



Town of Bolton Development Review Board

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

VT Dept. Forests, Parks, and Recreation
Michael Fraysier, ANR Lands Director
Subdivision/Conditional Use Review-
Amendment

Applicant

VT Dept. Forests, Parks, and Recreation
Michael Fraysier, ANR Lands Director
One National Life Drive, Davis 2
Montpelier, VT 05620-3801

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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 approval to amend a previously approved DRB decision (#2014-30-SD/CU) issued on December 11, 2014. The applicant requested to amend Condition 1(f), for the building envelope to be measured 50' from the centerline of Honey Hollow Road and 50' from the centerline of Duxbury Road, rather than the previously required 35' as measured from the road rights-of-way.

The application has been reviewed by the Bolton Development Review Board (DRB) as an amendment to a previously approved subdivision/conditional use under the Bolton Land Use and Development Regulations (BLUDRs) as amended, effective August 9, 2010, and applicable zoning district criteria (Tables 2.7), subdivision standards (Article VIII) and conditional use review standards (Section 5.4). The Development Review Board's procedural history and relevant findings are attached.

Decision –Subdivision/Conditional Use Amendment

- Denied
- Approved
- Approved with Conditions:

The DRB hereby approves the amendments requested by the VT. Department of Forests, Parks, and Recreation as listed in the application and shown on site plan titled 'Map of Building Envelope Lafreniere Subdivision' prepared by B.Lavery LS #720, last revised September 2014, subject to the following conditions of approval:

1. The DRB approves revising the building envelope setback [Condition 1(f)] to 25 feet as measured from the edge of Honey Hollow Road right-of-way and 35 feet as measured from the Duxbury Road right-of-way.
2. A revised survey plat indicating the amended building envelope 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 re-application shall be required. The applicant shall file the Mylar plat, signed by the Chair or other authorized representative of the DRB, with the Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and provide two paper copies of the

- 1 recorded plat, one digital copy of the surveyed boundary data, and one copy of all supporting
2 documentation to the Zoning Administrator.
- 3 3. All conditions of previous subdivision and conditional use approval, except as amended herein,
4 remain in full force and effect.
- 5 4. These conditions of approval shall run with the land and are binding upon and enforceable
6 against the permittee and his successors. By acceptance of this permit, the permittee agrees to
7 allow authorized representatives of the Town of Bolton to access the property subject to this
8 approval, at reasonable times, for purposed of ascertaining compliance with the conditions of
9 approval.

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Approved with conditions (3-0) by the Bolton Development Review Board:

Michael Rainville – Yeah
Stephen Diglio– Yeah
Sharon Murray –Yeah
Charmaine Godin – absent

Dated at Bolton, Vermont this 2nd day of July, 2015.

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 that specifies the basis for the request with the Secretary of the Development Board. 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 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.
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)

An application to amend the conditions of a previously approved DRB decision (#2014-30-SD/CU) was filed by Mike Fraysier on April 13, 2015. The application was accepted as complete by Bolton Zoning Administrator Miron Malboeuf and referred to the Bolton Development Review Board for a public hearing. A public hearing of the DRB was scheduled for May 26, 2015 and warned by the Zoning Administrator in accordance with Section 9.8(D)(1) of the regulations and 24 V.S.A. §4464.

The public hearing to consider the application convened on May 26, 2015, 6:30 PM at the Bolton Town Office with a quorum of the DRB present. No ex parte communications or conflicts of interests were reported, however Chair Michael Rainville reported that he would be viewing the historic structure on the property which is currently advertised for auction by the State of Vermont. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

- Michael Fraysier, ANR Lands Director, VT Dept. Forests, Parks, and Recreation, One National Life Drive, Davis 2, Montpelier, VT 05620-3801
- Brian Burns, Resident – No address provided.

The following materials were submitted in support of the application and entered into the hearing record:

- 1) Correspondence from Mike Fraysier, VT Dept. Forests, Parks and Recreation, dated 4/13/2015;
- 2) Site Plan, VT ANR, drawn by B. Lavery, L.S. #720, last revised September 2014;
- 3) DRB Decision [2014-30-SD/CU] dated 12-11-2014 (staff).

The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

Findings & Conclusions

The applicant's request for amended subdivision/conditional use approval was reviewed by the Bolton Development Review Board (DRB) for conformance with applicable requirements of the Bolton Land Use and Development Regulations (BLUDR) in effect as of January 5, 2005, and amended through August 9, 2010, and specifically under the following relevant prior conditions of approval #2014-30-SD/CU:

Condition #1(f).

"In addition to the information shown on the preliminary survey plat reference above, the final plat as recorded in the land records of the Town of Bolton shall also include the following:

f. Building envelope setback distances of 35 feet from the Duxbury Road and the Honey Hollow Road, as measure from road rights-of-way. Envelope dimensions may be modified accordingly as necessary to maintain a one-acre building envelope."

Findings:

1. The subject parcel is located entirely within the Conservation zoning 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 ownerships from fragmentation, development, and undue environmental disturbance, while allowing for the continuation of traditional uses such as forestry and outdoor recreation.
3. Per a previous DRB finding (#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 is not consistent with the minimum right-of-way setback applying to other structures along the Duxbury Road.
4. The referenced 35-foot building envelope setback required as a condition of DRB approval was intended to define a consistent building setback along the Duxbury Road; and also applied, as the adjoining Rural I District setback, to the Honey Hollow Road.
5. The state has requested that the DRB approve initially requested building envelope setbacks from road rights-of-way to ensure that the existing historic farmhouse is included entirely within the designated building envelope.
6. The historic house is located entirely within the building envelope as setback 35 feet from the Duxbury Road. A portion of the structure (attached shed) extends within the 35 foot setback from Honey Hollow Road. Reducing the required setback from the Honey Hollow Road, from 35 feet to 25 feet, as measured from the road right-of-way, will fully incorporate the existing structure within the designated building envelope, as requested.
7. Site improvements, specifically septic leach fields, are not required to be located within the designated building envelope.

Conclusion: The request to reduce the designated building envelope setback from the Honey Hollow Road right-of-way, from 35 to 25 feet, is consistent with and will not substantively alter prior conditions of approval. Maintaining the previously required 35 foot setback, as measured from the Duxbury Road right-of-way, is consistent with the minimum right-of-way setback applying to other structures along the Duxbury Road and will not require the relocation of any existing residential improvements (septic leach field).