



Town of Bolton  
3045 Theodore Roosevelt Highway  
Bolton, VT 05676

**Bolton Development Review Board**  
**Meeting Minutes**  
**April 28, 2015**  
**Bolton Town Office**

DRB Members Present: Michael Rainville (Chair), Sharon Murray, Stephen Diglio, John Devine, Charmaine Godin

DRB Members Absent: Margot Pender (Alternate)

Staff Present: Miron Malboeuf, Zoning Administrator, Sarah McShane, DRB Assistant

Others Present: David Parot, Dave Hardy, Jason Nerenberg, Phil Harrington, John Reynolds, Chris Haggerty.

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**Posted Agenda:**

1. Public Comment
  2. 2015 Organizational Meeting
  3. Public Hearing: Application 2015-03-CU, Green Mountain Club (GMC) – Conditional use review for an amendment to Application #2012-19-CU, Conditional Use Approval
  4. Public Hearing: 2014-29-PUD.SD, Patrick Mallow – Major Subdivision (PRD)-PRD review for a two lot subdivision.
  5. Application 2014-07-CU: Application 2014-07-CU: Phillip N Harrington (Continued from March 24, 2015) Request for Conditional Use Review
  6. ZA Report
  7. Meeting Minutes
  8. Other Business
  9. Meeting Adjournment
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**Call to Order**

Mr. Rainville, Chair, called the meeting to order at 6:35pm with a quorum present.

**1. Public Comment**

David Parrot (127 Sports Club Drive) provided public comments regarding the Green Mountain Club project. He stated that he was concerned with the length of time it has taken to complete the project and asked when it would be completed. He stated the character of the woods has changed and that he would like to see the project finished.

Mr. Diglio made a motion, seconded by Ms. Murray to adjust the agenda items to have the organizational meeting at the end of the meeting. Ms. Murray noted that in the future adjustments to the agenda should be made at the beginning of the meeting. The motion passed unanimously, 5-0.

**2. Public Hearing: Green Mountain Club -(2014-03-CU)**

Mr. Rainville opened the hearing and provided an overview of the application. No ex parte communications or conflicts of interest were reported. Dave Hardy from the Green Mountain Club provided an overview of the proposal. He agreed with Mr. Parrot's concerns and stated that he too would like to see the project completed. He stated that the GMC is requesting retention of the temporary construction easement access road from US Route 2 to the pedestrian bridge and that they

1 would like to install 5 bollards to prevent vehicle traffic. They are also requesting to install an overlapping  
2 fence so that trail users can differentiate Rt. 2 and the railroad tracks. Ms. Murray asked if the railroad  
3 company had reviewed the proposal and that they would likely need to review the signage. Mr. Hardy  
4 stated that they were working with VCI. Ms. Murray asked if the signs met federal standards. She stated  
5 that the signage would likely be required to meet the Manual on Uniform Traffic Control Devices. Mr.  
6 Hardy stated that the Green Mountain Club has a licensed agreement to cross the railroad tracks. He  
7 stated that the fence will be installed 25 feet south of the railroad crossing and that the right-of-way  
8 doesn't allow anything to be constructed within 25 feet. He stated that the fence will be pressure  
9 treated 2 x 8 wood to minimize visual impacts. He stated the intent is to notify hikers that they are  
10 crossing the railroad tracks. Mr. Hardy stated that they intend for the trail to go down the center of the  
11 road and to mulch the sides with conservation mix. The goal is to finish construction of the bridge by  
12 beginning of June. Ms. Murray asked if the riparian buffer will be impacted and if they will re-vegetate  
13 the impacted buffer areas. Mr. Hardy stated that the tower is likely within the riparian buffer and that  
14 they will re-vegetate any impacted area. He stated that it will eliminate 4 miles of road walking for the  
15 Long Trail.

16  
17 Mr. Hardy stated that they are also requesting approval to install kiosks along the forest-side of the  
18 railroad tracks and near the south end of the bridge. He stated that the kiosk will provide information to  
19 trail users, such as 'leave no trace' and other relevant information.

20  
21 Mr. Rainville asked if the bollards will be reflective. Mr. Hardy reported that they will install whatever is  
22 required by VTrans. He noted that the bollards will be 'breakable' if a vehicle accidentally drives through  
23 them.

