal any action or denial of action under these Regulations as provided in 24 V.S.A. § 4464 through § 4467. The Development Review Board shall act to approve or disapprove any appeal within forty-five (45) days after the close of the final public hearing. Failure to act within this time period shall be deemed approval and shall be effective on the 46th day."

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

Site Visit: The DRB may schedule a site visit and recess the hearing to a subsequent meeting if on-site observation would better inform the DRB's decision. Staff recommends on-site observation.

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

- Voluntary Compliance Letter dated July 30, 2015
- Notice of Violation Letter dated September 3, 2015
- Notice of Violation Letter dated September 10, 2015
- Letter from William B. Towle dated September 17, 2015
- Letter from William B. Towle dated September 23, 2015
- Letter from William B. Towle dated October 1, 2015

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

- Supreme Court of Vermont Case: In re Torres, 154 VT 233 (1990)
- Zoning Permit 65-09
- Public Forum Minutes from DRB Meeting of April 23, 2009
- Photograph of box trailer with deck and stairs.
- Photographs of junk storage.

APPEAL PROCEDURE

In the Supreme Court decision in *In re Torres*, 154 VT 92, the Vermont Supreme Court held that the lower court could not "convert a hearing on a permitted use application into a hearing on a conditional use permit by simply allowing an amendment to the application, since such an amendment could never serve to provide public notice of the conditional use application."

It is Staff's position that the Development Review Board may not convert a warned public hearing on an appeal of a decision of the Administrative Officer (*see* 24 V.S.A 4464(a)(1)) into a hearing on a site plan amendment by allowing the appellant to submit a revised "as-built" site plan, since the required public notice of the hearing was not given. *See* 24 V.S.A. 4464(a)(2).

24 V.S.A. 4464(a)(1): A warned public hearing shall be required for conditional use review, variances, administrative officer appeals, and final plat review for subdivisions.

24 V.S.A. 4464(a)(2): Public notice for hearings on all other types of development review, including site plan review, shall be given not less than seven days prior to the date of the public hearing.

Any amendment to a site plan necessary to cure a violation, as proposed by the Zoning Administrator, must be conducted through a proper site plan amendment application. Converting this proceeding into a site plan hearing is illegal, undermines the public interest, could inadvertently formalize site defects by not allowing for technical review, and could formalize legitimate violations. On this procedural and legal question, staff strongly recommends that the DRB request the presence of the Town attorney in deliberation prior to pursing this course of action, if there are doubts.

Regardless of whether the appellant submits a site plan application, the DRB still must decide the appeal. Specifically, the DRB must determine whether each of the alleged violations was a violation at the time that the Administrative Officer issued the notice of violation.

Pursuant to 24VSA4464, THE QUESTION FOR THE DRB IN THIS MATTER IS WHETHER OR NOT TO GRANT THE RELIEF REQUESTED BY THE APPELLANT ON THE STATED GROUNDS AND REGULATORY PROVISIONS REFERENCED.

THE DRB MUST DETERMINE WHETHER EACH OF THE ALLEGED VIOLATIONS WAS A VIOLATION AT THE TIME THAT THE ADMINISTRATIVE OFFICER ISSUED THE NOTICE OF VIOLATION.

APPEAL REVIEW

At the DRB hearing of October, 22, 2015, the appellant submitted a 105 page document outlining new grounds for appeal and supporting evidence for the dismissal of the Violations issued by the Zoning Administrator. Staff has reviewed the evidence presented and offers the following recommendation for if each violation should be dismissed or maintained.

The new grounds for appeal presented in a letter from William B. Towle dated October 22, 2015 state that:

"These Items Have Been Approved By the Issuance of the Respective Certificates of Occupancy"

While Staff acknowledges that a Certificate of Occupancy can be assumed to apply to all aspects of a building under question, this claim does not apply to all of the alleged violations.

A striking difference with the case of Tekram Partners Supreme Court Decision (presented at the last hearing) is that their project had been complete at the time of issuance of the Certificate of Occupancy, and therefore there was a reasonable assumption that the issued CO covered all aspects of the project.

The appellant's approved PUD is not complete, and phases within the PUD are not complete -- normally handled as a chronological, sequential matter by land use regulations. Further, the PUD Site Plan consists of buildings to be constructed within BUILDING ENVELOPES which rely on a shared infrastructure for each phase.

BUILDING ENVELOPE was defined by the Zoning Regulations (at the time the PUD first received Final PUD approval) as follows:

> The area of an approved lot within which all permitted STRUCTURES, ACCESSORY STRUCTURES, taking into account the applicable maximum LOT COVERAGE, exclusive of SETBACKS, areas on an excessive grade and natural features that may not be disturbed.

It is not a reasonable assumption that the Zoning Administrator has provided final approval for all aspects of a phase of a site plan which is not complete. The parking, infrastructure and additional shared amenities located outside the Building Envelopes on the site are attributed on the approved site plan to phases of development, not to individual buildings.

Because of the incremental permitting that has taken place within this incomplete project, we must rely on the narrative of individual permits as the portion of the project intended to be permitted and COed. The flexibility that the administrative officers have granted to the developer in incrementally permitting this project does not and should not constitute a "blank check" for development not expressly granted by the permit.

Staff finds this is further supported by the issuance of Permit 65-09 filed on 4/24/09 (not included in the applicants supporting documents). This permit was to "fill lot per Town/DRB approval." The accompanying property drawing contains the site plan for Phase I with the contents of all Building Envelopes blacked out. The application references conditions from "DRB Mtg of 4/23/09" at which time the Zoning Administrator was allowed to "issue a permit for sitework to Southerly Side of Route 7, LLC, for the Southerberry project."

A CO was never obtained for this permit, and it expired on 4/6/10. Staff finds that the common area site work outside of the buildable envelopes for Phase I is unpermitted.

REVIEW OF VIOLATIONS

Staff has reviewed the new grounds and offers the following recommendations for dismissal of some items of violation based on the understanding that there are items that have been certified by the issuance of a certificate of occupancy which may not be the grounds for a violation after approval insomuch as the violation does not constitute a change that occurred after the certificate of occupancy.

Disclosure: There may be other permits and certificates associated with this large development which staff did not locate within the time frame available.

A Voluntary Compliance Letter was sent on July 30, 2015 to the appellant. In the letter, the following items were identified as potential violations of the approved site plan, but are not indicative of all violations that may be present on the site:

"Phase I

- *There is no outdoor seating area as indicated on the approved final plans."*

1. **Uphold:** Staff finds that the violation stands. Due to the incomplete nature of Phase I, the shared outdoor seating area, which the applicant testified was installed and stolen, has not received a CO.

- *"Final approved plans show Building #1 having three units, but Administrative Amendment approved on June 22, 2011 amended this to be only two units; retail and bakery."*

2. **Dismiss:** Staff finds that the Final approved plans have not been updated. The Administrative Amendment has been approved with Permit 2011-109, CO approved 10/6/11.

- *"Curbed islands by carwash (west) is smaller than shown on the approved final plans."*

3. **Uphold:** Staff finds that the violation stands. Due to the location of the curbed island outside the footprint lot of any structure receiving a CO and the incomplete nature of Phase I, the shared parking infrastructure has not received a CO.

- *"There is no divider/curbing between Building #1's Loading Area and the parking area."*

4. **Uphold:** Staff finds that the violation stands. Due to the location of the divider / curbing outside the footprint lot of any structure receiving a CO and the incomplete nature of Phase I, the shared parking infrastructure has not received a CO.

Further, the most recent conditions of approval for Phase I state: "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 to the conditions of this approval".

The approved plans do not allow for vehicle travel from the loading area for Building #1 to the parking area between Buildings #1 and the carwash. The lack of a divider or curbing has allowed for traffic to travel between the loading and parking area. The approved internal circulation shall be maintained as approved.

- *"There is no ice machine by carwash as shown on plans."*

5. **Dismiss:** Approved with Permit 2012-169A, CO approved 12/5/13

- *"Lighting: There are multiple discrepancies in the lighting that exists on site and the lighting shown on the plan. Specifically, the building mounted lighting differs greatly for Building #1, 2, 3, 4."*
    - *"Building #1 – Missing light along Route 7 South, eight recessed lights under covered outdoor display area (plans only show two lights), missing light in front entrance and on the corner of Unit 1B."*

6. **Dismiss:** Approved with Permit 189-09A, CO approved 3/30/10.

    - *"Building #2 – Entrance has two recessed lights (plans show one), side of building has two lights (not shown on plans), lights along Southerberry side (not shown on plans)."*

7. **Dismiss:** Approved with Permit 2009-199 and 2009-199A, COs Approved 6/22/10

    - *"Building #3 – No lighting on site by residential parking area, lights by entryways for residential units (not shown on plans)."*

8. **Dismiss:** Approved with Permit 2009-200A, CO approved 9/28/10.

    - *"Building #4 – One light on site on side facing Route 7 (no light shown on plans), three lights on back side of building (plans only show one light), motion detector light on other side of building (this is not an approved light fixture per ZR820)."*

9. **Dismiss:** Approved with Permit 2012-168A, CO approved 12/5/13.

- *"Parking: There are multiple discrepancies in the number of parking spaces that exist on site versus the approved site plan.*

The pavement needs a top coat (per Roger Hunt)…"

10. **Uphold:** Staff finds that the violation stands. The shared parking facilities have not received a CO.

    "…and the parking spaces lines are very faded in most areas."

11. **Uphold**: Staff finds that the violation stands. The shared parking facilities have not received a CO.

Further, the most recent conditions of approval for Phase I state: "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 to the conditions of this approval"

12. The parking lines must be completed, operated and maintained in order to clearly delineate parking spaces and orderly parking.

    "Below are specific discrepancies:"
    - *"Five spaces instead of six in front of Ace Hardware."*

13. **Uphold:** Staff finds that the violation stands. The shared parking facilities have not received a CO.

    - *"Seven spaces in front of Rowans instead of six"*

14. **Uphold**: Staff finds that the violation stands. The shared parking facilities have not received a CO.

    - *"Striping for ADA space in front of Rowans is on the right side instead of left if facing the restaurant."*

15. **Uphold:** Staff finds that the violation stands. The shared parking facilities have not received a CO.

    - *"No striping exists between Building #2 and Building #3."*

16. **Uphold:** Staff finds that the violation stands. The shared parking facilities have not received a CO.

    - *"Fifteen spaces in front of Building #5 instead of sixteen. Two ADA spaces are on site, but not shown on the approved plans. (No parking spaces, sidewalks, landscaping, ect around Building #5 since it has not been constructed)."*

17. **Uphold:** Staff finds that do to the incomplete nature of this portion of Phase I, the Items listed have not received a CO.

- *"Eleven spaces on side of carwash instead of ten."*

18. **Uphold**: Staff finds that this violation shall stand. The shared parking facilities have not received a CO.

    - *"Employee parking space in back of carwash is not delineated. No parking spaces around the back and southern side of the carwash are delineated."*

19. **Uphold:** Staff finds that this violation shall stand. The shared parking facilities have not received a CO.

- *"Signage:*
    - *Grand opening sign for Rowan's is not approved."*

20. **Dismiss:** Staff finds that the violation stood at the time of the issuance of the violation, but has since been cured by removal of the sign.

    - *"One Way/Exit Only signs are not displayed on east side of carwash."*

21. **Uphold:** Staff finds that the violation stands and may be cured by the replacement of the sign.

    - *"Do Not Enter Sign is not displayed on east side of carwash."*

22. **Uphold:** Staff finds that the violation stands and may be cured by the replacement of the sign

    - *"No signs indicating parking spaces by vacuum cleaner are to be used by carwash patrons only."*

23. **Uphold:** Staff finds that the violation stands and may be cured by the replacement of the sign

"Phase II:

- *There is no outdoor seating area as indicated on the approved final plans."*

24. **Uphold:** Staff finds that the violation stands. The shared outdoor seating area has not received a CO.

- *"There is no covered bus stop as indicated on approved final plans."*

25. **Uphold:** Staff finds that the violation stands. The shared amenities have not received a CO.

- *"There are no street signs for Green Street."*

26. **Uphold:** Staff finds that this violation stands and may be cured by the installation of Street sign.

- *"The outdoor lighting does not match the approved final plans. Lighting exists at entryway, garage and in the back of the unit. The approved final plans to not show all lights."*

27. **Dismiss:** Approved with: 2010-71 CO Approved 11/19/2010; 2010-189 CO approved 3/15/11; 2011-70 CO approved 6/2/11; 2011-71 CO approved 8/4/11; and 2011-72 CO approved 10/27/11

    "Phase IIIA
    - *There are no streets signs for Green Street of Sterling Drive."*

28. **Uphold:** Staff finds that this violation stands and may be cured by the installation of street signs.

    - *"The outdoor lighting does not match the approved final plans. Lighting exists at entryway, garage and in the back of the unit. The approved final plans do not show all lights."*

29. **Dismiss:** Approved with Permit 2013-149A CO approved 12/12/2013 and CO approved 1/28/2014.

    - *"There is outdoor storage consisting of a box trailer, concrete blocks and various construction materials."*

The outdoor storage of large amounts of materials is located on the site including but not limited to: concrete blocks, construction materials and accessories, discarded tires, and discarded plant containers.

The box trailer located on site has an attached staircase and deck constructed at the rear of the trailer. Staff finds that a unregistered trailer with an attached deck and staircase meets the definition of a STRUCTURE: "Anything constructed or erected, the use of which requires location on or within the ground or attachment to something having location on or within the ground. For the purposes of these regulations, MOBILE/MANUFACTURED HOMES shall be considered STRUCTURES. For the purposes of these regulations, a driveway, parking area, sidewalk or bicycle path, sign, bicycle rack, recreational vehicle, trailer or other vehicle on wheels not regularly used for the manufactured purpose, private septic system or well is not considered a structure."

The other material meets the definition of JUNK: "Any scrap copper, brass, iron, steel and other scrap or nonferrous material, including but not limited to rope, rags, batteries, glass, plastic, fiberglass, rubber debris, waste, trash or any dismantled, wrecked, scrapped or ruined motor vehicles or parts thereof."

Staff finds that the OUTDOOR STORAGE of JUNK may only be an approved use as part of a RECYCLING YARD, defined as: "**Any place of OUTDOOR STORAGE or deposit which is maintained, operated or used in connection with a business for storing, keeping,** processing, buying or selling **JUNK** or as a scrap metal processing facility. "RECYCLING YARD" also means any place of OUTDOOR STORAGE or deposit, not in connection with a business, which is maintained or used for storing or keeping four (4) or more JUNK MOTOR VEHICLES which are visible from any portion of a public highway or adjacent property. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than ninety (90) days for inspection or repairs. It further does not mean a bottle redemption center or bottle deposit center."

Further, OUTDOOR STORAGE may only be an approved use when screened from view, according to the definition: "OUTDOOR STORAGE: The storage of materials, screened from view in other than a completely ENCLOSED STRUCTURE."

30. **Uphold:** Staff finds that this violation stands.

CONCLUDING REVIEW

THE DRB MUST DETERMINE WHETHER EACH OF THE ALLEGED VIOLATIONS WAS A VIOLATION AT THE TIME THAT THE ADMINISTRATIVE OFFICER ISSUED THE NOTICE OF VIOLATION.

STAFF RECOMMENDATION

In the matter of the Appeal of a Zoning Violation issued by the Zoning Administrator for the property located at 368 Route 7 South; described as SPAN 13341, Tax Map 7, Parcel 14-1, the Planning Staff recommends that the Violation issued by the Zoning Administrator be affirmed (upheld) in part and reversed (dismissed) in part as outlined above.

Respectfully Submitted:

Jeffrey Castle, Town Planner

ATTACHMENTS:

- Supreme Court of Vermont Case: In re Torres, 154 VT 233 (1990)
- Zoning Permit 65-09
- Public Forum Minutes from DRB Meeting of April 23, 2009
- Photograph of box trailer with deck and stairs.
- Photographs of junk storage.

COPIES TO:

- Applicant(s)
- Owners

KeyCite Yellow Flag - Negative Treatment
Distinguished by In re Chaves A250 Permit Reconsider, Vt., January 17, 2014

154 Vt. 233
Supreme Court of Vermont.

In re Glen M. and Lisa TORRES.

No. 89-523. | April 27, 1990.

Property owners appealed town zoning board of adjustment's grant of permitted use application to operate and construct automobile repair and reconstruction business across the road from owners' house. The Washington Superior Court, David A. Jenkins, J., granted conditional use permit for operation of business, and property owners appealed. The Supreme Court, Allen, C.J., held that trial court did not have power to convert de novo hearing on permitted use application into hearing on conditional use permit by allowing amendment to application, as such amendment could not serve to provide public notice of conditional use application as required by statute.

Reversed.

West Headnotes (4)

[1] **Zoning and Planning**
⇐Decisions of boards or officers in general

The reach of superior court in zoning appeals is as broad as powers of zoning board of adjustment or planning commission, but is not broader. 24 V.S.A. § 4472(a).

7 Cases that cite this headnote

[2] **Zoning and Planning**
⇐Notice

Town zoning board of adjustment does not have power to convert hearing on permitted use application into hearing on conditional use permit by simply allowing amendment to application, as such amendment cannot serve to provide public notice of conditional use application as required by statute. 24 V.S.A. § 4407(2).

1 Cases that cite this headnote

[3] **Zoning and Planning**
⇐Notice

Public notice requirement with respect to conditional use permit may not be waived by zoning board of adjustment or superior court. 24 V.S.A. § 4407(2).

1 Cases that cite this headnote

[4] **Zoning and Planning**
⇐Affirmative Relief from Court

Superior court, during de novo hearing on appeal from grant of permitted use application to establish "home occupation," did not have authority to allow applicants to amend their application for home occupation to one for conditional use, and then grant latter application with conditions, without first complying with public notice requirements for issuance of conditional use application. 24 V.S.A. § 4407(2).

2 Cases that cite this headnote

Attorneys and Law Firms

**194 *234 Glen M. Torres, Duxbury, pro se.

Richard A. Unger, Montpelier, for defendants-appellees Gonyon.

David A. Barra of Paul, Frank & Collins, Inc., Burlington, for defendant-appellee Town of Duxbury.

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Before *233 ALLEN, C.J., and PECK, GIBSON, DOOLEY and MORSE, JJ.

Opinion

ALLEN, Chief Justice.

Glen and Lisa Torres are residents of the Town of Duxbury who appeal the trial court's issuance of a conditional use permit for the operation of an automobile repair and reconstruction business across the road from their house.' We reverse.

David and Joyce Gonyon, owners of a parcel of land on the westerly side of Route 100 in Duxbury, filed an application with the Town for approval under its zoning bylaw to construct a 2,000 square foot automobile body shop on their property which they would operate as a "home occupation." Both the Gonyons' and the appellants' properties are located within the rural agricultural zoning district in which home occupations are permitted. *235 The Duxbury Zoning Board of Adjustment granted the permit, and appellants filed a timely notice of appeal in Washington Superior Court pursuant to 24 V.S.A. §§ 4471 and 4472(a). The court conducted a de novo trial and concluded that the Gonyons' business did not conform to the definition of "home occupation" in the zoning bylaw. The court, however, allowed the Gonyons to amend their application for a home occupation to one for a conditional use and granted the latter application, with conditions. The present appeal followed.

Appellants argue that the issue of a conditional use permit was never properly before the superior court and that the court was powerless to issue it. Appellees, the Gonyons and the Town of Duxbury, stress the broad powers of the superior court on de novo review and argue that the issues and the evidence in the proceeding were **195 identical, whether the application was to be considered as one for a "home occupation" or a conditional use permit. They argue that "[t]he submission of a conditional use application was a matter of form, conforming the pleadings to the evidence." Appellees cite *In re Poole,* 136 Vt. 242, 247, 388 A.2d 422, 425 (1978), where we stated:

> Under the trial de novo mandate in 24 V.S.A. § 4472(a), the trial court has the duty to enforce, and the power to condition or waive, the zoning regulations in the same manner as the Zoning Board of Adjustment or the Planning Commission. The court cannot abrogate its obligation in such a hearing by leaving the issues of enforcement or waiver to the two administrative bodies.

[1] The reach of the superior court in zoning appeals is as broad as the powers of a zoning board of adjustment or a planning commission, but it is not broader. To meet the requirements for a conditional use permit, an applicant must comply with 24 V.S.A. § 4407(2), which states in relevant part:

> **(2) Conditional uses.** In any district, certain uses may be permitted only by approval of the board of adjustment, if general and specific standards to which each permitted use must conform are prescribed in the zoning regulations and if the board of adjustment *after public notice and public* ***236** *hearing* determines that the proposed use will conform to such standards. Such general standards shall require that the proposed conditional use shall not adversely affect:
>
> (A) The capacity of existing or planned community facilities;
>
> (B) The character of the area affected;
>
> (C) Traffic on roads and highways in the vicinity;
>
> (D) Bylaws then in effect; or
>
> (E) Utilization of renewable energy resources.

