

Town of Bolton Development Review Board

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

VT Department of Forests, Parks and Recreation
Final Subdivision Approval – Preston-Lafreniere Homestead Sale Parcel
Application #2014-30-SD/CU
December 11, 2014

Applicant

VT Dept. Forests, Parks and Recreation
Attn: Mike Fraysier, ANR Lands Director
One National Life Drive, Davis 2
Montpelier, VT 05602-3801

Application

(Application materials on file at the Bolton Town Office)

The Vermont Department of Forests, Parks and Recreation (state), represented by Mike Fraysier, ANR Lands Director, has requested final subdivision approval under Section 6.3 of the Bolton Land Use and Development Regulations to subdivide a 30-acre parcel (Lafreniere Homestead Sale Parcel) from a 4,319.3-acre portion of Camel's Hump State Park, to include the subdivision of the "Preston-Lafreniere Farmstead" as listed on National and Vermont Registers of Historic Places. The subject parcel to be subdivided for sale, as authorized by the Vermont Legislature in 2009 (R-261), is located at the intersection of Duxbury and Honey Hollow Roads, in the Conservation District (ID# 13-6003001). The subject parcel has frontage along both roads, and is accessed from Honey Hollow Road.

Included on the subject parcel are 25+ acres of upland forest, steep slopes, and the historic Preston-Lafreniere farmhouse, located west of Honey Hollow Road and south of the Duxbury Road. It does not include associated farmland, historic barns and archaeologically sensitive areas north of the Duxbury Road, to be retained by the state. An existing public parking area and turnaround west of Honey Hollow Road is also excluded. It is the state's intent to use a portion of the proceeds from the sale of this parcel to further stabilize the historic barns for agricultural use, under existing and future agricultural lease agreements.

The state has also applied for conditional use review and approval under Sections 4.3 and 5.4 of the Bolton Land Use and Development Regulations for the adaptive reuse of the Preston-Lafreniere farmhouse, as a recognized historic structure, to allow re-establishment of its historic residential use, which would otherwise be prohibited in the Conservation District.

These applications have been reviewed jointly by the Bolton Development Review Board (DRB) under the Bolton Land Use and Development Regulations (BLUDR) as amended through July 19, 2010 and in effect at the time of application as:

- 1) a minor subdivision under applicable zoning district (Article II), general (Article III) and subdivision standards (Article 7); and
- 2) an adaptive reuse of the historic Preston-Lafreniere Homestead as a single family dwelling, under adaptive reuse (Section 4.3) and applicable conditional use (Section 5.4) standards.

The DRB's procedural history and relevant findings are attached.

Decision –Final Subdivision and Conditional Use (Adaptive Reuse) Approval

- Denied
- Approved
- Approved with Conditions:

The Bolton Development Review Board hereby approves: 1) the subdivision of the 30-acre lot (Lafreniere Homestead Parcel) as shown on the preliminary survey plat entitled "State of Vermont, Agency of Natural Resources, Department of Forests, Parks and Recreation Map of Lafreniere Subdivision, A Portion of Camel's Hump State Park," and building envelope as depicted on the "Map of Building Envelope, Lafreniere Subdivision," as each were prepared by B. Lavery (LS# 720) dated January 2013, and revised September 2014; and 2) the adaptive reuse of the Preston-Lafreniere Homestead for residential use as a single family dwelling, subject to the following conditions of approval:

1. In addition to the information shown on the preliminary survey plat referenced above, the final plat as recorded in the land records of the Town of Bolton shall also include the following:
 - a. A plat notation specifying that further subdivision of the 30-acre homestead parcel is prohibited.
 - b. A plat notation specifying that development of the parcel is subject to deeded historic preservation and open space easements held by the Vermont Division for Historic Preservation, the Vermont Housing and Conservation Board and, as applicable, the Vermont Department of Forests, Parks and Recreation, as recorded in the land records of the Town of Bolton.
 - c. A plat notation specifying that the property is listed on the National and Vermont Registers of Historic Places and, pursuant to Section 4.3 of the Bolton Land Use and Development Regulations, any development of the property, including future site improvements, additions and alterations, must meet the *Secretary of the Interior's Standards for Rehabilitation of Historic Properties* (36 CFR 67).
 - d. A plat notation specifying that new principal and accessory structures, building additions and parking areas must be located within the designated building envelope as shown on the plat.
 - e. Lot frontage distances along the Duxbury and Honey Hollow Roads.
 - f. Building envelope setback distances of 35 feet from the Duxbury Road and the Honey Hollow Road, as measured from road rights-of-way. Envelope dimensions may be modified accordingly as necessary to maintain a one-acre building envelope.
 - g. The designated building envelope as modified, including the locations of iron pins marking the boundaries of the building envelope on the ground.
2. The preliminary survey plat, as herein modified and 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 applicant 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 of the recorded plat, one digital copy of surveyed boundary data, and one copy of all supporting documentation to the Zoning Administrator.
3. The recorded survey plat shall carry the following endorsement:
Approved by the Development Review Board of the Town of Bolton, Vermont, on the 11th day of December, 2014, subject to all requirements and conditions of subdivision approval. Signed this ____ day of ____, 2015, by _____, for the Bolton Development Review Board.

