



DEVELOPMENT REVIEW BOARD

Meeting Type:.....**Regular Meeting**
Date:.....**Thursday, September 28, 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; Julie Rutz, Clerk; Maryalice Callahan
Henry Bonges, Alternate; Bill McSweeney, Alternate;

DRB Members Absent: Scott Turner

Staff: Amanda Pitts, Deb Rose

Hearings: see sign in sheet

3. Agenda Review: None.

4. Public Forum: None

5. Continued Hearing/New Business:

- A. **5-9 River Street LLC c/o Armand Turner Jr, owner/applicant** request **Major Site Plan & Conditional Use** approval for the addition of a 7-unit multi-family dwelling principal building located on parcel described at **5-9 River Street**. The proposal includes modifications to the driveway, addition of parking and connection to municipal water and sewer. The subject property consists of approximately 1.68 acres, is described as Parcel ID 134002-000000, SPAN 396-123-13069, and is in the Historic Neighborhood Center (NC2) Zoning District and Town Core Planning Area.

B.Jenkins recused himself for this hearing. N. Smith administered oath. DRB, applicant, engineer discussed site visit, revisions, and previous numbered items.

Motion to close hearing at 6:42 PM by J. Rutz. Second by H. Bonges. Motion carried.

- B. **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.

Jason Barnard, engineer, gave an overview of the project. N. Smith administered oath and read through the numbered items. Jason Barnard, Scott Baker, Jason LaRocque and Jen Baird attended the hearing representing the applicant. Neighbors attended and gave testimony and questions. See sign-in sheet for list of attendees.

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 address TAC comments from DPW, Fire Department, and Public Safety departments with the Final Plan application.*
3. *Applicant is advised to revise dimensional table and boundary lines to rename Lot 2 to conservation area, remove conservation area from Lot 1, and provide the lot coverage calculation of the subdivision as a whole, with the final plan application.*
4. *Applicant shall clarify if the existing accessory structure on Lot 3 that does not meet minimum side setback is to be removed.*
5. *Applicant is advised that a highway access permit will be required for new curb-cuts on Poor Farm Rd and Lake Rd for the new road and driveway for new single family dwelling on lot 1. Applicant is advised that each lot is to be served by no more than one curb-cut, unless approved by DRB per section 3001.C.*
6. *Driveways must be constructed in accordance with section 3002.*
7. *Each single family dwelling must provide off-street parking for 2 parking spaces for 2 bedroom units and 2.5 parking spaces for 3+ bedroom units.*
8. *Applicant must provide a copy of the state construction general permit prior to start of construction to satisfy conditions of sections 3009 and 3010.*
9. *Lot 1 conservation area shall be maintained in accordance with surface water section 3011.*
10. *Applicant must design and construct road in accordance with public works standards and section 3405.A*
11. *DRB to determine if streetlights are required for this subdivision.*
12. *Applicant is advised that a sidewalk must be installed along one side of the new road. Applicant is advised to show sidewalk on final plan application.*
13. *DRB to determine if additional sidewalk and/or multi-use path are required as part of this subdivision.*
14. *Applicant is advised that all lots must be connected to municipal water.*
15. *Applicant must install fire hydrants in accordance with Town of Milton Public Works Specifications and Fire Department requirements.*
16. *Applicant shall provide legal documents for shared infrastructure, etc, for review by Town Attorney.*
17. *Applicant is advised that nonresidential principal uses are prohibited for conservation planned unit developments.*
18. *Applicant is advised to discuss private versus public infrastructure for water line, hydrant, and road prior to submittal of final plan application. See Public Works Specifications section 110.*
19. *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.*
20. *Per section 4406.G, once the DRB approves a preliminary plan, the applicant will have 6 months to file a complete final subdivision plan.*

21. *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.*
22. *The DRB may schedule a site visit.*
23. *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 schedule Site Visit for 5:00 PM on October 12, 2023 and continue hearing to October 12, 2023 by J. Rutz. Second by M. Callahan. Motion carried.

- C. **Calvin Murray, Owner/Applicant**, is requesting **Final Plan** approval for a 2-lot subdivision located at **86 Cody Rd**, described as Parcel #212004-000000, SPAN 396-123-12542, and a **Variance** for creation of new lot less than the minimum lot size. The subject property is recorded as having 140.0 acres and is located within the Agricultural/Rural Residential (R5) zoning district, and the East Milton Planning Area.

Luke Wiley, engineer, and Calvin Murray, applicant, gave overview of the project. B. Jenkins administered the oath and read through the numbered items. Neighbors provided testimony. See sign-in sheet for a list of attendees.

