



## Town of Bolton Development Review Board

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

**Beckman Subdivision Approval, 2-Lot Subdivision  
Application #2012-11-SD  
November 27, 2012**

### Applicants

Sue Ann Beckman Revocable Trust  
David Beckman  
PO Box 273  
Jonesville, VT 05466

### Application

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

The applicants, represented by David Beckman, have requested approval to subdivide an existing 349 +/- acre lot with an operating gravel pit lot into two lots – a 317-acre lot including the existing gravel pit, to be retained under the ownership of the Sue Ann Beckman Revocable Trust, and a 32.09-acre lot to be separately conveyed to David Beckman for the construction of a single family dwelling (Lot #1), including a 750-foot driveway, well and septic system. The lot to be subdivided (Tax Map ID# 8-0040605) is located at 298 Bolton Notch Road, in the Rural II District, with 900+/- feet of frontage along Bolton Notch Road. The parcel to be separately conveyed and developed includes steep (15+ %) and very steep (>25%) forested slopes, and is crossed by Duck Brook to the west. As shown on the town's Natural Resource Map, it is also indicated as being located within a state-mapped deeryard.

This application has been reviewed by the Bolton Development Review Board (DRB) as a minor subdivision under Section 6.5 (Final Subdivision Approval) and applicable subdivision standards (Article 7) of the Bolton Land Use and Development Regulations as amended through July 19, 2010, and in effect at the time of application. The DRB's procedural history and relevant findings are attached.

### Decision – Final Subdivision Approval:

- Denied
- Approved
- Approved with Conditions:

The Bolton Development Review Board hereby approves the subdivision of the 317+/-acre lot, located at 298 Bolton Notch Road (Tax ID #8-0040605) into two lots, including a 32.09-acre residential lot to be conveyed to the applicant (Lot #1), and the 317+/- acre gravel pit lot to be retained under the ownership of the Sue Ann Beckman Revocable Trust, subject to the terms and conditions of final subdivision approval:

1. The subdivision plat to be recorded in the land records of the Town of Bolton shall include and show the following information, as agreed to by the applicant:
  - a. A revised building envelope on Lot #1, to be marked on the ground with iron pins, that is configured to include the proposed house site, parking area, and any future accessory structures, and to exclude the proposed driveway, "Existing Woods Road" and septic system, and areas of steep and very steep slope and drainage (as shown on SK-01, Slope Analysis Plan, dated 7/6/12), to be accepted by the DRB prior to final plat recording.

- b. A plat notation indicating that no further development, including accessory structures or additions, is permitted outside of the designated building envelope without the approval of the Bolton Development Review Board.
  - c. Location of all permanent survey monuments and corner markers.
2. The subdivision plat, as 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 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). The survey plat as recorded shall carry the following endorsement (Section 6.6):

*Approved by the Development Review Board of the Town of Bolton, Vermont, on the 27th day of November 2012, subject to all requirements and conditions of subdivision approval. Signed this \_\_\_\_ day of \_\_\_\_, 2012, by \_\_\_\_\_, DRB Chair.*

3. All other required state and municipal permits and approvals, including a town highway access permit, must be obtained prior to recording the subdivision plat in the land records of the Town of Bolton.
4. The location of the designated building envelope on Lot #1, as depicted on the revised plat, shall be marked on the ground with iron pins.
5. No further development of Lot #1 is allowed outside of the designated building envelope without separate approval from the Bolton Development Review Board. All structures and parking areas must be located entirely within the building envelope as shown on the revised subdivision plat.
6. No further approval from the Development Review Board is required for the construction of new or replacement structures within the designated building envelope as shown on the revised subdivision plat accepted by the Development Review Board; however a zoning permit will be required.
7. The applicant shall obtain a zoning permit from the Zoning Administrator prior to beginning site work and construction. In the event that a zoning permit has not been obtained within one year of the date of this decision, DRB approval shall expire and reapplication shall be required.
8. Site clearing and disturbance shall be limited to areas within the designated building envelope, except as required for driveway and septic system installation and maintenance. Construction areas shall be delineated and temporary soil erosion measures installed prior to the start of construction.
9. No stormwater runoff shall be discharged within the town highway right-of-way or adjoining surface waters. Driveway and pull-off areas shall be sited and installed as shown on the "Sanitary Site Plan" (C2-01) dated 7/6/12 and "Miscellaneous Details" (C8.01), dated 7/6/12, as reviewed by the Bolton Fire Department, to include the use of soil erosion control and stabilization measures as identified on the site plan (C2-01), associated detail sheet (C8.01) and survey and construction notes (C1-01).
10. Utility service is to be installed along the driveway to provide access and to minimize resource fragmentation outside of the designated building envelope.