4. All survey monuments and corner markers, as shown on the final plat and installed, shall conform to the preliminary survey plat, as revised September 2014.
5. The building envelope as modified and approved shall be marked on the ground with iron pins in locations indicated on the recorded subdivision plat.
6. All new and expanded principal buildings, accessory structures and parking areas subject to municipal approval shall be sited within the designated building envelope, as indicated on the recorded subdivision plat. Clearing of vegetation outside of the building envelope is allowed only in association with maintaining the existing yard area, as indicated on preliminary and recorded subdivision plats, or under a forest management plan approved by the state.
7. Access to the lot shall be from Honey Hollow Road, as shown on preliminary and recorded subdivision plats, unless otherwise approved by the DRB. The driveway shall be upgraded as necessary to meet B-71 standards and the Town of Bolton Highway Ordinance. A highway access permit from the town may also be required. The Bolton Zoning Administrator is authorized to review and permit minor modifications to the location of an access, as required by the town, in association with the issuance of a zoning permit.
8. The potable water supply and wastewater system serving the subdivided lot, as described in part on the "Lafreniere Subdivision Proposed Residential Wastewater System" dated 9/24/14, shall be located as generally shown on the preliminary subdivision plat, as revised September 2014, subject to state approval. The Bolton Zoning Administrator is authorized to review and permit minor modifications to system locations, as required by the state, in association with the issuance of a zoning permit.
9. A state-issued potable water supply and wastewater system permit for the subdivided lot shall be submitted for recording prior to or in association with the recording of the final subdivision plat. No certificate of occupancy shall be issued by the Town of Bolton for use of the farmhouse as a single family dwelling until permitted systems have been installed by the property owner.
10. New utility lines serving the subdivided lot shall be buried, unless otherwise approved by the Development Review Board.
11. The subdivided lot includes a portion of the "Preston-Lafreniere Farm" as listed on the National and Vermont Registers of Historic Places. Historic structures and features associated with these listings, including the farmhouse, shall be maintained and preserved in accordance with the *Secretary of Interior's Standards for the Treatment of Historic Properties* (36 Code of Federal Regulations, Part 67) to ensure compatible adaptive reuse and rehabilitation of the property. All changes to the property, including new structures and additions, must be reviewed by the Division for Historic Preservation for compatibility with these standards. Standards and associated guidelines for the rehabilitation of historic properties are available at the Bolton Town Office.
12. The historic Preston-Lafreniere farmhouse is granted conditional use approval for adaptive reuse as a single family residence, consistent with its historic use. Additional or alternative uses may also be allowed, subject to review and approval by the Bolton Development Review Board under Section 4.3 (Adaptive Reuse) of the regulations.
13. Deeded open space and historic restrictions specific to the subdivided lot, as presented in hearing and as enforceable by the Vermont Department of Forests, Parks and Recreation, the Vermont Housing and Conservation Board, the Division for Historic Preservation and the Town of Bolton, shall

be recorded in the land records of the town, and shall be provided to all prospective buyers and subsequent property owners, along with a copy of the referenced *Secretary of Interior's Standards for the Treatment of Historic Properties*.

