



Town of Bolton Development Review Board

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

Britton & Alexandra Haselton
Final Subdivision Approval
Application #2014-32-SD-AM
March 4, 2015

Applicants

Britton & Alexandra Haselton
2453 Notch Road
Jericho, VT 05465

Application

(Application materials on file at the Bolton Town Office)

The applicants, Britton and Alexandra Haselton, have requested final subdivision review and approval to subdivide Lot 2 of a previously approved 2-lot subdivision (Miriam Thomas/Green Mountain Club #2014-1-SD) located on and accessed from the Notch Road, to create two residential parcels: a 14-acre parcel (Lot 3) east of Notch Road, and the 17-acre portion of Lot 2 located west Notch Road. The remaining 49-acres of Lot 2 located east of Notch Road will be retained in common ownership as undeveloped forestland. This portion of Lot 2 includes an existing trail easement maintained by the Green Mountain Club for access to the Long Trail corridor located to the east (on Lot 1), which is now part of the Mount Mansfield State Forest. The portions of Lot 2 (ID #0041182) to be subdivided and developed for residential use are located within the Rural II zoning district, and include forested uplands, steep (15+%) and very steep (>25%) slopes, mapped wetlands and streams, and a cellar hole and stone walls of potential historic significance.

This application has been reviewed by the Bolton Development Review Board (DRB) as an amendment to an previously approved minor subdivision under the Bolton Land Use and Development Regulations (BLUDRs) as amended, effective August 9, 2010, including the applicable zoning district criteria (Table 2.5), general standards (under Article 3) and subdivision standards (Article 7). Any further subdivision of previously approved lots will trigger DRB review as a major subdivision. The Development Review Board's procedural history and relevant findings are attached.

Decision –Final Subdivision Amendment Approval

- Denied
- Approved
- Approved with Conditions:**

1. The subdivision survey plat, '2 Lot Subdivision showing Lands of Britton and Alexandra Haselton' prepared by Chris Haggerty (LS # 741), Button Professional Land Surveyors, PC, dated 1-7-2015 as amended herein, 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 Bolton Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17, and provide two paper copies of the

- recorded plat, digital plat (parcel boundary) data, and one copy of all supporting documentation to the Zoning Administrator (see Section 6.6 of the regulations).
2. The Development Review Board has agreed to waive the boundary survey requirement for the retained portion of Lot 2, pursuant to Section 6.2(c) of the regulations, given that the retained portion exceeds 30 acres, and the boundary is referenced in other survey plats on file in the land records of the town.
 3. The final survey plat as recorded shall carry the following endorsement:
Approved by the Development Review Board of the Town of Bolton, Vermont, on the __ day of January 2015, subject to all requirements and conditions of subdivision approval. Signed this __ day of ____, 2015, by _____, DRB Chair.
 4. The final plat as recorded shall also include the following notations:
 - a. All principal structures, accessory structures and parking areas must be sited within designated building envelopes as shown on the plat and marked on the ground.
 - b. No development shall be located within required property line or stream setbacks as shown on the plat, without prior approval of the Bolton Development Review Board.
 - c. A 10-foot, undisturbed setback area shall be maintained around the cellar hole identified on Lot 2 west of Notch Road as shown on the plat.
 5. Except for the driveway stream crossing on Lot 3 approved herein, 50-foot setbacks and 25-foot undisturbed vegetated buffers shall be maintained along all streams and wetland areas. No development may be located within required setbacks as shown on the plat, without prior approval from the Bolton Development Review Board in accordance with Section 3.17 of the regulations.
 6. Historic landscape features, including stone walls and the cellar hole located on Lot 2 west of Notch Road, shall be preserved in place, to be incorporated in site layout and design, until such time as their historical significance can be determined and documented by the property owner(s) or the Town of Bolton. No alteration or removal of historic landscape features is allowed without prior approval from the Development Review Board.
 7. Development on either lot is prohibited on slopes in excess of 25%. Approval from the Bolton Development Review Board is required for any development on slopes of 15% or more in accordance with Section 3.16 of the Bolton Land Use and Development Regulations.
 8. Building envelopes shall be marked on the ground with iron pins in locations indicated on the subdivision plat as recorded in the land records.
 9. Access to approved lots shall be located and installed as shown on the subdivision plat dated 1-7-2015. All new highway accesses and driveways shall be located as shown on the plat, and designed and upgraded as necessary to meet B-71 standards. The driveway stream crossing on Lot 3 shall be installed as specified in the letter from Ian S. MacKenzie, PE, Kingsbury Companies, LLC dated 1-27-2015. A highway access permit from the town is required prior to the issuance of a zoning permit. The Bolton Zoning Administrator is authorized to review and permit minor modifications to the location of an access, as required by the town, in association with the issuance of a zoning permit.
 10. Easement language for the 30-foot utility and access easement shown on Lot 2 to benefit Lot 3, shall be recorded in the land records of the town prior to or in association with recording of a deed for Lot 3.
 11. Potable water supply and wastewater systems serving the two lots (Lots 2 and 3) shall be located as generally shown on the draft survey plat dated 1-7-2015, and outside of required stream setbacks.
 12. Utility lines serving Lots 2 and 3 shall be buried, unless otherwise approved by the Development Review Board.
 13. Stormwater and soil erosion during site development, particularly on slopes of over 15% or more, shall be managed in accordance with the "Low Risk Site Handbook Erosion Prevention and Sediment Control" as most recently issued by the Vermont Department of Environmental Conservation. Silt fencing shall be installed as necessary to prevent stream sedimentation during construction.

