



DEVELOPMENT REVIEW BOARD

Meeting Type: **Regular Meeting**
Date: **Thursday, October 22, 2020**
Time: **6:00 p.m.**
Place: **Municipal Building Community Room**
Address: **43 Bombardier Road Milton, VT 05468**
Contact: **(802) 893-1186**
Website: **www.miltonvt.gov**

MEETING MINUTES

Bruce Jenkins, Chair Henry Bonges, Vice Chair Julie Rutz, Clerk Robert Brisson MaryAlice Callahan

AGENDA

1. Call to Order

Meeting was called to order at 6:10 P.M.

2. Attendance

Members Present: Bruce Jenkins, Chair; Henry Bonges, Vice Chair; Julie Rutz, Clerk; MaryAlice Callahan, Robert Brisson

Staff Present: Richard Saunders, Development Review Planner

Others Present: Bruce Skinner; Melissa Skinner; Laura Webb; Erich Meisberger; Julie Griffis; Dan Bigos; Karen Hammond; Tom Curran; Doug Goulette; Randy Livingston; Jim Jones, LCATV

3. Agenda Review

There were no additions made to the agenda.

4. Public Forum

The public may attend and be heard in accordance with Vermont's Open Meeting Law (1 V.S.A. 312).

5. Staff Updates

There were no staff updates.

6. New Hearings/Business:

A. **Randy Livingston**, applicant, is requesting **Final Major Conventional Subdivision** approval for a proposed **9-lot subdivision** and **private road** located at **Route 7 North**, described as Parcel #111086-001000, Deed Book 499 & Page 332, SPAN 14995. The subject property is recorded as having 20.22 acres and is located within the Medium Density Residential (R2) and Shoreland Residential (R6) zoning districts, Flood Hazard Overlay District, and the Arrowhead Lake Planning Area.

B. Jenkins read the project summary aloud for the attendees and administered the oath. D. Goulette was present to represent the applicant(s), and provided a summary of the project. D. Goulette confirmed that the connecting road is a gated emergency access only.

1. The applicant must obtain all applicable state permits or a determination from the Vermont ANR or applicable regulatory body that any such permits cited in the PRS are not required prior to receiving zoning approval for the proposed development.

The applicant agreed.

2. The applicant shall enact a 25 foot easement for the proposed water supply line to facilitate maintenance by the Town of Milton Department of Public Works. This easement must be delineated on the final plans.

D. Goulette proposed an alternative, as he stated there current 60 foot easement currently owned by the town. He stated that all waterlines currently lie within the said 60-foot easement, and he does not feel they would need an additional easement, but is open

- 3. The applicant shall ensure that annual storm water inspection reports provided to the Vermont ANR are also provided to the Department of Public Works for review.**

The applicant agreed.

- 4. The applicant must design and illustrate on the final plans a parking and turnaround area which is sized to accommodate Milton Fire Department firefighting equipment and located not more than 50 feet from the proposed principal Lot 1 building.**

The applicant agreed.

- 5. The DRB shall determine whether the proposed Lot 1 driveway must be reconfigured to minimize slope.**

D. Goulette confirmed that the slope of the driveway is 12%, which lies below the maximum of 15%.

R. Brisson asked how long the driveway would be. D. Goulette confirmed that the driveway for Lot 1 is 700 feet. The first 400 feet are at 4% slope, and the remaining 300 feet are at a 12% slope.

- 6. The DRB shall determine whether to allow two curb cuts on each of lots 5 and 6.**

D. Goulette clarified that the curb cuts for both Lot 4 and Lot 5 are located on Lot 5.

- 7. The applicant must file a corresponding agreement legally executed by the owners of the lots with the Town of Milton Land Records.**

The applicant agreed.

- 8. The applicant must ensure that natural woody vegetation within the riparian buffer is retained or allowed to re-establish in accordance with Section 3011.C requirements.**

The applicant agreed.

- 9. The applicant must not alter any surface water or wetland without Conditional Use approval and, where applicable, ANR and/or U.S. Army Corps of Engineers approval.**

The applicant agreed.

- 10. The DRB shall determine whether to allow the proposed configuration for lots 4, 7, and 8, which provides no road frontage for those lots.**

- 11. The proposed road shall be constructed to comply with Town of Milton Public Works Specifications and Section 3405 requirements.**

The applicant agreed.