(Emphasis added.)

[2] The import of *Poole* is that whatever the zoning board of adjustment or the planning commission might have done with an application properly before it, the superior court may also do if an appeal is duly perfected. The Duxbury Zoning Board of Adjustment does not have the power to convert a hearing on a permitted use application into a hearing on a conditional use permit by simply allowing an amendment to the application, since such an amendment could never serve to provide public notice of the conditional use application, as required by § 4407(2).

[3] Appellees argue, without citing support for the proposition, that the public notice requirement of § 4407 may be waived by the zoning board of adjustment or the superior court. However certain they may be that notice of an application for a conditional use permit would attract no more opposition than the notice of the "home occupation" application, it is not for the parties, the boards, or the courts to dispense with the public notice

mandated by the statute. The general view is that notice and hearing requirements on application to a zoning board are mandatory and jurisdictional, and failure to adhere to these requirements renders the action taken null and void. *Grotto v. Little Friends, Inc.,* 104 Ill.App.3d 105, 107, 59 Ill.Dec. 848, 850, 432 N.E.2d 634, 636 (1982); *Moore v. Cataldo,* 356 Mass. 325, 326, 249 N.E.2d 578, 580 (1969).

[4] Having determined that the board of adjustment permit was invalid, the court had no choice except to remand the matter ***237** for full consideration by the board of any application for a conditional use permit.

Since the trial court's action was void, we have no occasion to consider the argument that the evidence considered by the court covered the five criteria that must be weighed in evaluating a conditional use permit.

Reversed.

All Citations

154 Vt. 233, 575 A.2d 193

Footnotes

* Appellants are interested persons as defined by 24 V.S.A. § 4464(b)(3).

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TOWN OF MILTON -- APPLICATION FOR A ZONING PERMIT

Front & back

Fees $ 40+8=48.~

Date Pd. _____

Permit # 65-09

Filing Date 4/24/09

Contact Lister's office for this information-Open M-F 9am to 12:30 & Wed only 9am to 3:30 (Phone: 893-4325)

Tax Map # [illegible] Parcel # [illegible] Easement/Deed Book(s) [illegible] Page(s) [illegible]

Owner(s) Southerly Side of RT 7 LLC Applicant(s) Same

Address c/o WM Salvizer P.O Box 69 Milton Address _____

Phone 802-324-0486 / 893-3303 Phone _____

Property Address 384 RT 7 South. Lot Size 18.6 T acres Road Frontage 401 ft.

Current Use Vacant Lot Proposed Use _____

Zoning District M4 Total Square footage _____ # of Stories — Value of improvement $ 10,000.—

Project Description (# of bedrooms for addition or new home. If multi-family include # of units) fill lot per Town/DRB approval

The undersigned Owner (required) & Applicant certifies that the information contained in this application is correct:

Owner's signature (or authorized agent's) [signature] Date 4-22-09

Applicant's signature _____ Date _____

☐ Highway Access Permit # N/A Date _____

☐ Water/Sewer Permit # N/A Date _____

☐ DRB Conditions #'s per DRB Mtg of 4/23/09

☐ State Highway Permit # _____ Date _____

☐ State Water/Wastewater Permit # N/A Date _____

☐ ACT250 Permit # _____ Date _____

☐ Other _____ Date _____

Zoning Administrator Approval ☒ Yes ☐ No [signature] Date 4/24/09

For **APPROVED** permits, the Conditions of this Permit are:

☒ Contact Zoning Administrator for a **Certificate of Compliance**-Upon completion of construction, you must come into the planning office & sign the Certificate of Compliance stating you have complied with the permit. The Zoning Administrator will then come to your property to inspect your project. If approved, you must come back to the Planning office to pick up & record the certificate of compliance. This requires a $8 recording fee.

☐ All DRB conditions must be met

☐ Impact Fees (must be paid prior to requesting a Certificate of Compliance)

☐ Other: _____

THIS PERMIT IS DENIED FOR THE FOLLOWING REASONS: _____

PLEASE TAKE NOTE: On July 1, 2007, state law changes for wells & septic systems. A local septic permit is no longer needed, but you may need state permits. Please call the State's permit specialist at 802-879-5676 with any questions. The complete rules are also available at http://www.anr.state.vt.us/dec/ww/rules.htm#os. If a State permit is needed, you must have the permit before a local zoning permit can be issued.

The appeal time for this permit expires 15 days after issuance **Appeal Expires** 5/9/09

This permit expires 1 year from date of issuance **Permit Expires** 4/6/10

☐ **Renewed Permit:** #____R Date Renewed _____ Appeal Expires _____ Permit Expires _____

Owner Signature _____ Date _____ Zoning Administrator Signature _____ Date _____

Permit Application Revised July 2, 2007

Minutes from
TOWN OF MILTON-DEVELOPMENT REVIEW BOARD
April 23, 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, Vice-Chair, George Belansek, David Conley, Alternate, and Ron Harding, Alternate.

Members Absent: Allen Lasell, Chair, John Jorschick, Clerk, and Clayton Forgan.

Staff Present: Carrie Violette, Economic Development Coordinator, David Joachim, Zoning Administrator, and Erin McSweeney, Administrative Assistant II.

Others Present: Please see attached sign-in sheet.

CALL TO ORDER

Mr. Jenkins called the meeting to order at 7:06PM. Mr. Jenkins indicated that David Conley and Ron Harding will participate in the hearings this evening as alternates.

ADDITIONS TO / DELETIONS FROM THE AGENDA

None

PUBLIC FORUM

Bill Sawyer was present at the meeting. Work has begun on the site of Bill's Southerberry project located on Route 7. Bill would like to put fill on the site. David Joachim, Zoning Administrator, indicated that the DRB's approval included stipulations that would not allow Bill to put fill on the site without first obtaining the zoning permit.

Ms. Violette indicated that Bill can post the surety for the public infrastructure and pull the zoning permit. Bill indicated that he would only like to do the site work for the project; however, according he unable to do the site work without a zoning permit.

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MOTION BY G. Belansek **SECOND BY** R. Harding to allow the Zoning Administrator to issue a permit for sitework to Southerly Side of Route 7, LLC, for the Southerberry project. G. Belansek, R. Harding, D. Conley, and B. Jenkins voted in favor. None of the board members were opposed. **MOTION PASSED.**

TOWN OF MILTON – APPLICATION FOR A ZONING PERMIT

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Owner Signature _____ Date _____ Zoning Administrator Signature _____ Date _____

Permit Application Revised July 2, 2007

TOWN OF MILTON -- APPLICATION FOR A ZONING PERMIT

Back

Tax Map # 7 Parcel # 14-1

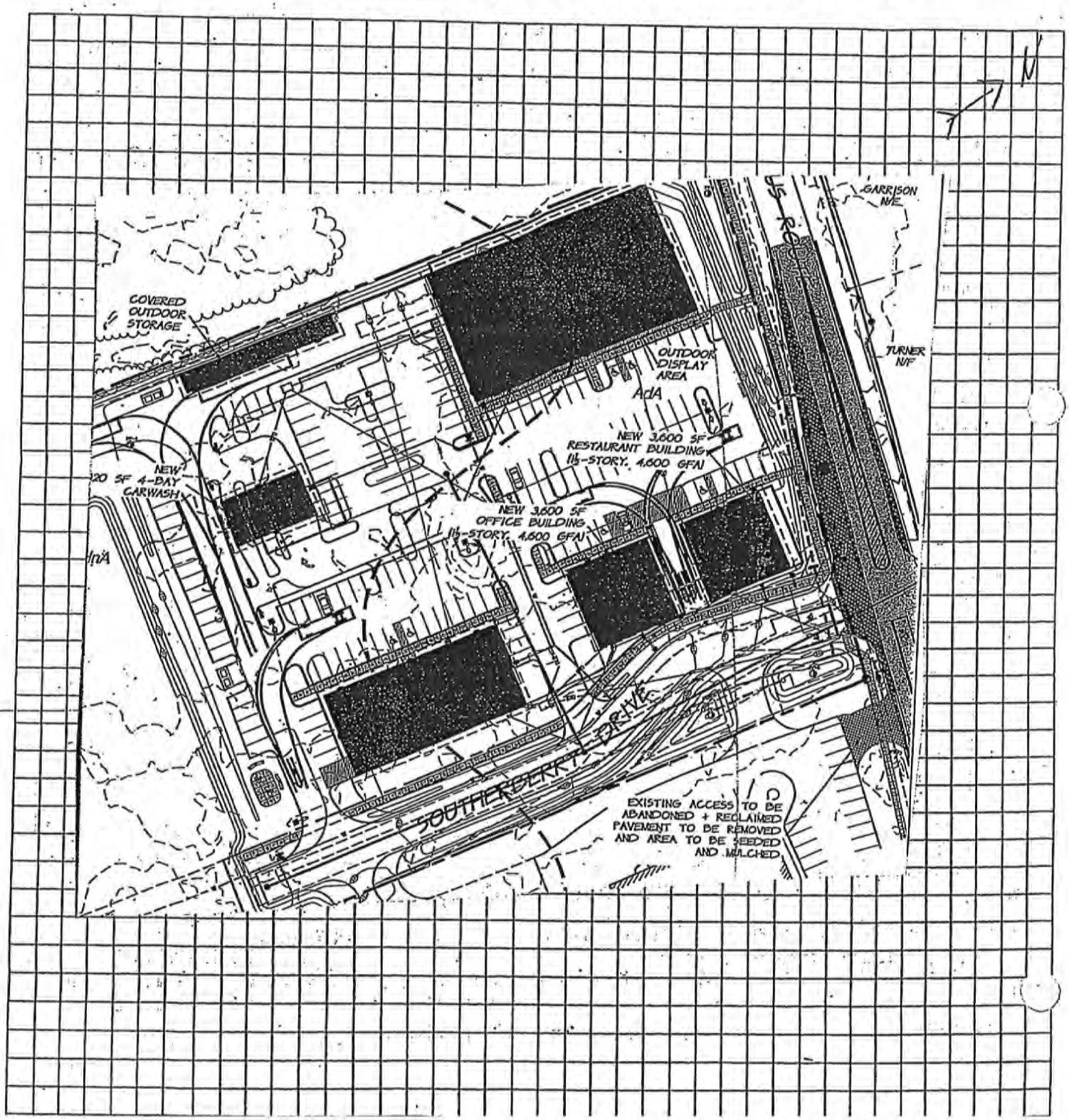
Permit # 65-09

Filing Date 4/24/09

Owner(s) Southerly Side of Rt 7 LLC

Applicant(s) Wm. Sawyer

Draw an aerial view of property, showing primary structure, and all accessory structures (garage, deck, pool, or shed, etc.) with measurements to the front, side & rear of property boundary lines and in between each structure. (setbacks can be found in zoning regulations) Include Septic & Well locations (tank & leach field); driveway; easements and rights-of-way; and the names of the adjacent property owners. For Multi-family buildings, label all unit numbers.



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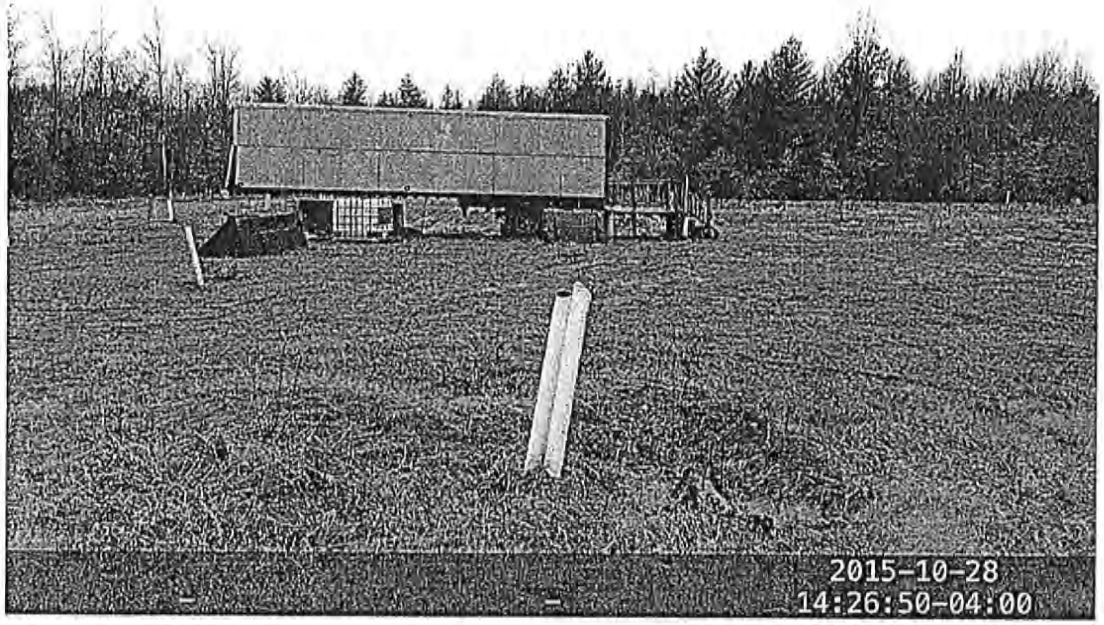
DIRECTION 265 deg(T) | 44.62014°N 73.13471°W | ACCURACY 10 m DATUM WGS84



DIRECTION 15 deg(T) | 44.62014°N 73.13471°W | ACCURACY 5 m DATUM WGS84

DIRECTION
303 deg(T)
44.62101°N 73.13500°W
ACCURACY 5 m
DATUM WGS84
2015-10-28
14:30:28-04:00

DIRECTION
310 deg(T)
44.62062°N 73.13517°W
ACCURACY 5 m
DATUM WGS84
2015-10-28
14:29:58-04:00

TOWN OF MILTON

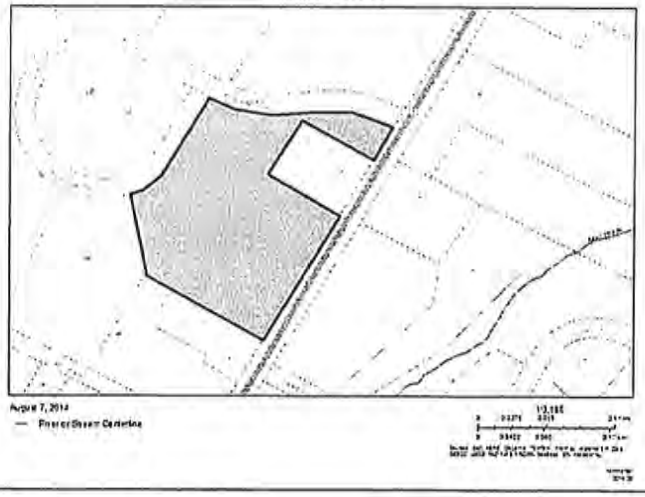
Planning & Economic Development Department

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

DEVELOPMENT REVIEW BOARD STAFF REPORT

Hearing Date: November 12, 2015	
Case No: DRB 2015-28	
Application(s): Site Plan Amendment I	
Application Received: October 8, 2015	
Application Deemed Complete: October 22, 2015	
Staff Report Finalized: November 6, 2015	
Applicant(s): Mark Bove and Rick Bove 218 Overlake Drive Colchester, VT 05446 rickbove@comcast.net 802-999-9998	**Owner(s):** Greater Burlington Industrial Corp c/o Curt Carter PO Box 186 Burlington, VT 05402 802-862-5726
Engineer/License: Ruggiano Engineering, Inc. 5 Lake Street St. Albans, Vermont, 05478 802-524-9300	**Surveyor/License:** None
E-911/Postal Address: 8 Catamount Drive	
Tax Map, Parcel(s): 3, 8-17	
School Parcel Account Number(s) (SPAN): 13974	
Deed(s): Book 81, Page 591	
Existing Size: 6.82	
Zoning District(s): General Industrial "I2"	
Comprehensive Plan Planning Area/Sub-Area: Catamount Planning Area	
Location: Corner Lot with frontage on US Route 7 South and Catamount Drive	

Catamount Lot 17



INTRODUCTION

Summary of Proposal: The Applicants are requesting Site Plan Amendment approval to reduce the building footprint by approx. 35%, reduce impervious surface areas, and make minor adjustments to the site layout in accordance with the reduction of overall size. Also proposed is the relocation of the loading area to the west side of the building, and improved drainage of stormwater on the northern boundary. The site is located at 8 Catamount Drive and described as SPAN #13974, Tax Map 3, Parcel 817. The subject property contains a total of approximately 6.82 acres and is located within the "General Industrial" (I2) Zoning District.

Staff Comments & Numbered Items: Jeff Castle, Town Planner and Jacob Hemmerick, Planning Director, herein referred to as staff, have reviewed the application, materials and plans submitted and have the comments below. The numbered items below requests points of clarification, frame discretionary decisions for the DRB and recommend conditions of approval.

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

APPLICATION, JURISDICTION & NOTICE

Application: This matter comes before the Town of Milton Development Review Board (DRB) for approval to amend the approved Site Plan. This is the first amendment to the site plan.

Applicant(s): The application was submitted by Mark Bove and Rick Bove referred to hereafter as the "applicant".

Landowner(s): The property is owned by Greater Burlington Industrial Corp. All owners are signatories to this application.
Application Submission: The application form and associated exhibits were received by the Planning and Economic Development Department on October 8, 2015. The application and its associated materials are maintained by the Town in the application file and are available for public inspection

Application Completion: The application was deemed complete by staff on October 22, 2015 after additional application materials were received.

General Jurisdiction: Land development is subject to regulation by the Town of Milton pursuant to, but not limited to, the following: The Vermont Planning and Development Act (Act); The Town of Milton Zoning Regulations (ZR), effective January 5, 2015; the Town of Milton Interim Zoning Regulations (IZR) effective February 26, 2015; and The Town of Milton Subdivision Regulations (SR), effective June 28, 2010.

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

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

ZR170 states: "The following requirements and reviews shall be fulfilled by all applicants before a Zoning Permit is granted, unless specifically exempted in this Ordinance:
(1) Sewage Disposal - Section 570
(2) Roads and Drives - Section 590
(3) Site Plan Review - Section 800

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

Site Plan Review Standards & Procedures: ZR802.2(a) prompts the DRB to consider the following in its review of a Site Plan application

- Site Circulation Safety
- Circulation, Parking, Loading Adequacy
- Transportation Impacts
- Landscaping, Screening, Lighting Adequacy
- Municipal Service Impact
- Suitability for Development
- Comprehensive Plan Consistency

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

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

- Site Plan Amendment Narrative
- Existing Conditions Plan by Ruggiano Engineering last revised January 21, 2015
- Proposed Site Plan by Ruggiano Engineering last revised 10/22/2015
- Utility Plan by Ruggiano Engineering last revised 10/22/2015
- Lighting Plan by Ruggiano Engineering last revised 10/22/2015
- Truck Turning Radius Plan by Ruggiano Engineering last revised 10/22/15
- Site Work Details and Specs by Ruggiano Engineering last revised 1/21/15
- Fire Protection Line Plan and Profile by Ruggiano Engineering last revised 10/22/15
- Potable Water Line Plan and Profile by Ruggiano Engineering last revised 10/22/15
- Landscape Plan by Ruggiano Engineering last revised 10/21/2015
- Elevations and Sections by Scott and Partners Architecture dated 10/22/2015

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

- Technical Advisory Committee (TAC) Police Review Sheet dated 10/30/15;
- TAC Recreation Review Sheet dated October 23, 2015;

SITE HISTORY

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

- DRB's original Site Plan approval dated August 28, 2014
- Zoning Permit 2015-101 approval for the site's original development.

Compliance: Staff located no enforcement action in Planning Department records.

SITE, DISTRICT & AREA INFORMATION

Property Location: The subject property is located at 8 Catamount Drive and shown on Milton's Tax Map 3 as Parcel 8-17. The corresponding School Parcel Account Number (SPAN) is 13974.

Size/Area: The subject parcel is approximately 6.82 acres.

Property Deeds: A deed of ownership is recorded in Book 81, Page 591 of the Town of Milton Land Records.

Zoning District: The site is located within the General Industrial (I2) Zoning District described on the Town of Milton Zoning Map, last amended August 22, 2011, on record and display at the Municipal Offices and available on the Town's website. The ZR391 states that the purpose of this district is to "provide adequate space for industrial uses, specified large scale retail uses which require room for EXPANSION, and space for OUTDOOR STORAGE. These areas are not intended for businesses that will create a high level of retail traffic."