## Review Process

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

**Sketch Plan Review.** A request for pre-application sketch plan review of the proposed 2-lot subdivision was considered at a regular meeting of the Bolton Development Review Board on May 22, 2012. The Development Review Board indicated that the subdivision would be reviewed as a minor, 2-lot subdivision, and agreed to waive the survey requirement for the portion of the parcel to be retained. It was also noted that the Bolton Natural Resources Map indicated the presence of steep slopes, surface waters (Duck Brook) and a mapped deeryard on the portion of the lot to be subdivided for residential development, and suggested that the lot size be increased as necessary to qualify for enrollment in the state's use value appraisal program.

**Final Subdivision Review.** An application for final subdivision approval, dated August 31, 2012, was received by Zoning Administrator Miron Malboeuf and referred to the DRB on September 9, 2012. A public hearing was scheduled for September 25, 2012, and warned in accordance with Section 9.8 of the Bolton Land Use & Development Regulations (BLUDRs), and 24 V.S.A. §4464.

The public hearing to consider the application was convened as warned, on September 25, 2012, 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 and may be afforded status as interested persons with rights to appeal this decision:

- David Beckman, Applicant PO Box 273, Jonesville, VT 05466
- Sue Ann Beckman Revocable Trust, Owner 289 Bolton Notch Road, Waterbury, VT 05676
- Tom Benoit, Abutter PO Box 314, Jonesville, VT 05466

Mr. Beckman was also represented in the hearing process by Shane Mullen PE, Project Manager with Trudell Consulting Engineers.

In addition to the application form, the following materials were submitted in support of the application:

1. Transmittal Letter from Shame Mullen, PE with a project description.
2. C1-01 "Legend & Notes" no date, prepared by Trudell Consulting Engineers, John Pitrowski, PE (Vermont License #8104).
3. C2-01 "Sanitary Site Plan" dated July 6, 2012, prepared by Trudell Consulting Engineers.
4. C8.01 "Misc. Details" dated July 6, 2012, prepared by Trudell Consulting Engineers.
5. "Subdivision Plat: Sue Ann Beckman Revocable Trust" dated September, 4, 2012, as surveyed and prepared by Scott D. Taylor, Surveyor (Vermont License #488), Trudell Consulting Engineers, showing proposed Lot #1, including adjusted boundary with the Benoit property.
6. C8.02 "Sanitary Details" dated July 6, 2012, prepared by Trudell Consulting Engineers, showing septic system design.
7. SK-01 "Slope Analysis Plan" dated July 6, 2012, prepared by Trudell Consulting Engineers, generally showing areas of steep (15%-25%) and very steep (>25%) slope.

The hearing was continued pending the submission of additional information from the applicant, and reconvened on Tuesday, October 23, 2012 with a quorum of the DRB present, to consider the following additional, materials in support of the application:

11. Driveway and pull-out areas shall be maintained as necessary to allow for year-round emergency vehicle access.
12. Permanent outdoor lighting fixtures shall be cast downward and designed to minimize glare, and may include recessed, shielded or cutoff fixtures, or low luminance lamps. Lighting fixtures shall not direct lighting upward or onto adjacent properties or roads, or result in excessive lighting levels that are uncharacteristic of the area. Use of timers or motion sensors is recommended to minimize unnecessary lighting and energy use.
13. No changes, modifications or other revisions that alter the subdivision as approved, including the location of subdivision boundaries, lot lines, building envelope, accesses or conditions of subdivision 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.
14. The conditions of this subdivision approval are binding upon and enforceable against the applicant as permittee and all successors. 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:**

Sharon Murray – Yea	Susan Vita – Yea
Michael Rainville – Yea	Margot Pender – Yea
Jennifer Andrews (Alternate) – Yea	

**Dated at Bolton, Vermont this 27th day of November, 2012.**

**For the Development Review Board:**

  
 \_\_\_\_\_  
 Sharon Murray, Chair

**NOTICE:**

1. In accordance with 24 V.S.A. §4449(e), the applicant is 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. This decision may be appealed to the Environmental Division of the Vermont Superior 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 Division Court Proceedings.

**Bolton Town Clerk's Office  
Received For Record**

January 3, 2013 A.D.  
 at 8 o'clock 00 minutes A.M.  
 Recorded in Book 85 Page 373-380  
 Attest:   
 Asst Town Clerk

3. The land to be subdivided, conveyed and development (Lot #1) includes steep (15+%) and very steep (>25%) forested slopes, riparian areas along Duck Brook, and associated drainage areas that are not suitable for development, as shown on the Sanitary Site Plan (C2-01), Slope Analysis Plan (SK-01) and Site Location and Natural Features Map submitted in support of the application.
4. Residential development, as agreed to by the applicant, will be limited to a designated building envelope that specifically excludes steep and very steep slopes, and required setbacks from Duck Brook, to be shown on a revised subdivision plat. No additional development will occur outside of the designated building envelope.
5. The proposed subdivision is consistent with the intent of the Rural II District, under the Bolton Town Plan and bylaws, to "allow for limited, compatible, lower densities of development that maintain Bolton's rural character and protect significant natural resources, while discouraging subdivision and development in areas with limited access to public roads and facilities." According to the applicant, the lot to be subdivided (Lot #1) has been sized and configured to allow for forestland enrollment in the state's Use Value Appraisal Program, and to maintain its existing rural character and resource values.
6. The proposed subdivision will not adversely affect access to renewable energy resources, which could include the harvesting of timber, cordwood or woody biomass.