- 12. The DRB shall determine whether the applicant has provided sufficient documentation explaining why VTrans will not allow through-access to Waterwheel Way from the proposed road.**

D. Goulette provided a summary of his conversation with VTrans for the new curb cut in 2019. He stated that the issue VTrans had was that Route 7 cannot accommodate a turning lane at the indicated location; however, they issued a permit allowing a limited number of homes to be served by this new road at 22 houses, creating 15 peak hour turns. This peak would trigger the need for a left turn lane, hence they put the limitation on the number of units. D. Goulette shared that he did not have documentation aside from the permit, but could provide additional documentation at a later date if necessary.

- 13. Use of the private road connector to Water Wheel Way by emergency services must be granted in perpetuity and a gate key/combination provided to Town of Milton emergency services.**

The applicant agreed, stating the legal documents will provide the Town with a 60-foot right-of-way.

- 14. To facilitate emergency access the connector road between the proposed private road and Water Wheel Way must be constructed to support access by emergency vehicles.**

D. Goulette stated that they are proposing to widen the road to 16-feet due to the concerns of the steep embankment to the North.

- 15. In the event that VTrans allows through access from Route 7 to Water Wheel Way at a future date the Town reserves the right to take possession of the proposed road and connector. Should this occur, the homeowners off from entirety of the proposed access from Route 7 to Water Wheel Way**

shall be responsible for legal documentation and obtaining engineer certification of the road for transfer to Town ownership and maintenance.

The applicant agreed to provide irrevocable offer of dedication for the 60-foot Right-of-Way.

16. *The DRB shall determine whether streetlights are required.*

There are currently no lights being proposed for this area. B. Skinner stated there is currently only one light at the very top to light the circle.

17. *The applicant shall establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of private roads, shared infrastructure, and other common facilities within the subdivision, following final subdivision.*

The applicant shared this is currently being worked on. E. Meisberger asked if joining the new Homeowners Association would cut them out of the old one. M. Skinner asked if something would happen to the embankment, which Homeowners Association would be responsible for restoring the damages. Further comments were shared stating that in the homeowner's current deeds, if their land is sold, it is liability for the common land. D. Goulette stated that as part of the current four homeowner's deeds, it states they are obligated to abide by a road maintenance agreement to maintain the common shared driveway owned by R. Livingston. The applicant proposed that if and when the homeowners signed the new road maintenance agreement, it would supersede the previously signed agreement. E. Meisberger asked if the current homeowners would still be responsible for paying storm water dues to the Milton Falls Homeowner Association if they no longer travel over their roads. B. Jenkins stated that this was a legal and is not determined by the Board.

18. *Legal Escrow: The 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 additional cost accrued in excess of this amount shall be the applicant's responsibility. Any funds not expended on the legal review will be refunded to the Applicant.*

The applicant agreed.

19. *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. 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.*

The applicant agreed.

20. *Infrastructure Surety: Prior to the issuance of any zoning permits, the applicant is required to establish a surety for the proposed water supply infrastructure. The applicant will provide a cost estimate to the Director of Public Works for review.*

The applicant agreed.

21. *Acceptance of Public Infrastructure: The process outlined in the Town of Milton Public Works Specifications Section 110, the General Procedures for Acceptance of Public Infrastructure, shall be followed for the proposed water supply infrastructure and its future ownership and maintenance.*

The applicant agreed.

22. *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.*

The applicant agreed.

23. *Final Plan Submission: 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.

The applicant agreed.

24. 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.

The applicant agreed.

25. 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.

Staff read aloud for the record two documents; a copy of a letter submitted by Don Turner, Town Manger and Michaela Foody, Public Safety Director; and a letter submitted by interested person Stephan Laforest. Discussion took place in regard to the newly proposed roadway maintenance agreement. Staff asked if there would be any blasting taking place; possibly on Lots 1 and 2. Homeowners agreed to have licensed and certified teams and comply with state requirements if needed.

The hearing was closed at 6:55 p.m.

7. Other Business:

A. Approval of Minutes from October 8, 2020.

J. Rutz motioned to approve minutes. Second by H. Bonges. Motion carried.

8. Adjournment

Motion to adjourn by H. Bonges at 6:58 P.M., second by J. Rutz. Motion carried.

9. Deliberative Session

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

APPROVED MINUTES:

_____ Date: _____
Bruce Jenkins, Chair

Filed with the Milton Town Clerk's Office on this _____ day of _____, 2020.

ATTEST: _____, Milton Town Clerk