



DEVELOPMENT REVIEW BOARD

Meeting Type: **Regular Meeting**
Date: **Thursday, October 12, 2023**
Time: **6:00 p.m.**
Place: **Community Room or Via Zoom**
Address: **43 Bombardier Road**
Contact: **(802) 893-1186**
Website: **www.miltonvt.gov**

MEETING MINUTES

*Bruce Jenkins, Chair; Nick Smith, Vice-Chair; Julie Rutz, Clerk; Scott Turner; Maryalice Callahan;
Henry Bonges, Alternate; Bob Brisson, Alternate; Bill McSweeney, Alternate*

MINUTES

1. Call to Order

The meeting was called to order by B. Jenkins at 6:00 P.M.

2. Attendance

DRB Members Present: Bruce Jenkins, Chair; Nick Smith, Vice-Chair; Maryalice Callahan
Bill McSweeney, Alternate;

DRB Members Absent: Scott Turner; Julie Rutz, Clerk

Staff: Amanda Pitts

Hearings: see sign in sheets

3. Agenda Review: None.

4. Public Forum: None

5. Continued Hearing:

- A. **E. Jen Baird & R. Reid Hutchinson, owner/applicant** request Preliminary Plan approval for a proposed 9-lot **Major Conservation Planned Unit Development (PUD)** located at **52 Lake Road**. Subdivision proposes new private road, connection to municipal water for 3 new houses, and private well and septic for remaining lots. Subject parcel is described as Parcel ID 215004.000000, SPAN 396-123-11661, recorded as having 53.15 acres, and is located within the Medium Density Residential (R2) zoning district, and the Arrowhead Lake Planning Area.

DRB and Jason Barnard, engineer, gave an overview of the site visit and discussed items from previous DRB meeting.

Motion to close hearing at 6:06 pm by N. Smith. Second by B. McSweeney. Motion carried.

New Business:

- B. **Chandan LLC c/o Rajiv Saini, owner/applicant,** is requesting **Major Site Plan & Variance** approval for an addition with a dwelling unit at **69 Middle Rd**, described as Parcel 227015-000000, SPAN 396-123-11627. The subject property is recorded as having 0.98 acres and is located in the Downtown Business (DB1) zoning district, and the Town Core Planning Area.

Ed Ploof Jr, Start to Finish Construction, represented the applicant. B. Jenkins administered the oath and read through the numbered items.

1. *The applicant shall secure a Project Review Sheet or Permit Navigator Summary from the Department of Environmental Conservation and all applicable permits.*
2. *Applicant is advised to provide a table that includes the proposed dimensional standards on final plans.*
3. *Applicant to provide details on the proposed seating area and the fence proposed. DRB to determine if proposal meets requirements of section 2101.D(1).*
4. *DRB to determine if proposal meets requirements of section 2101.D(2).*
5. *DRB to determine if removal/relocation of parking area or vehicular areas is required.*
6. *Applicant is advised to show additional landscaping for better conformance with section 2101.D(3).*
7. *Applicant shall obtain State and Town approval for change in water allocation and State and Town connection permits for sewer or wastewater.*
8. *Applicant must provide erosion control and stormwater management plan to be reviewed and approved by the Department of Public Works prior to zoning permit approval.*
9. *Applicant to show existing delineated parking areas on site plan and the proposed parking spaces at the rear of the building.*
10. *DRB to determine if changes to parking areas are required.*
11. *Applicant shall show parking and loading areas in conformance with section 3202.F on final plans.*
12. *Applicant shall design and construct new parking and loading areas, and maintain all parking areas in accordance with section 3202.G and show on final plans.*
13. *DRB to determine if applicant has provided the best fix for the existing parking areas.*
14. *Applicant shall maintain and operate accessible (handicap) parking and loading areas in conformance with section 3202.I.*
15. *Applicant must provide a bike rack in accordance with section 3203.A, and show the location on the final plans.*
16. *DRB to determine if a right of way for future sidewalk meets the requirements of section 3203.B.*
17. *Landscaping required under this section or as a condition of approval must be maintained in a healthy condition. Dead or dying plants must be replaced within 1 growing season with a comparable plant (in terms of type, form, size at maturity, etc.) of at least the minimum size requirements specified in Figure 3-03.*
18. *Applicant shall clarify the type of trees proposed and DRB to determine if these trees are acceptable to meet the street tree requirement.*
19. *DRB to determine amount of site landscaping. Applicant shall show additional landscaping on final plans.*
20. *Applicant to provide details on existing and proposed outdoor lighting and show on final plans in conformance with section 3205.*
21. *DRB to determine if outdoor seating area is in conformance with section 3207.B.*
22. *Applicant to provide details of dumpster location and screening on final plans in conformance with sections 3208.G, 3204 & 3209.C.*
23. *Applicant to maintain and operate site in conformance with performance standards of section 3208.*
24. *DRB to determine if applicant has proposed "best fix" for the conformance with section 3209.*
25. *DRB shall determine if all the criteria for a General Variance have been met.*

