



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
Select Board Minutes
Special Meeting
October 14, 2015

Board members present: Josh Arneson, Gene Armstrong, Jen Dudley-Gaillard, Ron Lafreniere; Chair, Sharon Murray

Board members absent: none

Also present town representatives: Eric Andrews, Linda Baker, Sarah McShane, Michael Rainville, and residents & property owners: Melissa Bailey, Daniel Champney, Melissa Cruz, Kimberley Ead, Derek Howard, Michael Hauser, Donald Whitman, Leroy Yoder

Clerk: Amy Grover

1. **The meeting was called to order at 6:11 p.m. by Ron Lafreniere with a quorum of 5 members present.**
2. **Additions or deletions to the agenda: none**
3. **General public comment: none**
4. **Public Hearing:**

The hearing notice was read by Ron Lafreniere:

“The Town of Bolton Select Board has been presented with a petition from voters and/or landowners of the Town desiring to have town highways layed out in the location of existing roads known as Mountain View Drive, Bear Mountain Road, and Fern Hollow. Mountain View Drive is a road which abuts Town Highway No. 3, aka Notch Road. Bear Mountain Road and Fern Hollow abut Mountain View Drive.

Pursuant to the requirements of Title 19, Chapter 7 of the Vermont Statutes Annotated, the Town of Bolton Select Board will conduct an examination of the premises and a public hearing on October 14, 2015 (rain date October 21, 2015) as follows:

1. Examination of the premises at 4 PM, beginning at the intersection of Mountain View Drive and Notch Road in Bolton, Vermont; and
2. Hearing any interested parties at 6 PM at Smilie Memorial School in Bolton, Vermont.”
 - Sharon Murray stated that there were standards governing the hearing, and noted the need that findings be made to address the public good, necessity and convenience.

Receiving testimony from residents and/or property owners:

- Melissa Bailey stated that this was a follow up to the initial request that the town take over three roads; Mountain View Drive, Bear Mountain Road, and Fern Hollow, for the town to plow, maintain, and repair the road. Ms. Bailey submitted a memo outlining 12 facts with a map describing the widths of the roads as Exhibit A, for the record. Noted “K” and “J” on the map are Fern Hollow.
 - Brief discussion on rights of way (r.o.w.), if r.o.w. are referenced in deeds, r.o.w. depicted on the Patrick Smith plat.
 - Sarah McShane submitted a copy of the Patrick Smith Plat, #23-H as Exhibit B for the record.
 - Michael Hauser noted that the eight lot subdivision’s values had risen significantly, that even although they all agreed to maintain the road property values had risen, that it didn’t seem that it would negatively impact the town to take over the roads. He also noted that from an appraisal point of view, values were consistent whether on a private vs. town road, although there was anecdotal evidence that people may be less likely to purchase property on a private road because of the additional fees for road maintenance.
 - Sharon Murray noted that when the lots were purchased, buyers knew it would be on a private road. Mr. Hauser stated when he purchased his lot, Bear Mountain Road did not yet exist. Sharon asked if it was approved as a driveway. The group reviewed the map and the access for the houses.
 - Sharon Murray asked how many houses were on Fern Hollow – Kim Ead noted that there were 3 houses on Fern Hollow.

- Melissa Bailey stated that there were 7 houses within the association and that the Green Mountain Club also contributed as they have an easement to access their property, and that none of the other houses on Mountain View Drive contribute.
- Sharon Murray asked how far the school bus travels down Mountain View Drive. Derek Howard stated the bus uses Meadow Lane as a turnaround.
- Michael Hauser noted a year ago there was a change to the covenants that allowed for accessory dwellings or apartments, so that there has been population growth and increase in traffic, with the potential for 14 individual households (2 per lot).
- Leroy Yoder stated that it was a safety issue, growth issue, and property value issue:
 - In addressing the public good, an important factor was the of lack of sales, noting the case of a neighbor who has been trying to sell for 2 years, even decreasing the sale price, adding that a decrease in property value could be a significant cut to the tax base if indeed people didn't want to purchase property on a private road.
 - There is access to both state and Green Mountain Club land through the roads providing hiking and hunting opportunities, a benefit to the whole community.
 - The necessity was that they are part of the community, 5% of the public.
 - Summer flooding brought forth the safety factor. After the June 9th rain event, roads were impassable for a period of time, unsafe for residents, especially those with health issues and small children. They came together as a community to fix the roads, and did not have the benefit of access to FEMA or state funds; that access was a huge necessity. They pay taxes as a part of the community, turned to the community for help and were told there was no help available. It caused a disaster for them to realize that they are not being treated as part of the community, that they are isolated which is very concerning.
 - Sharon asked what the repair costs were after the flood. Mr. Hauser stated he had paid 10K himself. Ms. Bailey stated it was at least 20K and that she could get that exact number for the board. Ron Lafreniere asked if culverts were replaced. Ms. Bailey stated yes, culverts and a French drain were installed, that the culverts were upsized, and that the French drain was new, and replaced a culvert.