14. No contributing historic structures listed on the National and Vermont Registers of Historic Places located on the subdivided lot, or the land to be retained by the state, shall be removed or demolished without prior review and approval of the Bolton Development Review Board, in consultation with the Vermont Division for Historic Preservation.
15. The State of Vermont, Department of Forests, Parks and Recreation shall uphold and maintain its responsibility for the preservation of that portion of the historic "Preston-Lafreniere Farm" listed on the National and State Registers of Historic Places that is retained in state ownership, including contributing historic structures, sites and associated farmland. Proceeds from the sale of the lot shall be used by the state to further stabilize historic barns on state land for agricultural use, as agreed to by the state.
16. No site disturbance or removal of naturally occurring, native vegetation, except as required for road maintenance, is allowed within 100 feet of the stream bank of Preston Brook without the approval of the Bolton Development Review Board under Section 3.17 (Surface Waters and Wetlands) of the regulations. This setback area shall be maintained as an undisturbed, vegetated stream buffer.
17. Subsequent development on the subdivided lot is subject to all applicable requirements of the Bolton Land Use and Development Regulations in effect at the time of application, including outdoor lighting standards under Section 3.10, parking standards under Section 3.11, and performance Standards under Section 3.12. All municipal and state permits, including zoning, highway access, and potable water supply and wastewater permits as applicable, must be obtained prior to development.
18. No changes, modifications or other revisions that alter the approved plat, including the location of subdivision boundaries, lot lines, building envelope, or conditions of plat approval, shall be made without prior approval from the DRB. Any changes, modifications or revisions recorded without DRB approval shall be considered null and void.
19. The conditions of this subdivision and conditional use approval are binding upon and enforceable against the state as the permittee and subsequent owners, heirs and assigns of the subdivided lot. By acceptance of this approval, the permittee agrees to allow authorized representatives of the Town of Bolton to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

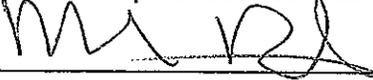
Approved with conditions (5-0) by the Bolton Development Review Board:

Stephen Diglio – Yea
Sharon Murray – Yea
Margot Pender – Yea

Michael Rainville – Yea
John Devine, Alternate – Yea

Dated at Bolton, Vermont this 11th day of December, 2014.

For the Development Review Board:



Michael Rainville, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #4 (802-879-5676) to determine whether state permits are required.
2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a notice of appeal with the Secretary of the Development Board that specifies the basis for the request. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised on appeal have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.
3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceedings 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 Division Court Proceedings.
4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke this permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Review Process

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

Sketch Plan Review. A request from the Vermont Department of Forests, Parks and Recreation for a pre-application sketch plan review was received and considered by the Bolton Development Review Board at its regular meeting on June 24, 2014. At that time it was agreed that the proposed subdivision constituted a minor subdivision as defined under the regulations. The DRB also suggested that the Department address local concerns regarding the long-term protection of the historic character of the property, including the farmhouse to be sold with the lot, and the barns to be retained by the state. An application for adaptive reuse was suggested under Section 4.3 of the regulations to allow for residential use of the property, which would require the state to document water and wastewater system capacity.

Final Subdivision Review. The application for final subdivision approval and conditional use approval for an adaptive reuse, dated October 2, 2014, was deemed complete by the Zoning Administrator and referred to the DRB on October 7, 2014. The public hearing, scheduled for October 28, 2014, was warned in accordance with Section 9.8 of the Bolton Land Use & Development Regulations (BLUDRs), and 24 V.S.A. § 4464.

The public hearing was convened as warned on October 28, 2014 at the Bolton Town Office, with a quorum of the DRB and one alternate present and participating. No conflicts of interest or ex parte communications were reported. The following persons attended and participated in the hearing process and may be afforded status as interested persons with rights to appeal this decision:

- Mike Fraysier, ANR Lands Director for the VT Dept. of Forests, Parks and Recreation, Applicant
One National Life Drive, Davis 2, Montpelier, VT 05620-3801
- Leon Lafreniere, 895 Duxbury Rd, Waterbury, VT 05676
- Martha Wooden, 5166 Shelburne Road, Shelburne, VT 05482
- Harvey Lawrence, 87 Boulder Wood Lane, Waterbury, VT 05676

The following exhibits were submitted in support of the state's application:

