



DEVELOPMENT REVIEW BOARD

Meeting Type: _____ **Regular Meeting**
Date: _____ **April 26, 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.gov

MEETING MINUTES

1. CALL TO ORDER

The Chair called the meeting to order at 6:05 p.m.

2. ATTENDANCE

Members Present : Bruce Jenkins, Chair; Robert Brisson; Ron Harding

Members Absent : Henry Bonges, Vice Chair; Julie Rutz, Clerk

Staff Present : Michael Burris, Development Review Planner

Public Present : Kumulia Long; Christine Rongo; Christopher Rongo; David Goodrich; Jamie Fletcher; Ed Fletcher; Kathleen LaCrois; Linda Jillson; Peter Jensen; Roberta Castonguay; Karl Marchessault; Butch True; Kathleen Jensen

3. AGENDA REVIEW

None.

4. PUBLIC FORUM

None.

5. NEW HEARINGS/BUSINESS:

A. David Goodrich , Applicant and Owner, requests a 2-lot Final **Minor Conventional Subdivision** approval the property located at 496 Route 7 South, described as Tax Map 20, Parcel 70-15, and SPAN 12283. The property contains 10.98 acres and is located in the Checkerberry Neighborhood Center District (NC-1).

The Chair administered the Oath to Interested Persons.

1. **The DRB may require that the applicant schedule a site visit prior to closing the hearing.**
2. **The applicant shall indicate the location and dimensions (to scale) of the private driveway on the final plat. The driveway may access a maximum of 3 lots.**

Burris noted a potential problem with property being owned by ACB Holdings as people are accessing the driveway through the back of the property.

Goodrich suggested that barriers could be put in place to deter this behavior.

3. **The DRB may require street lighting to be added to the subdivision.**

Goodrich explained that they were not proposing any new roads at this time and there would be existing use of the building. Goodrich also mentioned that he has potential future plans to develop a site plan for the rest of the lot.

Burris did not recommend the addition of street lighting for this subdivision.

4. **The DRB may require the applicant to plant street trees along the frontage of Proposed Lot 1. If required, the applicant shall plant 4 large trees along Route 7 South and 23 small trees along Racine Road. The DRB should encourage the use of native plant materials.**

Burris did not recommend the addition of landscaping for this subdivision.

5. **The applicant shall indicate existing water and sewer connections on the final plat.**
6. **The applicant shall indicate existing utilities on the final plat.**
7. **The applicant shall install lot corner monuments in accordance with UDR 3405.K**
8. **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.
9. **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 complete before the Plat may be recorded. Only instruments approved by the Town may be recorded in the Town of Milton Land Records.
10. **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.
11. **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.

Jenkins read a letter from an abutter, Michael McCormick, expressing concern in regards to two buildings, an auto body shop and an abandoned building, currently residing on the property. McCormick believes these buildings pose potential health risks and hinder marketability. McCormick believes that a subdivision would remove the ability for the Town of Milton to work with their regular compliance.

Goodrich responded by explaining that the current buildings were not facing violations or health hazards due to their current state of stability, purpose, and zoning district.

Burris states that the auto body building in question would be non-conforming because it is still in use.

The Chair closed the hearing at 6:15 p.m.

B. Ed and Jamie Fletcher and Everest Equine Meadows, LLC , Applicants and Owners, request **Major Conventional Subdivision Amendment** approval for a proposed shared driveway located at **10 Corral Drive and Lot 8, Corral Drive** . The property at 10 Corral Drive is described as Tax Map 18-6, Parcel 110, SPAN 14221, and contains approximately 5.23 acres. The property at Lot 8, Corral Drive is described as Tax Map 18-6, Parcel 111, SPAN 14222, and contains approximately 4.15 acres. Both properties are located in the Agricultural/Rural Residential (R5) Zoning District and the West Milton Planning Area.

The Chair administered the Oath to Interested Persons.

Burris explained that the driveway was constructed without a prior approval and that in order to get the subdivision into compliance, there must be approval.