14. Subsequent development on approved lots is subject to all applicable requirements of the Bolton Land Use and Development Regulations in effect at the time of application. All municipal and state permits, including highway access, and potable water supply and wastewater permits, must be obtained prior to the issuance of zoning permits and the start of site work and construction.
15. No changes, modifications or other revisions that alter the subdivision as amended and approved, including the location of subdivision boundaries, lot lines, building envelopes, easements, or conditions of subdivision approval, shall be made without prior approval from the DRB. Any further subdivision of a previously subdivided lot that results in the creation of one or more additional lots shall be reviewed as a major subdivision. Any changes, modifications or revisions recorded without DRB approval shall be considered null and void.
16. The conditions of this subdivision approval are binding upon and enforceable against the applicants as permittee and their successors. By acceptance of this approval, the permittee agree 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:

Charmaine Godin – Yes
Sharon Murray –Yes
Michael Rainville – Yes
Margot Pender–Yes

Stephen Diglio– Yes

Dated at Bolton, Vermont this 4th day of March, 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)

Sketch Plan (Pre-Application Review). An initial request for sketch plan review from the applicant, dated 11-10-2014, was received by the Zoning Administrator and forwarded to the Bolton Development Review Board (DRB) for consideration at its next regularly scheduled meeting, held on November 25, 2014. At this meeting the DRB agreed that the proposal, to subdivide Lot 2 of the 2-lot Miriam Thomas/Green Mountain Club subdivision, previously approved by the DRB on May 27, 2014 (2014-1-SD), into two residential lots –resulting in a total of three lots –would be classified and reviewed as a minor subdivision under the regulations, to include one warned public hearing with notice to abutters. It was recommended that the draft survey plat, as submitted for review, show the location of existing and proposed accesses and driveways designed to meet B-71 standards; required setback distances from property lines, road rights-of-way, streams and wetlands; and the location of proposed building envelopes and utilities on each lot. It was also recommended that that the applicants:

- Renumber the parcels to correspond to the existing, approved subdivision plat (e.g., as Lot 2 and Lot 3).
- Depict topography and drainage (contour lines, elevations) and the location of mapped streams, wetlands and required setback distances on the subdivision plat, as specified in the regulations – especially within the vicinity of proposed building envelopes – and/or on an attached subdivision plan.
- Define building envelopes on each lot to exclude protected resources and hazard areas (e.g., the cellar hole, surface waters, wetlands, required setbacks and very steep slopes) as proposed. Building envelopes do not need to be separately surveyed, but must be indicated on the subdivision plat as marked on the ground (with iron pins).
- Define building envelopes on each lot that are large enough to accommodate all principal and accessory structures and parking areas. It was noted that the building envelope shown on Lot 1 was likely not large enough to accommodate a house, garage or shed and parking area.
- Avoid stream crossings if possible, and any other site disturbance within required stream and wetland buffer areas, which would also be subject to conditional use review under the regulations.
- Configure lots to minimize forestland fragmentation and ensure that forestland remains eligible for enrollment in in the state’s Use Value Appraisal (Current Use) program (i.e., 25 acres excluding 2-acre house sites/homesteads).
- Meet applicable driveway and access standards under both the regulations and the town’s highway access permit requirements (e.g., B-71 standards as provided) – the review of which will be coordinated with the road foreman and fire chief.
- Provide legal documentation (e.g., draft deed or easement language) for any formal access or recreational rights on Lot 2 to be conveyed to Lot 3. Access easements or rights-of-way should also be identified on the draft subdivision plat submitted with the application.

