



# Town of Bolton Development Review Board

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

Vermont Building Resources LLC  
Preliminary Subdivision/PUD Approval  
Application #2017-02-DRB  
June 22, 2017

## **Applicant**

Vermont Building Resources LLC  
Mr. Chuck Reiss  
756 Buck Hill Road. W.  
Hinesburg, VT 05461

## **Property Owner**

West Bolton Golf Club, Inc.  
Attn Jeffrey Brown  
5161 Stage Road  
Bolton, VT 05465

## **Application**

(Application materials on file at the Bolton Town Office)

The applicant, Vermont Building Resources LLC, has requested preliminary subdivision review and planned unit development (PUD) approval to subdivide the 23.3± acre parcel (Map 1 #0035425) located on the corner of Stage and Nashville Roads. The proposal is to create nine parcels: Lot 1 consisting of ±0.78 acres; Lot 2 consisting of ±0.69 acres; Lot 3 consisting of ±0.82 acres; Lot 4 consisting of ±0.94 acres; Lot 5 consisting of ±0.88 acres; Lot 6 consisting of ±0.89 acres; Lot 7 consisting of ±1.03 acres; Lot 8 consisting of ±2.58 acres; and Lot 9 consisting of ±14.68 acres. Lots 1-7 are proposed for residential development. Lot 8 will remain undeveloped at this time, but it is the intention of the applicant to transfer ownership of the lot to the Town of Bolton or other community organization for the purpose of creating a community recreation area. As proposed, Lot 8 is encumbered by a 20' wide force main easement over Lot 8 to benefit Lots 1-6, and a utility and access easement in the northeast corner bordering Lot 7. Lot 9 contains wetlands and riparian areas and is proposed to remain undeveloped as protected open space. The proposal also includes relevant easements for access, shared potable water, wastewater, and utilities. The applicant has requested modifications of zoning and subdivision requirements under Section 8.3, to reduce the lot size requirement from two acres to 0.69 acres to allow clustering; side, rear, and front setback reductions for Lots 1-8; a waiver from the 200 foot road frontage requirement to allow clustering; and request a waiver of the requirement to provide engineering reports for water, waste water, and storm water for Lot 8. The proposed parcels are located in the Rural I zoning district and include prime agricultural soils, mapped wetlands, streams, and associated buffers.

This application has been reviewed by the Bolton Development Review Board (DRB) as major subdivision under the Bolton Land Use and Development Regulations (BLUDRs) as amended, effective August 9, 2010, including the applicable zoning district criteria (Table 2.4), general standards (under Article 3), subdivision standards (Article 7) and planned development standards (Article 8). There are no previous conditions of subdivision approval attached to the parcel. The Development Review Board's procedural history and relevant findings are attached.

## **Decision –Preliminary Subdivision/PUD Approval**

- Denied**
- Approved**
- Approved with Conditions:**

The request for preliminary subdivision/PUD approval for a 9-lot subdivision of the parcel located on the corner of Stage and Nashville Roads, including requested modifications and waivers of district dimensional requirements, as described in the application dated 12/28/2016 and associated supporting materials, and the draft subdivision plat prepared by Button Professional Land Surveyors, last revised 5/2/2017, is hereby approved by the Development Review Board subject to the following conditions of approval:

1. An application for final subdivision approval shall be filed within six months of this decision and shall include the following:
  - a. Application materials as specified in Table 6.2 of the Bolton Land Use and Development Regulations for final subdivision plan review, and a written waiver request for any materials considered not relevant to the project.
  - b. Calculations for total impervious surfaces including both building and lot coverages.
  - c. A revised survey plat, and associated engineer drawings, showing the proposed access to Lot 8, a delineated, vegetated 25-foot wetland buffer within required wetland setbacks, and Lot 9 labeled as “permanently protected open space.”
  - d. Documentation that all other required municipal and state permits have been obtained, as identified on the Project Review Sheet submitted with the application for preliminary approval, including but not limited to highway access (curb cut) permits from the Town of Bolton and, state potable water supply and wastewater permits issued by the Vermont Department of Environmental Conservation, as well as all other permits required by the State of Vermont.
  - e. A listing and description of any changes to the preliminary plat as approved herein, including any modifications required by the town or state in association with the issuance of local or state permits.
  - f. Final construction schedule
  - g. Final versions of all required legal documentation, including easements, homeowners association covenants, maintenance agreements, etc.
2. The Applicant shall file an application for conditional use review for the proposed recreation trail and any other requested encroachments within the wetland area indicated on the plat, to be maintained by the Homeowner’s Association.
3. The survey plat provided with your application for final subdivision approval shall include the following plat notations:
  - a. This subdivision has been approved as a Planned Unit Development. For purposes of subsequent development, all modified lots shall be considered legally conforming lots as approved, subject to the conditions of approval. No further subdivision is allowed without the approval of the Bolton Development Review Board.