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

Goal 9.7.1. Encourage high quality industrial development in a sub-regional growth center, which will provide greater employment opportunities and broaden the tax base.

Objective 9.7.1.a. Develop standards to enhance the appearance and quality of development in this major gateway into the Town of Milton.

Objective 9.7.1.b. Maintain buffer zones to prevent encroachment of industrial and commercial uses into the residential areas.

Goal 9.7.2. Ensure an aesthetically pleasing approach into Milton.

Objective 9.7.2.a. Develop a plan to work towards enhancing the character of Route 7.

Objective 9.7.2.b. Encourage high quality planned unit developments to cluster new housing in a way that minimizes visual impacts from Route 7.

Goal 9.7.3. Enhance multi-modal transportation opportunities.

Physical Characteristics/Natural Features:
The site is predominantly flat, drains to Lake Champlain via Allen Brook, contains agricultural soils of statewide significance, contains no presumed wetlands, and no wooded vegetation.

Surrounding Use/Structures: The site is bordered by subdivision common land to the east, single family dwellings to the north and south, and predominantly industrial and commercial uses to the southwest and west.

Site Visit: The DRB may schedule a site visit and recess the hearing to a subsequent meeting if on-site observation would better inform the DRB's decision.

EXISTING & PROPOSED DEVELOPMENT

Existing Use: No change of use has been proposed. The previously approved manufacturing use for the production of tomato sauce is a permitted use in the I2 district. The I2 district allows manufacturing and associated retail sales with a significant component of goods sold being produced on the premises.

Proposed Amendments: The applicant proposes a reduction in the approved building square footage by approximately 35% to 14,500 square feet. The loading area has been reduced and relocated from the south side to the west side of the building. The parking lot has been reduced from 31 spaces to 10 spaces with a reduction from 2 ADA spaces to 1 ADA space. A fire hydrant has been eliminated on the southeast corner of the building. The drainage and handling of storm water along northern boundary has been revised to maintain or improve over land flow. The landscaping plan has been altered to reflect the parking and building reduction and relocation of loading area, and 8 trees have been removed from the landscaping plan along the US Route 7 property frontage.

Access: The site is accessed from a curb cut on Catamount Drive. No changes are proposed to the highway access.

Proposed Utilities: No other changes are proposed to the site's municipal water or sewer.

Waivers Requested: None.

Restrictions or Covenants: The lot is bisected by a 20 foot drainage easement. No change to the 20 foot drainage easement is proposed.

ZONING REGULATIONS INTRODUCTORY & GENERAL PROVISIONS

ZR160, General Standards: Staff finds that the proposal is in compliance with the maximum lot coverage established for the I2 Zoning District. Staff further finds that the standard of like kind quality has been met.

ZR530, Required Frontage & Approved Access: Staff finds that the site is conforming and has frontage meeting the requirements of this section.

ZR540, Number of Structures on Lots: Staff finds that the plan shows only one structure in compliance with ZR540.

ZR550, Use of Setback Areas: Staff finds that the plan is in compliance with the I2 district's dimensional requirements and setbacks.

ZR560, Height Restrictions: "No STRUCTURE shall exceed thirty-five (35) feet in HEIGHT above ground level except as noted in Articles III and IV for specific zoning districts and as noted below." Staff finds that the building elevations do not exceed 35 feet.

ZR570, Sewage Disposal: The applicant proposes no change to water or wastewater service allocations.

ZR580, Accessory Structures & Uses: Staff finds that there are no changes to proposed accessory structures or uses.

ZR590, Roads and Drives: The section states, "All roads and drives shall conform to the requirements of this Section. " No new roads, driveway, or highway access are proposed; the only change to a traveled way is an alteration of internal circulation to accommodate new building dimensions.

SITE PLAN STANDARDS

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

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

Unless otherwise stated herein, staff finds that the standards above have been met.

ZR802.1, Appropriate Conditions: The section states, "The DRB may impose appropriate conditions and safeguards to meet the standards of this section."

ZR806, Landscape Plan Requirements: The proposal shows a reduction in the total amount of landscaping on site. A surety for the previously approved landscaping plan has been established. No new cost estimate has been submitted for the proposed landscaping plan.

1. The applicant shall submit an updated cost estimate of all landscaping prepared by a professional landscape architect or landscape contractor.

While the reduction in the total number of plants is minor, many trees along the Route 7 boundary of the property have been relocated or removed. The amendment shows the removal or relocation of 9 street trees along the Route 7 corridor and the relocation of 6 trees from along the Route 7 facing wall of the proposed building.

The Comprehensive Plan goal 9.7.2 for the Catamount Planning Area is to "ensure an aesthetically pleasing approach into Milton." Staff finds that removal of landscaping elements from the site plan along Route 7 does not work to enhance the aesthetics of this major gateway into the Town of Milton.

2. The applicant shall retain the street trees along the Route 7 boundary of the property and the landscaping along the Route 7 facing side of the proposed building as shown in the previously approved site plan.

ZR806.8, Screening: "Landscaping and /or fencing shall be provided to screen trash/garbage containers/dumpsters from view of adjoining properties and roads. Screening shall surround the trash/garbage containers/dumpsters on three sides." Staff finds that the proposed plans do not show screening around the dumpster area.

3. The Final Plans shall show garbage container screening in compliance with Zoning Regulations Section 806.8

ZR810, Parking and Loading Requirements: The proposal shows parking reduced from 29 spaces to 10 spaces, including 1 handicapped space. Staff finds that this meets the parking requirements for the 15 employees proposed for manufacturing use.

TECHNICAL ADVISORY COMMITTEE

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

ADMINISTRATION

State Project Review Zoning Permit: Per 24 VSA4449 "Any application for an approval or permit and any approval or permit issued under this section shall include a statement, in content and form approved by the Secretary of Natural Resources, that State permits may be required and that the permittee should contact State agencies to determine what permits must be obtained before any construction may commence."

4. The Applicant shall obtain a Project Review Sheet from the Permit Specialist in the District 4 Regional Office of the Agency of Natural Resources by calling (802) 477-2241, provide a copy to the Town, and obtain all required State permits and approvals prior to construction.

Final Plan Submission:

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

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

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

ZR1030, Maintenance of Approvals and Permits: A Zoning Permit, variance or CONDITIONAL USE approval shall expire one year from the date of issue. If the work has not been completed, the applicant shall apply to the Zoning Administrator for an extension. The Zoning Administrator may grant a single

one-year extension for the identical project only. In addition to any other remedies provided for by law, a Zoning Permit, Sign Permit, variance, CONDITIONAL USE approval, or Site Plan approval may be revoked by the Zoning Administrator or Development Review Board, whichever granted the permit or approval, for violation of these Regulations or the terms and conditions of the permit or approval. Omission or misstatement of any material fact by the applicant or agent on the application or at any hearing which would have warranted refusing the permit or approval shall be grounds for revoking the permit or approval at any time

Completion, Operation, Maintenance, Amendment: 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. No changes, erasures, modifications, or revisions, other than those required by this Decision, shall be made on the plan after approval unless a revised plan is first submitted to the Department of Planning and Economic Development for approval.

CONCLUDING REVIEW

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

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

STAFF RECOMMENDATION

The Planning Staff recommends that the DRB **approve** the site plan amendment for the property located at 8 Catamount Drive, described as SPAN #13974, Tax Map 3, Parcel 817, subject to the conditions above.

Respectfully Submitted:

Jeffrey Castle, Town Planner

ATTACHMENTS:

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COPIES TO:

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

Bove's of Vermont
Milton, VT

Project: 14016
October 2015

Site Plan Amendment Narrative

The applicants, Mark and Rick Bove, are proposing minor amendments to the approved site plan for Lot #17 in the Catamount Industrial Park. These amendments all center around a proposed reduction in the building footprint and overall impervious area of the site. All of the major design components (building location, entrance, parking area, etc) are located in the same vicinity but represent a more concise and efficient configuration. Care has been taken in the revisions to ensure that there is no increased impact, aesthetically or otherwise, to abutting properties.

The following is a list of the more noteworthy proposed revisions; however, this is not comprehensive of all the minor changes:

- Proposed building footprint is reduced by approximately 35%
- Loading area has reduced and shifted from the south side of the building to the west
- Fire hydrant is eliminated on the south east corner of building – reflective of the new compact site footprint.
- Parking lot is reduced in size to reflect building reduction
- Improved drainage and handling of stormwater along northern boundary with Sibley to maintain/improve the existing overland flow from the culvert at Route 7.

There are no proposed revisions or changes to the Stormwater, Water or Wastewater processes which would require amendments to allocations or State permits. An administrative or minor amendment to the Act 250 permit is expected to be required and pending as of the time of this submission.

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Milton, Vermont

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, November 12, 2015
Selectboard Meeting of Monday, November 16, 2015

Date of Review: 10·30·15

Department: POLICE

TAC Member: BRET VAN NOORDT

Site Plan Amendment I Application – 8 Catamount Drive -- Greater Burlington Industrial Corp., Owners; Rick & Mark Bove, Applicants.

NO COMMENTS OR CONCERNS.

444 Route 7 South - Interim Zoning Conditional Use Application – 444-452 Route 7 South LLC, Owner and Applicant.

NO COMMENTS OR CONCERNS.

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

TECHNICAL ADVISORY COMMITTEE REVIEW SHEET

Development Review Board Meeting of Thursday, November 12, 2015
Selectboard Meeting of Monday, November 16, 2015

Date of Review: 10-23-15

Department: Recreation

TAC Member: Cym Duchesneau

Site Plan Amendment I Application – 8 Catamount Drive -- Greater Burlington Industrial Corp., Owners; Rick & Mark Bove, Applicants.

No comments.

444 Route 7 South - Interim Zoning Conditional Use Application – 444-452 Route 7 South LLC, Owner and Applicant.

No comments

DEVELOPMENT REVIEW BOARD
MEETING MINUTES

Meeting Type: **Regular Meeting**
Date: **Thursday, October 22, 2015**
Time: **7:00 p.m.**
Place: **Municipal Building Community Room**
Address: **43 Bombardier Road, Milton, Vermont 05468-3205**
Contact: **802.893.1186**
Website: **miltonvt.org**

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1. CALL TO ORDER
The Chair called the meeting to order at 7:05 p.m.

2. ATTENDANCE
Members Present: Bruce Jenkins, Chair; David Conley, Vice-Chair; Henry Bonges, Clerk; Clayton Forgan
Members Absent: None
Staff Present: Jeff Castle, Town Planner; Jacob Hemmerick, Acting Zoning Administrator and Planning Director

3. AGENDA REVIEW
Staff stated there was a new Plat to be signed.

4. PUBLIC FORUM
None.

5. OLD HEARINGS/BUSINESS
None.

6. NEW HEARINGS
6(A). Appeal from Decision of Zoning Administrator – Southerly Side of Route 7, LLC, Owner & Appellant.

The Chair read the following summary to open the hearing:

> The Appellant is appealing a Notice of Violation dated September 3, 2015, and reissued September 10, 2015, which states Appellant has not complied with the approved Southerberry PUD Site Plans for Phase I, Phase II and Phase IIIA, marked Final 5/24/13, 4/23/10 and 8/16/13, respectively. The Appellant maintains that the violations do not constitute a change or expansion of Use, per ZR§130(1). The subject property is located at 368 Route 7 South; described as SPAN# 13341, Tax Map 7, Parcel 14-1, contains 18.56 acres, and is located within the "Checkerberry" (M4) Zoning District.

The Chair administered the Oath to Interested Persons. Representing the Owner & Appellant were William Towle, legal counsel and Registered Agent for Southerly Side of US Route 7, LLC; and William Sawyer, owner of Southerly Side of Route 7. They are hereafter referred to as "Applicant" and/or "Appellant."

The Zoning Administrator read a summary of the Violations that were noted in the "Notice of Violation" letters detailed above. These included lighting discrepancies, parking discrepancies, islands not installed according to the approved Site Plan, curbing not installed according to the approved Site Plan, amenities not installed as approved (for example, an ice machine, a covered bus stop), faded or missing parking lot striping, no top coat on the parking lot, unapproved signage, missing signage including directional road signs, and unapproved

outdoor storage. Staff explained that a Voluntary Compliance Letter was issued and 30 days passed with no response from the Appellant. At that time the Zoning Administrator issued a Notice of Violation on September 3, 2015 and re-issued the Notice of Violation, with minor alterations, on September 10, 2015. Both Notices stated the Violations could be cured by obtaining an approved Site Plan Amendment to reflect current conditions, or by making on-site changes to match the currently approved Site Plan. On September 18, 2015, Acting Zoning Administrator Jacob Hemmerick met with the Appellant's representatives, David White and Gail Henderson-King of White & Burk Associates. Also present at the meeting was Gordon Winters. At this meeting it was understood the Appellant wished to "stay" the Hearing and work cooperatively with the Town to resolve the Violations in the meantime. Staff was supportive of this approach, but determined that they were obligated under State Statute to schedule a Hearing within 60 days of the filing of the Appeal. Staff intended to recommend that the DRB continue the Hearing to allow time for Staff to work with the Appellant toward a solution, as the Appellant originally desired. However, shortly after informing the Appellant of the intended approach, Staff received a letter from the Appellant's counsel which was interpreted to mean the Appellant wished to proceed with the Appeal as normal. On September 29, 2015, the Violation was signed and recorded in the Land Records by Acting Zoning Administrator Hemmerick.

William Towle, representing the Appellant, addressed the Board. The Appellant's position is that most – if not all – of the noted Violations were covered by various Certificates of Occupancy (hereafter referred to as COs) that were completed over the years by the Zoning Administrator (hereafter referred to as the ZA). Referencing case law, the Appellant held that, when the ZA is performing an inspection for any given CO, anything plainly visible during that site visit is effectively approved. Additionally, the Appellant feels that the Violations are so trivial in nature that they do not constitute an expansion of Use, and felt that some were outright ridiculous. As an example, the parking lot striping was referenced: although the number of spots in front of any given building may not exactly match the approved Site Plan, all 166 shared parking spaces are on-site. The Appellant feels that changes to the location of parking spots or striping do not constitute a material departure from the Plan. In summary, the Appellant feels that the Violations consist of minor, inconsequential and non-substantive disparities that were covered by previously approved COs.

The Appellant stated that he felt the Notice of Violation was retribution for taking a different case to Environmental Court. He also commented on the absurdity and amount of time it would take to perform this type of inspection. Staff stated that the Site Plan had come under close scrutiny due to complaints received from the public. The Chair stated that the Town's Zoning Regulations address outdoor lighting and therefore the Town has an obligation to uphold those regulations. The Chair asked if Staff has observed any new construction or violations on the site. Staff could not attest to this. The Appellant stated that nothing has changed since the applicable COs were issued.

At this time, the Appellant began delving in to specific sections of the 100+ page document they'd presented. Staff interjected that they would like time to review this document, as they had not been provided with the information earlier. The Appellant had previously stated that the grounds for Appeal were based on Section 130(1) of the Zoning Regulations. The Staff Report had been prepared based on that information, not the information that was being presented at the Hearing.

Bonges commented that Staff's request was understandable. Bonges further commented that he did not understand why this couldn't be fixed with an amended Site Plan and that, while a lot of the discussion thus far had focused on parking, he considered some of the other Violations much more important. For example, signage and curbing could be safety issues.

Staff pointed out that much of the discussion focused on what a CO actually covers – a specific building or also associated common areas such as shared parking? The Appellant stated COs cover anything "plainly visible"

on the project site during the CO inspection. In this case, all of the Violations are fairly close to - if not actually upon - the buildings themselves and therefore clearly within plain view during the inspection. Discussion touched upon each of the following:

- Missing ice machine: the Appellant stated that just because something is approved doesn't mean you have to build it.
- Lighting near exterior doors: the Appellant stated this was State code. The Appellant also stated that the motion-activated light noted as a Violation does not exist.
- Traffic and directional signs such as "One-way" and "Do Not Enter" signs: the Appellant stated they were confusing people, but none-the-less they have been re-installed as of Monday, October 19, 2015.
- Missing bus stop: the Appellant stated that the school bus is now driving through the neighborhoods and picking up students at their homes; thus the bus stop was not being used.
- The potential to use phasing and incremental benchmarks for future COs, to avoid this sort of situation.

Conley stated that he would like to see most of the items being discussed put on a Site Plan. Discussion ensued about the importance of having an accurate Site Plan on file. The Appellant agreed but only to a certain extent; he stated he did not wish to undergo a complete Site Plan Amendment, as it is too cumbersome, time consuming, and would require further Act 250 review.

Pamela Moreau, attorney for Gordon Winters as well as Milton Ace Hardware LLC, asked to speak regarding Building 1 (Ace Hardware). Moreau stated that no Notice of Violation had been received by her client Mr. Winters, but because some of the lighting Violations were on Winters' building, she wanted to address them. Moreau stated that Winters was in favor of submitting an amended Site Plan to reflect the as-built conditions. Moreau also expressed concern that this may be an "all or nothing" scenario, meaning there was concern that the Notice of Violation could not be released until every Violation had been cured. Moreau and Winters would like to resolve the issues related to Winters' building and have those specific violations removed from the Notice of Violation.

Staff recommended the DRB continue the Hearing to give Staff the time to review the presented evidence and determine whether or not any given Violation is still valid. The Board expressed their desire to quickly reach a resolution in the best interest of all involved parties.

The Appellant and the DRB agreed to submit Addendums to the Site Plan rather than submit an Amended Site Plan application. Using lighting as an example, the intent is to have an as-built, "detail" illustration of the lighting on any given building, rather than amending the entire Site Plan to show each light and its location. The Addendums will show the as-built locations and design of the following:

- Handicapped parking spots
- Lighting

The Appellant and the DRB agreed that the following would be corrected:

- The missing road signage: it has either been reinstalled (in the case of the missing Do Not Enter sign) or has been ordered and will be put in place (in the case of street signs).

The Appellant and the DRB agreed that the following were non-consequential:

- The bus stop, as it was not being used.
- The condition of the parking lot, as the Appellant states it will be repaved in the spring of 2016. Parking layout and striping will likely remain the same as it is now.
- The construction trailer, as it is on wheels and Milton's Zoning Regulations allow for one unregistered/uninspected vehicle per lot.

The Appellant and the DRB agreed that should the Hearing be continued, and if all requirements are met as agreed upon, and barring any Staff findings in their review of the newly submitted materials, the Appellant could reasonably expect to have the Violation dismissed, though Bonges noted there was no absolute guarantee to this. The timeframe was discussed and agreed upon.

MOTION by Conley to CONTINUE the Hearing to November 12, 2015. SECOND by Clayton. Unanimously APPROVED.

7. OTHER BUSINESS

Staff gave a brief Staff Update and recapped the status of several projects that are in progress, including an Interim Zoning Conditional Use application scheduled for a Selectboard Hearing on November 16, 2015. There was a brief discussion regarding whether or not Public Comments are accepted at the Selectboard Hearing.

8. MINUTES

8(A). Minutes of September 10, 2015

Motion by Bonges to APPROVE the Minutes of September 10, 2015 as written; SECOND by Conley. Unanimously APPROVED.

8(B). Minutes of September 24, 2015

Motion by Bonges to APPROVE the Minutes of September 24, 2015 as written; SECOND by Conley. Unanimously APPROVED.

9. PLATS SIGNED

9(A). Clark/Hastings Boundary Line Adjustment

The Chair signed the Final Plat for the Clark/Hastings Boundary Line Adjustment at 232 Cold Spring Road.

10. DELIBERATIVE SESSION

None.

11. ADJOURNED

MOTION by Bonges to adjourn at 8:46 p.m., SECOND by Conley. Unanimously APPROVED.

Minutes approved by the Commission this _____ day of _____, 2015.