- A. Completed application form, dated October, 2, 2014.
- B. Letter of transmittal and project description, signed by Mike Fraysier, ANR Lands Director, dated September 29, 2014 (7 pp).
- C. Site Location Map: "Lafreniere Homestead Sale Parcel," VT Agency of Natural Resources, dated April 24, 2014, created using the agency's Natural Resource Atlas.
- D. Preliminary Subdivision Plat: "Map of Lafreniere Subdivision, A Portion of Camel's Hump State Park," as drawn by Brian P. Lavery (LS #720), dated January 2013, revised September 2014.
- E. Site Plan: "Map of Building Envelope, Lafreniere Subdivision" prepared by B. Lavery (LS# 720), dated January 2013, revised September 2014.
- F. "Lafreniere Sale Parcel: Open Space Deed Restrictions," no date (1 p)
- G. Vermont Division for Historic Preservation Deed Restriction Language, no date (3 pp).
- H. Lafreniere Homestead Sale Parcel: Bid Information and Requirements, no date (5 pp).
- I. Wastewater system application, dated October 10, 2014 and system design: "Lafreniere Subdivision Proposed Residential Wastewater System for Subdivision," prepared by David Webb, PE (#7797), dated September 24, 2014.
- J. "Attachment D: Engineer's Assessment of Renovations Needed at Preston-Lafreniere House" (Restoration Specifications, Estimate), dated December 5, 2002.

The Town of Bolton's "Resource Map" was also considered during the hearing process as an indication of resources present on and in the vicinity of the subject parcel to be considered for protection.

The public hearing was adjourned that evening, initiating the 45-day period for the issuance of a written DRB decision.

Findings & Conclusions: Final Subdivision Review

The applicant's request to subdivide a 30-acre lot (Lafreniere Homestead Sale Parcel) from an existing 4,319.3-acre parcel included in the Camels Hump State Park was reviewed by the Bolton DRB for conformance with applicable Conservation District requirements (Table 2.7) and subdivision standards (Sections 7.2-7.4) of the Bolton Land Use and Development Regulations (BLUDRs) as amended, effective August 9, 2010. Board findings and conclusions under applicable district and subdivision standards are presented as follows.

Zoning District Standards (Table 2.7)

Conclusion: Based on the following findings, the parcel to be subdivided conforms to minimum lot size, minimum frontage and maximum building envelope requirements as specified for the Conservation District in which it is located. It cannot be conveyed for uses other than forestry, agriculture or outdoor recreation, as allowed within the Conservation District, unless also approved by the DRB for adaptive reuse under Section 4.3, as also requested by the state.

1. The parcel to be subdivided is located entirely within the Conservation District, as shown on the Bolton Zoning Map and regulated under Table 2.7.
2. The purpose of the Conservation District is to protect the natural resource values of high elevation and permanently conserved lands in public ownership from fragmentation, development and undue environmental disturbance, while allowing for the continuation of traditional uses such as forestry and outdoor recreation.
3. That portion of the parcel to be subdivided and conveyed is currently in state ownership, as part of Camels Hump State Park. The state has not sought to rezone the parcel in anticipation of its sale to a private party. As such, the restrictions that apply and are intended to protect largely undeveloped public lands will continue to apply to that portion of the parcel in private ownership.
4. The subject parcel fronts the Duxbury Road and has direct access onto Honey Hollow Road. As such, it is not remote or inaccessible, but does include steep slopes that limit vehicle access over much of the property.
5. The subject parcel does not include mapped headwaters, recharge areas, unique and fragile natural areas, or critical wildlife habitat as identified for protection in the Conservation District. It has been configured to include a 25+ woodlot that would qualify for enrollment in the Use Value Appraisal Program. The applicant also intends to place restrictions on the property to prohibit further subdivision and development, beyond the repair or replacement of existing structures, the development of incidental accessory structures, and supporting infrastructure, within a designated building envelope.
6. The 30-acre parcel to be subdivided and conveyed exceeds the minimum lot size requirement of 25 acres in the Conservation District.

The minimum lot frontage required on Honey Hollow Road is 500 feet. The frontage distance is not shown on the preliminary plat, "Map of Lafreniere Subdivision" dated January 2013, revised September 2014, but as measured the frontage clearly exceeds 800 feet.