- b. All principal structures, accessory structures and parking areas must be sited within designated building envelopes as shown on the plat and pinned on the ground.
  - c. No development shall be located within required property line or wetland setbacks as shown on the plat, without prior approval of the Bolton Development Review Board.
  - d. A 25-foot wide undisturbed, vegetated buffer shall be established and maintained within required setback areas along delineated wetland boundaries, as shown on the plat. Approval from the Bolton Development Review Board shall be required prior to any development or encroachment within required wetland setback and buffer areas. Approval from the Vermont Department of Environmental Conservation may also be required.
  - e. Lot 9 is designated as permanently protected open space; no further subdivision or development is permitted, except as may be allowed to access and manage protected wetland resources.
  - f. Approval from the Bolton Development Review Board is required for any further subdivision or development of Lot 8.
  - g. Road name(s) approved by the town shall be clearly depicted on the final plat.
4. The Declaration of Restrictive Covenants and Easements for Wheeler Field Homes and the Bylaws of Homeowner's Association for Wheeler Field Homes shall be revised to include provisions for the protection and management of the wetlands, wetlands buffers, and outdoor lighting.
5. The conditions of this preliminary 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 (4-1) by the Bolton Development Review Board:**

Stephen Diglio—Yea

John Devine – Yea

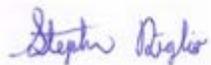
Adam Miller, Alternate – Yea

Robert Ricketson, Alternate – Yea

Sharon Murray – No, given that, as a planned development, residential lots could be reconfigured to exclude undevelopable wetland setback and buffer areas as called for under the regulations, and as highlighted in sketch plan review, without reducing the number of lots or units proposed for development. As currently configured Lots 1, 4, 5 and 6, and in particular Lot 4, do not allow for unrestricted access to and full residential use of property by future homeowners or residents. Though other wetland protection measures have been proposed, in practice these will likely be insufficient to protect future residents from potential municipal or state wetland violations resulting from common, incidental uses of their property, such as mowing their backyard.

**Dated at Bolton, Vermont this 22nd day of June, 2017.**

**For the Development Review Board:**



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Stephen Diglio, 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 7/2/2016, 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 July 28, 2016. At this meeting the DRB agreed that the proposal for a 9-lot subdivision/PUD would be classified and reviewed as a major subdivision under the regulations, to include both preliminary and final warned public hearings with notice to abutters. Based on the information provided, in accordance with Section 6.3(D) of the Bolton Land Use and Development Regulations (BLUDRs), the Board determined that the proposal was largely consistent with the BLUDRs and the Bolton Town Plan and offered the following observations and recommendations:

1. The subdivision/PUD as proposed will result in the creation of seven single family residential lots (Lots 1-7), one lot proposed for public recreational use (Lot 8), one lot proposed for potential mixed residential/neighborhood commercial use (Lot 8), and one conserved lot dominated by wetlands that will be dedicated open space/conservation area (Lot 9). The proposed PUD will also include a private development road, defined under the regulations to include private rights-of-way intended to serve more than three lots or dwelling units. As such, the proposed subdivision/PUD would be reviewed as a **major subdivision** under Section 6.4 (Preliminary Subdivision Review), Section 6.5 (Final Subdivision Review), applicable sections of Article VII (Subdivision Review Standards), and Article VIII (Planned Development) of the BLUDRs.
2. Requested modifications of zoning and subdivision requirements under Section 8.3, may include, but not necessarily be limited to, the following as identified under sketch plan review (#1-4):
  - Waiver Request #1: Request the minimum lot size requirement of 2 acres be decreased to 0.75 acres to allow clustering.

- Waiver Request #2: Request side, rear, and front setback reduction for Lots 1-8.
- Waiver Request #3: Request the road frontage requirement of 200 feet be waived for Lots 1-6 to allow clustering.
- Waiver Request #4: Request the requirement to provide engineering reports for water, waste water, and storm water for Lot 8 be waived.

As part of the application for PUD approval, the intent of requested modifications and waivers should be presented in relation to the stated purpose(s) of the planned unit development (see listed under Section 8.1) and relevant PUD review criteria under Section 8.5.

3. Based on the information provided, and a review of the town's Natural Resource Map, the following natural resources identified for protection under Sections 7.3 (Protection of Natural and Cultural Resources) and 8.5 (PUD Review Standards) likely apply in the area to be subdivided and developed:

- Unnamed streams, wetlands and associated setback and buffer areas, as initially identified on the site plan (from the Vermont State Wetlands Inventory Map), to be delineated on the ground, to be protected under Sections 3.17 and 7.3(B).
- Open fields (including Wheeler Field) that include primary agricultural soils (prime and statewide soils), as identified and mapped by the U.S. Natural Resources Conservation Service, to be protected under Section 7.3 (F).

