



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton, VT 05676

Bolton Development Review Board
Meeting Minutes
January 28, 2016
Bolton Town Office

DRB Members Present: Michael Rainville (Chair), Sharon Murray, John Devine, Rob Ricketson (Alternate), Adam Miller (Alternate)

DRB Members Absent: Charmaine Godin, Steve Diglio

Staff Present: Sarah McShane, DRB Assistant

Others Present: Joji Fillmore (applicant) via telephone, Maureen Matthews, Benjamin Putnam (representing A.Johnson Company LLC), Bill O'Brien, Brennan Kelley

Posted Agenda:

1. Public Comment
2. Application 2014-24-SD: Joji Fillmore, (Continued from September 24th, 2015) Re-hearing of 2011-19-SD, approved in September 2011. The property is identified on Town of Bolton as tax map # 5, id. # 3003246, and is located at 3246 Stage Road.
3. ZA Report
4. Meeting Minutes
5. Other Business
6. Meeting Adjournment

Call to Order

Mr. Rainville, Chair, called the meeting to order at 6:35pm with a quorum present.

1. Public Comment –None

2. Public Hearing: Application 2014-24-SD: Joji Fillmore, (Continued from September 24th, 2015) Re-hearing of 2011-19-SD, approved in September 2011. (Subdivision plat was never filed and decision expired). The property is identified on Town of Bolton as tax map # 5, id. # 3003246, and is located at 3246 Stage Road.

Mr. Rainville opened the hearing and provided an overview of the application. No ex parte communications or conflicts of interest were reported. The Applicant, Joji Fillmore, participated in the hearing via conference call. Ms. Murray explained that the application was continued due to on-going access issues. She also noted that the Board has requested that the Applicant provide a shared road maintenance agreement and a draft plat with a designated building envelope prior to closing the hearing.

Mr. Fillmore stated that he is unable to submit a draft survey plat until the Board confirms whether or not A.Johnson Company has two right-of-ways on the property. Mr. Putnam stated that the original Streeter subdivision plat shows two right-of-ways. Mr. Fillmore referred the Board to page 6 paragraph 9 of the Streeter Subdivision 2010-23-SD DRB decision [Minor 2-lot Subdivision]. Abutter Maureen Matthews reviewed the recorded Streeter subdivision plat

1 recorded in the Town Land Records and noted the location of the two A.Johnson Company
2 right-of-ways. [Board member Adam Miller joined the meeting at 6:55 PM]. Ms. Murray noted
3 that the Board will have to review the hearing record for the Streeter Subdivision [2010-23-SD].
4 Mr. Putnam, representing A.Johnson Company, stated that he will discuss whether or not his
5 client would be willing to give up the 'old' right-of-way. Mr. Fillmore reiterated his concern that
6 in order to provide a draft survey plat, that he will need to know what right-of-ways are
7 recorded in the Town's land records.

8
9 Mr. Rainville asked the Applicant and meeting participants to provide an update on the status
10 of the shared road maintenance agreement. Mr. Putnam explained that there are still some
11 issues regarding the allowed uses on the property. Mr. Fillmore stated that he would like clarity
12 on the allowed uses of the right-of-way. Mr. Rainville stated that the Board can help clarify the
13 location of the right-of-ways, but is unable to resolve the maintenance agreement issues. Ms.
14 Murray noted that in the absence of a maintenance agreement it would be the responsibility of
15 the Applicant to upgrade and maintain the driveway to B-71 Standards. She also noted that the
16 Board could consult the town attorney regarding the requirements of a shared maintenance
17 agreement and the Board's authority in terms of the agreement. Mr. Putnam stated that the
18 location of A.Johnson's rights-of-way will need to be confirmed before the survey plat can be
19 finalized.

20
21 Discussion continued regarding the shared maintenance agreement. Ms. Murray suggested
22 that if the parties could not agree on a shared maintenance agreement, that Mr. Fillmore would
23 be fully responsible to upgrade and maintain the driveway.

24
25 Mr. Bill O'Brien introduced himself and told the Board that he owns approximately 30 acres of
26 land that abuts Mr. Fillmore's property. He stated that he unable to find a deeded right-of-way,
27 however he has found plats that show an 8-foot right-of-way leading to his property. Mr.
28 O'Brien believes he has access rights to the property. He stated his concerns over the location
29 of Mr. Fillmore's septic area blocking the 8-foot right-of-way and lack of access to his property.
30 He told the Board that he wanted to access his property to harvest fire wood.

31
32 Ms. Matthews told the Board that until Mr. O'Brien has a deeded right-of-way, he should not
33 be a party in the shared maintenance agreement. Mr. O'Brien provided a letter addressed to
34 the Bolton Selectboard requesting temporary access approval to his property. Mr. O'Brien also
35 showed the Board a tax map indicating the location of his property in relation to Mr. Fillmore's
36 and Ms. Matthews. Mr. Fillmore stated that he did not want to negotiate with Mr. O'Brien
37 during the public hearing. Discussion continued regarding Mr. O'Brien's property and lack of
38 access. Ms. Murray noted that the Selectboard can only grant temporary access for logging
39 activities and cannot grant permanent access.