7. There are no applicable road right-of-way or property line setback requirements in the Conservation District. The building envelope as shown on the referenced "Map of Building Envelope, Lafreniere Subdivision" as revised September 2014, is set back 50 feet from road centerlines (25 feet from the edge of rights-of-way). The minimum setback along Duxbury Road in the neighboring Rural I District is 35 feet, as measured from the edge of the road right-of-way. The proposed building envelope setback as shown on the site plan, while not required in the Conservation District, is not consistent with the minimum right-of-way setback applying to other structures along the Duxbury Road.
8. The minimum required setback from Preston Brook, under Section 3.17 of the BLUDRs, is 100 feet. Existing structures and the proposed building envelope on the subject lot are located more than 150 feet from the brook.
9. The proposed one-acre building envelope, as shown on the "Map of Building Envelope, Lafreniere Subdivision" as revised September 2014, meets the one-acre maximum building envelope in the Conservation District.
10. The maximum building coverage (total building footprint) allowed in the Conservation District is 2,000 square feet. The existing building coverage (house footprint) as indicated on the National Register listing, totals 1,705± square feet, allowing for nearly 300 feet of additional structural development on the subject lot without a waiver or variance from the DRB.
11. Allowed uses in the Conservation District are limited to those uses that are consistent with the district purpose, including agriculture, forestry, wildlife management, outdoor recreation and education, and telecommunications towers. Nature centers are also allowed on parcels that front on Honey Hollow Road.
12. The applicant has indicated in application materials and testimony that the subject parcel will be sold as a wood lot as allowed within the Conservation District and, with DRB approval for adaptive reuse, for potential residential use. It is anticipated that future use of the parcel will include rehabilitation of the historic farmhouse as a single family dwelling.
13. Residential uses, including single family dwellings, are not allowed in the Conservation District. The farmhouse, because it has remained unoccupied for more than 15 years, is not grandfathered for residential use. Because it is listed on the National Register of Historic Places, it may only be used for this purpose as an adaptive reuse of an historic structure, subject to review and approval by the DRB under Section 4.3 of the BLUDRs (see related findings below).

General Subdivision Standards (Section 7.2)

Conclusion: Based on the following findings, the proposed subdivision conforms to applicable general subdivision standards under 7.2, but will require DRB approval under Section 4.3 for adaptive reuse of an historic property if it is to be conveyed for residential use. The subject parcel has been configured to minimize adverse impacts to the Preston-Lafreniere Farmstead, as listed on the National and Vermont Registers of Historic Places.

14. **Development Suitability.** The 30-acre parcel to be subdivided includes approximately 25 acres of steep (15+%), forested uplands as measured from contour lines shown on the "Map of Lafreniere Subdivision" as revised September 2014. The parcel has been configured to allow for the enrollment of 25+ acres of forestland in the Use Value Appraisal Program. The remaining 5± acres of open land fronts on the Duxbury and Honey Hollow Roads, as shown on the preliminary plat. This portion of the lot is generally level and includes the existing farmhouse and yard area. Information submitted by the state indicates that soils in this area are suitable for a conventional onsite septic system.
15. **Bolton Town Plan & Regulations.** As stated in the applicant's letter of September 29, 2014, because the proposed subdivision will include restrictions intended to prohibit further subdivision, limit further development, and to protect the historic integrity of existing structures, it generally conforms to several applicable goals and policies of the 2012 Bolton Town Plan specific to the preservation of historic sites, buildings, and natural and scenic resources, and continued use of the land for forestry. It will, however, potentially limit public use of the land for hunting, fishing and outdoor recreation by transferring land from public to private ownership. Residential use of the property, as requested, is not generally consistent with the purpose of the Conservation District, as stated in the plan and noted above, but may be allowed as an adaptive reuse of the historic farmhouse on the property, subject to separate review and approval by the DRB under Section 4.3 of the BLUDRs.
16. **District Settlement Pattern.** Subdivisions within the Conservation District must be designed and configured to preserve existing forest resources and environmentally sensitive upland areas, and to maintain traditional land uses including forestry and outdoor recreation. The proposed subdivision meets the minimum lot size for the district, and has been configured to allow for forestland enrollment in the Use Value Appraisal Program. It will also be subject to restrictions that prohibit further subdivision and limit development on the parcel, thereby protecting its existing natural, scenic and historic character, and value as wildlife habitat. That portion of the subject parcel identified for future development, included in the building envelope, borders the Duxbury Road, in what would be the Rural I District if not currently part of Camels Hump State Park. The historic farmhouse is consistent with existing and planned rural residential development in the neighboring Rural I District.
17. **Lot Layout.** The 30-acre lot to be conveyed has been configured to meet minimum district lot size requirements, to allow for Use Value Appraisal Program enrollment as forestland, to provide required frontage and public parking on the Honey Hollow Road, and to be generally consistent with existing site topography. The proposed configuration subdivides the historic Preston Lafreniere property as listed on national and state registers along the Duxbury Road, effectively separating the ownership, management and use of the farmhouse from associated barns and farmland located on the north side of the road. It is the state's intent, under existing and proposed deed restrictions and easements, to re-establish and maintain historic uses of the property including residential use of the farmhouse to be conveyed, and agricultural use of the land and barns to be retained in state ownership, thereby minimizing the visual and physical impacts of land subdivision on this historic resource.
18. **Building Envelope.** The one acre building envelope as shown on the "Map of Building Envelope, Lafreniere Subdivision" as revised September 2014, has been delineated to exclude steep slopes and upland woodland habitat, consistent with district requirements, and includes the existing farmhouse and parking area with direct access to Honey Hollow Road.