As specified under Section 7.3, subdivision boundaries, lot lines and layout, and building envelopes shall be located and configured to avoid the fragmentation of and adverse impacts to these resources. Methods available for avoiding adverse impacts are outlined for each resource under Section 7.3 – and include, but are not limited to designating all or a major portion of these areas as protected open space, as proposed.

Once wetland boundaries and required setback/buffer areas are delineated on the ground, lot lines should also be reconfigured or adjusted to the extent physically feasible to avoid the subdivision and fragmentation of these areas. Other “appropriate legal mechanisms” for protection as provided under the regulations (e.g., the designation of building envelopes on the plat, as pinned on the ground) may also be considered, to the extent that these are clearly apparent to subsequent property owners, and can be administered and enforced by the town. To our knowledge no other natural, cultural or scenic resources identified for protection under the BLUDRs are located in this area. Any other resources covered under Section 7.3 that may be identified during site investigation should be addressed in the application.

4. Conditional use review and approval are also required under Section 3.17 for any encroachments (e.g., trails) within protected wetlands and associated setback and buffer areas. At the request of the applicant, conditional use review may be conducted concurrently with final subdivision review and approval.

5. Given that, as proposed, more than 60% of the PUD will be incorporated as protected open space, and Lot # 8 may be dedicated for public access and use, the DRB could consider an increase in the allowed density of development (a density bonus) of up to 25%, as requested by the applicant, if the land to be developed can physically accommodate higher densities of development. Based on the information provided, this could include up to 7 additional single

family dwellings (14 total) or a larger number of two-family units. Although not required, the regulations allow additional units should you choose. We ask that you consider a higher density of development, consistent with your vision and development plan, as a benefit to the community, given that the proposed development lies at the heart of West Bolton, in one of the few areas of town that is physically suitable for higher densities of development.

6. If your proposal also includes a lot line adjustment as suggested during the meeting, please ensure that the preliminary plat clearly indicates the pre-existing lot to be merged.

7. The preliminary plat should also show the general location of all utility lines, corridors or easements, water and wastewater systems, stormwater management facilities, proposed public trail corridors or paths, and the private development road. Separate plans or specifications should be provided for the proposed highway access and development road, proposed water and wastewater systems, any stormwater management infrastructure and any proposed outdoor lighting.

8. If the PUD will include public parking (e.g., parking at trail heads or on land intended for public access and recreational use), please indicate the location of such parking on the subdivision plat, and provide related details. Any parking must be located outside of delineated wetlands and associated setback/buffer areas.

9. With your application for preliminary PUD approval, please also submit a Project Review Sheet (PRS) completed by state's District #4 Permit Specialist that identifies required state permits.

**Preliminary Subdivision/PUD Review.** The application for subdivision review and approval, and supporting information, was forwarded to the DRB, and warned for public hearing on January 10, 2017 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 January 26, 2017 at the Bolton Town Office with a quorum of the DRB present and two alternates 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:

- Ms. Alexandra Haselton, Co-Applicant, 2453 Notch Road, Jericho, VT 05465
- Mr. Chuck Reiss, Co-Applicant, 756 Buck Hill Road. W., Hinesburg, VT 05461
- Ms. Holly Hall, 3544 Nashville Road, Jericho, VT 05465
- Mr. Stuart Hall, 3544 Nashville Road, Jericho, VT 05465
- Mr. Christopher Haggerty, 20 Kimball Ave, Suite 102, South Burlington, VT 05403
- Mr. David Whitney, 315 Plains Road, Westford, VT 05494

In addition to the application form, dated December 28, 2016, the following materials were submitted in support of the application:

1. Application to the Development Review Board, Preliminary Subdivision Review, 2 pages, dated 12/28/2016;
2. Project overview/narrative (3 pages), no date;

3. State of VT Project Review Sheet, date initiated 4/28/2016;
4. Declaration of Wheeler Field Homes, Bolton, Vermont, no date;
5. Declaration of Restrictive Covenants and Easements for Wheeler Field Homes, no date;
6. Bylaws of Homeowner's Association for Wheeler Field Homes, no date;
7. Preliminary Plan 'Wheeler Field Subdivision' prepared by EcoSolutions, LCC, Sheet 1 of 4, Project No. 16-023, dated December 28, 2016;
8. Details 'Wheeler Field Subdivision' prepared by EcoSolutions, LCC, Sheet of 4, ECO 2, Project No. 16-023, dated December 28, 2016;
9. Details 'Wheeler Field Subdivision' prepared by EcoSolutions, LCC, Sheet of 4, ECO 3, Project No. 16-023, dated December 28, 2016;
10. 'Plat of 9 Lot Subdivision Showing Lands of West Bolton Golf Club, Inc.' prepared by Button Professional Land Surveyors, Sheet 1 of 1, Job #BOLT0066, dated December 29, 2016;
11. Bolton Development Review Board, Sketch letter, dated 8/10/2016 (staff).