40
41 Mr. Ricketson asked if the Board could review the previously submitted site plan from Mr.
42 Fillmore. Mr. Ricketson also stated that he saw the situation as an opportunity for all parties to
43 compromise in order to move the three parcels forward.

1 Ms. Murray noted her concern with a 50' right-of-way and stated that the Board could only
2 require that Mr. Fillmore upgrade the driveway to driveway standards which requires only a 12'
3 right-of-way, not 50'. She stated that the town's subdivision regulations try to avoid forest
4 fragmentation. Mr. Putnam noted the reason A. Johnson Company is requesting a 50' right-of-
5 way is to have a buffer and that the actual logging road would not be that wide, he stated that
6 A. Johnson Company needs flexibility to remove logs. He also noted that the right-of-way is
7 limited for forestry purposes and residential uses would not be allowed.

8
9 The Board and the Applicant reviewed the additional submission requirements in order to close
10 the hearing. Mr. Fillmore asked what would be required in order to obtain a building permit.
11 The Board reiterated that the Applicant will be required to submit a draft survey plat with a
12 designated building envelope and a shared maintenance agreement.

13
14 Discussion continued regarding the shared road maintenance agreement. Mr. Fillmore stated
15 that the Preston deed (V. 21 Page 125, dated June 9, 1961) says that anyone using and
16 damaging the logging road is required to repair it. Mr. Putnam noted that there needs to be a
17 provision for maintenance. Mr. Fillmore added that he understood that the driveway from
18 Stage Road to the house site would need to be maintained for fire and emergency access. Mr.
19 Putnam stated the importance of having an agreement that describes the current situation.
20 Ms. Matthews noted that Mr. Fillmore just needs a maintenance agreement with the deeded
21 users, not all abutters.

22
23 Mr. Rainville summarized the requirements moving forward and told the Applicant that he
24 needed to submit a draft survey plat that he felt was correct and a shared maintenance
25 agreement with the parties that have deeded access rights. Mr. Fillmore stated that he was
26 willing to work with A. Johnson Company regarding the maintenance agreement. Mr. Putnam
27 and Ms. Murray both noted that the Streeter subdivision plat, as recorded in the town land
28 records, indicates two right-of-ways.

29
30 At 8:25 PM, Ms. Murray made a motion, seconded by Mr. Miller to continue the hearing to
31 March 24, 2016 at 6:30 PM at the Bolton Town Hall and noted that the Applicant and other
32 participating parties will have until March 10, 2016 to submit additional information (draft
33 survey plat, shared maintenance agreement, etc.) The motion passed unanimously, 5-0. The
34 hearing is continued to March 24, 2016.

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36 **3. Zoning Administrator's Report**
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38 In Mr. Malboeuf's absence, Ms. McShane provided a zoning update on possible upcoming DRB
39 applicants. She stated that she had recently met with a property owner on Mill Brook Road
40 that would like to dismantle the existing barn and to reconstruct the barn on the existing
41 footprint adding an addition. She stated that portions of the existing barn are within the front
42 setback, as measured from the right-of-way, and entirely within the riparian setback. The
43 application will be warned and scheduled for next month's meeting.

1
2 Ms. McShane told Board members that she also recently received an email from Attorney David
3 Sunshine inquiring about the status of the Couch appeal of the Zoning Administrator's
4 determination. Ms. McShane stated that a hearing had not been scheduled. It was agreed to
5 schedule the appeal hearing for the February DRB meeting.

6
7 Lastly, Ms. McShane mentioned that she had recently received an email from Tyler Thompson
8 inquiring about the process for boundary line adjustments. Board members noted that unless a
9 proposed boundary line adjustment is exempt under the subdivision regulations, that it would
10 need the Board's review and approval under the subdivision regulations.

11
12 Ms. Murray noted that the Board may also be receiving a request for sketch plan review for a
13 PUD at Wheeler Field. She told members that there is a public meeting on Tuesday February 9th
14 to receive public input.

15
16 **4. Meeting Minutes**
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18 Members reviewed the minutes from December 10, 2015. Mr. Ricketson made a motion,
19 seconded by Ms. Murray to accept the minutes of December 10, 2015 as submitted. The
20 motion passed unanimously, 4-0 [Mr. Devine abstaining since he did not attend the December
21 10th meeting.]

22
23 **5. Other Business**
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25 None
26

27 **6. Meeting Adjournment**
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29 Ms. Murray made a motion, seconded by Mr. Miller, to adjourn the meeting. Motion passed
30 unanimously, 5-0. The meeting adjourned at 9:05 PM.

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32 DRB members and staff met in deliberative session.

33
34 The next DRB meeting will be held on February 25, 2016 at the Bolton Town Office at 6:30 PM.

35
36 Respectfully submitted,

37
38 Sarah McShane
39 Bolton DRB Assistant
40

41 ***These minutes are unofficial until formally accepted by the DRB.***
42

43 These minutes were read and accepted by the Development Review Board on February 25,
44 2016.

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A handwritten signature in cursive script that reads "Michael Rainville". The signature is written in dark ink on a light-colored background.

2

3 Michael Rainville, DRB Chair