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

Based on the following findings, the DRB concludes that the proposed subdivision will not adversely affect environmentally sensitive areas or natural and cultural resources identified on the property.

7. Environmentally sensitive areas identified on the property from available maps, inventories and property descriptions include steep and very steep slopes, Duck Brook and associated riparian areas, forestland that may be suitable for timber management, and a state-mapped deer wintering area.
8. No cultural resources were identified on the property to be developed. The existing gravel pit, currently in operation, will be retained under current ownership.
9. The parcel to be conveyed and developed (Lot #1) has been sized (at 32.09 acres) so that it is eligible for forestland enrollment and tax stabilization under the Vermont Use Value Appraisal Program, which requires a minimum of 25 acres, excluding a 2-acre home site.
10. Residential development, as agreed to by the applicant, will be limited to a designated building envelope that specifically excludes steep and very steep slopes, and required setbacks from Duck Brook, to be shown on a revised subdivision plat. No additional development will occur outside of the designated building envelope.
11. Evidence submitted at hearing, including correspondence from TCE Environmental Scientist Karina Dailey and VT Dept. of Fish and Wildlife Biologist John Gobeille, confirm that, based on a site analysis, the land to be subdivided is no longer included in an active deer wintering area, and the house site and driveway have been laid out in such a way that adverse impacts to wildlife travel corridors in the area have been minimized.

7. C6.01 "Driveway Profile" dated October 23, 2012, prepared by Trudell Consulting Engineers, showing existing and proposed driveway grades.
8. Letter from Michael Gervia, Bolton Fire Chief, dated October 23, 2012, that the length and slope of the driveway, as shown on the site plan and profile, will not present any problems for emergency fire access.
9. Letter from Karina Daily, Environmental Scientist, TCE, dated October 2, 2012, regarding her site visit and evaluation of the Vermont Department of Fish and Wildlife's mapped deer wintering area and wildlife travel corridors on the property.
10. "Site Location and Natural Features Map" dated April 12, 2012, prepared by Karina Daily, TCE, showing the location of surface waters, wetlands, and the mapped deer wintering area in relation to the proposed subdivision.
11. An e-mail transmittal from John Gobeille, Wildlife Biologist, VT Dept. of Fish and Wildlife, dated October 17, 2012, confirming that the parcel is no longer included in a mapped deer wintering area and as such, there should be no issues with deer habitat as proposed.

Following the submission of testimony and evidence, the public hearing on this application was adjourned on October 23rd, 2012, triggering the 45-day period to issue a written decision.

### **Findings & Conclusions**

The applicant's request for approval of a minor, 2-lot subdivision has been reviewed by the Bolton Development Review Board (DRB) for conformance with applicable subdivision review standards under Article 7 of the Bolton Land Use and Development Regulations (BLU&DR) in effect at the time of application. DRB findings and conclusions under each of these standards are presented as follows.

#### **Section 7.2 General Standards**

Based on the following findings, the DRB concludes that the proposed subdivision reflects the land's development suitability, conforms to applicable policies of the Bolton Town Plan currently in effect, and desired settlement patterns for the districts in which it is located. Lot layout is generally consistent with site topography and the intended use of the parcel to be conveyed. The applicant has agreed to delineate a revised building envelope, to be shown on the final subdivision plat, which excludes areas of steep slope as required under the regulations.

1. The proposed subdivision is located in the Rural I (Table 2.4) and Rural II (Table 2.5) Districts, with the following minimum district dimensional standards:

	<b>Rural II</b>
Lot Area	10 acres
Road Frontage	300 feet
Setback/Front	35 feet
Setback/Rear	50 feet
Setback/Side	50 feet

2. The lots to be created, as shown on the site plan, include a residential lot of 32.09 acres (Lot #1) and a retained gravel pit lot of 317+/- acres, each having more than 400 feet of total frontage on the Bolton Valley Access Road. As such both lots meet minimum district lot area and road frontage requirements. No further development is proposed, but required setback distances for each lot will be shown on the subdivision plat as recorded in the land records of the town.

installed as shown on the Sanitary Site Plan (C2-01), and specified in associated construction details (C8.01).