24  
25 Mr. Rainville asked for additional questions. Mr. Parrot stated that he didn't like to see these types of  
26 projects in a natural environment. Ms. Murray asked if the fencing would impact wildlife movement.  
27 Mr. Hardy stated that he did not believe so. Members discussed the bollards. Ms. Murray stated that  
28 the Selectboard required them. Mr. Parrot felt that the bollards were very distracting. Ms. Murray  
29 stated that items in VTrans right-of-way are required to meet VTrans standards and that the intent of  
30 the bollards is to keep vehicle traffic off the path. Ms. Godin stated that she felt the reflectivity was  
31 helpful to warn people of pedestrians at night.

32  
33 Ms. Murray made the motion to close the DRB hearing. The motion was seconded by Mr. Diglio and  
34 passed unanimously, 5-0. The hearing concluded at 7:05 pm.

35  
36 Mr. Hardy asked for clarification regarding application requirements for the rehabilitation project of a  
37 historic shelter scheduled for DRB review next month.

38  
39 **3. Public Hearing:** Application 2014-29-PUD.SD, Patrick Mallow – Major Subdivision (PRD)

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41 Mr. Rainville opened the hearing and provided an overview of the application. No ex parte  
42 communications or conflicts of interest were reported. Chris Haggerty, consultant for the applicant,  
43 provided an overview of the proposal. He stated that the subject parcel does not meet the definition of  
44 contiguous since the individual lots do not meet the minimum lot size for the zoning district. The  
45 applicant is before the board to request approval for a 2 Lot PRD. Lot 1 consists of 0.91 acres on the  
46 west side of Leary Road and Lot 2 is 3.94 acres on the east side of Leary Road. He stated that McCain  
47 Consulting designed the wastewater system.

1 Members discussed the wetlands on the property. Mr. Haggerty referenced an email from Gunner  
2 regarding the wetlands; however he noted that the State Wetlands Office had not conducted a site visit.  
3 Ms. Murray stated that a PRD allows the board to waive the lot size and setback requirements to allow  
4 for a more effective site layout. Mr. Rainville asked if any of the parcel would be designated open land.  
5 Mr. Haggerty responded that this particular project does not include any common open land, however  
6 many PRDs often do designated common or open space.

7  
8 Members discussed the septic system and its location under the overhead power-lines. Ms. Murray  
9 stated that a condition of approval would likely be to obtain a letter from the Vermont Electrical Co-Op.

10  
11 Mr. Haggerty stated that the parcels are accessed from existing curb cuts which pre-dates any town curb  
12 cut requirements for town highways.

13  
14 Mr. Godin asked about item #7 under the survey notes. Mr. Haggerty stated that it was a general note  
15 indicating that they are not able to fully disclose easements that are not recorded in the land records  
16 and other similar items.

17  
18 Mr. Godin asked if the existing structure on Lot 1 needs a building envelope. Mr. Haggerty reported that  
19 it's a pre-existing nonconforming structure. Ms. Murray asked if a replacement area was required for  
20 Lot 1. Mr. Haggerty stated that it is not required by the State of VT since it has similar soils.

21  
22 Ms. Murray stated that the board often tries to clean up pre-existing access issues by requiring that curb  
23 cuts be narrowed down to driveway widths. Mr. Haggerty stated that the plat doesn't indicate the  
24 location of the driveways. Members discussed possible access and driveway locations for Lot 2 and the  
25 possibility of relocating the well. Mr. Haggerty asked if the board could approve the application  
26 contingent on showing the location of the access and driveway. Ms. Murray stated that it may require a  
27 curb cut permit from the Selectboard since it is a change of use. John Reynolds asked for clarification  
28 regarding Ms. Murray's comment about cleaning accesses up. Ms. Murray stated that the board often  
29 tries to correct any access and driveway issues and to ensure that there are adequate sight distances.  
30 Members discussed what the isolation distance is for the edge of gravel to a drilled well. Members  
31 stated that a likely permit condition will be for the driveway to meet B71 standards and obtain a curb  
32 cut permit.