The hearing was continued to February 23, 2017, pending the submission of additional information from the Applicant. The following materials were submitted for review during the February 23<sup>rd</sup> hearing:

12. Draft language for inclusion in the revised bylaws pertaining to wetland protection, no date;
13. Photograph of proposed wetland protection sign, no date;
14. Risk Analysis (Appendix A) Low Risk Determination, State of VT Construction General Permit, no date;
15. Revised 'Plat of 9 Lot Subdivision Showing Lands of West Bolton Golf Club, Inc.' prepared by Button Professional Land Surveyors, Sheet 1 of 1, Job #BOLT0066, dated December 29, 2016, last revised 2/23/2017;

The hearing was continued to March 23, 2017, pending the submission of additional information from the Applicant. The following materials were submitted for review during the March 23<sup>rd</sup> hearing:

16. Revised subdivision plat 'Plat of 9 Lot Subdivision Showing Lands of West Bolton Golf Club, Inc' prepared by Button Professional Land Surveyors, Sheet 1 of 1, last revised 3/13/17;
17. Preliminary Plan 'Wheeler Field Subdivision' prepared by ECO Solutions LLC, Sheet ECO 1, 1 of 4, last revised 3/14/2017;
18. Details 'Wheeler Field Subdivision' prepared by ECO Solutions LLC, Sheet ECO 2, last revised 3/14/2017;
19. Cover Letter addressed to the DRB from Applicant Chuck Reiss, dated 3/16/17;
20. Letter from Vermont Contours, Inc. (Spencer Harris) Re: Wheeler Field Soil Testing, dated 3/14/2017;
21. Stormwater and Erosion Control Basis of Design, prepared by ECO Solutions- David Whitney, P.E., no date.

The hearing was continued to May 11, 2017, pending the submission of additional information from the Applicant. The following materials were submitted in advance of the May 11<sup>th</sup> hearing:

22. Letter from VT Building Resources addressed to the DRB, dated 4/3/2017;
23. Revised Declaration of Wheeler Field Homes, Bolton, Vermont [revisions include Section 2.1 Responsibilities of the Developer; Section 4.3 (1-3) Waterline Easement; Section 5.3 Wetland Protection; Section 6.1 Road], no date;
24. Revised subdivision plat 'Plat of 9 Lot Subdivision Showing Lands of West Bolton Golf Club, Inc' prepared by Button Professional Land Surveyors, Sheet 1 of 1, last revised 5/2/17;

25. Preliminary Plan 'Wheeler Field Subdivision' prepared by ECO Solutions LLC, Sheet ECO 1, 1 of 2, Project #16-023, dated 5/4/2017;
26. Details 'Wheeler Field Subdivision' prepared by ECO Solutions LLC, Sheet ECO 2, Project #16-023, dated 5/4/2017;
27. Details 'Wheeler Field Subdivision' prepared by ECO Solutions LLC, Sheet ECO 3, Project #16-023, dated 5/4/2017;

The following materials were submitted during the May 11<sup>th</sup> hearing:

28. Preliminary Plan 'Wheeler Field Subdivision' prepared by ECO Solutions LLC, Sheet ECO 1, 1 of 2, Project #16-023, dated 5/11/2017;
29. Details 'Wheeler Field Subdivision' prepared by ECO Solutions LLC, Sheet ECO 2, Project #16-023, dated 5/11/2017;
30. Details 'Wheeler Field Subdivision' prepared by ECO Solutions LLC, Sheet ECO 3, Project #16-023, dated 5/11/2017;
31. Letter from Chuck Reiss "Wheeler Field Subdivision Proposed Schedule for Construction", dated May 11, 2017.

The public hearing was adjourned on May 11, 2017, initiating the 45-day period for the issuance of a written DRB decision.

## **Findings & Conclusions**

The applicants' request for major preliminary subdivision to create nine lots was reviewed by the Bolton Development Review Board (DRB) for conformance with applicable zoning district requirements (Rural I), General Requirements (Sections 3.2, 3.6, 3.9, 3.11, 3.12, 3.17, and 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 2.4)**

**Conclusion:** Based on the following findings, the proposed subdivision will result in nine parcels of varying lot sizes. The applicant has requested modification of district lot size and frontage requirements in order to allow for a more sensible and efficient lot layout, subject to DRB review and approval as a planned unit development.

