



## DEVELOPMENT REVIEW BOARD

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Meeting Type: \_\_\_\_\_ **Regular Meeting**  
Date: \_\_\_\_\_ **April 12, 2018**  
Time: \_\_\_\_\_ **6:00 p.m.**  
Place: \_\_\_\_\_ **Municipal Building Community Room**  
Address: \_\_\_\_\_ **43 Bombardier Road Milton, VT 05468**  
Contact: \_\_\_\_\_ **(802) 893-1186**  
Website: \_\_\_\_\_ [www.miltonvt.org](http://www.miltonvt.org)

## MEETING MINUTES

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### 1. CALL TO ORDER

The Chair called the meeting to order at 6:03 p.m.

### 2. ATTENDANCE

**Members Present** : Bruce Jenkins, Chair; Julie Rutz, Clerk; Robert Brisson; Ron Harding

**Members Absent** : Henry Bonges, Vice Chair

**Staff Present** : Michael Burris, Development Review Planner

**Public Present** : Graham Tidman; Dean Henry; Kathy Henry; Lance McPeck; Jay Buermann; Kathy Buermann; Kathleen Fontaine; Robert Fontaine; Duane Rouse; Bernie Cummings

### 3. AGENDA REVIEW

None.

### 4. PUBLIC FORUM

None.

### 5. NEW HEARINGS/BUSINESS

**5(A) Dean P. Henry and Kathryn Henry**, Applicants, request **Variance** approval for the property located at **155 McMullen Road**. The proposal is for variance from the Beaver Creek Residential Zoning District's lot size minimums. The property is a 1.28-acre lot served by on-site well water and wastewater disposal, described as SPAN 13002, Tax Map 28, Parcel 105, and is located in the Beaver Creek Residential District (R7).

The Chair administered the Oath to Interested Persons.

The Applicant, Dean Henry gave an overview of his project.

The DRB reviewed with the Applicant the following conditions of the application:

#### Application, Jurisdiction, Notice

1. The DRB may require that the Applicant schedule a site visit prior to closing the hearing.

#### Variance Standards

1. The Applicant's current property contains two single-family homes situated on a 558' x 100' lot, indicating a residential density of 1.56 dwelling units/acre. By the way of lot size variance and subdivision, there would be two resulting parcels each with a duplex on a 279' x 100' lot, which indicates a residential density of 3.12 dwelling units/acre. Effectively, the Applicant would double the

residential density, and per 4605.A(2), the DRB may not approve a variance to allow an increase in residential density.

2. The proposed land development will not alter the essential character or district in which the property is located.
3. The proposed land development will not substantially or permanently impair the lawful use or development of adjacent property.
4. The proposed land development will not be detrimental to public health, safety or welfare.
5. The Applicant has not created the unnecessary hardship.
6. The Applicant is not proposing the least deviation possible from these regulations that will afford relief - the applicant currently has reasonable use of the property.
7. The regulations are preventing more intensive development, not the property itself, as the applicant already has two housing developments on one parcel. The physical conditions of the lot are not preventing reasonable use.

The Chair stated that in order to qualify for a Variance the Applicant must meet all seven of the criterion.

#### Administration and Enforcement

1. 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.

The Chair closed the hearing at 6:20 p.m.

**5(B) John M. Buermann, Jr. and Kathryn D. Buermann** , Applicants, request **Conditional Use and Major Site Plan** approval for the property located at **7 Sanderson Road** . The proposal is for the permission of an accessory conditional use of an agricultural enterprise in a pre-existing barn. The property is a 10.3-acre lot served by on-site well water and wastewater disposal, described as SPAN 10448, Tax Map 2-14, parcel 22, and is located in the Agricultural/Rural Residential Zoning District (R5).

The Chair administered the Oath to Interested Persons.

The Applicant, John Buermann, Jr. gave an overview of his project.

The DRB reviewed with the Applicant the following conditions of the application:

1. The DRB may require that the Applicant schedule a site visit prior to closing the hearing.
2. The Applicant shall provide 5 parking spaces, including one space that is in compliance with ADA specifications.
3. The DRB shall decide if the “best fix” provision is applicable to the site with the Applicant’s rationale. If it applies, the Applicant shall maintain the driveway in its current state.

If it does not apply, the Applicant shall widen the proposed driveway to 20 feet. Stormwater runoff should be mitigated by limiting impervious surfaces through the use of infiltrative materials like gravel or grass pavers.

The DRB determined that the proposal was a best fix.

4. The Applicant shall include a concrete pad next to the accessory structure (i.e. the tasting room) to function as a bicycle storage area.