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 the minimum frontage requirement per section 2006.E(3) is allowed.*
3. *Applicant is advised to provide the buildable area for Lot 2.*
4. *Driveway must be constructed in accordance with section 3002 and public works specifications, and applicant is advised to provide the driveway grade on final plans. Draft legal documents for the shared driveway shall be reviewed and approved by the Town attorney, and executed documents provided prior to recording final plat.*
5. *Applicant shall obtain State Water/wastewater permits prior to obtaining zoning permit approval for construction.*
6. *Applicant shall provide erosion control and stormwater management details to be reviewed and approved by Public Works, along with impervious area calculations, prior to zoning permit approval for new construction.*
7. *Applicant shall provide draft legal documents for review and approval by Town Attorney.*
8. *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.*
9. *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.*
10. *Legal Escrow: 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.*
11. *Legal Review: Applicant shall submit draft deeds and any other associated legal instruments for all impacted lots and public infrastructure 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. The Town Attorney must approve of the subdivision plat prior to filing the final plat on mylar.*
12. *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.*
13. *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.*
14. *A Zoning Permit is required prior to construction and an associated Certificate of Compliance is required following completion.*
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.*
16. *The DRB may schedule a site visit.*
17. *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 8:15 PM by J. Rutz. Second by M. Callahan. Motion carried.

6. Other Business

- a. **Motion to approve September 14, 2023 meeting minutes by J. Rutz. Second by B. McSweeney. Motion carried.**

- b. Election of Officers will be completed when Bill McSweeney is officially appointed as full member.
- c. Staff introduced Deb Rose as new Planning & Zoning Officer.

7. Motion to adjourn meeting at 8:18 PM by B. Jenkins. Second by J. 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

Bruce Jenkins, chair

Date: October 24, 2023

Filed with the Milton Town Clerk's Office on this 13th day of October, 2023.

ATTEST: Sammy Geary Asst., Milton Town Clerk

SIGN-IN SHEET FOR DEVELOPMENT REVIEW BOARD MEETING




DATE: September 28, 2023 General Sign-In Sheet

NAME (PRINT)	SIGNATURE	MAILING ADDRESS	E-MAIL	Indicate Hearing or Reason for Attendance
Christy Hemel		150 Georgia Shore Rd St Albans, VT 05478	cah1rc@comcast.net	Cal Murray
Carolyn Murray		86 Cody Rd Milton, VT 05468	codyhillfarm@gmail.com	Cal Murray
Col Murray		"	"	"
LUKE WILLEY		RUGGIANO ENGINEERING 5 LAKE ST, ST. ALBANS	luke@shurag.com	MURRAY
Jamie Chalmers		27 Martell Rd. Milton	JKChalmers14@gmail.com	111
Kristen Chalmers		"	"	11
JANET RICHARDS		72 SHELDON RD MILTON	Jrichards@pshift.com	Zoning
TERRY RICHARDS		"	"	"
Tammy Thibault		8 Sheldon Road	tammythibault@comcast.net	52 Lake Road
Grant Rees		118 Cody Road	grantsea@ees@gmail.com	Project
MIKE PLOESSER		124 Cody Road	MIKEBINDO@BOEING.MIL	Murray site
Roberta Werner		112 Cody Rd	Roberta.Werner@contab.com	Murray Site

NOTE: Those wishing to gain interested person status and testify on an application must sign this sheet. Please print legibly, as we depend on this sign-in sheet for notification purposes.

SIGN-IN SHEET FOR DEVELOPMENT REVIEW BOARD MEETING













DATE: September 28, 2023 General Sign-In Sheet

NAME (PRINT)	SIGNATURE	MAILING ADDRESS	E-MAIL	Indicate Hearing or Reason for Attendance
JULIA SCHWABER		22 STELSON RD MILTON, VT	JULIA.SCHWABER@GMAIL.COM	52 LAKE RD
Angela Myers		100 Hardscrabble Rd Milton	bcgshemp@yaho.com	Cody Rd
Deb Rose		75 Main St	Debrrose@comcast.net	Town employee

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DATE: September 28, 2023 General Sign-In Sheet

NAME (PRINT)	SIGNATURE	MAILING ADDRESS	E-MAIL	Indicate Hearing or Reason for Attendance
JASON BARRETT		P.O. Box 133 Hinesburg, VT 05641	jasonbarrett@surveys.com	Butind.
Bill Foss		7,6. Box 687 7,6. Williston VT 05795	billfoss@willistonvt.com	Guest
Jason Larocque		P.O. Box 712 East Middlebury, VT 05710	Larocque@ottercreek.com	Beard
Russ Marchand		77 Lake Rd Milton, VT 05468	MARCHANDRUSE@GMAIL.COM	52 Lake Rd Project
ROBERT BRISSON		PO Box 119 Milton		RIVER ST
LORI DANA		H	Lindonm@comcast.net	
DAVID O'BRIEN		12 RAUGE RD FAIRFAX VT 05454	THEREVIT@GMAIL.COM	MURRAY
Julie Bond		100 Progress Ave Milton VT 05468	jsb@theconcert.net	MUSCOY
Nat Bond		100 mapland Ave Milton VT	natur@comcast.net	Murray
Tina Turner		14 West Via Ct Milton VT		guest
Bonnie Turner		PO Box 1145		River Rd
Alexis Turner		Same		River Rd

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