1. The subdivision of the existing parcel (23.3± acres) owned by West Bolton Golf Club, Inc., will result in the creation of nine parcels (Lots 1-9) of varying lot area, which are located in the Rural I zoning district, as shown on the draft survey plat last revised 5/2/2017.
2. Residential uses, including single and two-family dwellings, are allowed as permitted uses within the Rural I District.
3. The minimum dimensional requirements for this district are as follows:

	<b>Rural I (Table 2.4)</b>
Lot Area	2.0 acres
Road Frontage	200 feet
Setback/Front (ROW)	35 feet

Setback/Rear	35 feet
Setback/Side	35 feet

4. The Applicant requested a waiver to the minimum lot size, subject to DRB review and approval as part of a PUD. The Applicant has requested that the 2 acre minimum lot size be reduced to 0.69 acres (Lot 2) to allow for clustering of the lots.
5. The Applicant requested a waiver to the side, rear, and front setbacks for Lots 1-8, subject to DRB review and approval as part of a PUD. The Applicant has requested that the rear and side setbacks be reduced to 10 feet and the front setback be reduced to 15 feet to allow flexibility and to allow best placement of structures to maximize energy efficiency.
6. The Applicant requested a waiver to the minimum road frontage, subject to DRB review and approval as part of a PUD. The Applicant has requested that the 200 feet minimum road frontage be waived to allow clustering, avoid impacts to natural resources, and minimize the need for infrastructure improvements including the development road and utilities.
7. As shown on the survey plat last revised 5/2/2017, Lots 2-6 have frontage along the proposed development road; Lots 2 and 3 also have frontage on Nashville Road. Lot 1 has the required frontage on Nashville Road. Lot 7 is a corner lot with frontage on both Nashville and Stage Roads. Lot 8 has the required frontage on Stage Road.
8. The modified reduced setbacks, as measured from the road right-of-way and from adjoining property boundaries are shown on the revised survey plat.
9. Lot 9 contains an unnamed stream. 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.
10. Portions of Lots 1, 4, 5, 6, 8, and 9 contain delineated wetlands and associated wetland buffer. The 50-foot wetland buffer is shown on the survey plat last revised 5/2/2017. Lots 1, 4, 5, & 6 fragment the wetland buffer.

**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).**

11. As shown on the survey plat last revised 5/2/2017, Lots 2-6 will be served by the proposed development road. Lot 1 will be served by an individual driveway and curb cut off Nashville Road. Lot 7 is a corner lot will be served by an individual driveway and curb cut off Nashville Road. Access to Lot 8 is not shown on the provided plans. As required by Section 3.2(E), driveways serving three or fewer lots, are required to meet town driveway (B-71) standards for culverts, grading, ditching, and design.
12. Lots 2-6 will be served by the proposed development road via a 50' utility and access easement as shown on the draft survey plat last revised 5/2/2017. As required by Section 3.2(G), any access driveway or road serving four or more lots shall be considered a private road which shall meet town road (A-76) standards and the requirements of Section 7.6.

13. The applicant is required to submit draft easement language for the 50-foot access and utility easement over Lots 2, 3, 4, 5, and 6 as required under the regulations and shown on the draft survey plat last revised 5/2/2017.
14. Highway access permits from the town will need to be submitted with application for final subdivision approval.
15. The applicant provided construction details for the development road and residential driveways. The development road will be required to meet Standard A-76. The individual residential driveways will be required to meet Standard B-71, as required under the regulations.
16. **Surface Waters (Section 3.17).** An unnamed stream runs through Lot 9 as indicated on the draft survey plat last revised 5/2/2017. A stream buffer is not indicated on the survey plat, however it is essentially included within associated wetlands on Lot 9. Lot 9 is intended to remain undeveloped as protected open space and be used for public recreation.
17. **Wetlands (Section 3.17).** The property to be subdivided, including Lots 1, 4, 5, 6, 8, and 9, contains mapped Class 2 wetlands as identified and delineated by Trudell Consulting Engineers. The approximate limits of the mapped wetland areas and associated 50-foot setbacks are indicated on the survey plat last revised 5/2/2017. Required wetland buffers are not separately indicated.
18. The survey plat last revised 5/2/2017 shows the location of an existing recreational path within the wetlands. Improvements to this path require conditional use approval under Section 3.17 and Section 5.4 of the Bolton Land Use & Development Regulations.
19. The proposed property lines of Lots 1, 4, 5, 6, 8 partially fragment the wetland buffer. The DRB has determined that the regulations allow the fragmentation of wetlands and other sensitive natural areas, if appropriate and enforceable legal mechanisms are provided to protect them.
20. During the May 11<sup>th</sup> hearing, the Applicant provided a revised 'Declaration of Wheeler Field Homes Bolton, VT' including Section 5.3 which addresses wetland protection and provides notice to future property owners that activity within the wetland or associated 50' wetland buffer shall comply with the State of Vermont Wetland Rules and the Bolton Land Use and Development Regulations. The Applicants provided testimony that the wetland buffer will be pinned on the ground and be marked with educational signage.
21. **Water Supply and Wastewater Systems (Section 3.18).** Locations for onsite potable water supply and wastewater disposal systems, are shown on the survey plat prepared by Christopher Haggerty (No. 741) of Button Professional Surveyors. Lot 9 will contain an in-ground community wastewater disposal field and related improvements serving Lots 1-6, which includes a forced main across Lot 8. Lot 7 will contain an individual wastewater disposal field. The proposed systems are located outside of required surface water and wetland setback areas. State permits must be obtained prior to application for final subdivision review.
22. Proposed shared potable water supply systems are located on Lots 1, 3, and 5. The associated well shields impact portions of Lots 1-9.