33  
34 Members reviewed outstanding issues. The applicant will be required to provide a letter from the state  
35 wetlands office with a wetlands determination, a letter from the VT Electrical Co-op, an Access Permit  
36 from the Selectboard, a revised site plan, and to record the plat in the town land records.

37  
38 Mr. Diglio made a motion to close the DRB hearing. The motion was seconded by Ms. Murray and  
39 passed unanimously, 5-0. The hearing concluded at 7:40 pm.

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41 Mr. Reynolds asked for clarification regarding how the two parcels could be subdivided since they don't  
42 meet the minimum lot size. Members provided Mr. Reynolds with a brief explanation of the PRD and  
43 subdivision regulations.

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45 **4. Public Hearing:** Application 2014-07-CU: Phillip N Harrington (Continued from March 24, 2015)

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47 Mr. Rainville reconvened the public hearing at 7:45 PM, continued from March 24, 2015. No ex parte  
48 communications or conflicts of interest were reported.

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Members agreed that it would be helpful to review the notes from previous hearings. Ms. Murray stated that the hearing had been continued pending submission of a site plan. Mr. Malbouef stated that he had conducted a site visit with Mr. Diglio and Mr. Gervia and they had identified two possible turn-outs. Ms. Murray stated that the board had not received a site plan and that the site plan is required to indicate all of the improvements that are proposed. Members stated that Mr. Harrington should follow the application requirements listed on page 66 of the regulations and reiterated that the board needs to see a large site plan of the proposed improvements in order to determine if they meet the regulations. Mr. Harrington felt that he had met the site plan requirements.

Board members reviewed the list of required items for the site plan. Mr. Diglio asked where the wastewater and well would be located and that the locations need to be on the site plan. Mr. Harrington stated that the driveway is on the most revised site plan but he hasn't submitted it to the town yet.

Members discussed the existing structures (yurts) and whether or not they could be relocated within the building envelope.

Members discussed the gate at the entrance of the Broadway Trail and whether or not it should be kept open or closed. Ms. Murray stated that the board needs to know who has shared interest in the access.

Jason Nerenberg introduced himself as an employee of Forest, Parks and Recreation (FPR). He stated that FPR had installed a gate at the entrance of Broadway Trail and FPR would prefer that the gate remain closed. He stated FPR owns the first 10 ft of land by the gate. He reported that the trail is valued by many as an outdoor recreational resource and that on occasion FPR drives vehicles on it to manage their lands.

Ms. Murray asked if there was a shared maintenance agreement. Mr. Nerenberg said he was not aware of one. Mr. Harrington stated that he shouldn't have conditions added to the right-of-way after-the-fact.

Mr. Harrington stated that the right-of-way was created in the 60s. Ms. Murray stated that it could be problematic for emergency vehicles if the gate is closed. Ms. Godin asked if the gate is locked with a key. Mr. Nerenberg stated that the gate has a combination lock and they are happy to share the combination with anyone who has interest in using the public lands. He stated that if the trail was damaged, Mr. Harrington would be the first to want to fix it. Members discussed the possibility of putting a gate beyond Mr. Harrington's proposed residence. Ms. Murray stated that she would be uncomfortable with a single family dwelling being located behind a locked gate. Mr. Nerenberg asked if the board would feel comfortable with a closed unlocked gate. Ms. Godin suggested 'no motor vehicles' signage.

Members discussed road maintenance and the possibility of the road being used for logging purposes. Mr. Malbouef stated that there have been reports of people going up near the sand pit and dropping trash and other debris (mattress). Ms. Godin reiterated that the board would like to see a shared agreement on how the road would be managed.

Members discussed whether or not there are other driveways that have locked gates in town. Ms. Murray stated that she was not aware of any, at least not any year round residences. Members

1 discussed maintenance agreements and how the applicant would be required to fix all damages to the  
2 road, regardless of who damaged it. They noted the importance of an agreement. Mr. Rainville and Ms.  
3 Murray pointed out that the Town of Bolton has an emergency access easement that the DRB required  
4 in a previous decision. Mr. Nerenberg stated that not having an agreement would be in FPRs best  
5 interest and that they have no intentions of damaging the road. He stated that the gate protects the  
6 road from ATV and other motor vehicles. He also stated that FPR would prefer to have the gate located  
7 on property that they own rather than on someone else's property. Members discussed whether or not  
8 the gate could be relocated. Mr. Rainville stated that there needs to be an agreement regarding the  
9 gate and that the parties should have an agreement that is acceptable to Mr. Gervia. Ms. Murray stated  
10 that the gate is effectively creating a pent road and the board needs to know how the gate will be  
11 managed. Members discussed recommending that the parties obtain a maintenance agreement or  
12 otherwise the applicant would be required to maintain the road to B71 standards, regardless of who  
13 damages it.