Final Subdivision Review. The application for subdivision review and approval, and supporting information, was forwarded to the DRB, and warned for public hearing on 1-9-2015 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 on 1-27-2015 at the Bolton Town Office with a quorum of the DRB present and one alternate participating. 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:

- Britton & Alexandra Haselton, Applicants
2453 Notch Road Jericho, VT 05465
- Christopher Haggerty, Button Professional Land Surveyors, PC (representing the applicants)
20 Kimball Avenue, South Burlington, VT 05403
- Alain Cohen, 1339 Notch Road, Jericho, VT 05465
- Richard Dunn, 1424 Notch Road, Jericho, VT 05456

In addition to the application form, dated 1-13-15, the following materials were submitted in support of the application:

1. Written description from applicants with a description of proposed subdivision and statement of compliance with town plan and local regulations (no date).
2. Applicants written responses regarding the requirements of Section 7.1 and Section 7.2, 7.3,7.4, 7.5,7.6 7.7, 7.8.
3. Survey Plat of '2 Lot Subdivision showing Lands of Britton and Alexandra Haselton' prepared by Chris Haggerty (LS # 741), Button Professional Land Surveyors, PC, dated 1-7-2015, Job #BOLT0056, Sheet 1 of 1.
4. Septic Design Drawings prepared by Vermont Contours Inc., Spencer K. Harris (LD # 310-B) dated 1-12-15, Sheets 1 of 3, 2 of 3, and 3 of 3.
5. Two GIS maps prepared by the Applicant (no date) indicating the location of the proposed driveway stream crossing on Lot 3.
6. Letter from Ian S. MacKensie P.E., of Kinsbury Companies, LLC, dated 1-27-2015 regarding the design and installation of the driveway stream crossing.

The public hearing was adjourned that evening, initiating the 45-day period for the issuance of a written DRB decision.

Findings & Conclusions

The applicants' request for minor subdivision amendment to create two residential lots from Lot 2 of a previously approved subdivision was reviewed by the Bolton Development Review Board (DRB) for conformance with applicable zoning district requirements (Rural II), General Requirements (Sections 3.2, 3.16, 3.17, 3.18), and Subdivision Standards (Article VII) of the Bolton Land Use and Development Regulations (BLUDR) in effect at the time of application. DRB findings and conclusions under applicable standards are presented as follows.

Zoning District Standards (Table 2.5)

Conclusion: Based on the following findings, the proposed subdivision will result in parcels that conform to minimum zoning district requirements and allowed uses for the districts in which they are located.

1. The subdivision of the existing parcel (Lot 2) owned by the applicant, totaling 80± acres, will result in the creation of a 14± acre parcel (Lot 3) and a 66 ±acre parcel (retained portion of Lot 2) each with a building envelope, which are located in the Rural II zoning district, as shown on the draft survey plat dated 1-7-2015.
2. Residential uses as proposed within the Rural II District are allowed as permitted uses within the district.
3. The minimum dimensional requirements for this district are as follows:

	Rural II (Table 2.5)
Lot Area	10.0 acres
Road Frontage	300 feet
Setback/Front (ROW)	35 feet
Setback/Rear	50 feet
Setback/Side	50 feet

4. Both proposed lots meet the minimum 10-acre lot size requirement for the Rural II District.
5. Each proposed lot has required frontage along the Notch Road in the Rural II District, as shown on the survey plat dated 1-7-2015.
6. A 35-foot setback from the road right-of-way and 50-foot setback from adjoining property boundaries, as required by the Rural II District, are shown on the draft survey plat. The designated building envelopes on each lot, as shown on the draft survey plat dated 1-7-2015, are clearly outside of required setbacks.
7. The 50-foot stream setback, as shown on the draft survey plat, conforms to the 50-foot setback requirement for unnamed streams under Section 3.17 of the regulations.