_____

Bruce Jenkins, Chair /kt

Filed with the Town Clerk this _____ day of _____, 2015

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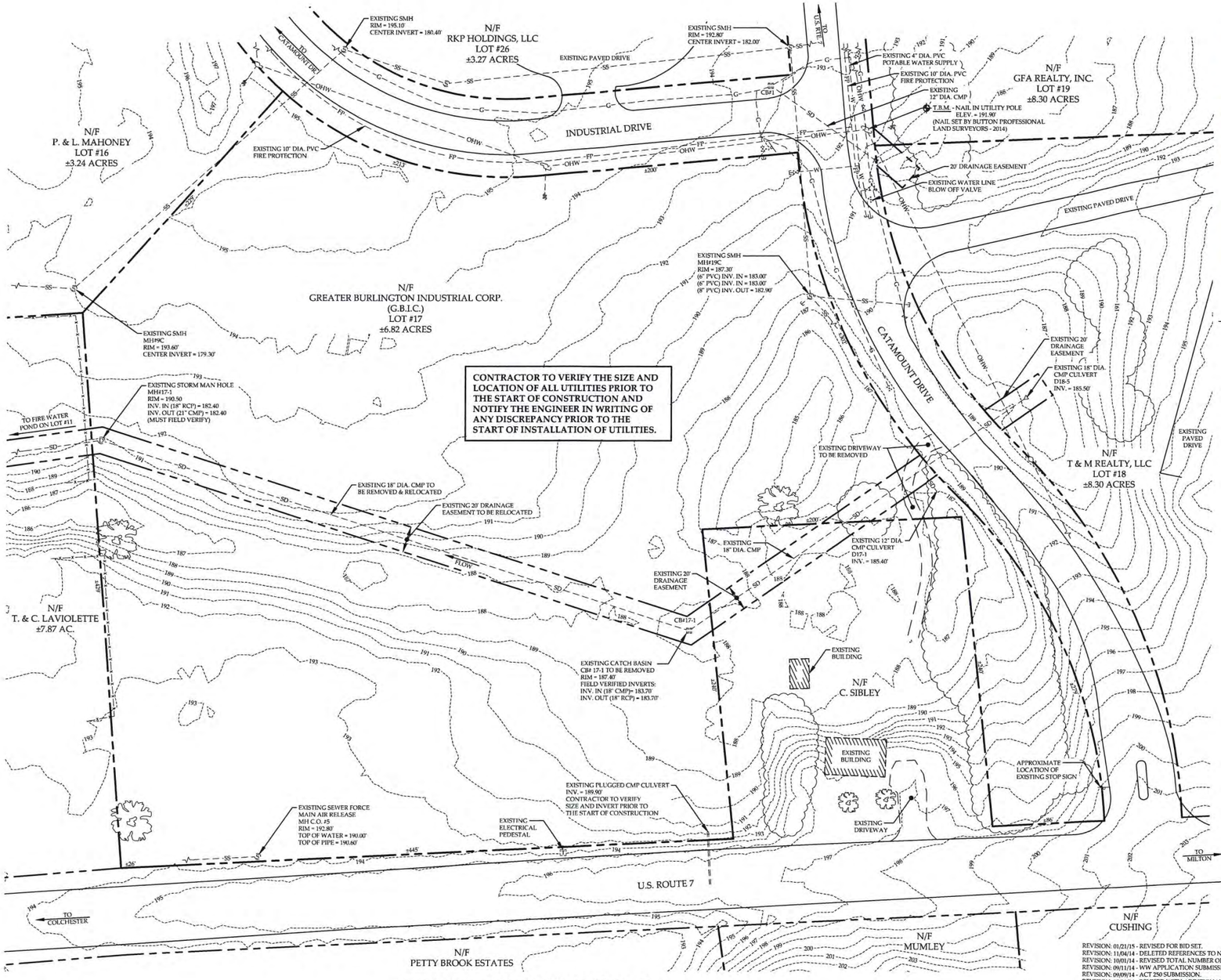
Planning & Economic Development
Milton, Vermont



CONTRACTOR TO VERIFY THE SIZE AND LOCATION OF ALL UTILITIES PRIOR TO THE START OF CONSTRUCTION AND NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCY PRIOR TO THE START OF INSTALLATION OF UTILITIES.

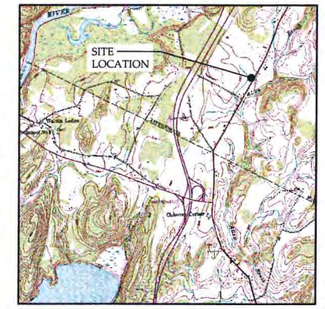
EXISTING CONDITIONS PLAN

1 / C-1

SCALE: 1" = 40'

Graphic Scale

40 0 40 80 160 feet



NORTH

SITE LOCATION MAP

NOT TO SCALE

LIST OF DRAWINGS

C-1 EXISTING CONDITIONS PLAN
C-2 PROPOSED SITE PLAN
C-3 UTILITY PLAN
C-4 LIGHTING PLAN
C-5 TRUCK RADIUS PLAN
C-6 DETAILS
C-7 DETAILS
C-8 STORMWATER PLAN & DETAILS
C-9 FIRE PROTECTION LIN PLAN & PROFILE
C-10 POTABLE WATER LINE PLAN & PROFILE
L-1 LANDSCAPE PLAN

LEGEND

N/F	NOW OR FORMERLY OWNED BY
	ELEVATION BENCHMARK
	EXISTING CATCH BASIN
	PROPOSED CATCH BASIN
	EXISTING STORM DRAIN MANHOLE
	PROPOSED STORM DRAIN MANHOLE
	EXISTING GATE VALVE
	PROPOSED GATE VALVE
	EXISTING UTILITY POLE & GUY WIRE
	PROPOSED UTILITY POLE
	EXISTING HYDRANT
	PROPOSED HYDRANT
	EXISTING SIGN
	PROPOSED SIGN
	EXISTING SEWER MANHOLE
	EXISTING TREE
	EXISTING ELECTRICAL PEDESTAL
	PROPOSED ELECTRICAL PEDESTAL
	PROPOSED LIGHT POLE
	PROPOSED WALL MOUNT LIGHT
	EXISTING PROPERTY LINE
	EXISTING RIGHT OF WAY / EASEMENT
	BUILDING SETBACK
	EXISTING TREE LINE
500	EXISTING CONTOUR
W	EXISTING WATER LINE
SS	EXISTING GRAVITY SEWER LINE
SD	EXISTING PRESSURE SEWER LINE
G	EXISTING GAS LINE
OHW	EXISTING OVERHEAD WIRES
	EXISTING BARB WIRE FENCE
	PROPOSED RIGHT OF WAY / EASEMENT
500	PROPOSED CONTOUR
W	PROPOSED WATER LINE
SS	PROPOSED GRAVITY SEWER LINE
OHW	PROPOSED OVERHEAD WIRES
UG	PROPOSED UNDERGROUND POWER / TELECOMMUNICATIONS
SD	PROPOSED STORMWATER DRAIN
G	PROPOSED GAS LINE
RD	PROPOSED ROOF DRAIN
	PROPOSED HANDRAIL

PLAN REFERENCES:

1) "SUBDIVISION PLAT, CATAMOUNT INDUSTRIAL PARK, ROUTE 7, MILTON, VT.", DATED: 4/22/08, LAST REVISED: 7/22/08, SCALE: 1" = 200', DRAWING NO.: 83003-40, PREPARED BY TRUDELL CONSULTING ENGINEERS OF WILLISTON, VT.

2) "SITE PLAN, RKP HOLDINGS, LLC, LOT 26 CATAMOUNT INDUSTRIAL PARK", DATED:08/01/2008, SCALE: 1" = 30', PROJECT NO.:2008056-50, PROJECT REF.: 83003, PREPARED BY TRUDELL CONSULTING ENGINEERS OF WILLISTON, VT.

3) CONTOUR INFORMATION OBTAINED FROM VERMONT CENTER FOR GEOGRAPHIC INFORMATION, INC. VT LIDAR.

4) STORM DRAIN INFORMATION RECEIVED FROM GREATER BURLINGTON INDUSTRIAL CORP.

5) TOPOGRAPHIC INFORMATION RECEIVED ELECTRONICALLY ON 6/9/14 AND WAS PREPARED BY BUTTON PROFESSIONAL LAND SURVEYORS OF SO. BURLINGTON, VT.

6) TOPOGRAPHIC INFORMATION RECEIVED ELECTRONICALLY ON 7/9/14 AND WAS PREPARED BY BUTTON PROFESSIONAL LAND SURVEYORS OF SO. BURLINGTON, VT.

7) RECORD DRAWING OF "CATAMOUNT PARK GRAVITY SEWER CROSS COUNTRY PLAN AND PROFILE - STATION 7+73 TO 14+47 AND 0+00 TO 1+88, TOWN OF MILTON, MILTON, VERMONT, ROUTE 7 SOUTH WASTEWATER COLLECTION SYSTEM EXPANSION CONTRACT NO. 4A & 5A", DTATED: FEB. 2007, LAST REVISED: 4/08, PROJECT NO.: 05081, DRAWING NO.: C15, SHEET 16, PREPARED BY FORCIER ALDRICH & ASSOCIATES OF ESSEX JUNCTION, VERMONT.

NOTES:

1) THIS DRAWING IS NOT A BOUNDARY SURVEY PLAT. BOUNDARY LINE INFORMATION SHOWN IS BASED ON PLAN REFERENCE #1. THE PROPERTY LINES, EASEMENTS AND OTHER REAL PROPERTY DESCRIPTIONS PROVIDED ON THIS DRAWING ARE FOR ILLUSTRATION PURPOSES ONLY. THEY DO NOT DEFINE LEGAL RIGHTS OR MEET LEGAL REQUIREMENTS FOR A LAND SURVEY AS DESCRIBED IN V.S.A. TITLE 27 SECTION 1403 AND SHALL NOT BE USED IN LIEU OF A SURVEY AS THE BASIS OF ANY LAND TRANSFER OR ESTABLISHMENT OF ANY PROPERTY RIGHT.

2) THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING AND DETERMINING THE LOCATION, SIZE, AND ELEVATION OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY DISCREPANCIES OR UTILITIES FOUND INTERFERING WITH THE PROPOSED CONSTRUCTION. APPROPRIATE REMEDIAL ACTION SHALL BE TAKEN BEFORE PROCEEDING WITH THE WORK.

3) THIS TOPOGRAPHIC INFORMATION WAS CONDUCTED WITHOUT THE BENEFIT OF "DIG SAFE" MARKINGS. UTILITY LOCATIONS SHOWN ARE APPROXIMATE AND ARE NOT WARRANTED TO BE EXACT OR COMPLETE. THE CONTRACTOR SHALL CONTACT "DIG SAFE" BEFORE COMMENCING ANY WORK AND SHALL PRESERVE ALL EXISTING UTILITIES NOT SPECIFIED TO BE REMOVED OR ABANDONED AS PART OF THE PROJECT.

4) TOPOGRAPHIC INFORMATION ILLUSTRATED ON THESE PLANS WERE TAKEN FROM PLAN REFERENCES 2, 3, 4, 5, 6, & 7. THIS OFFICE ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF THIS INFORMATION.

REVISION: 01/21/15 - REVISED FOR BID SET.
REVISION: 11/04/14 - DELETED REFERENCES TO NON-POTABLE FIRE PROTECTION LINES PER WATER SUPPLY DIVISION COMMENTS.
REVISION: 10/01/14 - REVISED TOTAL NUMBER OF SHEETS IN PLAN SET.
REVISION: 09/11/14 - WW APPLICATION SUBMISSION.
REVISION: 09/09/14 - ACT 250 SUBMISSION.
REVISION: 07/21/14 - REVISED WITH ADDITIONAL TOPOGRAPHY, UTILITY INFORMATION AND ARCHITECT'S REVISIONS.

EXISTING CONDITIONS PLAN
BOVES OF VERMONT - RICK BOVE - LOT #17
U.S. ROUTE 7 & CATAMOUNT DRIVE
MILTON, VERMONT

RUGGIANO Engineering, inc.
5 LAKE STREET
ST. ALBANS, VERMONT 05478
PHONE - (802) 524-9300 FAX - (802) 524-9700
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PROJECT NO.....14016
DRAWN BY.....JGE
CHECKED BY.....SHR
SCALE.....1" = 40'
DATE.....06/09/14

SHEET NO.
C-1
1 OF 10 SHEETS

RECEIVED
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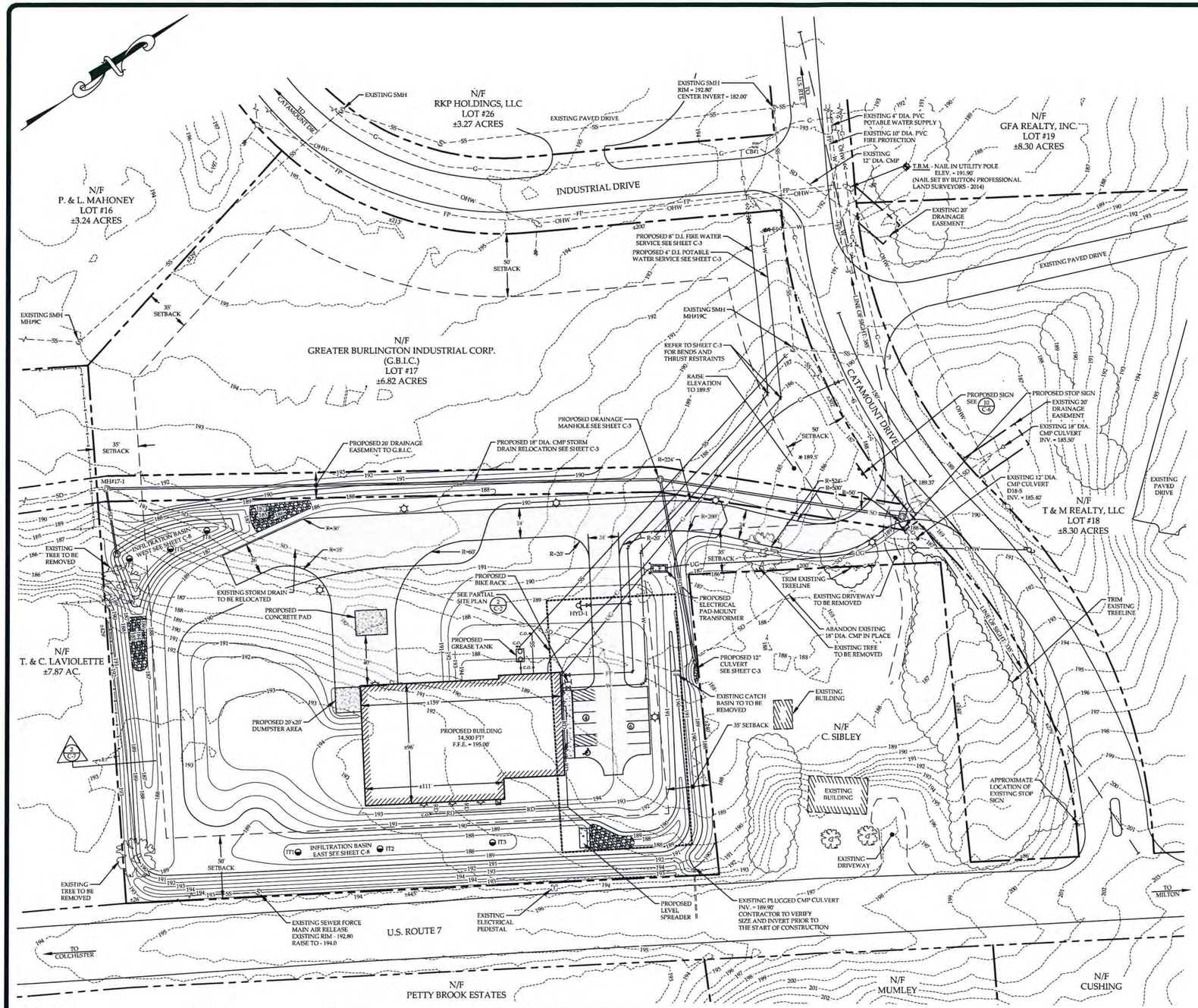
Milton, Vermont

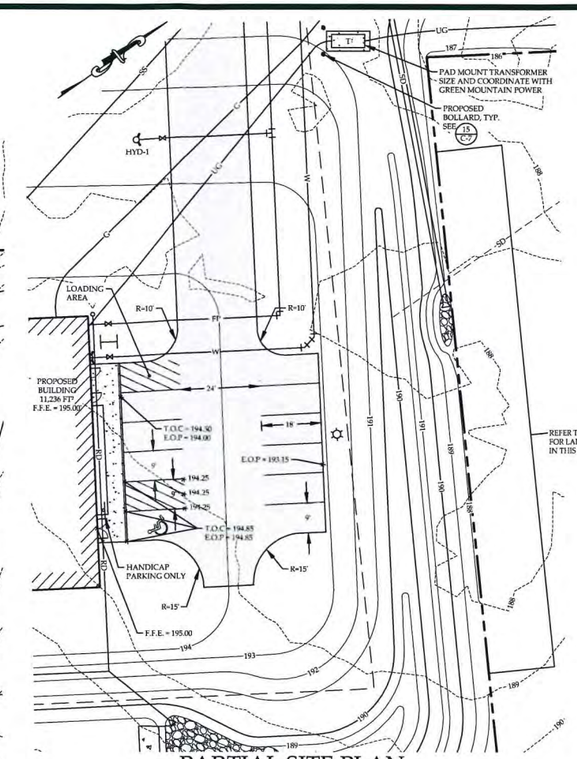


1 C-2 PROPOSED SITE PLAN

SCALE: 1" = 40'

Graphic Scale

40 0 40 80 160 feet



2 C-2 PARTIAL SITE PLAN

SCALE: 1" = 20'

Graphic Scale

20 0 20 40 80 feet

LEGEND

N/F	NOW OR FORMERLY OWNED BY		EXISTING PROPERTY LINE
	ELEVATION BENCHMARK		EXISTING RIGHT OF WAY / EASEMENT
	EXISTING CATCH BASIN		BUILDING SETBACK
	EXISTING STORM DRAIN MANHOLE		EXISTING TREE LINE
	PROPOSED STORM DRAIN MANHOLE	500	EXISTING CONTOUR
	EXISTING GATE VALVE	W	EXISTING WATER LINE
	PROPOSED GATE VALVE	FP	EXISTING FIRE PROTECTION LINE
	EXISTING UTILITY POLE & GUY WIRE	SS	EXISTING GRAVITY SEWER LINE
	PROPOSED UTILITY POLE	SD	EXISTING PRESSURE SEWER LINE
	EXISTING HYDRANT	G	EXISTING GAS LINE
	PROPOSED HYDRANT	OHW	EXISTING OVERHEAD WIRES
	EXISTING SIGN		EXISTING BARB WIRE FENCE
	PROPOSED SIGN		PROPOSED RIGHT OF WAY / EASEMENT
	EXISTING SEWER MANHOLE	500	PROPOSED CONTOUR
	EXISTING TREE	W	PROPOSED WATER LINE
		FP	PROPOSED FIRE PROTECTION LINE
		SS	PROPOSED GRAVITY SEWER LINE
		OHW	PROPOSED OVERHEAD WIRES
	EXISTING ELECTRICAL PEDESTAL	UG	PROPOSED UNDERGROUND POWER / TELECOMMUNICATIONS
	PROPOSED ELECTRICAL PEDESTAL	SD	PROPOSED STORMWATER DRAIN
	PROPOSED LIGHT POLE	G	PROPOSED GAS LINE
	PROPOSED WALL MOUNT LIGHT	RD	PROPOSED ROOF DRAIN
			PROPOSED HANDRAIL

REVISION: 10/22/15 - REVISED BUILDING FOOTPRINT, MINOR SITE CHANGES.
REVISION: 10/06/15 - REVISED BUILDING SIZE/LOCATION, LOADING BAY AREA, PARKING, AND ASSOCIATED UTILITIES.
REVISION: 07/10/15 - REVISED BUILDING SIZE/LOCATION, PARKING, AND ASSOCIATED UTILITIES.
REVISION: 01/23/15 - REVISED PER NEAGLEY & CHASE COMMENTS.
REVISION: 01/21/15 - REVISED FOR BID SET.
REVISION: 11/04/14 - DELETED REFERENCES TO NON-POTABLE FIRE PROTECTION LINES PER WATER SUPPLY DIVISION COMMENTS.
REVISION: 10/01/14 - REVISED PER WATER SUPPLY DIVISION COMMENTS.
REVISION: 09/11/14 - WW APPLICATION SUBMISSION.
REVISION: 09/09/14 - ACT 250 SUBMISSION.
REVISION: 08/29/14 - PERMIT TO CONSTRUCT, CONSTRUCTION GENERAL PERMIT SUBMISSION.
REVISION: 08/25/14 - DEPARTMENT OF PUBLIC WORKS COMMENTS.
REVISION: 07/21/14 - REVISED WITH ADDITIONAL TOPOGRAPHY, UTILITY INFORMATION AND ARCHITECT'S REVISIONS.

PURPOSE OF PLAN:

TO CONSTRUCT A 11,236 FT² SAUCE FACTORY ON EXISTING LOT #17.