- 1. The DRB may require that the applicant schedule a site visit prior to closing the hearing.**
- 2. The applicant shall verify that the existing driveway conforms to Public Works Specifications, to be indicated on the final plat. If the driveway is not compliant, the applicant shall modify the driveway to become compliant with Public Works Specifications.**

Burris mentioned that he had spoken with Dave Allerton, the Public Works Director, who had no foreseeable problems with the driveway after a site visit was done.

- 3. The applicant shall verify that the existing culvert conforms to Public Works Specifications, to be indicated on the final plat. If the culvert is not compliant, the applicant shall modify the culvert to become compliant with Public Works Specifications.**

Burris said that Dave Allerton, Public Works Director, mentioned he had seen evidence of ponding found at the culvert during the site visit, which shows that it is not draining properly.

Ms. Fletcher explained that the draining problem is due to the culvert being damaged by the owner of another lot who shares the driveway and that the neighbor is refusing to repair the damages caused until the issue with the Town gets resolved.

- 4. The applicant shall submit a shared driveway agreement to be reviewed by and for the approval of the town attorney. The applicant shall be responsible for the attorney's fees.**
- 5. The applicant must proceed with any necessary construction on site in accordance with UDR 3409.**
- 6. 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.
- 7. 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 complete before the Plat may be recorded. Only instruments approved by the Town may be recorded in the Town of Milton Land Records.
- 8. 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.
- 9. 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.

Burris said that there was a notice violation that Amanda Pitts, the Zoning Administrator, had sent in regards to the shared driveway that crosses through multiple properties.

Ms. Fletcher mentioned that the term “shared driveway” was never mentioned in the original building permit.

The Chair closed the hearing at 6:25 p.m.

C. Rob White and Jennifer Hall, Applicant and Owner, request **Minor Conventional Subdivision Amendment** approval for a building envelope expansion located at **33 Andrea Lane**, described as Tax Map 20, Parcel 30-32, and SPAN 10062. The property contains 3.66 acres and is located in the Low Density Residential District (R3).

The Chair administered the Oath to Interested Persons.

Marchessault explained that they were planning to build a free-standing garage and to expand the building footprint to the right.

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

Marchessault noted that he wanted to approximately double the building envelope.

2. Given that there are no detached garages on Andrea Lane and that there are detached outbuildings along Route 7, the DRB shall determine if a detached garage in this location is consistent with the character of the surrounding area.

Marchessault submitted Google Map pictures to the board to show marked nearby areas in relation to the property on 33 Andrea Lane that have free-standing garages.

3. The applicant’s prospective construction of a detached garage may not exceed a height of 35 feet or the height of the associated principal building, whichever is less.

4. The applicant must proceed with any construction on site in accordance with UDR 3409.

White explained that he is not a member of the Homeowner’s Association when asked if there was an Association for the area including his property.

Burris noted that any information regarding the Homeowner’s Association would be a civil matter.

5. 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.

6. 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 complete before the Plat may be recorded. Only instruments approved by the Town may be recorded in the Town of Milton Land Records.

7. 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.

8. 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.

Rongo stated that the case should be reviewed as there are issues in the land use permit, such as a lack of trees that were expected to be planted, and the uniform building specifications and maintenance routine.

Jensen expressed concern in White's proposed development being used for commercial activities.

Burris said that the new garage would have to connect to the existing driveway.

White said that the garage was being built for storage rather than commercial purposes.

An interested party recommended that the DRB do a site visit to understand the concerns of those attending.

The Chair closed the hearing at 6:53 p.m.

6. Other Business:

7. Approval of Minutes of April 12, 2018

MOTION by Bob Brisson to approve the minutes of April 12, 2018 as written. SECOND by Ron Harding. APPROVED.

8. Possible Deliberative Session

Private session for deliberations on applications and written decisions in accordance with [1V.S.A. 312](#).

9. Adjournment

MOTION to ADJOURN at 6:55 p.m. by Ron Harding. SECOND by Bob Brisson. APPROVED.

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

Bruce Jenkins, Chair

/tc

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

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