

Town of Bolton
3045 Theodore Roosevelt Highway
Bolton, VT 05676

Bolton Development Review Board
Meeting Minutes [Draft]
August 26, 2014
Bolton Town Office

DRB Members Present: Michael Rainville (Chair), Sharon Murray, John Devine (Alternate)
DRB Members Absent: Charmaine Godin, Margot Pender, Stephen Diglio, Michael Hauser (Alternate)
Staff Present: Miron Malboeuf, Zoning Administrator
Acting DRB Clerk: Sharon Murray
Others Present: Phillip Harrington (Applicant)

Posted Agenda:

1. Public Comment
 2. Public Hearing: Application 2014-07-CU | Phillip Harrington – continued from July 22, 2014.
 3. New Open Meeting Law Requirements (Meeting Notices, Minutes)
 4. ZA Report
 5. Meeting Minutes
 6. Applications for DRB Position
 7. Other Business
 8. Meeting Adjournment
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Call to Order

Mr. Rainville, Chair, called the meeting to order at 6:35 pm with a quorum present, including John Devine, Alternate. No changes were requested to the posted agenda.

1. Public Comment

None.

2. Public Hearing: Phillip Harrington-Conditional Use Review (2014-05-CU) – continued from July 22, 2014.

Mr. Rainville reconvened the public hearing, continued from July 22, 2014. No conflicts of interest or ex parte communications since the last meeting were reported.

Mr Malboeuf noted for the record that he, Bolton Fire Chief Mike Gervais, and DRB member Stephen Diglio accompanied Mr. Harrington on a site visit of his property on August 20, 2014, and provided photos taken of the site. This included a walk up Broadway from the Bolton Valley Access Road to Mr. Harrington's lot, to identify possible pull-off and turnaround locations for fire trucks and other emergency vehicles. Two potential pull-offs were identified on Bolton Valley land, within or adjoining the easement area. The proposed driveway intersection with Broadway could be used as a turnaround if it is designed and constructed to meet the turning radius required for fire trucks to back up onto Broadway. Mr. Harrington noted that he would include the location of proposed pull-offs, as identified, on his final site plan. Mr. Rainville indicated that approval from Bolton Valley may be required, if these are outside of the deeded easement.

Mr. Rainville asked about the legal status of Broadway. Ms. Murray noted that for a driveway, the easement must be at least 20 feet wide. According to Mr. Harrington, Broadway represents a 60+ foot shared easement established when the ski area was created, and is referenced in the 1968 deed for the lot as the [Old] Access Road. It is not a town road or legal trail. Mr. Devine suggested that Broadway was intended as the original access road to the ski resort, and as such could be four rods wide. He noted that the current alignment of the Bolton Valley Access Road was required by the state, which funded road construction. Ms. Murray indicated that a curb cut (access) permit from the Road Foreman would be required for use of Broadway as a driveway. Mr. Malboeuf provided the applicant with an application form, including a copy of associated driveway (B-71) standards referenced in the regulations. No stream crossings are proposed.

Mr. Harrington provided a signed letter of agreement with the Catamount Trail Association regarding shared use and winter maintenance of Broadway as a driveway and ski trail, and noted that it was CTA's intent to relocate their trail corridor off of Broadway in a year or two.

Mr. Malboeuf observed from the site visit that much of the upper terrace where the house site is proposed, as indicated on the initial site plan (topographic worksheet), had been cleared and leveled in the past. Mr. Harrington concurred, noting that there are two terraces on the property, the upper to be developed, and a lower terrace where his yurts are currently located (not shown on the site plan), which are separated by a very steep slope. The lower terrace must be accessed separately from Broadway, over a timber bridge that is not suitable for vehicles. Most of the site, outside of the upper terrace, consists of steep and very steep slopes. Ms. Murray noted that because of the rough match line between surveyed and USGS contours, it was hard to identify slopes adjacent and within the vicinity of the proposed building envelope.

Ms. Murray also observed that the DRB had asked for an elevation profile, in part to determine the required setback from Joiner Brook – as measured from either the "top of bank" as defined by a break in elevation or the "top of slope." Mr. Harrington had not received this request, or a list of other additional information that had been requested by the DRB. Mr. Malboeuf provided him with a copy of the June meeting minutes which included the list of requested information.

Mr. Malboeuf and Mr. Harrington both noted that the valley wall of Joiner Brook along the property boundary is defined by a steep ledge/rock face (20+feet high), bordered above by a level area that is not shown on the site plan but includes a 20-ft wide easement held by Bolton Valley for future trail development along the brook. Ms. Murray noted that this should show up in the elevation profile, depending on the contour interval and scale used, and should be indicated on the site plan. Mr. Harrington pointed out the 20-foot easement shown on the Bolton Valley survey plat. Ms. Murray asked if there was any indication of down slope movement or past landslides in the vicinity of proposed development – noting that the Joiner Brook drainage had been used to develop state landslide hazard mapping protocols. Both Mr. Malboeuf and Mr. Harrington noted that the area to be developed was generally level, as indicated in the area mapped in 2-foot contour intervals.

Ms. Murray asked whether the yurts would be removed, given that they were located outside of the proposed building envelope. She noted that they could be moved to the upper terrace – one could potentially be separately permitted as an accessory dwelling to the single family dwelling – but that in the past the DRB had required that a yurt used as temporary living quarters be removed once the house was constructed. Mr. Devine asked whether the DRB could approve two building envelopes on one

property. The DRB would have to review the regs and previous decisions to determine if this could be allowed. Mr. Harrington indicated that he'd likely remove the yurts before relocating them.

