



# Town of Bolton Development Review Board

Bolton Town Office  
3045 Theodore Roosevelt Highway  
Waterbury, VT 05676  
802-434-5075

In re: **CRAG-VT/Blow Boundary Adjustment  
Subdivision Amendment  
Application # 2010-01-SD**

<b><u>Applicant:</u></b>	<b><u>Landowners:</u></b>
Climbing Access Resource Group of VT, Inc. c/o Travis Peckham, President PO Box 614 Richmond, VT 05477	Calvin and Diana Blow 214 Green Mountain Drive Waterbury, VT 05676

## **Application**

(Application materials on file at the Bolton Town Office, procedural history attached.)

Climbing Access Resource Group of Vermont, Inc. (CRAG-VT), in association with adjoining landowners Calvin and Diane Blow, have requested an adjustment of the CRAG-VT lot line shared with the Blow lot, previously approved by the Bolton Development Review Board on August 20, 2003 as part of a minor 2-lot subdivision and recorded in the land records of the town. The request for a boundary adjustment is to transfer ownership of 2.4+/- acres of cliff area to CRAG-VT to incorporate in their adjoining lot ("Quarry Lot") for climbing. The properties, accessed from Green Mountain Drive (Tax Map ID#s 9-4090212 and 9-4090299) are located in the R1 and R2 Districts. The transferred land is to be accessed from the CRAG-VT lot, and protected as permanent open space, subject to conservation and recreation easements. No further development of either lot is proposed.

This application has been reviewed by the Bolton Development Review Board as a minor subdivision amendment under applicable zoning district and subdivision review criteria in the Bolton Land Use and Development Regulations (in effect January 26, 2005). The Development Review Board's procedural history and relevant findings are attached.

## **Decision – Final Subdivision Amendment (Boundary Adjustment) Approval:**

- Denied  
 Approved  
 **Approved with Conditions:**

1. The survey plat for the amended subdivision boundary and supporting legal documents, as herein approved by the DRB, shall be submitted for recording in the land records of the Town of Bolton within 180 days of the date of this approval, or the approval shall expire and reapplication for final subdivision approval shall be required. The applicants shall file the Mylar plat, signed by the Chair or other authorized representative of the Development Review Board, with the Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17, and provide two paper copies and one digital copy of the recorded plat, and one copy of all supporting documentation to the Zoning Administrator (see Section 6.6 of the regulations).
2. The survey plat shall carry the following endorsement (Section 6.6) :

*Approved by the Development Review Board of the Town of Bolton, Vermont, on the 14th day of May, 2010, subject to all requirements and conditions of subdivision approval. Signed this \_\_\_\_ day of \_\_\_\_\_, 2010, by \_\_\_\_\_, DRB Chair.*

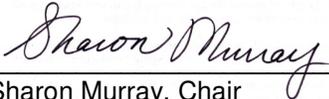
3. All survey monuments and corner markers shown on the final plat, as submitted for recording, shall conform to the draft survey plat, dated April 2010 (Drawing No. 10-021-004P), with the notation that the land area to be conveyed to CRAG-VT shall be merged into the adjoining lot.
4. The land area conveyed to CRAG-VT shall be identified as "Protected Open Space" on the final plat, as submitted for recording, with a notation that no further subdivision shall be allowed .
5. The land area conveyed to CRAG-VT shall be maintained by CRAG-VT and subsequent owners in accordance with amended conservation and recreation easements held by the Vermont Land Trust and the Vermont Housing and Conservation Board, as recorded in the land records of the Town of Bolton.
6. CRAG-VT shall annually mark (blaze) the adjusted boundary line to prevent trespass onto or use of the adjacent (Blow) property by climbers or the general public.
7. Parking is not allowed within town rights-of-way. Climbers and the general public shall use CRAG-VT's existing parking area on the CRAG-VT lot.
8. Pedestrian access for climbing shall be provided from the CRAG-VT lot using existing trails. No motorized vehicles are permitted outside of the existing parking area.
9. Any signs installed on the property shall meet applicable requirements under Section 3.14 of the Bolton Land Use & Development Regulations, and may require a zoning permit.
10. No changes, modifications or other revisions that alter the approved plat, including the location of subdivision boundaries, lot lines, or conditions of plat approval, with the exception of trail or conservation easements established after the date of plat recording, shall be made without prior approval from the DRB. Any changes, modifications or revisions recorded without DRB approval shall be considered null and void.
11. Except as amended herein, all conditions of prior subdivision approval as issued by the Development Review Board on August 20, 2003 shall remain in full force and effect.