23. The well shield for the drilled well on Lot 1 extends onto the adjoining McLaughlin and Clegg parcels on Nashville Roads; no concerns were raised by these property owners during the hearing process.
24. All shared systems are to be maintained by a homeowners association under associated covenants and maintenance agreements. All associated easements are to be shown on the final subdivision plat.

**General Subdivision Standards (Section 7.2)**

**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, and district settlement patterns for the zoning district in which it is located.

25. **Development Suitability.** The land to be subdivided is undeveloped and includes an unnamed stream and mapped wetlands as indicated on the survey plat last revised 5/2/2017. The portion to be developed for residential use excludes land within the 50-foot setback from the stream setback, however Lots 1, 4, 5, 6, 8, and 9 partially contain lands within the 50-foot wetland buffer which are unsuitable for development.
26. **Bolton Town Plan.** The Bolton Town Plan in effect at the time of application, 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.

The subdivision has been configured, as noted above, to minimize impacts to surface waters, wetlands, and related buffers, as indicated on the draft survey plat last revised 5/2/2017 and in related application materials. The proposed subdivision should have no undue adverse effect on rural resources, including mapped wetlands, identified in the plan for protection.

27. **District Settlement Pattern.** The existing lot to be subdivided and developed for residential use is located within the Rural I Zoning District. Existing and proposed development (single family dwellings, and passive recreation) are consistent with the purpose of this district (Table 2.4) to allow for traditional uses such as forestry and agriculture, moderate densities of residential development in appropriate locations in a manner that maintains the town's rural character. The subdivision as shown on the draft survey plat has been designed and configured to reinforce the rural character and protect natural resources. The subdivision remains consistent with the intent to maintain low to moderate densities of residential development within the Rural I District.
28. **Lot Layout.** The lots to be subdivided, retained and conveyed, as shown on the draft survey plat, are regularly shaped and consistent with site topography,. The Applicants have requested a reduction to the minimum lot area in order to cluster the residential lots, to reduce the need

for additional impervious surfaces, to protect natural and open space, as well as maximize solar orientation and access.

29. **Building Envelopes.** The draft survey plat last revised 5/2/2017 shows the location of designated building envelopes with monumented corners of Lots 1-7. Building envelopes exclude required wetland setbacks and are intended to limit the location of structures, parking areas and associated site improvements to developable portions of these lots. The revised engineer drawings prepared by ECO Solutions LLC [Sheet ECO 1, last revised 5/11/2017] indicates suitable locations (footprints) for new principal structures on Lots 1-7 including driveway and turnaround areas. During the hearings, the Board discussed the layout of Lots 1, 4, 5, and 6 in relation to the wetland setback. As shown on the draft survey plat, the wetland setback bisects Lots 4 and partially intrudes onto Lots 1, 5 & 6.
30. **Survey Monuments.** Survey monuments, as shown on the draft preliminary survey plat last revised 5/2/2017. Survey monuments shall also be shown on the final plat.
31. **Landscaping and Screening.** No specific landscaping or screening has been proposed beyond existing vegetation and the required wetland buffers, as indicated on the survey plat, which are to be maintained as undisturbed, naturally vegetated areas. A 50-foot wetland setback and buffer is shown on the draft survey plat last revised 5/2/2017. A naturally occurring unnamed stream and associated buffer is located on Lot 9 which is intended to remain undeveloped and be protected as open space.
32. **Energy Conservation and Renewable Energy.** The layout of the lots have been designed to allow for a southern exposure to maximize solar access. The locations for any ground mounted solar systems should be shown the proposed subdivision plan or plat. The applicant testified that it is their intent to offer residential dwellings that maximize the use of renewable energy. During the hearing, the DRB discussed the location of a battery shed on Lot 7. The purpose of the battery shed is to store energy and eliminate pressure on the electrical grid during peak use seasons.

### **Protection of Natural & Cultural Resources (Section 7.3)**

**Conclusion:** Based on the following findings, the DRB has determined that the proposed 9-lot subdivision has been designed and configured to avoid adverse impacts to natural resources identified on the property.

33. **Resource Identification.** Natural resources identified on or in the vicinity of the property to be subdivided include an unnamed naturally occurring stream, mapped wetlands, and associated setbacks, as indicated on the draft survey plat last revised 5/2/2017 and as referenced in related application materials. Majority of the existing parcel also contains primary agricultural soils. The Applicant testified that impact to these soils will be reduced by conserving Lot 8 as community open space.
34. **Surface Waters, Wetlands and Floodplains.** Under Section 3.17 of the BLUDRs, a 50-foot setback must be maintained along all unnamed streams and identified wetland areas. Lot 9 contains an unnamed stream, as indicated on the draft survey plat last revised 5/2/2017. No development is proposed on Lot 9, which will be retained as protected open space.