14  
15 Members continued review of the site plan requirements. Ms. Murray noted that the site plan needs to  
16 indicate the road and the location of gates with notations of how the gate will be managed. Members  
17 asked if the power-lines would run along the driveway. The board reiterated that these types of  
18 features need to be shown on the site plan. Board members noted that the zoning district also needs to  
19 be listed on the site plan with the dimensional requirements. Members discussed how the riparian  
20 buffer was measured. Mr. Harrington said that it was measured by tape and the measurement is very  
21 conservative. Mr. Diglio agreed that it was measured conservatively. Ms. Murray stated that the  
22 notation should indicate if the slopes are defined as steep or very steep slopes and that the iron pins  
23 need to be identified on the corners of the building envelope. Members again discussed the driveway  
24 pull-offs. Mr. Harrington stated that the driveway and pull-offs will be on the updated plan. Board  
25 members stated that all of the existing and proposed gates and culverts also need to be on the site plan.  
26 Mr. Diglio repeated that the applicant needs to show where the septic improvements will be located  
27 and the grading for the residential access improvements. Members stated that all outdoor lighting  
28 needs to be shown on the site plan and the regulations require it to be cast downward. Members  
29 reiterated that the site plan needs to be large enough for the board to clearly see the improvements.  
30 Mr. Malboeuf stated that there are two pull-offs and the driveway provides a turn-around.

31  
32 Mr. Diglio made the motion to continue the DRB hearing to the June 23, 2015 meeting to be held at 6:30  
33 pm at the Bolton Town Office. The motion was seconded by Ms. Godin and passed unanimously, 5-0.  
34 The hearing was continued at 9:10 pm.

### 35 36 **5. Zoning Administrator's Report**

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38 Mr. Malboeuf reported that he was working with Green Mountain Club and that they may need DRB  
39 approval for a historic rehabilitation project that they will be undertaking. Ms. Murray stated that they  
40 may only need a building permit, unless it falls under the adaptive reuse section of the regulations.

41  
42 Mr. Malboeuf also reported that a property owner in the village would like to construct a barn in the  
43 floodplain; however the barn will not store enough animals to meet the definition of a farm structure so  
44 it would likely need to be reviewed as an accessory structure. Ms. McShane will review the floodplain  
45 regulations to see what is required.

### 46 47 **6. Meeting Minutes**

1 DRB members reviewed the minutes from March 24, 2015. Members recommended several corrections  
2 and additions. Staff will make the suggested corrections. Mr. Diglio made the motion, seconded by Ms.  
3 Murray, to accept the minutes of the March 24, 2015 Development Review Board meeting as corrected.  
4 The motion passed unanimously, 5-0.

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6 **7. Other Business**

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8 Given the time, the DRB agreed to have the organizational meeting at a later date.  
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10 Ms. Murray reminded the board that the Utter decision needs to be approved and that the 4 x 4 Center  
11 decision needs additional review. Members agreed to meet for a deliberative session on Thursday 4/30  
12 at 6:00 PM to finish the 4 x 4 Center decision.  
13

14 **9. Meeting Adjournment**

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16 Mr. Diglio made the motion, seconded by Mr. Rainville, to adjourn the meeting. Motion carried  
17 unanimously, 5-0. The meeting adjourned at 9:30 pm.  
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19 The next regular meeting of the DRB will be held on Tuesday, May 26, 2015, 6:30 pm at the Bolton Town  
20 Office.  
21

22 Respectfully submitted,

23  
24 Sarah McShane  
25 Bolton DRB Assistant  
26

27 *\*\*These minutes are unofficial until formally accepted by the DRB.*  
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29  
30 These minutes were read and accepted by the Development Review Board on May 26, 2015.  
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34 Michael Rainville, DRB Chair  
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