ZONING NOTES:

DISTRICT: GENERAL INDUSTRIAL (I2)

MINIMUM LOT SIZE: 10,000 FT² (ACTUAL LOT SIZE 6.82 AC)

MINIMUM ROAD FRONTAGE: 200 FT

MAXIMUM LOT COVERAGE:
ALLOWED = 75%
PROPOSED = 23% (±69,111 FT²)

SETBACKS:
FRONT = 50 FT
REAR = 35 FT
SIDE = 35 FT

PARKING:
REQUIRED:
1 SPACE PER 3 EMPLOYEES
(15 EMPLOYEES) = 5 SPACES
PROVIDED = 10 SPACES

OWNER OF RECORD:

GREATER BURLINGTON INDUSTRIAL CORPORATION
60 MAIN STREET
P.O. BOX 706
BURLINGTON, VT 05402

APPLICANT:

MARK AND RICK BOVE
218 OVERLAKE DRIVE
COLCHESTER, VT. 05446

PROPOSED SITE PLAN
BOVES OF VERMONT - RICK BOVE - LOT #17
U.S. ROUTE 7 & CATAMOUNT DRIVE
MILTON, VERMONT

RUGGIANO Engineering, inc.
5 LAKE STREET
ST. ALBANS, VERMONT 05478
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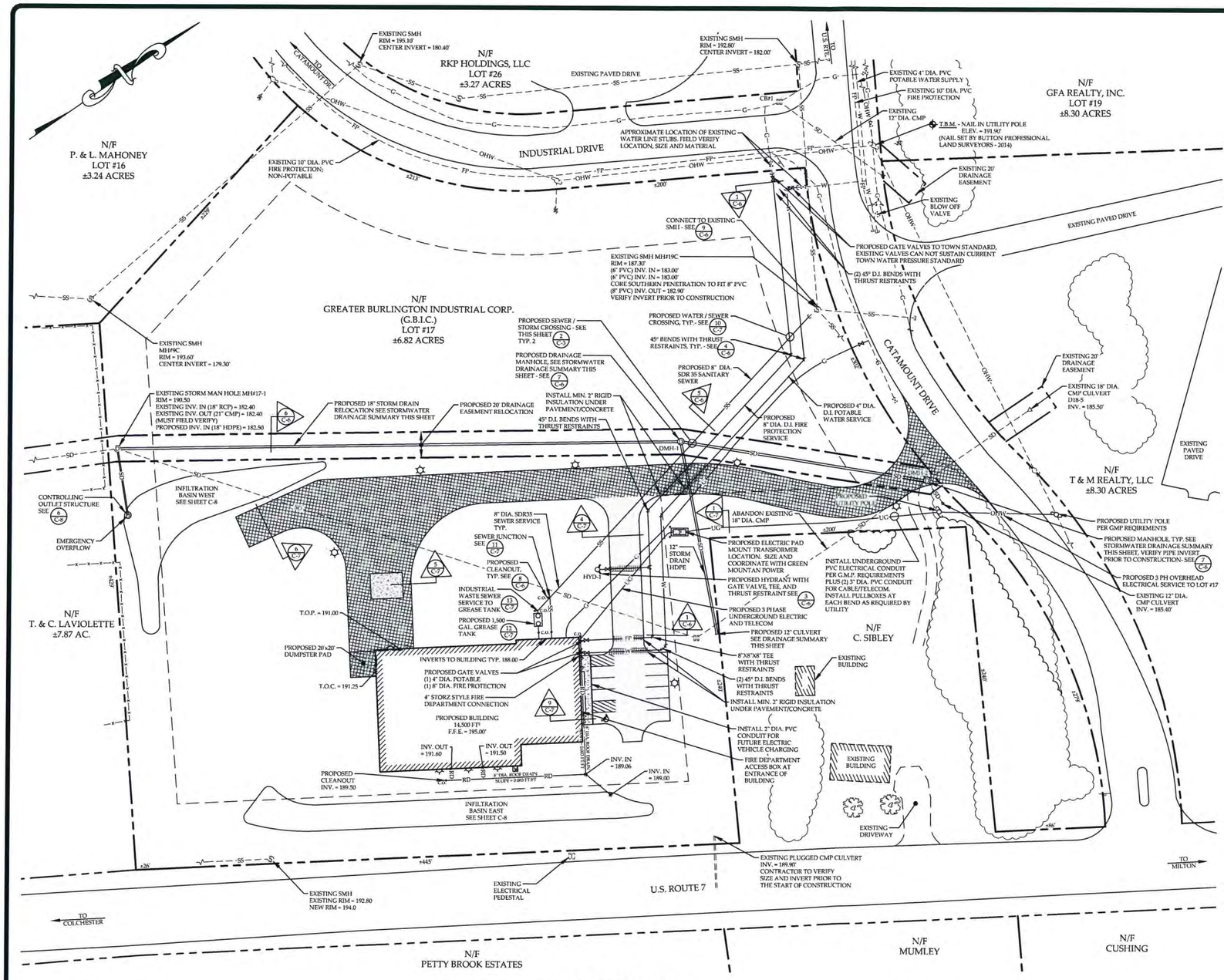
PROJECT NO.....14016
DRAWN BY....JGE,DJL,TJO
CHECKED BY.....SHR
SCALE.....1" = 40'
DATE.....06/09/14

SHEET NO.
C-2
2 OF 10 SHEETS



1 C-3 UTILITY PLAN

SCALE: 1" = 40'

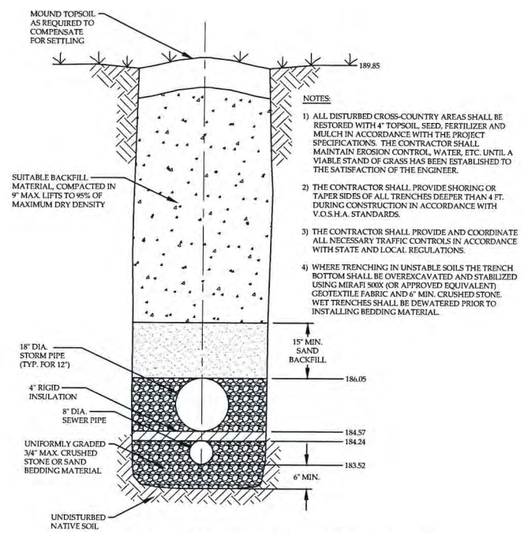
Graphic Scale: 40 0 40 80 160 feet

STANDARD PAVEMENT

HEAVY-DUTY PAVEMENT

STORMWATER DRAINAGE SUMMARY								
FROM STRUCTURE	RIM	INV. OUT	TO STRUCTURE	INV.IN	DISTANCE	PIPE DIA.	TYPE	SLOPE (FT./FT.)
DMH-2	188.75	184.84	DMH-1	184.55	193'	18"	HDPE	0.0015
DMH-1	188.90	184.45	MH#17-1	182.50	443'	18"	HDPE	0.0044
EMERGENCY OVERFLOW	185.0	183.00	MH#17-1	182.50	48'	18"	HDPE	0.0104
CULVERT	-	186.00	DMH-1	184.55	155'	12"	HDPE	0.0094

* PRIOR TO CONSTRUCTION, VERIFY RIM AND INVERTS OF MH#17-1



NOTES:

1) ALL DISTURBED CROSS-COUNTRY AREAS SHALL BE RESTORED WITH 4" TOPSOIL, SEED, FERTILIZER AND MULCH IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS. THE CONTRACTOR SHALL MAINTAIN EROSION CONTROL, WATER, ETC. UNTIL A VIABLE STAND OF GRASS HAS BEEN ESTABLISHED TO THE SATISFACTION OF THE ENGINEER.

2) THE CONTRACTOR SHALL PROVIDE SHORING OR TAPER SIDES OF ALL TRENCHES DEEPER THAN 4 FT. DURING CONSTRUCTION IN ACCORDANCE WITH V.O.S.H.A. STANDARDS.

3) THE CONTRACTOR SHALL PROVIDE AND COORDINATE ALL NECESSARY TRAFFIC CONTROLS IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS.

4) WHERE TRENCHING IN UNSTABLE SOILS THE TRENCH BOTTOM SHALL BE OVEREXCAVATED AND STABILIZED USING MIRAFI 500X (OR APPROVED EQUIVALENT) GEOTEXTILE FABRIC AND 6" MIN. CRUSHED STONE. WET TRENCHES SHALL BE DEWATERED PRIOR TO INSTALLING BEDDING MATERIAL.

2 C-3 STORM / SEWER DRAIN CROSSING

NOT TO SCALE

LEGEND

N/F	NOW OR FORMERLY OWNED BY		EXISTING PROPERTY LINE
	ELEVATION BENCHMARK		EXISTING RIGHT OF WAY / EASEMENT
	EXISTING CATCH BASIN		BUILDING SETBACK
	EXISTING STORM DRAIN MANHOLE		EXISTING TREE LINE
	PROPOSED STORM DRAIN MANHOLE	500	EXISTING CONTOUR
	EXISTING GATE VALVE	W	EXISTING WATER LINE
	PROPOSED GATE VALVE	FP	EXISTING FIRE PROTECTION LINE
	EXISTING UTILITY POLE & GUY WIRE	SS	EXISTING GRAVITY SEWER LINE
	PROPOSED UTILITY POLE	SD	EXISTING PRESSURE SEWER LINE
	EXISTING HYDRANT	G	EXISTING GAS LINE
	PROPOSED HYDRANT	OHW	EXISTING OVERHEAD WIRES
	EXISTING SIGN	x x x	EXISTING BARB WIRE FENCE
	PROPOSED SIGN		PROPOSED RIGHT OF WAY / EASEMENT
	EXISTING SEWER MANHOLE	500	PROPOSED CONTOUR
	EXISTING TREE	W	PROPOSED WATER LINE
	EXISTING ELECTRICAL PEDESTAL	FP	PROPOSED FIRE PROTECTION LINE
	PROPOSED ELECTRICAL PEDESTAL	SS	PROPOSED GRAVITY SEWER LINE
	PROPOSED LIGHT POLE	OHW	PROPOSED OVERHEAD WIRES
	PROPOSED WALL MOUNT LIGHT	UG	PROPOSED UNDERGROUND POWER / TELECOMMUNICATIONS
		SD	PROPOSED STORMWATER DRAIN
		G	PROPOSED GAS LINE
		RD	PROPOSED ROOF DRAIN
			PROPOSED HANDRAIL

REVISION: 10/22/15 - REVISED BUILDING FOOTPRINT, MINOR SITE CHANGES.
REVISION: 10/06/15 - REVISED BUILDING SIZE/LOCATION, LOADING BAY AREA, PARKING, AND ASSOCIATED UTILITIES.
REVISION: 07/10/15 - REVISED UTILITIES PER NEW BUILDING LOCATION.
REVISION: 01/23/15 - REVISED PER NEAGLEY & CHASE COMMENTS.
REVISION: 01/21/15 - REVISED FOR BID SET.
REVISION: 11/04/14 - DELETED REFERENCES TO NON-POTABLE FIRE PROTECTION LINES PER WATER SUPPLY DIVISION COMMENTS.
REVISION: 10/01/14 - REVISED PER WATER SUPPLY DIVISION COMMENTS.
REVISION: 09/19/14 - REVISED FOR FINAL TOWN SUBMISSION.
REVISION: 09/11/14 - WW APPLICATION SUBMISSION.
REVISION: 09/09/14 - ACT 250 SUBMISSION.
REVISION: 08/29/14 - PERMIT TO CONSTRUCT, CONSTRUCTION GENERAL PERMIT SUBMISSION.
REVISION: 08/25/14 - DEPARTMENT OF PUBLIC WORKS COMMENTS.
REVISION: 08/13/14 - ADDED FDC AND ACCESS BOX TO NORTHERN BUILDING ACCESS, REVISED STORMWATER DRAINAGE.

UTILITY PLAN

BOVES OF VERMONT - RICK BOVE - LOT #17
U.S. ROUTE 7 & CATAMOUNT DRIVE
MILTON, VERMONT

RUGGIANO Engineering, inc.
5 LAKE STREET
ST. ALBANS, VERMONT 05478
PHONE - (802) 524-9300 FAX - (802) 524-9700
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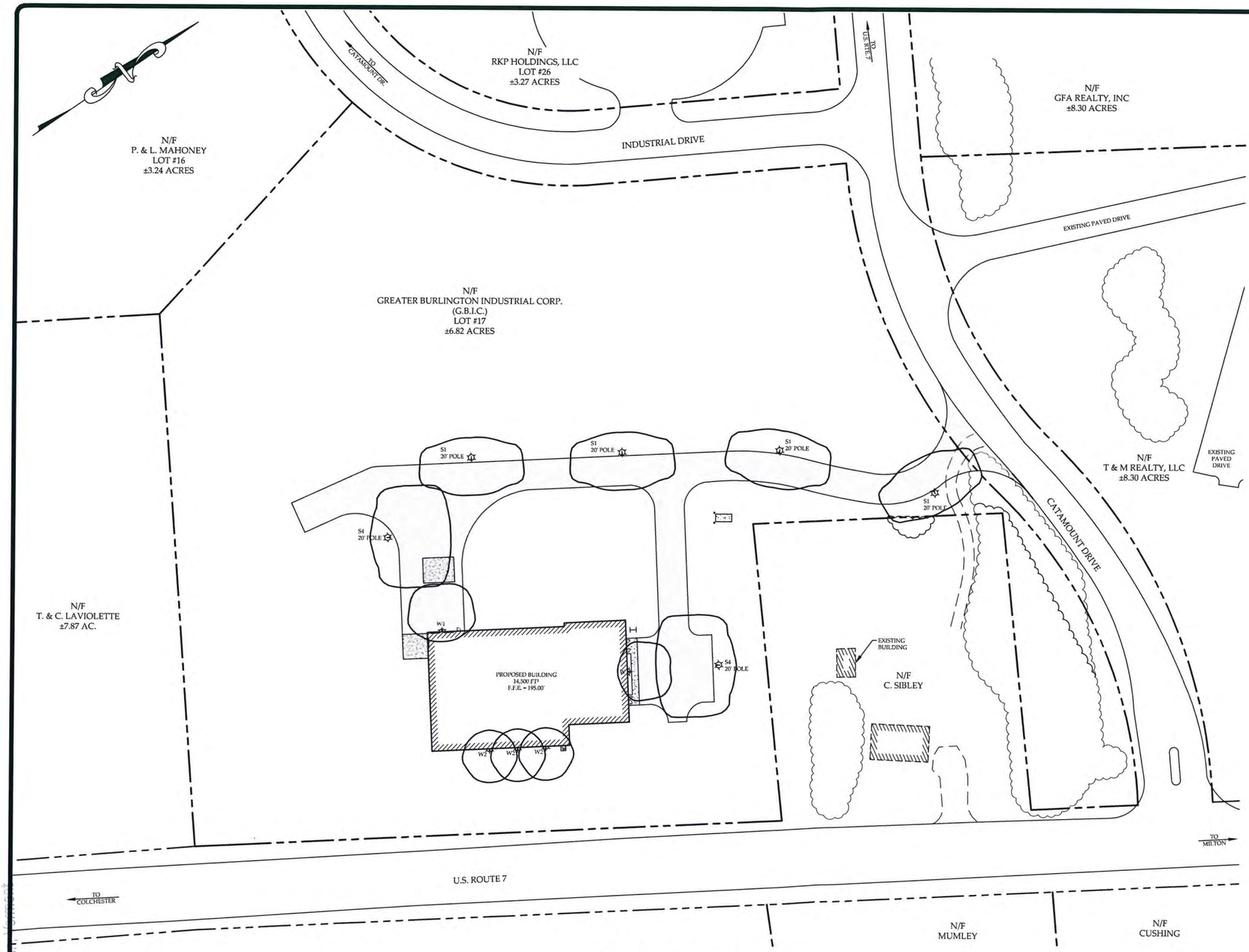
PROJECT NO.....14016
DRAWN BY.....DJL
CHECKED BY.....SHR
SCALE.....1" = 40'
DATE.....07/21/14

SHEET NO.
C-3
3 OF 10 SHEETS

RECEIVED
OCT 22 2015
Planning & Economic Development
Milton, Vermont



LIGHTING PLAN

(1 / C-4)

SCALE: 1" = 40'

Graphic Scale

40 0 40 80 160 feet

FRONT PARKING LOT AREA

Illuminance (Fc)
Average = 1.19
Maximum = 4.9
Minimum = 0.3
Avg/Min Ratio = 3.97
Max/Min Ratio = 16.33

ENTRANCE DRIVE

Illuminance (Fc)
Average = 0.85
Maximum = 1.3
Minimum = 0.5
Avg/Min Ratio = 1.70
Max/Min Ratio = 2.60

SIDE DRIVE AND TRUCK AREA

Illuminance (Fc)
Average = 0.86
Maximum = 3.1
Minimum = 0.3
Avg/Min Ratio = 2.87
Max/Min Ratio = 10.33

Luminaire Schedule

Symbol	Qty	Label	Arrangement	Top of Fixture Height	Description
	0	S1	SINGLE	20'	VTS-B02-LED-E1-T3/ 20' AFG
	0	S4	SINGLE	20'	VTS-B02-LED-E1-SL4/ 20' AFG
	0	W	SINGLE	15'	XTORSA/ WALL MTD 15'
	0	W1	SINGLE	20'	XTORSA/ WALL MTD 20'
	0	W2	SINGLE	17'	XTORJA/ WALL MTD 17' AFG

NOTE:

PROPOSED FIXTURES/LUMINAIRE LOCATION AND ILLUMINANCE VALUES APPROX ONLY. TO BE VERIFIED W/ACTUAL FIXTURE DATA PRIOR TO INSTALLATION.

LEGEND

N/F	NOW OR FORMERLY OWNED BY
	ELEVATION BENCHMARK
	EXISTING CATCH BASIN
	PROPOSED CATCH BASIN
	EXISTING STORM DRAIN MANHOLE
	PROPOSED STORM DRAIN MANHOLE
	EXISTING GATE VALVE
	PROPOSED GATE VALVE
	EXISTING UTILITY POLE & GUY WIRE
	PROPOSED UTILITY POLE
	EXISTING HYDRANT
	PROPOSED HYDRANT
	EXISTING SIGN
	PROPOSED SIGN
	EXISTING SEWER MANHOLE
	EXISTING TREE
	EXISTING ELECTRICAL PEDESTAL
	PROPOSED ELECTRICAL PEDESTAL
	PROPOSED LIGHT POLE
	PROPOSED WALL MOUNT LIGHT
	EXISTING PROPERTY LINE
	EXISTING RIGHT OF WAY / EASEMENT
	BUILDING SETBACK
	EXISTING TREE LINE
500	EXISTING CONTOUR
W	EXISTING WATER LINE
SS	EXISTING GRAVITY SEWER LINE
SD	EXISTING PRESSURE SEWER LINE
G	EXISTING GAS LINE
OHW	EXISTING OVERHEAD WIRES
	EXISTING BARB WIRE FENCE
	PROPOSED RIGHT OF WAY / EASEMENT
500	PROPOSED CONTOUR
W	PROPOSED WATER LINE
SS	PROPOSED GRAVITY SEWER LINE
OHW	PROPOSED OVERHEAD WIRES
UG	PROPOSED UNDERGROUND POWER / TELECOMMUNICATIONS
SD	PROPOSED STORMWATER DRAIN
G	PROPOSED GAS LINE
RD	PROPOSED ROOF DRAIN
	PROPOSED HANDRAIL

REVISION: 10/22/15 - REVISED BUILDING FOOTPRINT, LOCATION OF LOADING BAY AREA.
REVISION: 10/06/15 - REVISED BUILDING SIZE/LOCATION, LOADING BAY AREA, PARKING, AND ASSOCIATED UTILITIES.
REVISION: 07/10/15 - REVISED PER NEW BUILDING LOCATION AND PAVEMENT AREA.
REVISION: 01/23/15 - REVISED PER NEAGLEY & CHASE COMMENTS.
REVISION: 01/21/15 - REVISED FOR BID SET.
REVISION: 10/01/14 - REVISED TOTAL NUMBER OF SHEETS IN PLAN SET.
REVISION: 09/09/14 - ACT 250 SUBMISSION.
REVISION: 08/25/14 - DEPARTMENT OF PUBLIC WORKS COMMENTS.