**Approved with conditions (5-0) by the Bolton Development Review Board:**

Jerry Chabot – Yea  
Sharon Murray – Yea  
Michael Hauser – Yea

Margot Pender – Yea  
Michael Rainville – Yea

**Dated at Bolton, Vermont this 14th day of May, 2010.**

  
\_\_\_\_\_  
Sharon Murray, Chair  
Bolton Development Review Board

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. §4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

### **Review Process:**

(Application materials, hearing notices, minutes on file at the Bolton Town Office)

An application for a boundary adjustment between the CRAG-VT property and the Blow property, dated 2/2/2010, was received by the Bolton Zoning Administrator on 2/3/2010. Because the lot line in question was established as part of a minor 2-lot subdivision, as approved by the Bolton Development Review Board on August 20, 2003 and recorded in the land records of the town, the application was forwarded to the DRB as a subdivision amendment.

Travis Peckham of CRAG-VT, representing the applicants, attended the March 10, 2010 meeting of the DRB to present a sketch plan of the proposed boundary adjustment. As proposed, the purpose was to transfer a 3+/- acre cliff area on the Blow property to CRAG-VT. This land area would be incorporated in CRAG-VT's adjoining lot; no new or nonconforming lots would be created. Based on the information provided at that meeting, the DRB agreed to review the proposed boundary adjustment as a minor subdivision amendment under the Bolton Land Use and Development Regulations (effective date January 26, 2005) and applicable subdivision standards. CRAG-VT was asked to provide an amended survey plat for the property line to be adjusted, including that portion of land to be transferred to CRAG-VT, and a statement from the Blows in support of the application. No separate DRB letter was issued.

A draft plat, supporting documentation and required fees were received by the Zoning Administrator on 4/21/10 and referred to the DRB. In anticipation of the application, a public hearing was scheduled for 4/27/10 and warned in accordance with Section 9.8(D)(1) of the Bolton Land Use & Development Regulations and 24 V.S.A. §4464 with the understanding that, because the application was incomplete at the time of hearing notice, the hearing would be continued at the request of any interested person or the DRB.

The public hearing to consider the application was convened on 4/27/10, 6:30 pm at the Bolton Town Office with a quorum of the DRB present. There were no reported ex parte communications, conflicts of interest, or recusals. The following persons attended and participated in the hearing process, or submitted written comments prior to the hearing date, and may be afforded status as interested persons with rights to appeal this decision:

- CRAG-VT (applicant) represented by Travis Peckham, President.
- Calvin and Diana Blow (landowners).

The following materials were submitted in support of the application:

- A: Original application for a boundary line adjustment as filed by the applicants on 2/2/2010.
- B: Draft survey plat prepared by Paul W. Hannan, L.S., dated April 2010 (Drawing No. 10-021-004P).
- C: Submittal from Calvin and Diana Blow, dated 4/7/2010.
- D: Project Overview (Quarry 2.4-Acre BLA Project Overview) as submitted by the applicants with the draft survey plat on 4/21/10.

Following the submission of testimony and evidence, the hearing was adjourned that evening.

### **Findings**

The applicants' request for final subdivision approval for a boundary (lot line) adjustment to a previously approved minor subdivision as recorded in the land records of the town was reviewed by the Bolton DRB for conformance with applicable zoning district requirements (Tables 2.4 Rural I and 2.5 Rural II Districts) and applicable subdivision standards (Sections 7.2–7.4) of the Bolton Land Use and Development Regulations (BLU&DR) in effect at the time of application. Board findings and conclusions under each of these standards are presented as follows.