19. **Surveys and Monuments.** The parcel boundary is to be marked by iron rod sets, as shown on the preliminary plat dated January 2013, revised September 2014. No marker or pin locations are shown for the building envelope as delineated.
20. **Landscaping and Screening.** Given that no additional development is proposed, no landscaping or screening was specified in the application. This section does not apply.
21. **Energy Conservation.** Given that no additional development is proposed, this section does not apply.

Protection of Natural & Cultural Resources (Section 7.3)

Conclusion: Based on the following findings, the proposed subdivision and associated restrictions on future subdivision and development will conserve identified natural, historic and scenic resources on the 30-acre parcel to be subdivided and conveyed, including existing upland forest resources, wildlife habitat, and the Preston-Lafreniere Farm, as listed on National and Vermont Registers for Historic Places. As one of two historic properties in Bolton listed on the National Register, and depicted on the town seal, this property has particular significance to the community. The farmhouse on the subject lot will be sold with enforceable deed restrictions intended to protect the property's historic features and open space. Proceeds from the sale of the lot will be used by the state to further stabilize historic barns on that portion of the property to be retained by the state, for future agricultural use.

22. **Identified Resources.** Resources identified on the parcel to be subdivided, from application materials and the town's "Resource Map," include state-owned forest and recreation land (Camels Hump State Park), steep and very steep slopes, surface waters (Preston Brook, Winooski River), productive farmland and primary agricultural soils, and the Preston-Lafreniere Farm (farmhouse, three barns, surrounding farmland) which is currently listed on the National and Vermont Registers of Historic Places as an historic farmstead.
23. **Surface Waters, Wetlands and Floodplains.** The 30-acre parcel to be subdivided and conveyed is located outside of the mapped floodplain of the Winooski River, and required setbacks from the river and Preston Brook, which will be retained in state ownership. The building envelope as indicated on the "Map of Building Envelope, Lafreniere Subdivision" as revised September 2014, is also located more than 150 feet from Preston Brook.
24. **Steep Slopes.** The parcel to be subdivided and conveyed includes steep (15+%) and very (>25%) slopes, which are excluded from the building envelope as indicated on preliminary survey plat. Restrictions to be placed on the property will prohibit further subdivision and future development in these areas. This is not, however, currently noted on the subdivision plat.
25. **Natural Areas and Wildlife Habitat.** The parcel to be subdivided and conveyed includes both forested upland and edge habitat, but no mapped critical wildlife habitat – e.g., natural communities, deeryards, mast stands or rare, threatened or endangered species – has been identified on the parcel. Proposed restrictions on further subdivision and development will serve to protect existing habitat values.
26. **Historic and Cultural Resources.** The parcel to be subdivided and conveyed includes a portion of the 60+/- acre Preston-Lafreniere Farm as listed on the National Register of Historic Places, limited to the farmhouse (c. 1830 Classic Cottage) and yard area located south of the Duxbury Road. It excludes the three historic barns (East, West c.1810-30 English barns with a c.1850 attached shed, c.

1940 dairy barn) and associated farmland located north of the road, which are to be retained in state ownership and management.