Receiving testimony from Town Representatives:

- Sarah McShane, Development Review Board Assistant, noted that she had researched and reviewed documents pertaining to the subdivision history, and items relevant to the roads under discussion, and entered for the record:
- Exhibit C – Tax Map #8.
- Exhibit D – 1994 Zoning Regulations relevant to the Smith 8 lot subdivision (on file in the town vault); r.o.w., emergency access, materials, definition of private road.
- Exhibit E – 1994 Subdivision Regulations amended in 2001 (on file in the town vault), relevant to the Smith 8 lot subdivision, and referenced:
 - Page 13 Article V. 500: “unless the subdivider has obtained agreement from the Board of Selectmen to accept roads as Town roads, all roads shall be private.”
 - B-71 and A-76 driveway and road standards.
 - Homeowners Association, page 19 Article VI 610.1
- Exhibit F: DRB Hearing Minutes, 12/2/2001 and 2/20/2002, page 6: Mr. Smith stated that the road (Mt. View Drive) was not up to standard and would not be turned over to the town. Much discussion referenced regarding who would maintain the road.
- Exhibit G: DRB decision dated 3/26/2002, 16 conditions of approval, conditions #3 & #8 referencing road maintenance agreement and standards.
- Exhibit H: Declaration of Covenants; reference that all maintenance and repairs shall be shared equally by all site owners.
- Exhibit I: Three letters filed in the Land Records from the Highway Foreman, Eric Andrews, and the Select Board noting their concerns, and engineer John Stuart certifying the road construction was completed and in conformance with the DRB approval.

- Ms. Ead questioned what roads were referenced as new construction.
- Mike Rainville stated his recollection of that hearing was that that MT View Drive could not meet the standards, especially with respect to the right of way, and that the MT View Drive residents would not give additional right of way.
- Jen Dudley-Gaillard noted that the DRB gave approval for the Smith subdivision because roads would remain private.
- The group questioned how previous maintenance was handled.
- Ms. Bailey stated they were not arguing the previous decision, but were looking at the situation today.
- Don Whitman stated that he was under the impression that when Mr. Smith sold lots he was required to bring the roads road to town standards, and there was widening/work done. Brief discussion on standards.
- Eric Andrews – Highway Foreman
 - Exhibit J; estimated costs for maintenance and State of Vermont aid. Grading 4 – 5 times per year, 950 yards of crusher run/year, plowing 35 times (conservative). Calculated at \$11,455.68 annually, and SOV Class 3 road aid \$1,384.45
 - Sharon Murray asked if the roads met A-76 standards, other than right of way. Mr. Andrews stated no especially with respect to the grade, some at a 20% grade; A-76 is 10% with a width 22’ wide, with 2’ shoulders, 1’ gravel, and anything over 10% grade has to have stone lined ditches.
 - Mr. Andrews stated the right of way standard is 15’ from the edge of the traveled portion of the road, and/or 50’ from the center of the road.
 - Ms. Bailey asked if all the current roads meet all the standards. Sharon Murray stated no, as many were laid out long before standards were in place, and that anything new has to meet standards.
 - Mr. Hauser noted that the Homeowners Association pays about the same amount as was quoted by Mr. Andrews, but does not get that level of service: i.e. road graded only twice a year.
 - Sharon Murray asked about the current culverts, drainage, and ditching. Mr. Andrews stated that all would need to be upgraded, there was lack of drainage, and that the I89 fence did not delineate that r.o.w. – it actually goes beyond the fence toward the road. Establishing the standard r.o.w. would shift the road to the north, and that guardrails would probably be required by state. Uncertain what it would cost to bring the road/s up to standard, but a considerable expense at the cost of the residents.
 - Jen Dudley-Gaillard noted there was uncertainty how/if there would be deed changes because of a change in the r.o.w.
 - Sharon Murray stated that essentially the town would be laying out public road which would require the 50’ r.o.w., upgrades and a survey, and that property owners might require the town to pay damages for increasing the r.o.w.
- Linda Baker – Planning Commission Chair
 - Exhibit K – 2012 Bolton Town Plan; Section 4.2 Transportation Goals, g. page 24: “Continue the existing Town practice of not accepting new, privately built roads to town ownership and maintenance.”

Ron Lafreneire asked if there were any other questions or comments. There were none.

Sharon Murray asked if present folks would be willing to dedicate a 50’ row, noting that if not, that may require condemnation procedures, and also willing to pay for the road upgrade. Mike Rainville noted that was the previous issue with MT. View Drive, residents did not support the increased r.o.w. and upgrade. Michael Hauser stated that it seemed that residents would need to see what the cost would be to bring the road up to standard in order to answer the questions.

Don Whitman commended the residents for their maintenance of the roads.

Jen Dudley-Gaillard noted that there was letter from Joss Besse, member of the Capital Planning Committee, and submitted it for the record as Exhibit L.

Sharon Murray noted that the Select Board would close the meeting, hold a deliberative session, and had 60 days to render a decision.

5. **Public Works International Trucks:** Tabled until the 10/19 meeting
6. **Other Business:** none
7. **Closing:** No other business was brought before this Board at this time. Gene made the motion "to close the meeting." Jen seconded. There was no further discussion. All were in favor and the motion passed (5-0), at 7:33 p.m.

Attest: Amy Grover, Clerk

Minutes are unofficial until approved. These minutes were read and approved by the Bolton Select Board on:

10/19, 2015



Ron Lafreniere, Chair, For the Board