General Standards (under Article III)

Conclusion: Based on the following findings, the proposed subdivision will conform to applicable general standards under Article III of the regulations.

Access (Section 3.2).

1. As proposed, the portion of Lot 2 to be developed will be served by an existing access on the western side of Notch Road, and Lot 3 will be served by a new access and driveway on the eastern side of Notch Road, via a 30' utility and access easement over Lot 2 as shown on the draft subdivision plat dated 1-7-2015. Only one access point is proposed for each lot.
2. The driveway serving Lot 3 will cross an unnamed stream. Ian S. MacKenzie, PE from Kingsbury Companies, LLC provided a written analysis dated 1-27-2015 recommending a 24" corrugated metal pipe or HDPE plastic pipe for culvert, and for the culvert to be installed at a minimum 3% longitudinal slope. The analysis also recommends providing 2' vertical cover over culvert to road surface and 12" minus angular stone [VAOT 706.04 (a) Type 1] for slope stabilization and stream bottom re-establishment at a minimum 18" thickness as necessary during final grading.
3. The applicant is required to submit draft easement language for the 30-foot access and utility easement on Lot 2, to be conveyed with Lot 3, as required under the regulations and shown on the draft survey plat dated 1-7-2015.
4. Proposed driveways will avoid all areas of >25% slope, as shown on the draft subdivision plat dated 1-7-2015. Portions of the new driveways will be re-graded as necessary to achieve an average finished grade of no more than 15% over any 50-foot section, as required under the regulations.
5. Highway access permits from the town will be needed prior to any development.
6. Per applicant testimony, proposed driveways will be constructed to meet B-71 Standards, as required under the regulations.

7. **Steep Slopes (Section 3.16).** The lots to be subdivided include steep (15+%) and very steep slopes (>25%) as determined from contour lines and shaded slope areas indicated on the draft survey plat. No development is proposed on slopes in excess of 25%. Building envelopes on Lots 2 and 3, as shown on the draft plat dated 1-7-2015, are located on slopes having a natural grade of less than 15%.
8. **Surface Waters (Section 3.17).** An intermittent stream runs throughout portions of Lot 2 and Lot 3 as indicated on the draft survey plat dated 1-7-2015. A 50' stream buffer as indicated on the survey plat is noted on the plat as "protected as open space."
9. **Wetlands (Section 3.17).** No wetlands were identified within designated building envelopes or other areas to be developed.
10. **Water Supply and Wastewater Systems (Section 3.18).** Locations for onsite potable water supply and wastewater disposal systems on Lots 2 and 3 are shown on the Survey Plat of '2 Lot Subdivision showing Lands of Britton and Alexandra Haselton' prepared by Chris Haggerty (LS # 741), Button Professional Land Surveyors, PC, dated 1-7-2015, Job #BOLT0056, Sheet 1 of 1. Septic System Design drawings entitled 'Haselton Subdivision/Septic Design' prepared by Vermont Contours Inc., Spencer K. Harris (LD # 310-B) dated 1-12-15, (Sheets 1 of 3, 2 of 3, and 3 of 3) indicate the location of a proposed mound disposal area and proposed drilled well on Lot 3, and include septic system designs for Lot 3. The proposed systems are located outside of required surface water and wetland setback areas. State permits must be obtained prior to the issuance of a zoning permit by the Zoning Administrator.

General Subdivision Standards (Section 7.1)

Conclusion: Based on the following findings, the DRB has determined that land being subdivided is suitable for its intended residential use, and that the subdivision as proposed conforms to specific policies of the Bolton Town Plan, district settlement patterns for the zoning district in which it is located, and lot and building envelope requirements.