- a. This farmstead was included in the 412 acres acquired by the Vermont Department of Forests, Parks and Recreation in 1996, subject to an easement on the property held by the Vermont Housing and Conservation Board and associated deed restrictions that limit use of the property.
- b. As described in nomination materials, the Preston-Lafreniere Farm was established c. 1810 by John Preston, one of Bolton's original settlers, and survived as a working farm through five successive generations in the Preston family. It is significant "for its contribution to the cadence of Vermont agricultural history" and for "its preserved architectural styles of agricultural buildings and a farmstead type." It is also described as a "prime piece of farming property" that includes a large tract of open meadow (+/-40acres) along the banks of the Winooski River. The open farm fields and surrounding woodlots are also identified as significant components of the farm's history. The nomination boundary includes "all the buildings and surrounding open fields historically associated with the Preston-Lafreniere Farm and possible (unexcavated) historic/pre-historic archaeological remains."
- c. The barns were stabilized by the town in the early 1990s, with the assistance of UVM's Historic Preservation Program, and a Barn Grant from the state, prior to conveyance to the Vermont Department of Forests, Parks and Recreation. The farmhouse and barns have not been occupied or maintained under state ownership, except for occasional use by farmers leasing the land to store hay and equipment. According to a 2002 assessment of the house, and a 2012 assessment of the barns commissioned by the state, as referenced in hearing, the house and barns are structurally sound, but are in need of substantial repair and renovation.
- d. According to Department testimony, the state has initiated stabilization of the barns, to be retained in state ownership, beginning with the stabilization of the east barn in 2013. The Department, however, does not have the resources to invest in the farmhouse, nor a specific use for it. Their intent, with approval from the DRB, is to sell the homestead portion of the property, represented by the 30-acre parcel to be subdivided, for residential and forestry use. The property would be subject to deed restrictions recommended by the Division for Historic Preservation that require all changes to the property to be reviewed by the Division for consistency with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. The Department's stated intent is to use proceeds from the sale of the lot to further stabilize the barns for agricultural use, as agreed to by the Vermont Housing and Conservation Board.
- e. The Department anticipates that the buyer will focus on rehabilitating the house for residential use. Given that this is not an allowed use in the Conservation District, the Department has also applied for adaptive reuse of the farmhouse as a single family dwelling, consistent with its historic use.
- f. According to bid information submitted with the application, the Department will 1) require all bidders to submit a "renovation and use plan" outlining their intended use of the property and timeline for renovating the farmhouse; 2) declare their interest in using the barns and farmland under a future license agreement with the state; and 3) provide relevant qualifications, including their expertise and/or financial capacity to implement the renovation and use plan.

27. **Farmland.** The land to be subdivided includes primary agricultural soils of statewide importance, located largely north of the Duxbury Road, which is subject to conservation easements held by the Vermont Housing and Conservation Board, and will be retained in state ownership for lease to qualified farmers.
28. **Forestland.** The parcel to be subdivided and conveyed includes 25+ acres of upland forest, and has been configured to allow for future forestland enrollment in the Use Value Appraisal Program. It will also be subject to open space deed restrictions that prohibit further subdivision and development on this portion of the property; however this area was not identified on the preliminary subdivision plat as protected open space.

Section 7.4 Open Space

Conclusion: Based on the following findings, the proposed subdivision will include the preservation of open space through retention of the majority of the parcel by the state as part of Camels Hump State Park, and through deed restrictions that prohibit further subdivision and development (outside of a designated building envelope) on the 30-acre parcel to be subdivided and conveyed to a private buyer.

29. The subdivision has been configured to minimize the amount of land taken out of public ownership, while meeting the minimum acreage requirement for a lot in the Conservation District, and to allow for the enrollment of included woodland, less the homestead portion, in the Use Value Appraisal Program, as recommended in the bylaw to support continued forestry use.
30. Restrictions on the property to be conveyed will prohibit further subdivision and development outside of a designated building envelope, thereby preserving existing, open space on the parcel which is contiguous with open land to be retained in state ownership as part of Camels Hump State Park.
31. Open space on the subject parcel will be protected through open space deed restrictions proposed by the Department, as stated in the "Lafreniere Sale Parcel: Open Space Deed Restrictions" submitted with the application. These restrictions limit use of the property to agricultural, forestry, educational, noncommercial recreation and open space purposes, and prohibit further subdivision, while allowing for the construction, renovation and repair of a residential structure and supporting ancillary structures, and other similar structures that support allowed uses.