The DRB discussed additional items to be submitted and shown on the final site plan, to include the entire property, as outlined in the list provided in the June minutes. Mr. Harrington noted that he'd need time to provide requested information.

Ms. Murray made the motion to "recess the hearing to the October 24m 2014 meeting of the Bolton Development Review Board, to be held at 6:30 pm at the Bolton Town Office." The motion was seconded by Mr. Devine and passed unanimously, 3-0. Mr. Malboeuf noted that if Mr. Harrington needed more time, he could request a continuance by e-mail in advance of the DRB's October meeting.

3. New Open Meeting Law Requirements: Meeting Notices, Minutes

Mr. Rainville reported that he'd been notified by the Town Clerk of new open meeting law requirements that the DRB must now meet – including the posting of meeting notices in three places designated by the Select Board at least 48 hours in advance of the meeting, and providing draft minutes for posting on the town website (when up and running) within five days of a meeting. Ms. Murray again agreed to draft meeting minutes until a DRB staff person was hired. Mr. Malboeuf will coordinate with the Chair regarding meeting notices. Ms. Murray reported some progress on the update of the town website – which should be up and running this fall.

Given the fact that Mr. Harrington had not obtained meeting minutes outlining information requested by the DRB, Ms. Murray made the motion to "have Mr. Malboeuf send draft meeting minutes to all applicants and interested parties until such time as they can be posted on the town website." The motion was seconded by Mr. Devine and passed unanimously, 3-0. Mr. Malboeuf agreed.

4. Zoning Administrator's Report

Mr. Malboeuf reported that:

- Joji Filmore's subdivision plat, as approved by the DRB in November 2011, had not been recorded in the land records and had expired. Mr. Filmore has requested that the DRB once again approve the plat for recording, without any changes, so that he can sell the property, which will require a warned public hearing.
- Once the Environmental Division signs off on the negotiated stipulation agreement regarding the Bolton Valley appeal, he will process the application received for DRB approval of the driveway, and recommend that they also apply for approval of the building and parking area shown on the site plan. Ms. Murray confirmed that she had just received a copy of the agreement, as ordered and signed by the court, and will forward it to everyone. She also noted that DRB approval was required prior to the issuance of a curb cut permit from the Select Board per the regulations referenced under the agreement (Section 3.2(c)), and as previously agreed to by the Select Board.
- He had been contacted briefly by Chris Haggerty regarding the status of Gerald Mallow's property under the regulations – with regard to whether a town highway created a subdivision. Mr. Rainville noted that he also had been contacted and recommended they contact Mr. Malboeuf. Ms. Murray reported that she had forwarded relevant definitions under regulations to Chris. It was agreed that

subdivision approval was necessary to subdivide the property and not create a nonconforming lot. DRB members noted with sadness Mr. Mallow's passing that weekend.

- The Green Mountain Club has run into an issue with VTrans regarding the installation of pedestrian lighting on the Notch Road I-89 underpass. Mr. Malboeuf reported that he'd forwarded copies of the DRB approval for GMC's Winooski Bridge Project, including findings and conditions related to the lighting system, along with their zoning permit, but VTrans indicated that this was not sufficient to issue an access permit. Ms. Murray suggested that the GMC project should be grandfathered, given that the "Letter of Intent" provision in statute was enacted after permits had been issued by the town – there was no reason for the town to hold another hearing. There was also a question regarding VTrans' jurisdiction, given that the lighting was being installed at the underpass (albeit within state rights-of-way) to address pedestrian and vehicle traffic on the Notch Road – and not on Route 2 or I-89. She agreed to follow-up with VTrans for clarification on what was and should be required.

Mr. Malboeuf also reported that he would be attending a meeting hosted by the Chittenden County Regional Planning Commission regarding permit tracking software.

Ms. Murray reported that, according to the Town Clerk, Mr. Barkyoub and Ms. Carpenter have requested a meeting with the Select Board regarding the DRB's decision, on reconsideration, to uphold the regulatory limit on their proposed addition within the town highway right-of-way.

5. Meeting Minutes

Mr. Devine made the motion to "accept the minutes of the July 22nd Development Review Board meeting as presented." The motion was seconded by Ms. Murray and passed unanimously, 3-0. Mr. Rainville will forward the signed copy to the Town Clerk.

Mr. Rainville suggested that Mr. Hauser should no longer be listed as an alternate DRB member. Ms. Murray agreed to bring up his status with the Select Board, given that he had not resigned, but was no longer attending meetings. She also noted that the Select Board had officially appointed Stephen Diglio to complete Jen Andrews' term.

6. DRB Staff Position

Mr. Rainville reported that only two applicants had responded to the ad for DRB support placed by the Town Clerk on Craig's List and the Bolton Front Porch Forum, and that one had since withdrawn his application. Ms. Murray agreed to post the notice on planning and zoning listservs to solicit more applications. She noted that contracted support services may also be available through the regional planning commission – she'd check. Mr. Rainville agreed to contact the applicant who responded to the initial posting, to let them know that their application had been received and that no decision had been made.

7. Other Business

The DRB discussed scheduling –there may be no need to meet in September, unless complete applications are received in time to warn public hearings.

8. Meeting Adjournment

Ms. Murray made the motion to adjourn the meeting, seconded by Mr. Devine. Motion carried unanimously, 3-0. The meeting adjourned at 7:50 pm.

The next regular meeting of the DRB will be held on Tuesday, September 23rd, 2014, 6:30 pm at the Bolton Town Office, unless there is no business to conduct.

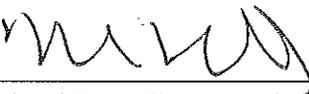
Respectfully submitted,

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

Sept 23, 2014.



Michael Rainville, DRB Chair