35. Proposed Lots 2, 3, and 7 have been configured to exclude the wetland area and the associated 50-foot wetland setback. This configuration will avoid adverse impacts to the wetland and associated 25-foot wetland buffer from subsequent residential development. Residential Lots 1, 4, 5, and 6 contain portions of the 50-foot wetland setback. The Applicants have addressed this fragmentation of the wetland buffer by including protection measures in the 'Declaration of Wheeler Field Homes, Bolton, VT' and agreeing to mark the wetland buffer with educational signage and pinning on the ground to prevent potential disturbances.
36. **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 clustering the residential lots and maintaining the  $\pm 14.68$  acre Lot 9 as open space.
37. **Primary Agricultural Soils.** The parcel to be subdivided contains primary agricultural soils of statewide significance. The Applicant has addressed and minimized impacts to these soils by clustering the residential lots, and setting aside Lot 8 for possible use as community open space.

#### **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 last revised 5/2/2017, will result in the retention of approximately 14.68 $\pm$  acres of contiguous, undeveloped open space on Lot 9, as well as a 50-foot wetland setback and buffer that crosses Lots 1, 4, 5, and 6, which will provide for the protection of natural features identified on the property.

38. Lot 9, following subdivision, will consist of approximately 14.68 $\pm$  acres of contiguous, permanently protected open space. Portions of Lots 1, 4, 5, and 6 containing wetland buffer, will also remain open and undeveloped outside of designated building envelopes.
39. Designated open space includes portions lots and extends over several contiguous lots, as allowed under the regulations. Lot 9 has been configured to minimize the subdivision and fragmentation of contiguous open space. Building envelopes have been designated on other affected lots, to limit the extent of development and minimize impacts to adjoining wetlands.
40. Designated open space is contiguous with open space areas on adjoining parcels.
41. The location, shape and character of Lot 9 as designated open space is suitable for the intended purpose, to permanently protect surface waters and wetlands on the property to be subdivided. Lot 9 shall be indicated on the final subdivision plat as permanently protected open space.
42. Legal open space protections include proposed plat designations, deed restrictions, building envelope restrictions and association covenants intended to protect surface waters, wetlands and associated setback and buffer areas from further fragmentation and development. Prior approval from the DRB would be required for any encroachments within these areas, including proposed improvements to the existing recreation path across Lot 9.

#### **Stormwater Management and Erosion Control (Section 7.5)**

**Conclusion:** Based on the following findings pertaining to stormwater management and erosion control, the DRB has determined that the proposed improvements have been designed to adequately control drainage, protect water quality, and conform to the applicable standards under Section 7.5 of the regulations.

43. 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.
44. The Applicant provided engineer details prepared by ECO Solutions [Sheet ECO 2, last revised 5/11/2017] for stormwater management improvements including driveway disconnect details, grass lined swales, rooftop disconnect details, and level spreader berm. These Low Impact Development (LID) techniques have been designed to allow infiltration of stormwater and reduce the total area of impervious surfaces.
45. Wetlands will also provide natural onsite stormwater retention and treatment.

#### **Transportation (Section 7.6)**

**Conclusion:** Based on the above findings under Section 3.2, the DRB has determined that proposed access to subdivided lots, except for Lot 8 which is currently not indicated, will meet applicable access, driveway (B-71) and development road (A-76) standards under Sections 3.2 and 7.6. Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion or delay, or exceed the functional capacity of the local road network. Access to the Nashville and Stage Roads is also subject to approval by the Town of Bolton.

46. The proposed subdivision is located at the intersection of Nashville Road (TH2), a Class 2 town highway and "minor collector," and Stage Road (TH3), a Class 3 town highway and "local" road as designated for purposes of access management. No high crash locations, substandard intersections or road segments exist in the vicinity.
47. Seven new single family dwellings are proposed which under current ITE standards will result in no more than 70 additional trip ends per day, representing a nominal increase in traffic on each of these roads. No additional road improvements will be needed to accommodate proposed development. Future DRB review of potential traffic impacts may be required pending the transfer of Lot 8 for public use.
48. Proposed roads and driveways have been laid out to provide access by emergency vehicles, as reviewed and approved by the Bolton Fire Chief.
49. Construction of driveways and development roads shall be the responsibility of the applicant. Adequate evidence and assurances have been provided that the development road and driveways will be privately maintained by a homeowners association, under an approved maintenance agreement.
50. Road names and numbers must be approved by the Bolton Select Board in accordance with E-911 road naming and numbering ordinances or policies. Town-approved road names shall be clearly depicted on the final plat.
51. Residences will be served by onsite parking located within designated building envelopes. No common parking areas have been identified, but may be required for community use of Lot 8 as intended.

52. Upgrades to an existing pedestrian path through the wetland area on Lot 9 are proposed, for use by residents, to be maintained by the homeowners association. Conditional use review will be required, concurrently with final subdivision review. No other sidewalks or pedestrian paths are planned or indicated on the subdivision plat; there are no connecting paths within the vicinity of the project.