11. **Development Suitability.** The land to be subdivided (Lot 2) includes moderate to steep (15+%) and very steep (>25%) slopes, and an intermittent stream as indicated on the draft subdivision plat dated 1-7-2015. That portion to be developed for residential use, as included within designated building envelopes, excludes very steep slopes and land within the 50-foot setback from the stream buffer. No development is proposed in areas characterized by periodic flooding, poor drainage, very steep slopes (>25%) or other hazardous conditions.
12. **Bolton Town Plan.** The current Bolton Town Plan, as readopted in 2011, contains the following goals and polices under Section 3.2 (Natural Resources) that apply to this parcel:
 - Maintain, restore and conserve habitats and natural communities that support rare, threatened and endangered species; and manage rare and irreplaceable natural areas in Bolton so as to minimize the adverse effects of development.
 - Ensure that permits issued for development near sensitive areas, such as steep slopes, high elevations, wetlands, scenic vistas and wildlife habitats, contain conditions assuring conformance to the goals set forth in this plan.
 - Identify and manage pollution, flooding and fluvial erosion hazards along rivers and streams.

The subdivision has been configured, as noted above, to avoid or minimize impacts to areas of steep slope, and surface waters on the portion of the property to be subdivided, as indicated on the draft survey plat dated 1-7-2015 and in related application materials.

13. **District Settlement Pattern.** Those portions of the existing lot to be re-subdivided and developed for residential use are located within the Rural II Zoning District. Existing and proposed development (single family dwellings, forestry, and passive recreation) are consistent with the purpose of this district (Table 2.5) 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. The subdivision as shown on the draft survey plat has been designed and configured to reinforce the rural character and historic working landscape in this district, characterized by forested hillsides, and low densities of residential development.
14. **Lot Layout.** The lots to be subdivided, retained and conveyed, as shown on the draft survey plat, are regularly shaped, are consistent with site topography and the suitability of the land for development, and have been configured to meet district dimensional requirements and to conform to desired settlement patterns.
15. **Building Envelopes.** Building envelopes that limit the location of structures, parking areas and associated site improvements have been designated by the applicant for each of the two lots, along with indicating suitable locations (footprints) for new principal structures on Lots 2 and 3, as shown on the draft survey plat dated 1-7-2015. The locations of iron pins used to mark and identify building envelopes on the ground are not shown on the draft survey plat, but should be marked on the ground with iron pins. Building envelopes, shown as "typical" on the draft plat, and associated marker locations, are to be shown on the final plat as recorded in the land records of the town.
16. **Survey Monuments.** Survey monuments, as shown on the draft survey plat dated 1-7-2015 will also be shown on the final plat.
17. **Landscaping and Screening.** A 50-foot stream buffer (100-foot total width) is also proposed along either side of the naturally occurring stream that crosses Lots 2 and 3. This buffer is to be protected as open space as indicated on the draft survey plat dated 1-7-2015.
18. **Energy Conservation and Renewable Energy.** Building envelopes are situated in relation to surrounding topography to allow for a reasonable southern exposure. The intent of the applicant is to retain the remaining, undeveloped portion of Lot 2 as a forest parcel in Use Value Appraisal Program, for timber management, which may include harvesting for cordwood or woody biomass.

Protection of Natural & Cultural Resources (Section 7.3)

Conclusion: Based on the following findings, the DRB has determined that the proposed 2-lot subdivision has been designed and configured to avoid undue adverse impacts to natural resources and historic landscape features identified on the property.

19. **Resource Identification.** Natural resources identified on or in the vicinity of the property to be subdivided include forested hillsides, steep and very steep slopes, and an intermittent stream, as indicated on the draft survey plat dated 1-7-2015 and as referenced in related application materials.

Surface Waters, Wetlands and Floodplains. As shown on the draft survey plat, proposed building envelopes have been configured to exclude the intermittent stream and the associated 50-foot riparian buffer on Lots 2 and 3, and to avoid adverse impacts to these areas from subsequent residential development. The stream crossing for the driveway serving Lot 3, as specified by the applicants' engineer, has been designed to minimize adverse impacts to the stream channel, water quality, and associated flooding and erosion hazards to adjoining land.

