



## DEVELOPMENT REVIEW BOARD

Meeting Type: ..... **Regular Meeting**  
Date: ..... **Thursday, June 23, 2022**  
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

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<i>Bruce Jenkins,</i> <i>Chair</i>	<i>Nick Smith,</i> <i>Vice Chair</i>	<i>Julie Rutz,</i> <i>Clerk</i>	<i>Robert Brisson</i>	<i>Maryalice</i> <i>Callahan</i>	<i>Henry Bonges,</i> <i>Alternate</i>	<i>Scott Turner,</i> <i>Alternate</i>
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### MINUTES

#### 1. Call to Order

The meeting was called to order by B. Jenkins at 6:05 P.M.

#### 2. Attendance

**DRB Members Present:** Bruce Jenkins, Chair; Nick Smith, Vice-Chair; Julie Rutz, Clerk; Robert Brisson; Maryalice Callahan, Scott Turner, Alternate

**DRB Members Absent:** Henry Bonges, Alternate

**Staff:** Amanda Pitts

**134 Henry Road:** Benjamin Frye, Trafton Crandall

**400 Route 7 South:** Abby Dery; Todd McGinnis, Tom Robbins, Scott Borden, Mike McCormick

#### 3. Agenda Review: None

#### 4. Public Forum: No public forum items raised.

#### 5. Staff Updates

- a. Planning & Zoning Officer put in their notice; last day will be June 29, 2022.

#### 6. Continued Hearing/New Business:

The following hearing is a new hearing:

- A. **Emily Turner**, Applicant is requesting **Final Plan** review for a proposed 2 lot subdivision located at **134 Henry Road**, described as Parcel #213005-005000, SPAN 396-123-14936, Book 527 & Page 674, owned by applicant. The subject property is recorded as having 25.8 acres and is located within the Agricultural/Rural Residential (R5) zoning district, and the West Milton Planning Area.

**B. Jenkins administered the oath and read the numbered items below. Trafton Crandall and Ben Frye attended the meeting representing the applicant. Further discussion regarding the numbered items took place.**

1. *The applicant shall secure a Project Review Sheet or Permit Navigator Summary from the Department of Environmental Conservation and all applicable permits.*
2. *The DRB may schedule a site visit.*

3. *DRB shall determine approval of two curb-cuts on Lot 1 to allow for a driveway to Lot 2.*
4. *Applicant shall construct driveways according to section 3002 and public works specifications. Legal documents reflecting shared driveway/easement shall be reviewed by Town Attorney prior to recording of survey plat.*
5. *DRB shall determine conformance with section 3404.B.*
6. *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.*
7. *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. *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.*
9. *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.*
10. *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.*
11. *A Zoning Permit is required prior to construction and an associated Certificate of Compliance is required following completion.*
12. *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.*
13. *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 the hearing by R. Brisson, second by J. Rutz. Hearing closed at 6:20 pm.**

- b. **MACTAW VT Realty, LLC, applicant**, is requesting **Major Site Plan, Conditional Use and Variance** approval for site work, construction of 4,500 square foot office building and commencement of a Sales Lot use on Lots 1-4 of the previously approved **Marketplace South PUD**. The subject property is described as Parcel 207015-002000, SPAN 396-123-12284, a (1.37 acres); 396-123-12284,n (2.64 acres), 396-123-12284,x (1.46 acres) and 396-123-

12284,y (2.07 acres), owned by **applicant**. The subject properties are located in the Checkerberry Commercial (M4-C) zoning district, and the Town Core planning area. Abby Dery represented the applicant.