**Section 7.6 Access, Driveways**

Based on the following findings, the DRB concludes that the access and driveway to the proposed lot meet driveway and access requirements under Section 3.2 of the regulations.

22. The property will be accessed from the Bolton Notch Road by a single 14-foot gravel driveway, 750-feet in length, as shown on the Sanitary Site Plan (C2-01).
23. According the Shane Mullen, PE, representing the applicant, the driveway has been designed and will be constructed to B-71 standards as required under Section 3.2 of the regulations and as specified in construction details (C8.01). The finished grade of the driveway will not exceed an average grade of 15% within any 50-foot section, and the approach area within 20 feet of the town highway will not exceed 3%, as shown on the Driveway Profile (C6.01).
24. A turn-around near the house site, and 10ft x 30ft pull-off area, will be installed as shown on C2-01, as required for driveways of 500 feet or more.
25. The Bolton Fire Department reviewed and has accepted the proposed driveway design, in a letter from the Bolton Fire Chief dated October 23, 2012.
26. The applicant is also required to obtain a town highway access permit, consistent with the driveway design and location as approved by the Development Review Board, prior to obtaining a certificate of occupancy.

**Section 7.7 Facilities, Utilities**

Based on the following findings, the DRB concludes that the proposed subdivision and development will not create an undue burden on existing and planned public facilities.

27. The Bolton Fire Department has determined that the proposed development, including the length and slope of the proposed driveway, will not present any problems for emergency fire services provided by the department, as stated in a letter from Michael Gervia, Bolton Fire Chief, dated October 23, 2012.
28. The single family dwelling will be served by onsite systems, including a drilled well and a trenched at-grade septic system that require state potable water and wastewater system permits, as shown on the Sanitary Site Plan (C2-01), and in associated details (C8.01) prepared by Trudell Consulting Engineers. The applicant has applied for necessary state permits.
29. No information has been provided regarding proposed utilities or outdoor lighting, but these must be installed in accordance with Section 7.7 (Utilities) and Sections 3.9 (Outdoor Lighting) of the regulations as included in DRB conditions of approval. Utility lines are to be located along the driveway, unless otherwise approved by the DRB. Utility line burial is recommended, but in this case not be required, given the amount of tree cover along the length of the driveway.

12. Minimum stream setbacks for Duck Brook (100 feet from top of bank or slope), as required under Section 3.17 of the Bolton Land Use & Development Regulations and shown on the draft subdivision plat, dated September 4, 2012, are to be shown on the final subdivision plat.
13. No additional development on subdivided lots is proposed. Any subsequent development outside of the designated building envelope shall require approval from the Town of Bolton.

#### **Section 7.4 Open Space**

Based on the following findings, the DRB concludes that the proposed subdivision provides for the continued preservation of contiguous open space on subdivided and adjoining parcels, through the designation of a building envelope.

14. The "Site Location and Natural Resources Map" submitted in support of the application, dated 4/12/12, shows the location of the proposed subdivision in relation to surrounding parcels and natural features located in the vicinity of the subdivision. These include (off-site) ecologically significant species and natural communities, deer wintering areas, surface waters and mapped wetlands.
15. The location of the proposed building envelope, house site and driveway on Lot#1, near the existing gravel pit, maintains contiguous open space on the parcel and in the vicinity of the proposed subdivision and avoids adverse impacts to identified resources.
16. The building envelope proposed for Lot #1 is to be configured to exclude environmentally sensitive areas and significant natural and cultural resources located on the property.

#### **Section 7.5 Stormwater Management and Erosion Control**

Based on the following findings, the DRB concludes that the proposed subdivision and development will be designed and constructed to minimize stormwater runoff, soil erosion and sedimentation as necessary to protect water quality, the town highway, and downstream properties.

17. The parcel to be conveyed and developed for residential use (Lot #1) includes steep and very steep slopes as defined and regulated under Section 3.16 of the regulations.
18. No development will occur on slopes greater than 25%. The proposed house site is on slopes of less than 10% and the proposed 750-foot gravel driveway will be installed on slopes in excess of 20%, with a final grade of no more than 15%, as shown on the Sanitary Site Plan (C2-01), the Driveway Profile (C6.01) and the Slope Analysis Plan (SK-01) submitted in support of the application.
19. The building envelope proposed for Lot #1 to to be shown on the revised subdivision plat, will be configured to exclude areas of steep and very steep slope.
20. The driveway has been sited to minimize the amount of cut and fill required, as shown on the Driveway Profile (C6.01).
21. According to Shane Mullen, PE of Trudell Consulting Engineers, representing the applicant, stormwater management and erosion control measures, including silt fences, 3:1 slope stabilization (grading, seeding and mulching), riprapped ditching along the driveway, and a stabilized construction entrance have been designed in accordance with Vermont Department of Conservation's *Low Risk Site Handbook for Soil Erosion and Sediment Control* (2006), and will be