5. The Applicant shall design all internal walkways to be compliant with ADA standards, including but not limited to, use of hard-surfaced, non-slip surfaces from the proposed accessory use to the ADA parking spot.
6. Landscaping must be maintained in a healthy condition, and dead or dying plants must be replaced within 1 growing season with a comparable plant.
7. Per 3205.D, Previously Developed Sites: the Applicant must bring all outdoor lighting on the premises, including any previously installed, into conformance with UDR 3205.
8. All business signage must be compliant with UDR 3206 and the specifications outlined in UDR 3015 and they must be located outside of the Town's right-of-way.
9. The Applicant shall indicate on the site plan the location of the outdoor seating area - upon a firm, level surface - if it is to be included in the project. The DRB may place limits on the hours outdoor seating may be used and level of noise that may be generated as necessary to protect the character of the area.
10. The Applicant shall obtain a Project Review Sheet from the Permit Specialist in the District 4 Regional Office of the Agency of Natural Resources, provide a copy to the Town, and obtain all required State permits and approvals prior to construction.
11. 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 copies of the Final Plan sets.
12. A Zoning Permit is required prior to the installation of business signage on the site.
13. A Zoning Permit is required prior to use and an associated Certificate of Compliance is required prior to use.
14. The Zoning Permit and Site Plan Approval shall expire two years from the date of issuance if the Applicant does not receive a certificate of compliance by this date. The Applicant may apply to the Zoning Administrator for a single one-year extension for the identical project.
15. 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.

The Chair closed the meeting at 6:37 p.m.

**5(C) Bernard Cummings, Linda Cummings, Duane Rouse and Teresa Rouse** , Applicants and Owners, request **Minor Conventional Final Subdivision** approval for a proposed 2-lot subdivision located at **67 Barnum Street**. A pre-existing single family residence will remain on the property and a single family residence is proposed for the newly created lot. The property is described as Tax Map 31, Parcel 67, SPAN 12908, contains approximately 0.42 acres, and is located in the Old Town Residential (R1) Zoning District and the Town Core Planning Area.

The Chair administered the Oath to Interested Persons.

The DRB reviewed with the Applicant the following conditions of the application:

1. The DRB may require that the Applicant schedule a site visit prior to closing the hearing.
2. Per DRB 2017-46, Lot 2 must conform to the DRB's decision that the southeast setback on the prospective single-family home should be at least 20 feet.
3. The DRB may require a streetlight to be installed in the right-of way of Proposed Lot 2, which should be in accordance with the lighting guidelines of UDR 3205.

Michael Burris recommended that a streetlight was not necessary.

4. The Applicant shall plant the 6 proposed street trees, 3 on each proposed lot as demonstrated by and to the specifications of the subdivision plan, in conformance with UDR 3204.E. The use of native plant materials is strongly encouraged.
5. The Applicant shall install lot corner monuments in accordance with UDR 3405.K.
6. The Applicant must proceed with construction on site in accordance with UDR 3409.
7. Legal Escrow: The Applicant shall submit \$500 with the Final application to cover the legal review of the deeds and any other required legal instruments by the Town Attorney. Any funds not expended on the legal review will be refunded to the Applicant.
8. Legal Review: The Applicant shall submit draft deeds and any other associated legal instruments for all impacted lots for review and approval by the Town Attorney. All requested revisions must be completed before the Plat may be recorded. Only instruments approved by the Town may be recorded in the Town of Milton Land Records.
9. Staff Review of Revisions: The Applicant shall submit one paper or electronic PDF version of the revised final Plat (and any associated plans) for review and approval by Staff prior to submitting the mylar. The Applicant shall also submit one full-sized (to scale) paper Final Plat and one 11x17 paper plat depicting the requested changes, to be maintained in the Planning Office's application file.
10. Final Plat Submission: The final Plat shall be submitted on mylar (18" x 24"), signed by the licensed surveyor and the Chair of the DRB, and recorded in the Town Clerk's Office within 180 days of the date of the DRB's Final Approval Decision per Subdivision Regulations Section 4408. Final approval expires if not filed within 180 days, unless extended by the Zoning Administrator for pending local or state approvals. In the event a subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.

The Chair closed the hearing at 6:49 p.m.

## **6. OTHER BUSINESS**

Michael Burris stated that the Winter Lane Home Owners Association request to reopen DRB Case 2017-08 heard by the DRB on March 22, 2018 will be going to the Environmental Court.

## **7. APPROVAL OF MINUTES**

MOTION by Rutz to approve the Minutes of March 22, 2018 as amended. SECOND by Brisson. APPROVED.

## **8. ADJOURNMENT**

MOTION to ADJOURN at 6:53 p.m. by Rutz. SECOND by Harding. APPROVED.

Minutes approved by the Development Review Board this \_\_\_\_\_ day of \_\_\_\_\_, 201 8.

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Bruce Jenkins, Chair

/swm

Draft filed with the Town Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 201 8.

Filed with the Town Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 201 8.