LIGHTING PLAN
BOVES SAUCE FACTORY - RICK BOVE - LOT #17
U.S. ROUTE 7 & CATAMOUNT DRIVE
MILTON, VERMONT

RUGGIANO engineering, inc.
5 LAKE STREET
ST. ALBANS, VERMONT 05478
PHONE - (802) 524-9300 FAX - (802) 524-9700
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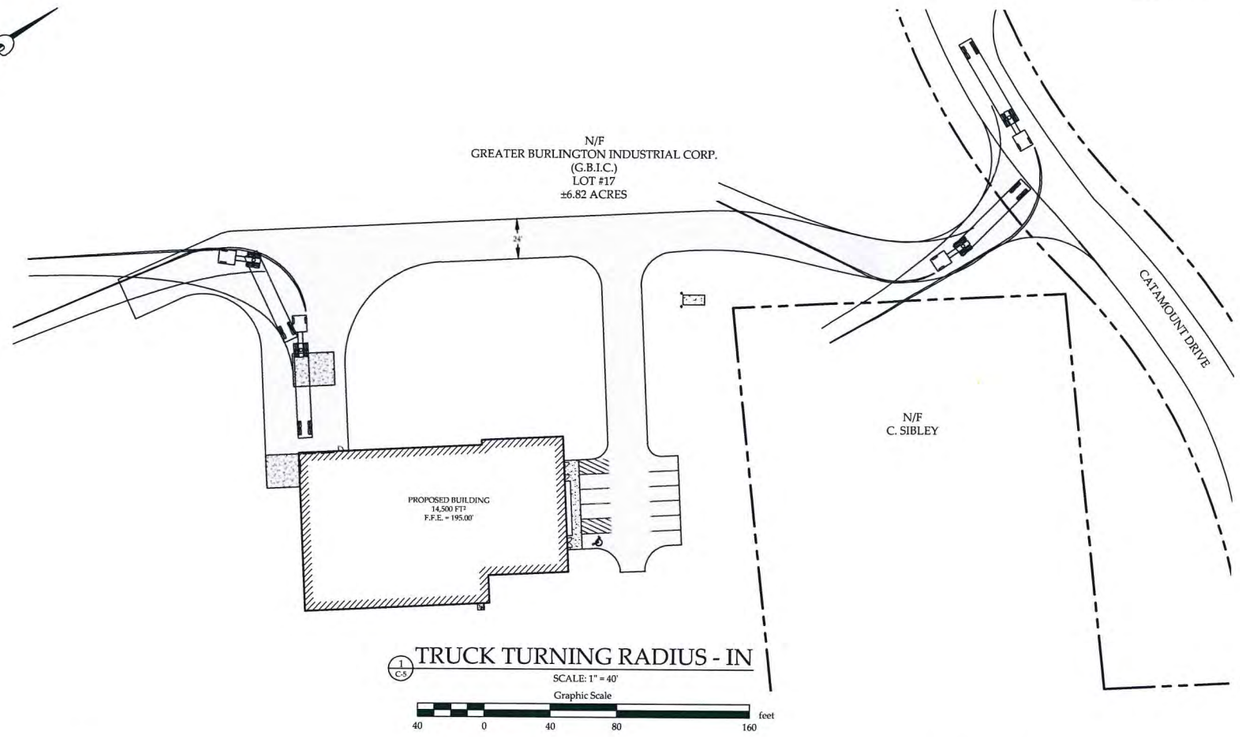
PROJECT NO.....14016
DRAWN BY.....DJL
CHECKED BY.....SHR
SCALE.....1" = 40'
DATE.....07/21/14

SHEET NO.
C-4
4 OF 10 SHEETS

RECEIVED
OCT 22 2015
Planning & Economic Development
Town of Milton

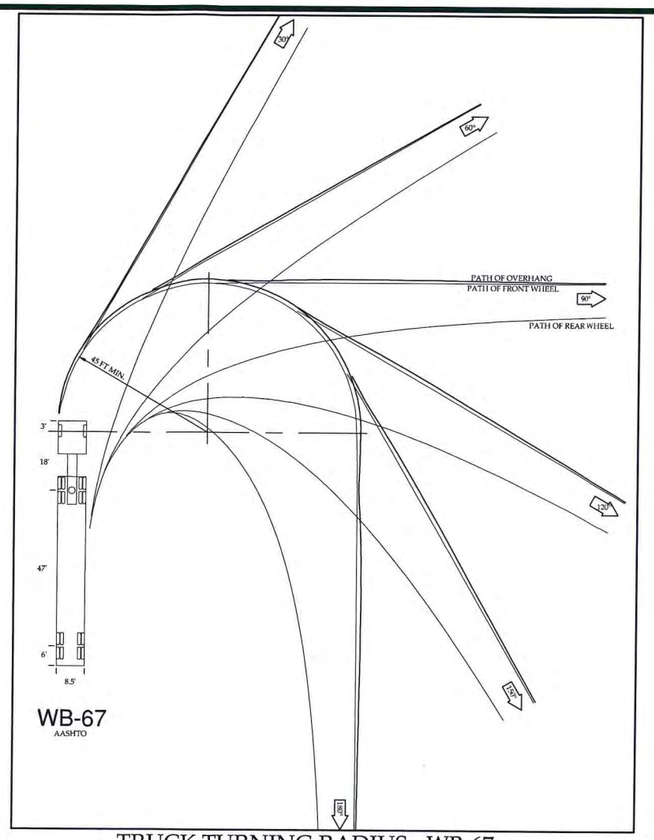


1 C-5 TRUCK TURNING RADIUS - IN

SCALE: 1" = 40'

Graphic Scale

40 0 40 80 160 feet

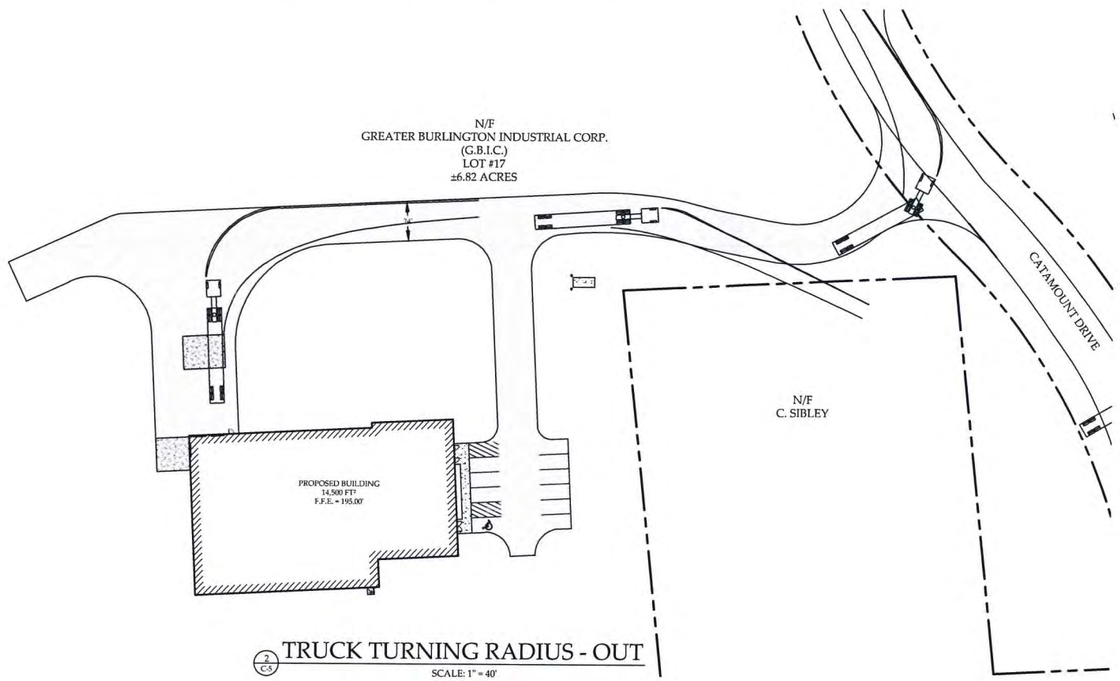


3 C-5 TRUCK TURNING RADIUS - WB-67

SCALE: 1" = 20'

Graphic Scale

20 0 20 40 80 feet



2 C-5 TRUCK TURNING RADIUS - OUT

SCALE: 1" = 40'

Graphic Scale

40 0 40 80 160 feet

LEGEND

N/F	NOW OR FORMERLY OWNED BY		EXISTING PROPERTY LINE
	ELEVATION BENCHMARK		EXISTING RIGHT OF WAY / EASEMENT
	EXISTING CATCH BASIN		BUILDING SETBACK
	PROPOSED CATCH BASIN		EXISTING TREE LINE
	EXISTING STORM DRAIN MANHOLE	500	EXISTING CONTOUR
	PROPOSED STORM DRAIN MANHOLE	W	EXISTING WATER LINE
	EXISTING GATE VALVE	SS	EXISTING GRAVITY SEWER LINE
	PROPOSED GATE VALVE	SD	EXISTING PRESSURE SEWER LINE
	EXISTING UTILITY POLE & GUY WIRE	G	EXISTING GAS LINE
	PROPOSED UTILITY POLE	OHW	EXISTING OVERHEAD WIRES
	EXISTING HYDRANT	X	EXISTING BARB WIRE FENCE
	PROPOSED HYDRANT		PROPOSED RIGHT OF WAY / EASEMENT
	EXISTING SIGN	500	PROPOSED CONTOUR
	PROPOSED SIGN	W	PROPOSED WATER LINE
	EXISTING SEWER MANHOLE	SS	PROPOSED GRAVITY SEWER LINE
	EXISTING TREE	OHW	PROPOSED OVERHEAD WIRES
		UG	PROPOSED UNDERGROUND POWER / TELECOMMUNICATIONS
		SD	PROPOSED STORMWATER DRAIN
	EXISTING ELECTRICAL PEDESTAL	G	PROPOSED GAS LINE
	PROPOSED ELECTRICAL PEDESTAL	RD	PROPOSED ROOF DRAIN
	PROPOSED LIGHT POLE		PROPOSED HANDRAIL
	PROPOSED WALL MOUNT LIGHT		

REVISION: 10/22/15 - REVISED BUILDING FOOTPRINT, MINOR SITE CHANGES.
REVISION: 10/06/15 - REVISED BUILDING SIZE/LOCATION, LOADING BAY AREA, PARKING, AND ASSOCIATED UTILITIES.
REVISION: 07/10/15 - REVISED TRUCK RADIUS PER NEW LOADING DOCK AREA.
REVISION: 01/23/15 - REVISED PER NEAGLEY & CHASE COMMENTS.
REVISION: 01/21/15 - REVISED FOR BID SET.
REVISION: 10/01/14 - REVISED TOTAL NUMBER OF SHEETS IN PLAN SET.

TRUCK TURNING RADIUS

BOVES SAUCE FACTORY - RICK BOVE - LOT #17
U.S. ROUTE 7 & CATAMOUNT DRIVE
MILTON, VERMONT

RUGGIANO engineering, inc.
5 LAKE STREET
ST. ALBANS, VERMONT 05478
PHONE - (802) 524-9300 FAX - (802) 524-9700
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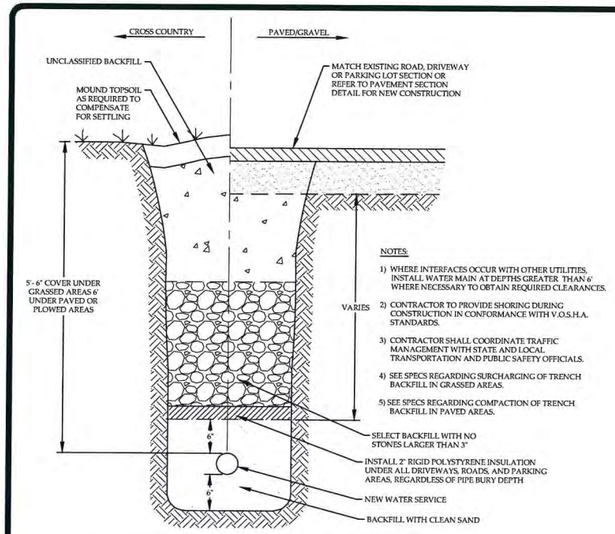
PROJECT NO.....14016
DRAWN BY.....DJL
CHECKED BY.....SHR
SCALE.....1" = 40'
DATE.....07/21/14

SHEET NO.
C-5
5 OF 10 SHEETS

RECEIVED
OCT 22 2015
Planning & Economic Development
Milton, Vermont



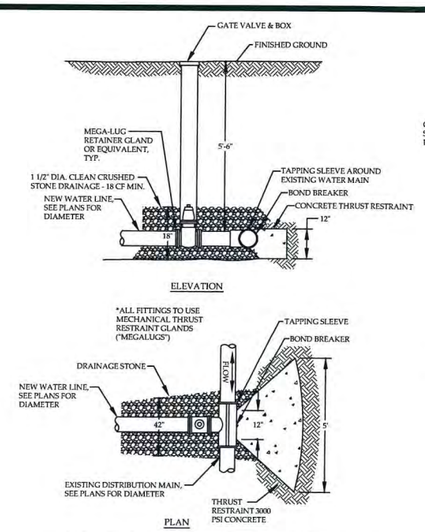
NOTES:

1) WHERE INTERFACES OCCUR WITH OTHER UTILITIES, INSTALL WATER MAIN AT DEPTHS GREATER THAN 6' WHERE NECESSARY TO OBTAIN REQUIRED CLEARANCES.
2) CONTRACTOR TO PROVIDE SHORING DURING CONSTRUCTION IN CONFORMANCE WITH V.O.S.H.A. STANDARDS.
3) CONTRACTOR SHALL COORDINATE TRAFFIC MANAGEMENT WITH STATE AND LOCAL TRANSPORTATION AND PUBLIC SAFETY OFFICIALS.
4) SEE SPECS REGARDING SURCHARGING OF TRENCH BACKFILL IN GRASSED AREAS.
5) SEE SPECS REGARDING COMPACTION OF TRENCH BACKFILL IN PAVED AREAS.

TYPICAL POTABLE & NON-POTABLE WATER LINE TRENCH

1 / C-6

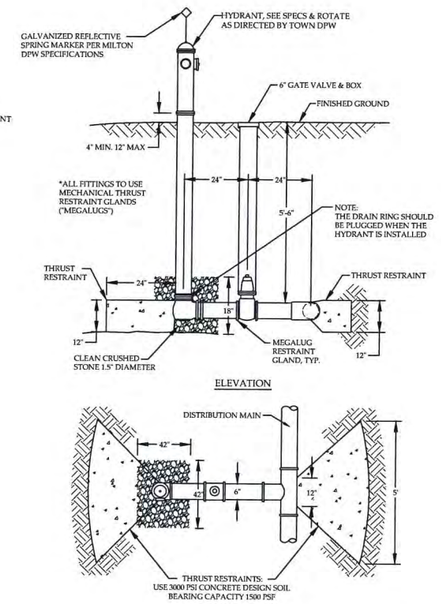
NOT TO SCALE



TYPICAL TAPPING SLEEVE & GATE VALVE CONNECTION

2 / C-6

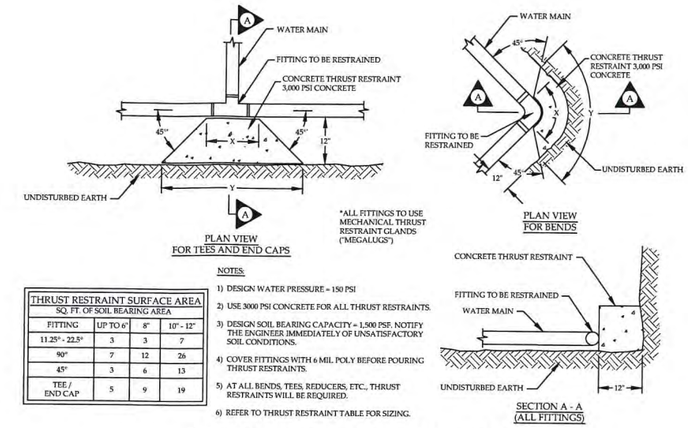
NOT TO SCALE



TYPICAL HYDRANT AND GATE VALVE CONNECTION

3 / C-6

NOT TO SCALE



THRUST RESTRAINT SURFACE AREA SQ. FT. OF SOIL BEARING AREA			
FITTING	UP TO 6"	8"	10" - 12"
11.25° - 22.5°	3	3	7
90°	7	12	26
45°	3	6	13
TEE / END CAP	5	9	19

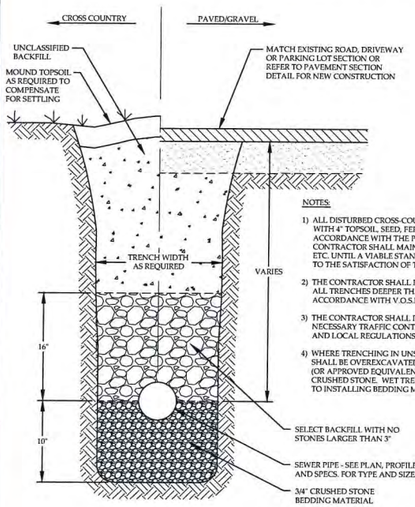
NOTES:

1) DESIGN WATER PRESSURE = 150 PSI
2) USE 3000 PSI CONCRETE FOR ALL THRUST RESTRAINTS.
3) DESIGN SOIL BEARING CAPACITY = 1,500 PSF. NOTIFY THE ENGINEER IMMEDIATELY OF UNSATISFACTORY SOIL CONDITIONS.
4) COVER FITTINGS WITH 6 MIL POLY BEFORE POURING THRUST RESTRAINTS.
5) AT ALL BENDS, TEES, REDUCERS, ETC., THRUST RESTRAINTS WILL BE REQUIRED.
6) REFER TO THRUST RESTRAINT TABLE FOR SIZING.

WATER MAIN THRUST RESTRAINTS

4 / C-6

NOT TO SCALE



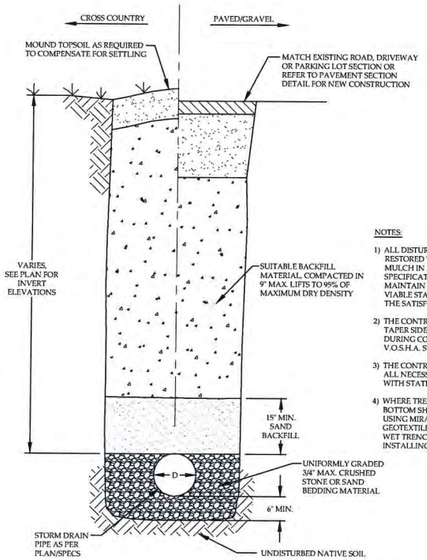
NOTES:

1) ALL DISTURBED CROSS-COUNTRY AREAS SHALL BE RESTORED WITH 4" TOPSOIL, SEED, FERTILIZER AND MULCH IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS. THE CONTRACTOR SHALL MAINTAIN EROSION CONTROL, WATER, ETC. UNTIL A VIABLE STAND OF GRASS HAS BEEN ESTABLISHED TO THE SATISFACTION OF THE ENGINEER.
2) THE CONTRACTOR SHALL PROVIDE SHORING OR TAPER SIDES OF ALL TRENCHES DEEPER THAN 4 FT. DURING CONSTRUCTION IN ACCORDANCE WITH V.O.S.H.A. STANDARDS.
3) THE CONTRACTOR SHALL PROVIDE AND COORDINATE ALL NECESSARY TRAFFIC CONTROLS IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS.
4) WHERE TRENCHING IN UNSTABLE SOILS THE TRENCH BOTTOM SHALL BE OVEREXCAVATED AND STABILIZED USING MIRAFI 500X (OR APPROVED EQUIVALENT) GEOTEXTILE FABRIC AND 6" MIN. CRUSHED STONE. WET TRENCHES SHALL BE DEWATERED PRIOR TO INSTALLING BEDDING MATERIAL.

TYPICAL SANITARY SEWER TRENCH

5 / C-6

NOT TO SCALE



NOTES:

1) ALL DISTURBED CROSS-COUNTRY AREAS SHALL BE RESTORED WITH 4" TOPSOIL, SEED, FERTILIZER AND MULCH IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS. THE CONTRACTOR SHALL MAINTAIN EROSION CONTROL, WATER, ETC. UNTIL A VIABLE STAND OF GRASS HAS BEEN ESTABLISHED TO THE SATISFACTION OF THE ENGINEER.
2) THE CONTRACTOR SHALL PROVIDE SHORING OR TAPER SIDES OF ALL TRENCHES DEEPER THAN 4 FT. DURING CONSTRUCTION IN ACCORDANCE WITH V.O.S.H.A. STANDARDS.
3) THE CONTRACTOR SHALL PROVIDE AND COORDINATE ALL NECESSARY TRAFFIC CONTROLS IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS.
4) WHERE TRENCHING IN UNSTABLE SOILS THE TRENCH BOTTOM SHALL BE OVEREXCAVATED AND STABILIZED USING MIRAFI 500X (OR APPROVED EQUIVALENT) GEOTEXTILE FABRIC AND 6" MIN. CRUSHED STONE. WET TRENCHES SHALL BE DEWATERED PRIOR TO INSTALLING BEDDING MATERIAL.

