



## DEVELOPMENT REVIEW BOARD

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Meeting Type: ..... **Regular Meeting**  
Date: ..... **Thursday, January 13, 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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*Bruce Jenkins, Chair*      *Henry Bonges, Vice Chair*      *Julie Rutz, Clerk*      *Robert Brisson*      *Maryalice Callahan*      *Nick Smith, Alternate*

#### MINUTES

##### 1. Call to Order

The meeting was called to order by J. Rutz at 6:02 P.M.

##### 2. Attendance

**DRB Members Present:** J. Rutz, H. Bonges, R. Brisson, M. Callahan (via zoom), N. Smith (via zoom)

**DRB Members Absent:** B. Jenkins

**Staff:** Amanda Pitts, Drew Bulfer (via zoom)

**662 Route 7 South:** Cody Schmoll, John Schmoll

##### 3. Agenda Review

No additions.

##### 4. Public Forum

No public forum items raised.

##### 5. Staff Updates

Drew Bulfer has started as Planning & Zoning Officer. He is part-time and primarily focused on code enforcement and development review.

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

The following hearing is a new hearing:

- A. Cody & Chelsea Schmoll**, applicants are requesting **Variance** approval for a reduced side set back of 5-feet, to allow for the construction of a three-bay garage and additional dwelling space located at **662 Route 7 South**; described as Parcel No. 207042-000000, Book 460 & Page 542, SPAN 396-123-13521. The subject property is recorded as having 0.32 acres and is located within the Low Density Residential (R3) zoning district, and the Catamount Planning area.

J. Rutz read the aforementioned project summary aloud, and read through the numbered items. Cody Schmoll and John Schmoll represented the applicant.

1. *Applicant is advised that a PRS is required. All state permits must be secured before zoning permits may be issued.*
2. *The DRB may schedule a site visit.*

3. *Applicant is advised that the proposed construction will block access and maintenance to existing well. The applicant is in the Milton municipal water service area and is advised to connect to the municipal system to alleviate this concern.*

Applicant clarified intention to connect to municipal water.

4. *Applicant shall confirm that the proposed construction is farther than 5 feet from the existing well in order to comply with State Wastewater and Potable Water Rules horizontal isolation distances.*

Staff clarified this is not applicable if connecting to municipal water, but will need to follow all state rules regarding municipal connection.

5. *The applicant shall perform construction in accordance with 3009 and construct stormwater infrastructure in accordance with section 3010 and Town of Milton Public Works Specifications. Applicant shall provide erosion control and stormwater management plan to be reviewed and approved by the Town Engineer prior to construction.*

Applicant asked if engineer plans were needed and staff clarified it would not be likely, but would be at the discretion of public works.

6. *The DRB shall determine if the applicant has met the criteria required for a General Variance application.*
  - 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.*

DRB members asked applicant questions regarding existing setbacks, size of garage, and breezeway.

7. *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.*
8. *A Zoning Permit is required prior to construction and an associated Certificate of Compliance is required following completion.*
9. *If approved, the variance approval shall expire three years from the date of approval if the applicant does not receive a zoning permit. The applicant may apply to the Zoning Administrator for a single one-year extension for the identical project.*
10. *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.*

11. *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 made at 6:39 p.m. by N. Smith to recess the hearing to January 27, 2022, with a second by R. Brisson. Motion carried.

DRB advised applicant to submit a sketch showing the existing home and proposed construction with the distances to property boundaries, any supplemental drawings, and finalize details on breezeway.

7. Other Business:

A. Approval of Minutes from November 18, 2021

Motion to approve November 18, 2021 minutes as written by R. Brisson, second by H. Bonges. Motion carried.

8. Deliberative Session

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

Motion to adjourn public session and enter deliberative Session at 6:45 P.M. by R. Brisson, second by H. Bonges. Motion carried. Public session adjourned.

9. Adjournment

Meeting was adjourned.

Respectfully submitted,

Cally Audet

APPROVED MINUTES:

Julie Rutz  
Julie Rutz, Clerk

Date: 2/10/22

Filed with the Milton Town Clerk's Office on this 11<sup>th</sup> day of February, 2022.

ATTEST: Krist Beers, Milton Town Clerk