Findings & Conclusions: Adaptive Reuse

Section 4.3 Adaptive Reuse of Historic Structures

Conclusion: Based on the following findings, the Preston-Lafreniere farmhouse, as a contributing historic structure on the "Preston-Lafreniere Farm" as listed on National and State Registers of Historic Places, qualifies under Section 4.3 of the regulations (Adaptive Reuse) as an historic structure that is eligible for adaptive reuse a single family dwelling, consistent with its historic use, the requirements of this section, and enforceable deed restrictions intended to protect its historic character.

32. Adaptive reuse is intended to allow for the continued, economically viable use of historic structures that contribute to the historic, architectural and/or cultural fabric of the community. Accordingly, alternative uses may be allowed for such structures within designated zoning districts, subject to conditional use approval under Section 5.4 of the regulations and applicable requirements of this section.

33. The Preston-Lafreniere Farmhouse is a contributing historic structure on the "Preston-Lafreniere Farm" as listed on National and State Registers of Historic Places. These listings include a description of its historic features and cultural significance.
34. Per testimony received in hearing, this farm, as depicted on the seal of the Town of Bolton, clearly has significance to the community, and to local families with historic ties to the property. The farm was identified by hearing participants as an important feature of the local landscape, town history and family stories and, given its significance to the community, should be rehabilitated and preserved.
35. The two-story farmhouse has a habitable floor area of 2,400 square feet, which exceeds the minimum of 600 square feet as required for an adaptive reuse.
36. The farmhouse is structurally sound, as documented in the 2002 assessment provided by the applicant and with rehabilitation, including the installation of new water supply and wastewater systems, could once again be used as a single family dwelling.
37. A single family dwelling is listed as an allowed use for adaptive reuse, subject to conditional use review under Section 5.4.
38. Renovations and improvements will be subject to deed restrictions that preserve the structure's historic integrity, as recommended and enforced by the Vermont Division for Historic Preservation. These reference the *Secretary of Interior's Standards for the Treatment of Historic Properties* (36 Code of Federal Regulations, Part 67) as also referenced and required under this section of the Bolton Land Use and Development regulations for the rehabilitation of historic properties.
39. The Department has documented, based on 2014 field tests, that the soils on the lot to be subdivided are suitable for the installation of a conventional onsite septic system, as depicted on the "Lafreniere Subdivision Proposed Residential Wastewater System" dated 9/24/2014. The Department has applied for a permit from the Department of Environmental Conservation, to be conveyed with the property.

Section 5.4 Conditional Use Review

Conclusion: Based on the following findings, the DRB concludes that the adaptive reuse of the historic Preston-Lafreniere farmhouse as a single family dwelling will have no undue adverse effect on the capacity of existing and planned community services and facilities, the character of the area, traffic on local roads, applicable regulations, or the utilization of renewable energy standards.

40. The proposed use of the existing farmhouse as a single family dwelling is consistent with its historic use and impact. The farmhouse will be served by onsite water and wastewater systems, as permitted by the state, to be installed by the owner. No additional municipal or community services or facilities will be required.
41. The lot to be subdivided with the existing farmhouse fronts the Duxbury and Honey Hollow Roads and, were it not currently in state ownership, would be zoned Rural I. The property is consistent with rural residential development in the neighboring Rural I District, and more significantly contributes to the historic integrity and character of the property, as listed on National and Vermont Registers of Historic Places.

42. Re-establishing use of the farmhouse as a single family dwelling, with driveway access from the Honey Hollow Road as shown on the preliminary subdivision plat and site plan, will add no more than 10 trips per day to existing traffic on the Duxbury Road. As such it will not have an undue adverse effect on traffic or roads in the vicinity.
43. The proposed residential use, while not otherwise allowed in the Conservation District, qualifies as an adaptive reuse of the existing farmhouse and, with the installation of permitted water and wastewater systems, will comply with other applicable municipal bylaws currently in effect. A highway access permit from the town may also be required to re-establish residential driveway access onto the Honey Hollow Road.
44. The lot to be subdivided and conveyed includes 25 ± acres of woodland that qualifies for forestland enrollment in the state's Use Value Appraisal Program, which will be subject to deed restrictions that limit its use and prohibit future subdivision, and could be sustainably managed for cord wood or woody biomass. As such, the proposed use will have no undue adverse effect on access to or the use of existing or potential renewable energy resources located on the property.