TYPICAL STORM DRAIN TRENCH

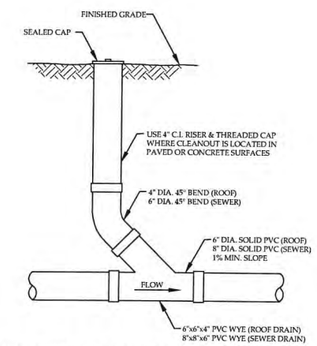
6 / C-6

NOT TO SCALE

TYPICAL STORM DRAIN MANHOLE

7 / C-6

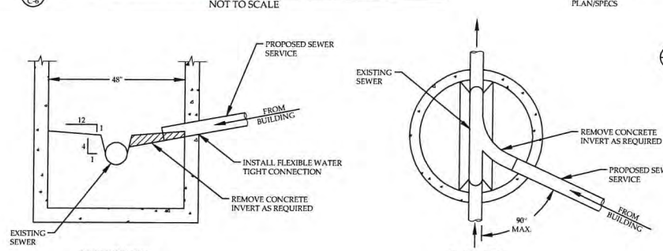
NOT TO SCALE



SEWER/ ROOF DRAIN CLEANOUT

8 / C-6

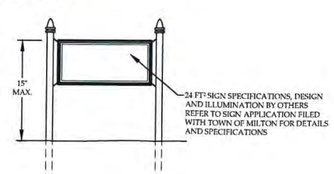
NOT TO SCALE



TYPICAL SEWER CONNECTION AT EXISTING MANHOLE

9 / C-6

NOT TO SCALE



TYPICAL SIGN DETAIL

10 / C-6

NOT TO SCALE

REVISION: 01/21/15 - REVISED FOR BID SET.
REVISION: 10/01/14 - REVISED PER WATER SUPPLY DIVISION COMMENTS.
REVISION: 09/11/14 - WW APPLICATION SUBMISSION.
REVISION: 09/09/14 - ACT 250 SUBMISSION.
REVISION: 08/25/14 - DEPARTMENT OF PUBLIC WORKS COMMENTS.

DETAILS

BOVES SAUCE FACTORY - RICK BOVE - LOT #17
U.S. ROUTE 7 & CATAMOUNT DRIVE
MILTON, VERMONT

RUGGIANO engineering, inc.
5 LAKE STREET
ST. ALBANS, VERMONT 05478
PHONE - (802) 524-9300 FAX - (802) 524-9700
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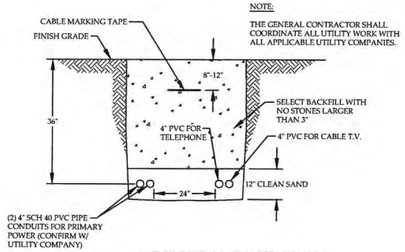
PROJECT NO. 14016
DRAWN BY JGE
CHECKED BY SHR
SCALE AS NOTED
DATE 07/21/14

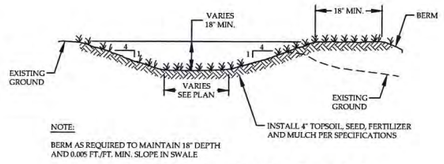
SHEET NO.
C-6
6 OF 10 SHEETS

RECEIVED
OCT 22 2015
Planning & Economic Development
Milton, Vermont



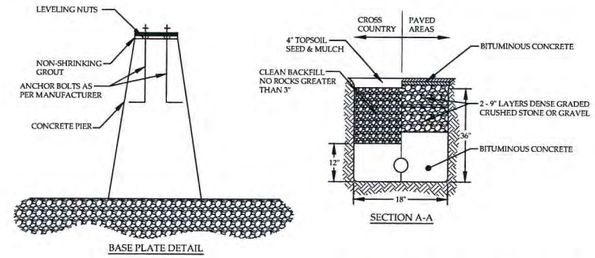
NOTE:
THE GENERAL CONTRACTOR SHALL COORDINATE ALL UTILITY WORK WITH ALL APPLICABLE UTILITY COMPANIES.

1/C-7 UTILITY TRENCH
NOT TO SCALE

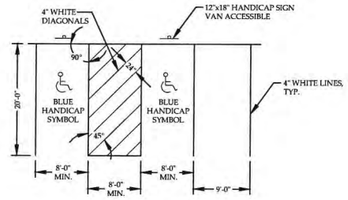


NOTE:
BERM AS REQUIRED TO MAINTAIN 18" DEPTH AND 0.005 FT./FT. MIN. SLOPE IN SWALE

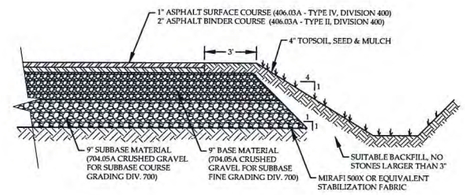
2/C-7 TYPICAL GRASS SWALE
NOT TO SCALE



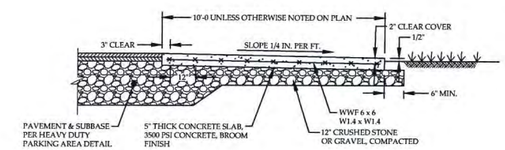
3/C-7 TYPICAL YARD LIGHT FOUNDATION
NOT TO SCALE



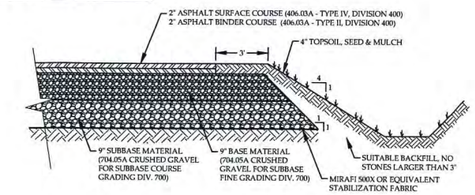
TYPICAL STANDARD AND HANDICAP PARKING PAVEMENT MARKINGS
7/C-7
NOT TO SCALE



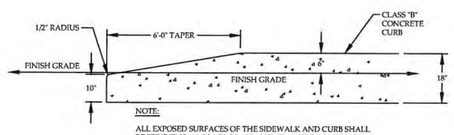
4/C-7 STANDARD PAVEMENT SECTION
NOT TO SCALE



5/C-7 TYPICAL CONCRETE SLAB
NOT TO SCALE

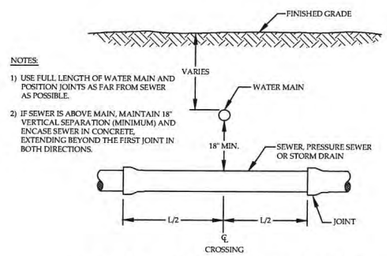


6/C-7 HEAVY DUTY PAVEMENT SECTION
NOT TO SCALE



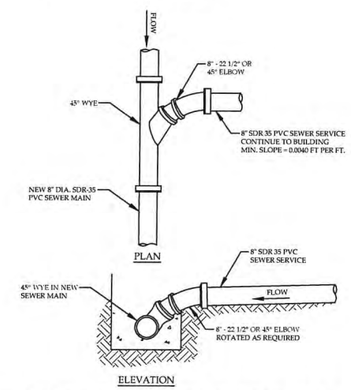
NOTE:
ALL EXPOSED SURFACES OF THE SIDEWALK AND CURB SHALL RECEIVE TWO (2) COATS OF AN ANTI-SPALLING COMPOUND

8/C-7 TYPICAL TAPERED CURB
NOT TO SCALE

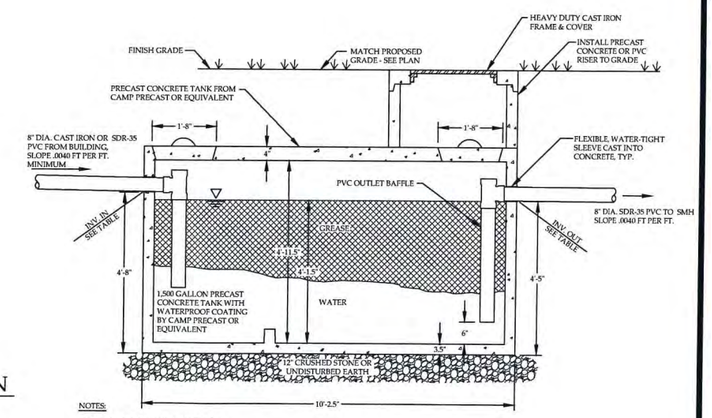


NOTES:
1) USE FULL LENGTH OF WATER MAIN AND POSITION JOINTS AS FAR FROM SEWER AS POSSIBLE.
2) IF SEWER IS ABOVE MAIN, MAINTAIN 18" VERTICAL SEPARATION (MINIMUM) AND ENCASE SEWER IN CONCRETE, EXTENDING BEYOND THE FIRST JOINT IN BOTH DIRECTIONS.

10/C-7 WATER/SEWER CROSSING
NOT TO SCALE



11/C-7 TYPICAL WYE-TYPE CONNECTION
NOT TO SCALE

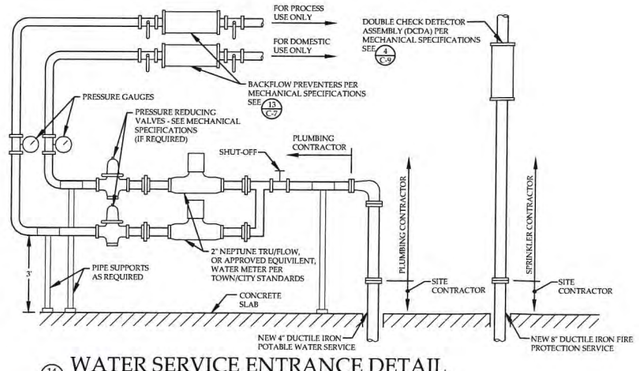


NOTES:
1) CONCRETE: USE 4000 PSI MINIMUM.
2) REINFORCING STEEL: CONFORM TO LATEST ASTM A185 SPEC. 0.12 SQ. IN./LINEAL FT. AND 0.12 SQ. IN. BOTH WAYS IN BASE.
3) USE H-20 DESIGN LOADING PER AASHTO HS-20-44; ASTM C47B SPEC FOR "PRECAST REINFORCED CONCRETE MANHOLE SECTIONS".
4) BUTYL RESIN SECTION SHALL CONFORM TO LATEST ASTM C443 SPEC.
5) STEEL REINFORCED COPOLYMER POLYPROPYLENE PLASTIC STEP SHALL CONFORM TO LATEST ASTM C47B SPEC.

SANITARY SEWER INVERT TABLE

	BUILDING OUT	GREASE TANK IN	GREASE TANK OUT	JUNCTION SEWER	SD/SEWER CROSSING	SEWER MANHOLE IN
INVERT ELEVATION	184.45	184.21	183.96	183.88	183.52	183.00

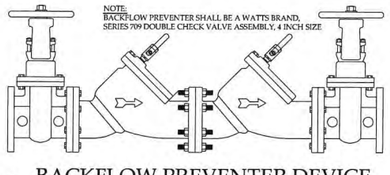
12/C-7 1,500 GALLON GREASE TANK
NOT TO SCALE



14/C-7 WATER SERVICE ENTRANCE DETAIL
NOT TO SCALE

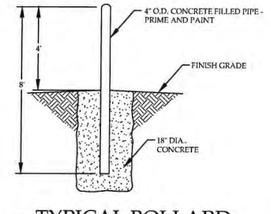
SECTION

9/C-7 CONCRETE SIDEWALK & CURB DETAIL
NOT TO SCALE



NOTE:
BACKFLOW PREVENTER SHALL BE A WATTS BRAND, SERIES 709 DOUBLE CHECK VALVE ASSEMBLY, 4 INCH SIZE

13/C-7 BACKFLOW PREVENTER DEVICE
NOT TO SCALE



15/C-7 TYPICAL BOLLARD
NOT TO SCALE

REVISION: 01/21/15 - REVISED FOR BID SET.
REVISION: 10/01/14 - REVISED TOTAL NUMBER OF SHEETS IN PLAN SET.
REVISION: 09/11/14 - WW APPLICATION SUBMISSION.
REVISION: 09/09/14 - ACT 250 SUBMISSION.
REVISION: 08/29/14 - PERMIT TO CONSTRUCT, CONSTRUCTION GENERAL PERMIT SUBMISSION.
REVISION: 08/25/14 - DEPARTMENT OF PUBLIC WORKS COMMENTS.

DETAILS
BOVES OF VERMONT - RICK BOVE - LOT #17
U.S. ROUTE 7 & CATAMOUNT DRIVE
MILTON, VERMONT

RUGGIANO engineering, inc.
5 LAKE STREET
ST. ALBANS, VERMONT 05478
PHONE - (802) 524-9300 FAX - (802) 524-9700
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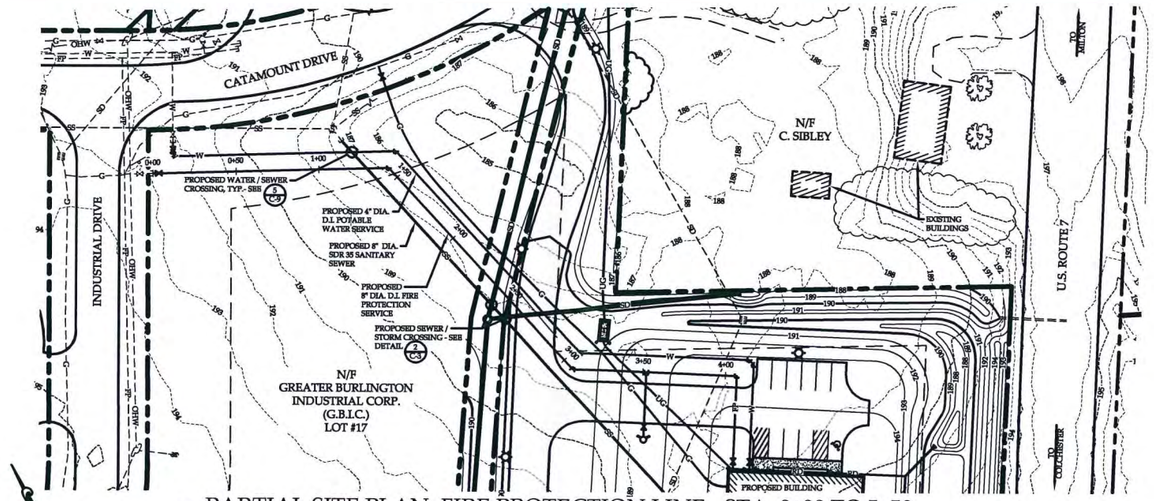
PROJECT NO.....14016
DRAWN BY.....DJL
CHECKED BY.....SHR
SCALE.....AS NOTED
DATE.....07/21/14

SHEET NO.
C-7
7 OF 10 SHEETS

RECEIVED
OCT 22 2015
Planning & Economic Development
Milton, Vermont

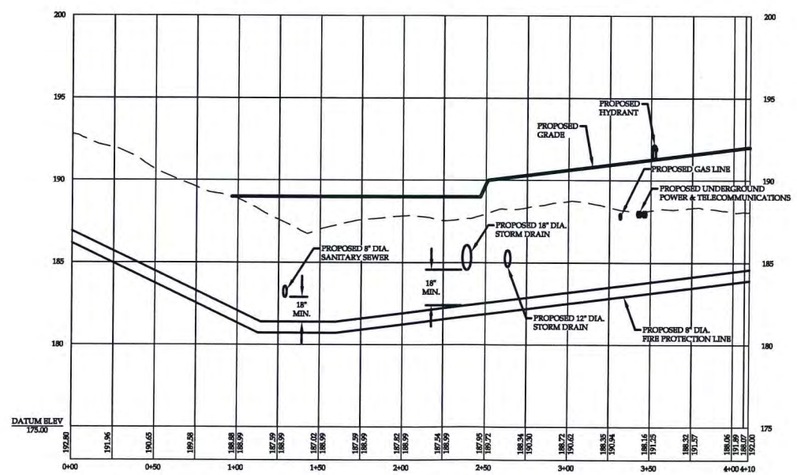


1 C-9 PARTIAL SITE PLAN: FIRE PROTECTION LINE - STA. 0+00 TO 5+50

SCALE: 1" = 40'

Graphic Scale

40 0 40 80 160 feet

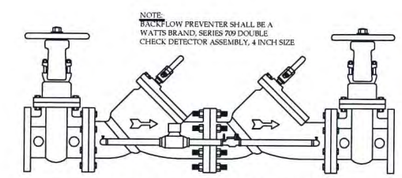


2 C-9 FIRE PROTECTION LINE PROFILE

VERTICAL SCALE: 1" = 4'
HORIZONTAL SCALE: 1" = 40'

Graphic Scale

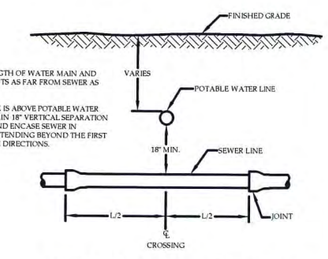
40 0 40 80 160 feet



NOTE:
BACKFLOW PREVENTER SHALL BE A WATTS BRAND, SERIES 709 DOUBLE CHECK DETECTOR ASSEMBLY, 4 INCH SIZE

4 C-9 DOUBLE CHECK DETECTOR ASSEMBLY (DCDA)

NOT TO SCALE



NOTES:

1) USE FULL LENGTH OF WATER MAIN AND POSITION JOINTS AS FAR FROM SEWER AS POSSIBLE.
2) IF SEWER LINE IS ABOVE POTABLE WATER LINE, MAINTAIN 18" VERTICAL SEPARATION (MINIMUM) AND ENCASE SEWER IN CONCRETE, EXTENDING BEYOND THE FIRST JOINT IN BOTH DIRECTIONS.

5 C-9 POTABLE WATER / SEWER CROSSING

NOT TO SCALE

LEGEND

N/F	NOW OR FORMERLY OWNED BY		EXISTING PROPERTY LINE
	ELEVATION BENCHMARK		EXISTING RIGHT OF WAY / EASEMENT
	EXISTING CATCH BASIN		BUILDING SETBACK
	EXISTING STORM DRAIN MANHOLE		EXISTING TREE LINE
	PROPOSED STORM DRAIN MANHOLE	500	EXISTING CONTOUR
	EXISTING GATE VALVE	W	EXISTING WATER LINE
	PROPOSED GATE VALVE	FP	EXISTING FIRE PROTECTION LINE
	EXISTING UTILITY POLE & GUY WIRE	SS	EXISTING GRAVITY SEWER LINE
	PROPOSED UTILITY POLE	SD	EXISTING PRESSURE SEWER LINE
	EXISTING HYDRANT	G	EXISTING GAS LINE
	PROPOSED HYDRANT	OHW	EXISTING OVERHEAD WIRES
	EXISTING SIGN	X	EXISTING BARB WIRE FENCE
	PROPOSED SIGN		PROPOSED RIGHT OF WAY / EASEMENT
	EXISTING SEWER MANHOLE	500	PROPOSED CONTOUR
		W	PROPOSED WATER LINE
	EXISTING TREE	FP	PROPOSED FIRE PROTECTION LINE
		SS	PROPOSED GRAVITY SEWER LINE
	EXISTING ELECTRICAL PEDESTAL	OHW	PROPOSED OVERHEAD WIRES
	PROPOSED ELECTRICAL PEDESTAL	UG	PROPOSED UNDERGROUND POWER / TELECOMMUNICATIONS
	PROPOSED LIGHT POLE	SD	PROPOSED STORMWATER DRAIN
	PROPOSED WALL MOUNT LIGHT	G	PROPOSED GAS LINE
		RD	PROPOSED ROOF DRAIN
			PROPOSED HANDRAIL

REVISION: 10/22/15 - REVISED BUILDING FOOTPRINT, MINOR SITE CHANGES.
REVISION: 10/06/15 - REVISED BUILDING SIZE/LOCATION, LOADING BAY AREA, PARKING, AND ASSOCIATED UTILITIES.
REVISION: 01/23/15 - REVISED PER NEAGLEY & CHASE COMMENTS.
REVISION: 01/21/15 - REVISED FOR BID SET.
REVISION: 11/04/14 - DELETED REFERENCES TO NON-POTABLE FIRE PROTECTION LINES PER WATER SUPPLY DIVISION COMMENTS.