20. **Rock Outcrops, Steep Slopes, Hillside and Ridgelines.** Lot lines, driveways and building envelopes, as shown on the draft survey plat, have also been configured to avoid areas of very steep slope (>25%), ridgelines and rock outcrops, and to minimize development on steep slopes (15% or more). As noted above house sites on Lots 2 and 3 will be located on slopes of less than 15%.
21. **Historic and Cultural Resources.** Historic landscape features identified on the draft survey plat dated 1-7-2015, include a dilapidated camp of limited historic value, a cellar hole (possible school site) and remnants of stone walls which once marked field or property boundaries. These are located outside the designated building envelopes on Lot 2 and Lot 3.
22. **Natural Areas and Wildlife Habitat.** The subdivision has been configured to avoid the fragmentation of existing natural areas and wildlife habitat on the property by limiting the size of the Lot 3 to be conveyed for residential development to approximately 14 acres – the minimum required for the Rural II zoning district is ten acres – and by maintaining 66 acres of Lot 2 east of the Notch Road, to be retained by the applicant, as contiguous upland forest habitat as indicated on the draft survey plat, dated 1-7-2015. No additional development is proposed on Lot 2.
23. **Forestland.** The subdivision, including lot lines and building envelopes, has been configured to minimize the fragmentation of productive forestland. Upland portions of the 66-acre parcel (Lot 2) to be retained by the owner are mostly wooded. This land is currently enrolled in the state's Use Value Appraisal Program as forest land, subject to a state-approved forest management plan. The subdivision has been configured to ensure that this portion of Lot 2 will continue to be eligible for program enrollment.

Open Space (Section 7.4)

Conclusion: Based on the following findings, the DRB has determined that the proposed subdivision as shown on the draft survey plat dated 1-7-2015, will result in the retention of approximately 66± acres of contiguous, undeveloped open space on Lot 2 (excluding proposed structures and yard areas included within the designated building envelope) as well as a 50-foot stream buffer that crosses Lots 2 and 3, which will provide for the protection of natural features identified on the property.

24. Lot 2, following subdivision, will consist of approximately 66± acres of contiguous, undeveloped open land, excluding the building envelope located on the western-side of the Notch Road. Portions of Lot 3 will also remain open and undeveloped outside of designated building envelope.
25. The undeveloped portion of Lot 2 to be retained by the applicant has not been formally designated on the draft survey plat as protected open space; however the intended use of Lot 2, outside of the designated building envelope, is for forestry or agriculture. No additional subdivision is proposed at this time, and no additional residential development on the lot may occur outside of the designated building envelope.

Stormwater Management and Erosion Control (Section 7.5)

Conclusion: Based on the above findings pertaining to development on steep slopes, the designation of a stream setback and buffer on Lots 2 and 3, and the designation of building envelopes to exclude these areas, the DRB has agreed to waive the submission of an engineered erosion control and sediment plan, with the understanding that subsequent development on approved lots will adhere to stormwater management and erosion control practices included in the "*Low Risk Site Handbook Erosion Prevention and Sediment Control*" as most recently issued by the Vermont Department of Environmental Conservation.

Transportation (Section 7.6)

Conclusion: Based on the above findings under Section 3.2, the DRB has determined that access to the proposed subdivided lots will meet applicable access and driveway standards under Section 3.2. Access to the Notch Road is also subject to approval by the Town of Bolton. No development roads are proposed.

Facilities and Utilities (Section 7.7)

Conclusion: Based on the above findings pertaining to proposed water supply and wastewater systems and other facilities and utilities as follows, the DRB has determined that existing and planned infrastructure and services serving the proposed subdivision will be adequate, and conform to applicable standards under this section of the regulations.

26. The proposed subdivision will result in the creation of two residential lots on the Notch Road. As such, it will not create an undue burden on existing municipal or community facilities and services, including town highways or the school.
27. Utility lines serving Lot 3 will be located within the 30' wide access and utility easement on Lot 2, as identified on the draft survey plat dated 1-7-2015.
28. All utility lines serving new residential development will be buried, unless otherwise subsequently approved by the DRB in association with the development of an individual lot.
29. No outdoor lighting is proposed; new outdoor lighting must meet the requirements of Section 3.9 of the regulations (Outdoor Lighting).

Legal Requirements (Section 7.8)

Conclusion: As a condition of approval, prior to or in association with recording of a deed for Lot 3, the applicant is required to record the 30' wide utility and access easement over Lot 2 to benefit Lot 3 in the land records of the town. No other legal documents are required.