



# DEVELOPMENT REVIEW BOARD

Meeting Type: ..... **Regular Meeting**  
 Date: ..... **Thursday, November 10, 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*     *Nick Smith, Vice Chair*     *Julie Rutz, Clerk*     *Scott Turner*     *Maryalice Callahan*     *Henry Bonges, Alternate*     *Robert Brisson, Alternate*

### MINUTES

#### 1. Call to Order

The meeting was called to order by B. Jenkins at 6:02 P.M.

#### 2. Attendance

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

**DRB Members Absent:** Henry Bonges, Alternate; Bob Brisson, Alternate

**Staff:** Amanda Pitts

**Hearings:** Jeff Olesky, Roth Perry, Alan Burnett, Ester Lotz, Shirley Parrott

#### 3. Agenda Review: None

#### 4. Public Forum: None

#### 5. Staff Updates: The search for a new Public Works Director and Planning & Zoning Officer continues.

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

The following are new hearings:

- A. **Jonny Roger Holdings LLC c/o Roth Perry**, owner/applicant submitted an application for a Major Site Plan and Waiver approval to renovate existing nonconforming buildings for Contractor’s Yard use. The property is located at 524 Route 7 South, described as Parcel # 207030-000000 / SPAN 396-123-10884, Deed Book 529 & Page 473. Proposal is located in the Checkerberry Commercial (M4-C) zoning district and Town Core Planning Area.

**Jeff Olesky and Roth Perry represented applicant. Alan Burnett attended as neighboring property owner. B. Jenkins administered oath and read through numbered items on staff report.**

1. *The applicant shall secure a Permit Navigator Summary or Project Review Sheet from the Department of Environmental Conservation and all applicable permits.*
2. *Applicant shall design first story between 12 feet to 24 feet or the DRB approve a waiver for 10 feet.*

3. *Applicant is advised that Vtrans approval and Town Public Works approval are required for modifications to existing curb-cuts and any work in the right of ways.*
4. *Applicant shall obtain town and state water/wastewater approvals prior to construction.*
5. *Applicant shall design and operate site in conformance with section 3009 and 3010.*
6. *Applicant shall obtain sign permit prior to installation of signs.*
7. *Applicant shall clarify use for the 3 parking spaces within side setback. DRB to determine if acceptable as employee spaces.*
8. *Applicant shall design and operate parking in conformance with section 3202.G and 3202.I.*
9. *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.*
10. *Applicant shall install lighting in accordance with lighting plan and section 3205.*
11. *Applicant shall clarify if any outdoor storage areas are proposed, and if so, to delineate on the site plan.*
12. *DRB may place specific noise levels and hours of operation to facilitate reasonable use and enjoyment of neighboring properties.*
13. *Applicant to show waste storage facilities on the site plan in accordance with section 3208 and screened according to section 3204 and 3209.*
14. *Applicant to maintain and operate site in accordance with performance standards of section 3208.*
15. *DRB to determine if the applicant has demonstrated that all the applicable criteria in Figure 4-01 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 proposed land development is beneficial or necessary for the continued reasonable use of the property.*
  - e. *The applicant is proposing adequate mitigation of any dimensional encroachment through design, screening or other remedy.*
16. *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.*
17. *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.*
18. *A Zoning Permit is required prior to construction and an associated Certificate of Compliance is required following completion.*
19. *If approved, the Site Plan and Conditional Use Approval shall expire three years from the date of issuance if the applicant does not receive a zoning permit by this date.*

20. *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.*
21. *The DRB may schedule a site visit.*
22. *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 at 6:36pm by N. Smith. Second by M. Callahan. Motion carried.**

**B. Jonny Roger Holdings LLC c/o Roth Perry**, applicant, is requesting **Conditional use and Major Site Plan** approval for the addition of self-storage facility to a previously contractor's yard, office and garage. The proposal is located at **Route 7 and Forbes Road**, described as Deed Book 493 & Page 299, SPAN 14532, and Parcel #207004-000000. The subject property is recorded as having 11.1 acres, and it is located within the General Industrial (I2) zoning district and the Catamount planning area.

**Jeff Olesky and Roth Perry represented applicant for this hearing. B. Jenkins administered the oath and read through the numbered items.**

1. *Applicant is advised this application may be subject to Vtrans approval.*
2. *The applicant shall secure a Permit Navigator Summary or Project Review Sheet from the Department of Environmental Conservation and all applicable permits.*
3. *Applicant is advised to clarify any gravel and/or clean fill stockpile locations on the site plan. This will require DRB approval if outside of standards of section 3007.E.*
4. *Applicant is advised to maintain surface water and wetland buffers in accordance with section 3011.*
5. *Applicant is advised to obtain sign permit approval before installation of signs.*
6. *Applicant is advised that buildings must conform to section 3112.A(2).*
7. *Applicant is advised for the self-storage facility portion of the lot that "outside or unenclosed storage is prohibited; Storage of hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil is prohibited; and a storage unit renter must not engage in vehicle or equipment maintenance or repair, use of tools or equipment, product display, sales or demonstration, or any use or activity other than storage of property on the premises".*
8. *DRB to determine required parking for self-storage facility use.*
9. *Applicant to show access aisles of 20 feet between self storage buildings or delineating one-way traffic in those locations.*
10. *DRB to determine if existing landscaping and conservation easement to satisfy requirements of section 3204.*
11. *Applicant must maintain and operate site in conformance with performance standards of section 3208.*
12. *DRB to determine if any conditions of approval are required to further the purposes on the regulations and ensure conformance with all applicable provisions.*
13. *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.*

- 14. 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.*
- 15. A Zoning Permit is required prior to construction and an associated Certificate of Compliance is required following completion.*
- 16. The Site Plan and Conditional Use Approval shall expire three years from the date of issuance if the applicant does not receive a zoning permit by this date.*
- 17. 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.*
- 18. The DRB may schedule a site visit.*
- 19. 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 by J. Rutz. Second by S. Turner. Motion carried.**

**7. Other Business**

- A. Update of UDR edits. A. Pitts updated that the Selectboard public hearings for the adoption of UDR edits, zoning map change and amended comprehensive plan are scheduled for December 5, 2022 and January 9, 2023.**
- B. J. Rutz motion to approve September 22, 2022 minutes, second by N. Smith. Motion carried.**

**8. Motion to adjourn meeting at 6:56 pm by S. Turner. Second by M. Callahan. Meeting adjourned.**

**9. Deliberative Session**

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

+Respectfully submitted,

Amanda Costello

APPROVED MINUTES:

\_\_\_\_\_ Date: \_\_\_\_\_  
Bruce Jenkins, Chair

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

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