FIRE PROTECTION LINE PLAN & PROFILE

BOVES OF VERMONT - RICK BOVE - LOT #17
U.S. ROUTE 7 & CATAMOUNT DRIVE
MILTON, VERMONT

RUGGIANO Engineering, inc.
5 LAKE STREET
ST. ALBANS, VERMONT 05478
PHONE - (802) 524-9300 FAX - (802) 524-9700
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PROJECT NO. 14016
DRAWN BY JGE
CHECKED BY SHR
SCALE 1" = 40'
DATE 10/01/14

SHEET NO.
C-9
9 OF 10 SHEETS

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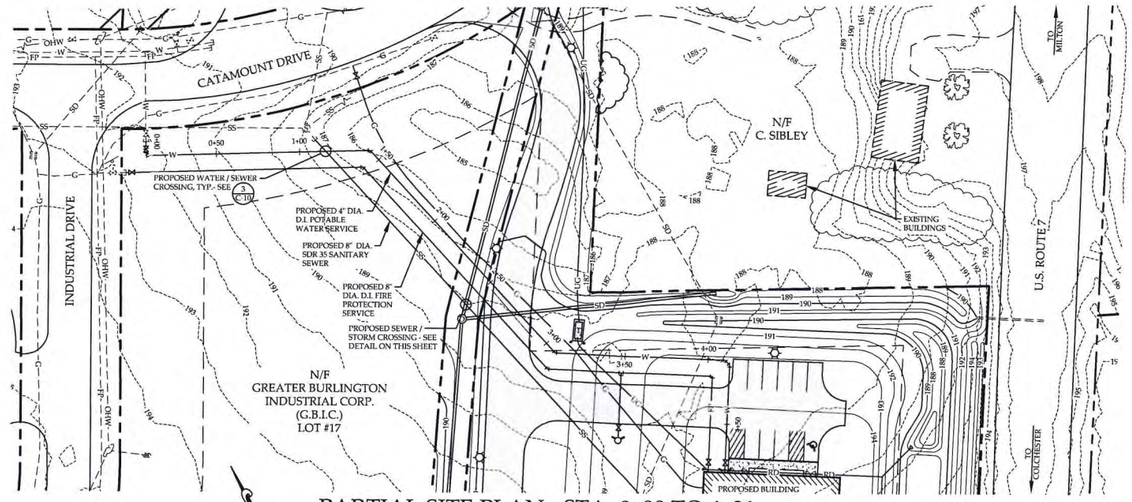
Milton, Vermont



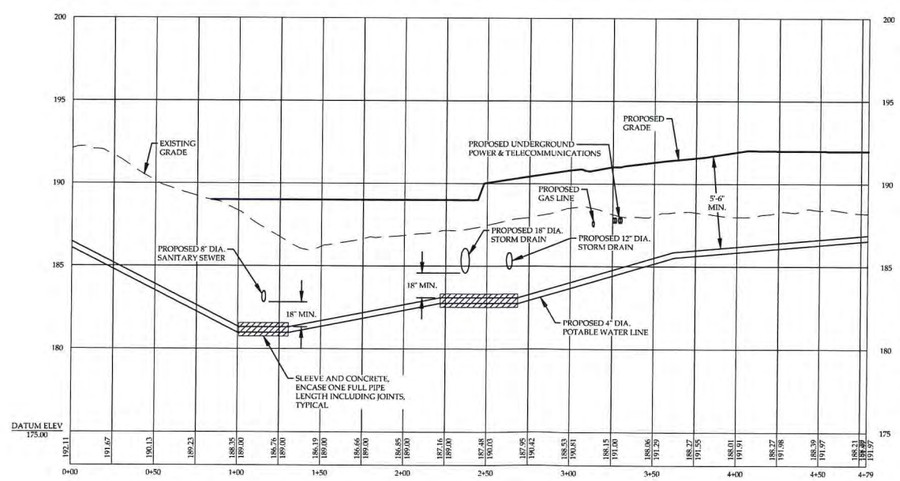
PARTIAL SITE PLAN - STA. 0+00 TO 4+31

1 / C-10

SCALE: 1" = 40'

Graphic Scale

40 0 40 80 160 feet



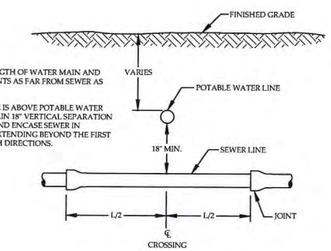
POTABLE WATER LINE PROFILE

2 / C-10

VERTICAL SCALE: 1" = 4'
HORIZONTAL SCALE: 1" = 40'

Graphic Scale

40 0 40 80 160 feet



NOTES:

1) USE FULL LENGTH OF WATER MAIN AND POSITION JOINTS AS FAR FROM SEWER AS POSSIBLE.

2) IF SEWER LINE IS ABOVE POTABLE WATER LINE, MAINTAIN 18" VERTICAL SEPARATION (MINIMUM) AND ENCASE SEWER IN CONCRETE, EXTENDING BEYOND THE FIRST JOINT IN BOTH DIRECTIONS.

POTABLE WATER / SEWER CROSSING

3 / C-9

NOT TO SCALE

LEGEND

N/F	NOW OR FORMERLY OWNED BY		EXISTING PROPERTY LINE
	ELEVATION BENCHMARK		EXISTING RIGHT OF WAY / EASEMENT
	EXISTING CATCH BASIN		BUILDING SETBACK
	EXISTING STORM DRAIN MANHOLE		EXISTING TREE LINE
	PROPOSED STORM DRAIN MANHOLE	500	EXISTING CONTOUR
	EXISTING GATE VALVE	W	EXISTING WATER LINE
	PROPOSED GATE VALVE	FP	EXISTING FIRE PROTECTION LINE
	EXISTING UTILITY POLE & GUY WIRE	SS	EXISTING GRAVITY SEWER LINE
	PROPOSED UTILITY POLE	SD	EXISTING PRESSURE SEWER LINE
	EXISTING HYDRANT	G	EXISTING GAS LINE
	PROPOSED HYDRANT	OHW	EXISTING OVERHEAD WIRES
	EXISTING SIGN	X	EXISTING BARB WIRE FENCE
	PROPOSED SIGN		PROPOSED RIGHT OF WAY / EASEMENT
	EXISTING SEWER MANHOLE	500	PROPOSED CONTOUR
	EXISTING TREE	W	PROPOSED WATER LINE
	EXISTING ELECTRICAL PEDESTAL	FP	PROPOSED FIRE PROTECTION LINE
	PROPOSED ELECTRICAL PEDESTAL	SS	PROPOSED GRAVITY SEWER LINE
	PROPOSED LIGHT POLE	OHW	PROPOSED OVERHEAD WIRES
	PROPOSED WALL MOUNT LIGHT	UG	PROPOSED UNDERGROUND POWER / TELECOMMUNICATIONS
		SD	PROPOSED STORMWATER DRAIN
		G	PROPOSED GAS LINE
		RD	PROPOSED ROOF DRAIN
			PROPOSED HANDRAIL

REVISION: 10/22/15 - REVISED BUILDING FOOTPRINT, MINOR SITE CHANGES.
REVISION: 10/06/15 - REVISED BUILDING SIZE/LOCATION, LOADING BAY AREA, PARKING, AND ASSOCIATED UTILITIES.
REVISION: 01/23/15 - REVISED PER NEAGLEY & CHASE COMMENTS.
REVISION: 01/21/15 - REVISED FOR BID SET.
REVISION: 11/04/14 - DELETED REFERENCES TO NON-POTABLE FIRE PROTECTION LINES PER WATER SUPPLY DIVISION COMMENTS.

POTABLE WATER LINE PLAN & PROFILE PLAN
BOVES OF VERMONT - RICK BOVE - LOT #17
U.S. ROUTE 7 & CATAMOUNT DRIVE
MILTON, VERMONT

RUGGIANO Engineering, inc.
5 LAKE STREET
ST. ALBANS, VERMONT 05478
PHONE - (802) 524-9300 FAX - (802) 524-9700
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PROJECT NO.....14016
DRAWN BY.....JGE
CHECKED BY.....SHR
SCALE.....1" = 40'
DATE.....10/01/14

SHEET NO.
C-10
10 OF 10 SHEETS

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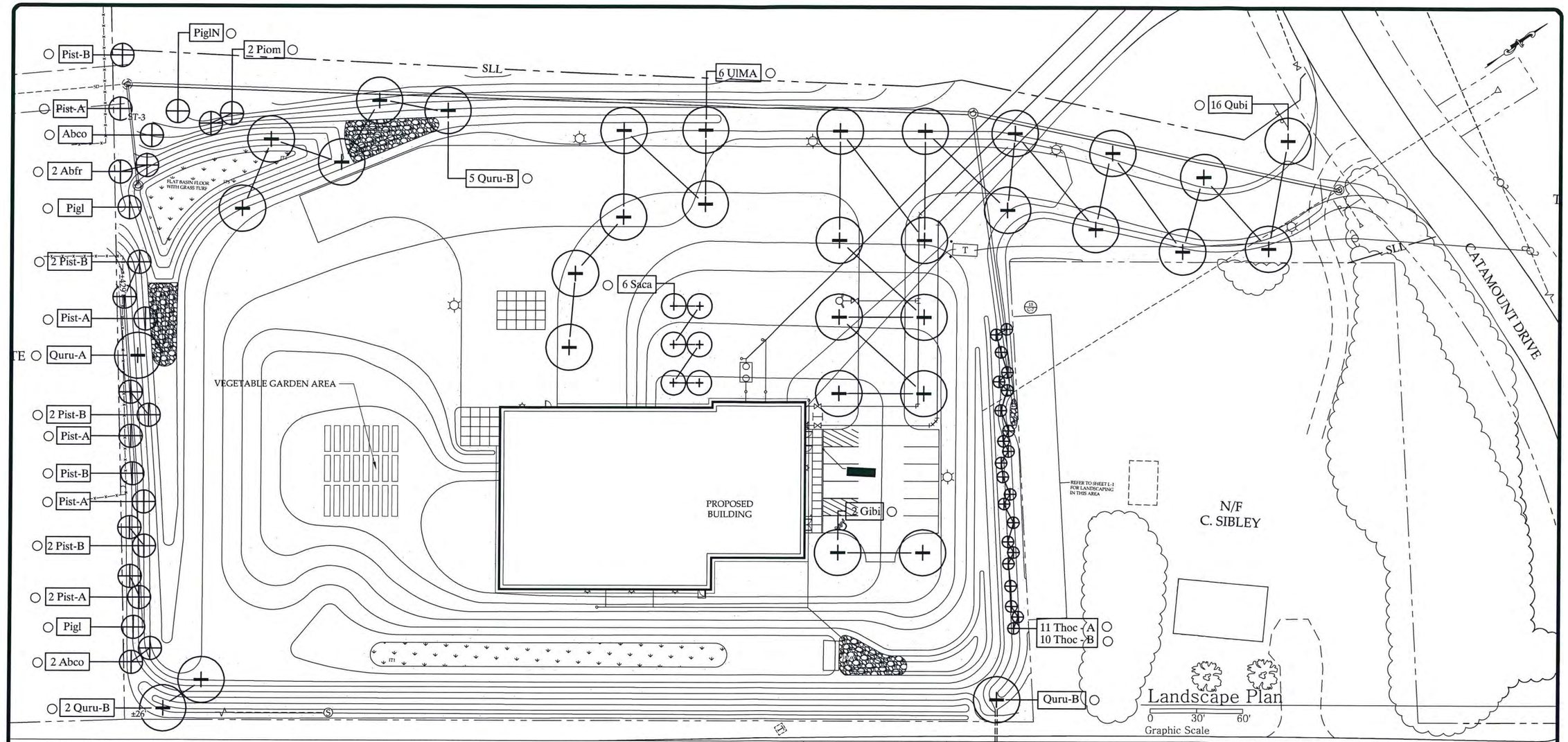

Plant List

Key	Quan	Scientific Name	Common Name	Size/Specification
Abco	3	Abies concolor	Concolor Fir	5-6 ft., B&B
Abfr	2	Abies frasen	Fraser Fir	4-5 ft., B&B
Gibi	2	Gingko biloba 'Autumn Gold'	Autumn Gold Ginkgo	2-2.5 in., B&B
Pigl	2	Picea glauca	White Spruce	5-6 ft., B&B
PiglN	1	Picea glauca 'North Star'	North Star White Spruce	6 gal.
Piom	2	Picea omorika	Serbian Spruce	5-6 ft., B&B
Pist-A	6	Pinus strobus	Eastern White Pine	4-5 ft., B&B
Pist-B	8	Pinus strobus	Eastern White Pine	5-6 ft., B&B
Qubi	16	Quercus bicolor	Swamp White Oak	2-2.5 in., B&B
Quru-A	1	Quercus rubra	Northern Red Oak	15 gal.
Quru-B	8	Quercus rubra	Northern Red Oak	2-2.5 in., B&B
Saca	6	Salix discolor	Pussy Willow	5 gal.
Thoc-A	11	Thuja occidentalis	Arborvitae	4-5 ft., B&B
Thoc-B	10	Thuja occidentalis	Arborvitae	5-6 ft., B&B
UlMA	6	Ulmus 'Morton' Accolade	Accolade Elm	15 gal.

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Date	Revision	Date	Revision
01/22/15	Remove (6) Salix discolor from east side of proposed bldg.	01/22/15	Respace (8) Ulmus morton 'Accolade) on service drive west of bldg.
01/22/15	Add (6) Salix discolor to area at NW of proposed bldg.	01/22/15	Relocate (3) Abies concolor, (2) Picea omorika from S.W. of proposed bldg. to N. property
01/22/15	Remove (8) Quercus rubra from along Rt. 7	01/22/15	Relocate (1) Picea glauca, (1) Picea glauca 'North Star' from SW of proposed bldg. to N. property
01/22/15	Add (6) Quercus rubra to area near new detention basin at N.W. corner of property	01/22/15	Relocate (1) Abies fraseri from S.E. of proposed bldg. to N. property
01/22/15	Add (2) Quercus bicolor along entry drive NW of proposed bldg.	01/22/15	Add Garden Area SE of proposed bldg.
01/22/15	Respace (3) Quercus rubra along Rt. 7	10/21/15	Revise plan based on new site plan

LANDSCAPE PLAN

BOVES SAUCE FACTORY - RICK BOVE - LOT #17
U.S. ROUTE 7 & CATAMOUNT DRIVE
MILTON, VERMONT

Michael Lawrence Associates
Landscape Architects / Site Planning Consultants
Eight Linden Lane Essex Junction, Vermont 05452
PH/FAX 802-878-2778
C-802-578-9591
mclasla.com

RUGGIANO Engineering, inc.
5 LAKE STREET
ST. ALBANS, VERMONT 05478
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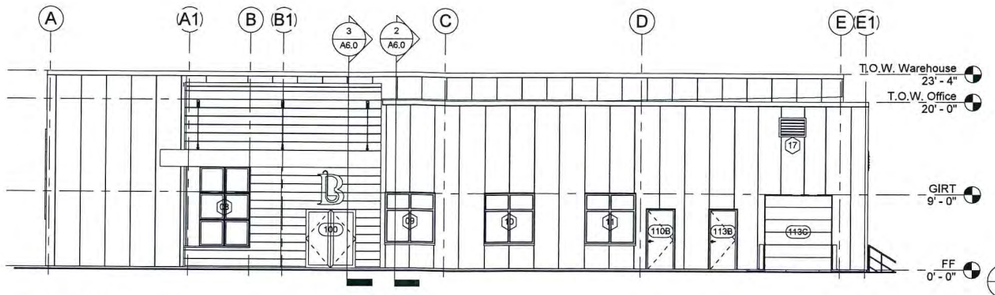
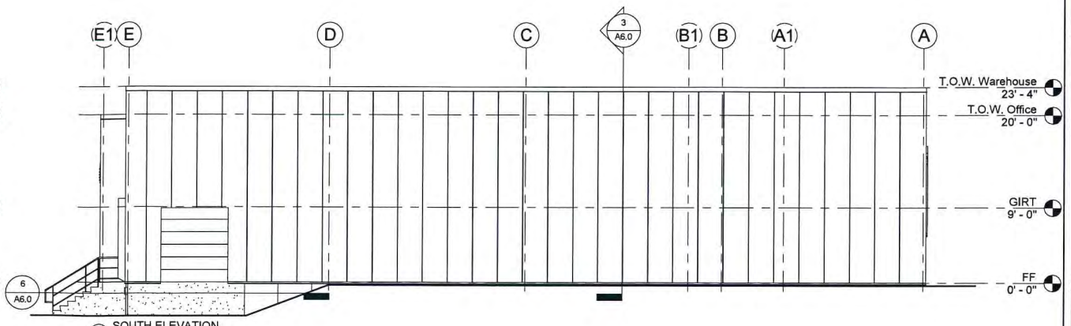
PROJECT NO. 14016
DRAWN BY MCL
CHECKED BY MCL
SCALE 1" = 30'
DATE 07/22/14

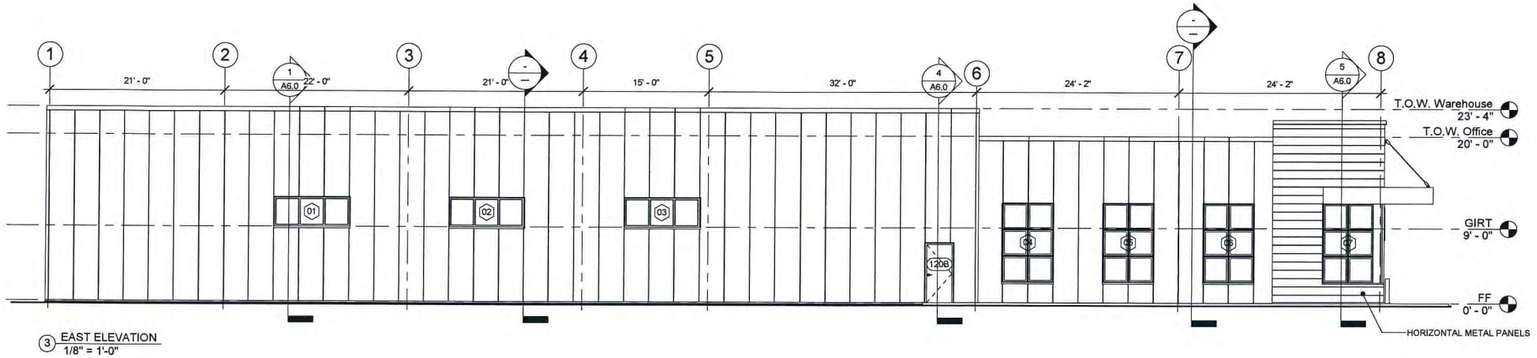
SHEET NO.
L-1
1 OF 1 SHEETS



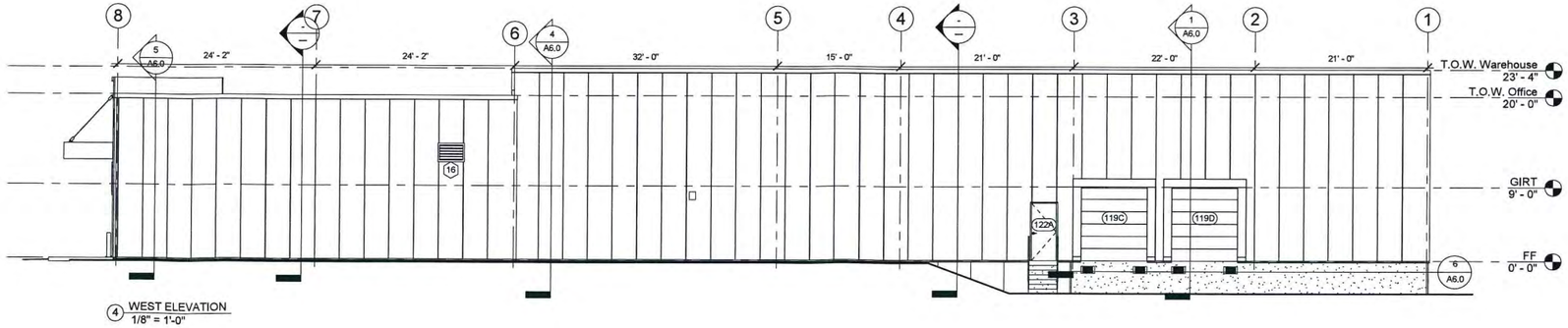
1 NORTH ELEVATION
1/8" = 1'-0"



2 SOUTH ELEVATION
1/8" = 1'-0"



3 EAST ELEVATION
1/8" = 1'-0"



4 WEST ELEVATION
1/8" = 1'-0"

Planning & Economic Development
Milton, Vermont
OCT 22 2015
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SCOTT + PARTNERS
ARCHITECTURE
20 MAIN ST. ESSEX JUNCTION, VT 05452
P: 802.879.5153 | F: 802.872.2764 | SCOTTPARTNERS.COM

project name:
BOVE'S OF VERMONT
CATAMOUNT DRIVE MILTON, VT
05468

scale:	1/8" = 1'-0"
project no.	
checked by:	JBA
drawn by:	Author
date:	10/22/2015

Date	Revisions

sheet title:
ELEVATIONS & SECTIONS

sheet no.
A4.0

10/22/2015 10:13:03 AM | S:\1-S+P-Projects\1-COMMERCIAL\N&C Building Code Issues\Bove's\Drawings\Bove's_2015.10.21.rvt