**Zoning District Standards (Tables 2.4, 2.5)**

**The proposed boundary adjustment conforms to existing zoning district requirements.**

1. The two parcels affected by the proposed boundary adjustment include the 23.4-acre parcel owned by Carl and Diana Blow (Tax Map ID# 9-4090212), as approved by the DRB on August 20, 2003 and recorded in the land records of the town (Lot #1, Blow Minor Subdivision Plat, dated 9/11/03), and the adjoining 30.6-acre parcel (Tax Map ID# 9-4090299) owned and managed by CRAG-VT ("Quarry Lot"), subject to existing conservation and recreation easements held by the Vermont Land Trust (VLT) and the Vermont Housing Conservation Board (VHCB). Utility easements (VELCO, GMP) cross the southern portion of both properties, as shown on the recorded subdivision plat. Both properties are accessed from Green Mountain Drive, off of Route 2.
2. The Blow lot is bisected by vertical cliffs that, for practical purposes, prevent access to and regular use of the rear portion of the lot. The proposed boundary adjustment, as shown the draft survey plat dated April 2010, defines a 2.4+/- acre cliff area on the Blow property to be transferred to CRAG-VT and incorporated in the adjoining lot. This area will be used for climbing and passive, non-motorized outdoor recreation, subject to easements held by VLT and VHCB, and will be accessed from the CRAG-VT parcel over existing trails. The Blows will retain a 60+/- foot "corridor" across the cliff area to provide physical access to the rear portion of their lot. No further development of either lot is proposed.
3. The existing lots conform to minimum district lot size requirements for both the RI District (2 acres) and the RII District (10 acres). The boundary adjustment will result in a 33+/- acre lot held by CRAG-VT, and a 21-acre lot owned by the Blows, both of which also conform to minimum district lot size requirements. No change in existing accesses or lot road frontage is proposed. As such, the proposed boundary adjustment will not result in new or nonconforming lots.
4. The Blow property is in residential use. The CRAG-VT property is in outdoor recreational use. Both uses are allowed within the RI and RII Districts. No change in use or further development of either property is proposed.
5. According to testimony provided by the applicant, due to liability issues, the Blows would like to restrict climbing access on the remainder of their property. CRAG-VT has agreed to visibly mark the adjusted property boundary, to avoid unintended access onto or use of the Blow's property.

**General Subdivision Standards (Section 7.2)**

**The proposed boundary adjustment conforms to applicable general subdivision standards.**

6. The land to be transferred through the boundary adjustment, consisting of undeveloped forested land with steep topography, vertical cliffs and rock outcrops, is suitable for rock climbing and other outdoor recreation and has historically supported this use. This area is not suitable for other types of development, due to topographic and access constraints.
7. The intent to preserve this area as undeveloped open space is consistent with Bolton Town Plan policies for limiting development in inaccessible upland areas characterized by steep slopes.
8. The intended use of the land for outdoor recreation is consistent with the stated purpose of and desired settlement pattern within the Rural II zoning district.
9. The proposed boundary adjustment, though creating somewhat irregularly shaped lots, is consistent with site topography, the proposed use, and the lack of suitability of the land for other types of development.
10. Permanent survey monuments and corner markers will be located as shown on the draft plat.

**Protection of Natural & Cultural Resources (Section 7.3)**

**The proposed boundary adjustment supports the protection of identified natural resources.**

11. The cliff area to be transferred to CRAG-VT includes vertical cliffs, steep slopes and rock outcrops. It also includes a peregrine falcon nesting site. No other known surface waters, wetlands or significant natural or cultural features are present on the site.
12. CRAG-VT, working with the Audubon society, will close trails near nesting sites during the nesting season.
13. VLT and VHCB have agreed to include the land to be transferred to CRAG-VT under existing conservation and recreation easements.
14. The proposed transfer is specifically intended to protect existing rock outcrops, steep slopes, cliffs, wildlife and natural areas as undeveloped open space, and will therefore not adversely affect these areas. No buildings or other structures, except for small accessory structures such as sign boards, will be allowed under existing easements

**Open Space & Common Land (Section 7.4)**

**The proposed boundary adjustment will add to the total acreage of protected open space available for public access and use.**

15. The land to be transferred to CRAG-VT, now in residential use, will be protected as undeveloped open space by CRAG-VT, and under conservation and recreation easements held by the Vermont Land Trust and the Vermont Housing and Conservation Board which restrict further development.
16. The location, shape, size and character of the open space is suitable for its intended use for rock climbing and other passive outdoor recreation.
17. CRAG-VT has agreed to allow public access to its land for climbing and passive outdoor recreational use. The land to be transferred may be accessed by the public only from the CRAG-VT parcel, using existing trails.
18. CRAG-VT has agreed to clearly mark and maintain the adjusted boundary line to avoid unintended public access onto and use of the Blow property by climbers or the general public.
19. Existing utility easements across both properties, as identified from the Blow Minor Subdivision Plat as recorded in the town records, will not be affected by the proposed boundary adjustment.