- a. *The proposed land development will not alter the essential character of the area or district in which the property is located.*
 - b. *The proposed land development will not substantially or permanently impair the lawful use or development of adjacent property.*
 - c. *The proposed land development will not be detrimental to public health, safety or welfare.*
 - d. *The applicant has not created the unnecessary hardship.*
 - e. *The applicant is proposing the least deviation possible from these regulations that will afford relief.*
 - f. *There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. These conditions, and not the circumstances or conditions generally created by the provisions of these regulations in the district in which the property is located, have created an unnecessary hardship for the applicant. These physical circumstances or conditions prevent the property from possibly being developed in strict conformity with these regulations and a variance is necessary to enable reasonable use of the property.*
26. *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 Zoning, 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 Zoning for approval.*
27. *Applicant shall submit one (1) full-sized (to scale) and one (1) reduced (11 x 17) complete final plan sets depicting the requested changes. The revised plans must be deemed Final by Planning Staff prior to being eligible for a Zoning Permit from the Zoning Administrator and/or recording the final survey plat. The Applicant is advised to submit an electronic .pdf plan for staff review prior to submitting all copies of the Final Plan set.*
28. *A Zoning Permit is required prior to construction and an associated Certificate of Compliance is required following completion.*
29. *The Site Plan and Variance Approval shall expire three years from the date of issuance if the applicant does not receive a zoning permit by this date.*
30. *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.*
31. *The DRB may schedule a site visit.*
32. *The DRB shall motion to recess or close this hearing. If recessed, a specific time, date, and place shall be designated to resume the hearing. If closed, the DRB shall issue a decision within 45 days.*

Motion to continue hearing to October 26, 2023 at 6:00 pm for applicant to provide additional information discuss by N. Smith. Second by B. McSweeney. Motion carried.

- C. **Gerard & Cheryl Lussier**, owner/applicant, is requesting **Final Plan** approval for a proposed 2-lot subdivision located at **30 Kingsbury Crossing**, described as Parcel #111097-000000, SPAN 396-

123-12143. The subject property is recorded as having 3.73 acres and is located within the Old Towne Residential (R1) zoning district, and the Town Core Planning Area.

Stacey Thompson, daughter of owner/applicant, represented the owner for the hearing. Gerard Lussier, owner, also attended. B. Jenkins administered the oath and read through the numbered items.

1. *The applicant shall secure a Project Review Sheet or Permit Navigator Summary from the Department of Environmental Conservation and all applicable permits.*
2. *DRB to determine if the creation of Lot 2 without frontage is acceptable per section 2006.E(2) and 3002.*
3. *Applicant is advised to show buildable area calculation on final plans.*
4. *Applicant shall provide dimensional table on final plans and confirm dimensional standards for proposed Lot 2 with existing conditions.*
5. *Final plans shall include the location of proposed curb-cut and driveway details in accordance with section 3001 and 3002 and public works specifications.*
6. *Applicant is advised that subdivision and new dwelling units will require State and/or Town approvals for water and wastewater.*
7. *Applicant must provide details on erosion control and stormwater management prior to any driveway and/or structures constructed on Lot 1. Applicant is advised to show existing impervious area on final plans.*
8. *DRB to determine if street lights are required.*
9. *DRB to determine if sidewalk is required.*
10. *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 Zoning, 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 Zoning for approval.*
11. *In accordance with 24 V.S.A. §4463(b), the applicant must file a final subdivision plat for filing in the town's land records within 180 days of the Development Review Board's final approval. The plat must be deemed Final by Planning Staff prior to being eligible for recording as the final survey plat. Upon written request by the applicant prior to the expiration of the 180 days, the Zoning Administrator may grant a written 90-day extension to the filing deadline if other local or state permits are still pending.*
12. *Applicant shall submit one (1) full-sized (to scale) and one (1) reduced (11 x 17) complete final plan sets depicting the requested changes. The revised plans must be deemed Final by Planning Staff prior to being eligible for a Zoning Permit from the Zoning Administrator and/or recording the final survey plat. The Applicant is advised to submit an electronic .pdf plan for staff review prior to submitting all copies of the Final Plan set.*
13. *Legal Escrow: Applicant has submitted \$500 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. Any additional amount accrued will be due to the Town.*
14. *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. Only instruments approved by the Town may be recorded in the Town of Milton Land Records.*
15. *A Zoning Permit is required prior to construction and an associated Certificate of Compliance is required following completion.*

- 16. *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.*
- 17. *The DRB may schedule a site visit.*
- 18. *The DRB shall motion to recess or close this hearing. If recessed, a specific time, date, and place shall be designated to resume the hearing. If closed, the DRB shall issue a decision within 45 days.*

Motion to close hearing at 7:04 pm by M. Callahan. Second by N. Smith. Motion carried.

6. Other Business

- a. **Motion to approve September 28, 2023 meeting minutes by N. Smith. Second by B. McSweeney. Motion carried.**

7. Motion to adjourn meeting at 7:07 pm by N. Smith. Second by M. CallahanJ. Rutz. Meeting adjourned.

8. Deliberative Session

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

+Respectfully submitted,

Amanda Pitts

APPROVED MINUTES:

Bruce Jenkins, chair

Date: _____

Filed with the Milton Town Clerk's Office on this _____ day of _____, 2023.

ATTEST: _____, Milton Town Clerk