



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton, VT 05676

Bolton Development Review Board
Meeting Minutes
July 22, 2014
Bolton Town Office

DRB Members Present: Charmaine Godin, Sharon Murray, Margot Pender, Michael Rainville (Chair);
Stephen Diglio (Alternate)

DRB Members Absent: John Devine (Alternate), Michael Hauser (Alternate)

DRB Vacancy: One (Jen Andrews)

Staff Present: Miron Malboeuf, Zoning Administrator

Acting DRB Clerk: Sharon Murray

Others Present: None

Posted Agenda:

1. Public Comment
 2. Public Hearing: Application 2014-07-CU | Phillip Harrington – continued from June 24, 2014.
 3. ZA Report
 4. Meeting Minutes
 5. Other Business
 6. Meeting Adjournment
-

Call to Order

Mr. Rainville, Chair, called the meeting to order at 6:40 p.m. with four members of the board and one alternate, Steve Diglio, present. No changes requested to the posted agenda.

1. Public Comment

None.

- 2. Public Hearing: Phillip Harrington – Conditional Use Review (2014-05-CU)** – continued from June 24, 2014.

Ms. Murray made the motion to table the hearing pending the arrival of Mr. Harrington, applicant; seconded by Mr. Diglio. Motion carried 5-0.

3. Zoning Administrator Report

Mr. Malboeuf reported that:

- DRB decisions for the Andrews' subdivision (boundary adjustment) and Barkyoumb/Carpenter reconsideration (setback waiver) had been sent out by certified mail.
- No application or other information had been received from the 4x4 Center in response to the letter sent last month regarding the process for applying for a subdivision amendment for driveway and access approval.

- The notice of violation sent by certified mail to the property owner regarding VTrans' storage of construction material within the floodplain had been returned by the post office as undelivered. Mr. Malboeuf will send a follow-up letter to the property owner and inform the Select Board.
- He anticipated that Vermont Forests, Parks and Recreation would be filing their subdivision application for the Preston-Lafreniere Farmstead in October.

4. Meeting Minutes

Ms. Pender made the motion to accept the minutes of the May 27, 2014 DRB meeting as presented; seconded by Mr. Diglio. Motion carried 5-0.

Ms. Murray made the motion to accept the minutes of the June 24, 2014 DRB meeting as presented, with the inclusion of the correct July DRB meeting date; seconded by Ms. Godin. Motion carried 5-0.

Draft minutes from 2013 pending DRB acceptance had not yet been received from the former DRB Clerk. Ms. Murray will follow up with the Assistant Town Clerk, who agreed to prepare draft minutes from available meeting recordings.

DRB members discussed new Open Meeting Law requirements in effect as of July 1st – including the need to post meeting agendas at least 48 hours in advance of meetings, and to make sure that draft meeting minutes were filed at the Town Office within five days of a meeting. Ms. Murray agreed to serve as acting clerk until a new DRB Clerk is hired. Mr. Rainville asked that final versions of accepted minutes be forwarded to the Town Office for his signature and recording. Mr. Malboeuf also agreed to forward draft meeting agendas to Mr. Rainville for review in advance of the posting deadline.

5. Other Business

DRB member Jen Andrews officially resigned from the DRB in association with her move to Elmore. Mr. Diglio volunteered to serve out her remaining term on the DRB. Ms. Pender noted that Mr. Devine may also be interested, but he's not in town during winter months. Members agreed to recommend that the Select Board appoint Mr. Diglio to fill the vacancy, and to advertise for another alternate. Ms. Murray agreed to forward this request to the Select Board.

Ms. Murray also reported that:

- The DRB staff position had been advertised, with duties to include preparing staff reports on applications, drafting meeting minutes and decisions – but the amount budgeted may not cover all requested duties.
- The town website had been taken down until such time as the Select Board can ensure that that all town boards and commissions can meet new Open Meeting Law requirements – including posting meeting agendas and draft minutes on the website within required time periods. Steve Barner, who has housed and maintained the website as volunteer, has agreed to help develop a new website that can more easily be maintained by town staff and/or local board representatives.
- The Environmental Court ordered mediation with regard to Bolton Valley's appeal of DRB conditions of subdivision approval for "Lot 5" (4x4 Center access, parking). Ron Lafreniere, Select Board Chair,

and Jen Dudley-Gaillard will be representing the Select Board in the mediation process, and have asked for a brief summary from the DRB in advance of an August meeting. Ms. Murray agreed to work on this with Mr. Rainville. Any additional involvement of the DRB in the mediation process will be up to the Select Board and the town attorney.

- The Select Board agreed to have the town serve as the applicant for a FEMA Hazard Mitigation Grant, being prepared by Cara Labounty, to elevate several homes and businesses in the floodplain on Route 2 (Village District) above the new Base Flood Elevation. If the grant is successful, DRB approval will be required for related work within the floodplain.
 - The Green Mountain Club met with the Select Board for a letter of support for the transfer of the former Thomas property (on Stimpson Mt) acquired by the GMC to the State of Vermont for inclusion in the Mt. Mansfield State Forest. They also submitted a tax impact analysis, as suggested by the DRB in approving the Thomas subdivision. The transfer was supported by the Planning Commission, in conformance with the town plan.
6. **Public Hearing: Phillip Harrington – Conditional Use Review (2014-05-CU)** – continued from June 24, 2014 (tabled above under #2).

Noting the absence of the applicant, Mr. Rainville called the hearing on his application, as continued from the June 24, 2014 DRB meeting, to order at 7:30 pm. Ms. Pender reread the hearing notice for the record. DRB members reported no conflicts of interest or ex parte communications.

DRB members briefly reviewed the following information submitted by the applicant, as forwarded by the Zoning Administrator and entered into the hearing record:

- Exhibit 5: Schematic, prepared by the applicant (no date) using the original site plan as a base, showing a proposed building envelope, to include two house sites.
- Exhibit 6: Schematic, prepared by the applicant (no date) using the original site plan and elevation contours as a base, generally showing the setback from Joiner Brook.
- Exhibit 7: Draft “Memorandum of Understanding” (no date) between Mr. Harrington and the Catamount Trail Association regarding use and winter maintenance of the shared right-of-way as both driveway and ski trail.

Based on information submitted to date, DRB members agreed that a site visit was warranted, to be scheduled with the applicant. The DRB also had questions about information submitted, to be directed to the applicant, and noted that much of the information previously requested – including but not limited to letters from the Road Foreman and Fire Chief regarding the proposed access and driveway – had not yet been submitted.

Pending receipt of additional information from the applicant, Ms. Pender moved to “continue the hearing to the next regular meeting of the Development Review Board, scheduled for August 26, 2014, 6:30 pm at the Bolton Town Office.” Seconded by Ms. Godin. Motion carried 5-0. Mr. Malboeuf agreed to contact Mr. Harrington regarding the hearing continuation, and to schedule a site visit.

7. Meeting Adjournment

Ms. Murray made the motion to adjourn the meeting, seconded by Ms. Pender. Motion carried unanimously 5-0. The meeting adjourned at 7:50 pm.

The next regular meeting of the DRB is scheduled for Tuesday, August 26th, 2014, 6:30 pm at the Bolton Town Office. Ms. Pender and Ms. Godin reported that they will not be in attendance.

Respectfully submitted,

Sharon Murray, Acting Clerk
Bolton Development Review Board

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

These minutes were read and accepted by the Development Review Board on Aug 26, 2014.



Michael Rainville, DRB Chair