#### **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 the planned infrastructure and services serving the proposed subdivision will be adequate, and conform to applicable standards under this section of the regulations. The proposed subdivision shall not create an undue burden on existing and planned public facilities.

53. The proposed subdivision will result in the creation of seven residential lots, one lot of designated open space (Lot 9), and one lot (Lot 8) of 2.58 acres with an undetermined use. As such, it will not create an undue burden on existing municipal or community facilities and services, including town highways or the Smiley School which is currently operating well below its design capacity.
54. The Bolton Valley Fire Department has not recommended any additional water or storage facilities (e.g., dry hydrant, fire pond) needed to provide adequate fire protection for the proposed development.
55. The development will be served by shared or clustered individual and onsite water and wastewater systems which will require state approvals and permits.
56. Utility lines serving Lots 2-6 will be located within the 50' wide access and utility easement, as identified on the draft survey plat last revised 5/2/2017.
57. Utility corridors or easement areas are shared with other rights-of-way where physically feasible, and have been located to minimize site disturbance and adverse impacts to identified natural and cultural features, including surface waters and wetlands on the property. According to the applicant the forced main across Lot 8, which may otherwise encumber or limit future use of this lot, from an engineering standpoint, functionally must be sited in this location – it cannot be moved to follow the edge of the property.
58. 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.
59. No outdoor lighting is currently proposed; new outdoor lighting must meet the requirements of Section 3.9 of the regulations (Outdoor Lighting).

#### **Legal Requirements (Section 7.8)**

**Conclusion:** The Applicant provided an initial, proposed construction schedule and copy of the Declaration of Restrictive Covenants and Easements for Wheeler Field Homes and the Bylaws of Homeowner's Association for Wheeler Field Homes. At the request of the Board, these documents were revised to include provisions for the protection of the wetland buffer. No other legal documents are required for preliminary approval.

60. The Applicant provided draft copies of the proposed 'Bylaws of Homeowner's Association for Wheeler Field Homes' and 'Declaration of Restrictive Covenants and Easements for Wheeler Field Homes'. The Homeowner's Association Bylaws outlines the responsibilities of the association including road and utility maintenance and improvements and maintenance to the pedestrian path, as well as association membership, elections, budget and finances, and maintenance and repair provisions. The Declaration of Restrictive Covenants outlines the covenants, conditions, reservations, restrictions and easements which apply to all lots within the proposed development.

**Planned Development (Article VIII)**

**Conclusion:** Based on the following findings, the DRB has determined that the proposed subdivision will meet the applicable general and planned unit development (PUD) standards under Section 8.5, consistent with the goals and policies of the Bolton Town Plan. The PUD, as proposed to include nine lots, will require reductions in minimum lot size and road frontage as specified for the Rural I District, but will result in a more efficient and functional lot layout without increasing the overall density of residential development allowed within the district.

61. Planned unit developments (PUDs), to include single-family dwellings as proposed, are allowed in the Rural I zoning district.
62. The proposed planned unit development, consisting of seven single family residential lots, one undeveloped open space lot, and one undeveloped lot intended for community use, is consistent with the rural residential character of Rural I District and associated goals and policies of the Bolton Town Plan including maintaining and protecting sensitive natural resource areas
63. The proposed planned unit development permanently protects a vast portion of the subdivided lot as open space for natural resource protection and recreation. The residential lots have been clustered to minimize impacts to wetlands, riparian areas, and prime agricultural soils and to reduce and consolidate access and utility improvements. Lots 1, 4, 5 and 6 contain portions of Class 2 wetlands and associated buffers. The lot configuration and property lines fragment these resources, but have been designed to encourage energy efficiency and the sustainable use of renewable energy resources and to minimize road, utility, and service improvements, as outlined in Section 8.1(A).
64. The proposed subdivision includes open space on Lot 9 which includes mapped wetlands and riparian areas identified for protection. These areas, as mapped, have been generally excluded from the area intended for residential development. A building envelope has been designated on Lots 1-7 to avoid any unintended impacts and disturbances. Lot 9 will be designated and maintained as permanently protected open space as shown and noted on the final plat.
65. The maximum number of residential building lots that can be subdivided from a  $\pm 23.3$  acre parcel (yield density) within the Rural 1 District is eleven lots, based on the minimum required lot size of two acres per lot. The overall density of the proposed planned unit development equals one unit per  $\pm 2.58$  acres, consistent with the maximum overall density allowed within the Rural I District.
66. The clustered lot layout, as proposed, requires a reduction in district minimum lot size requirements for Lots 1-7, from 2.0 acres to various sizes; and a reduction in district road

frontage requirements along Nashville and Stage Roads from 200 feet, as shown on the draft subdivision plat last revised 5/2/2017.

67. The DRB noted in sketch plan review that the project as designed is eligible for additional development density based on the proposed amount of protected open space; no additional density was requested.