**B. Jenkins administered the oath and read the numbered items below. Abby Dery, Scott Bordon, Todd McGinnis, and Tom Robbins attended the meeting representing the applicant. Discussion regarding the numbered items below.**

1. *Applicant shall obtain a Letter of Intent from Vtrans for this proposed land development.*
  - **A. Dery advised that Vtrans doesn't issue Letter of Intent now, and they will obtain a permit from Vtrans for any work in the right of way.**
2. *The applicant shall secure a Project Review Sheet or Permit Navigator Summary from the Department of Environmental Conservation and all applicable permits.*
3. *The DRB may schedule a site visit.*
4. *Applicant is advised to work with DPW regarding connection to Town's planned parallel road.*
5. *Applicant shall provide proposed building height to determine conformance.*
  - **A. Dery advised 12-14' height for a modular building**
6. *DRB shall determine if construction of road is required along existing frontage for all 4 lots.*
  - **Amenable to provide emergency turnaround**
7. *Applicant shall provide details on proposed office building for DRB to evaluate conformance with section 2107.D.*
  - **Gave DRB handout with picture of proposed modular building**
8. *Applicant shall clarify if they intend to meet section 2107.D(2) c and d regarding landscaping or if a variance is requested from this section.*
  - **Confirmed that they are requesting a variance, and is amenable to street trees along RT 7. Variance requested for planted trees within due to having to move them later.**
9. *Applicant shall maintain wetland buffers in accordance with section 3011.*
10. *Any repair or service of vehicles shall be operated in conformance with section 3108.*
  - **No repair services at this time**
11. *DRB shall determine if 38 parking spaces is acceptable.*
12. *DRB shall determine if modification to surfacing requirement is allowed.*
  - **Due to temporary nature, applicant is requesting gravel surfacing rather than paved**
13. *Applicant shall demarcate the parking spaces and shall clarify the method of demarcating.*
  - **Applicant amenable to paint or provide rubber wheel stops.**
14. *Applicant shall construct and maintain parking area in conformance with section 3202.G and 3202.I.*
15. *Applicant shall design signs in accordance with section 3012 and obtain a sign permit.*

16. Applicant shall describe the grassed areas used for storage and display of RV's and intended configuration of RV's on the lots.
  - **A. Dery advised lots 1,3,4 vegetation will support RV Parking, RV's will be parked in rows.**
17. Applicant shall operate site in conformance with performance standards outlined in section 3208.
18. Applicant shall provide details of Class 3 wetland and RV storage on Lot 3.
  - **Will remove hatched parking area from class 3 wetlands and demarcate onsite with placards.**
19. Applicant shall meet CBES stretch code if applicable for office building.
20. DRB may condition approval to mitigate any impacts of proposed development.
  - **DRB will discuss.**
21. 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.
  - **A. Dery advised that applicant is amenable to landscaping along Route 7 and building sidewalk along 80' of new paved road.**
22. 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.
23. If approved, applicant shall submit one (1) full-sized (to scale), one (1) reduced (11 x 17), and electronic .pdf complete final plan sets depicting the changes required by the DRB. The revised plans must be deemed Final by Planning Staff prior to being eligible for a Zoning Permit from the Zoning Administrator.
24. A Zoning Permit is required prior to construction and an associated Certificate of Compliance is required following completion.
25. If approved, the Site Plan, Conditional Use and Variance Approval shall expire three years from the date of issuance if the applicant does not receive a zoning permit by this date.
26. 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.

27. 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.

- **B. Jenkins and R. Brisson discussed site visit and requested demarcated hatched area and details regarding internal circulation of hatched area for RV parking.**

**Motion for a site visit at 5:00 pm on July 14, 2022 with hearing continued to 6:00 PM on July 14, 2022 by J. Rutz, second by M. Callahan. Motion carried.**

**8. Approval of Minutes**

**A. Motion to approve June 9, 2022 minutes by J. Rutz, second by R. Brisson. Motion carried.**

**B. Motion to approve May 26, 2022 minutes by R. Brisson, second by S. Turner. Motion carried.**

**9. Adjournment**

**Motion to close the meeting at 6:58 by N. Smith, second by J. Rutz. Meeting was adjourned.**

**10. Deliberative Session**

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

+Respectfully submitted,

Amanda Pitts

APPROVED MINUTES:

\_\_\_\_\_ Date: \_\_\_\_\_

Bruce Jenkins, Chair

Filed with the Milton Town Clerk's Office on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST: \_\_\_\_\_, Milton Town Clerk