



TOWN OF BOLTON
3045 Theodore Roosevelt Highway
Bolton, VT 05676

Bolton Development Review Board

Approved Meeting Minutes

October 22, 2020
Remote Meeting

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Present:

Members: All via remote – John Devine., Steve Diglio, Adam Beaudry, Adam Miller, Rob Ricketson, Spencer Nowak (Alternate)

Staff: All via remote – Jon Ignatowski, Planning & Zoning Administrator, and Amy Grover, DRB clerk substitute

Public: None.

Posted Agenda:

6:30 PM Introductions, adjustments to Agenda & Public Comment

6:35 PM Meeting Minutes – review & approve draft minutes from DRB meetings of October 25, 2018; July 30, 2020; and September 24, 2020.

6:50 PM Zoning Administrator’s Report

7:00 PM Discussion of the Town of Bolton’s land use regulations on steep slopes

7:30 PM Discussion of the Town of Bolton’s land use regulations on trail systems

8:00 PM Budget Request

8:15 PM Other business

8:30 PM Adjourn

Call to Order: With a quorum of 5 members present, the meeting was called to order by Steve Diglio, Chair, at 6:44 p.m.

Agenda Adjustments: None.

Public Comments: None.

Draft October 25, 2018, July 30, 2020 and September 24, 2020 Meeting Minutes:

Brief discussion on minutes from October 2018; included due to lack of formal approval. Rob Ricketson made a motion to approve the DRB minutes of October 25, 2018 as presented. Steve Diglio

47 seconded. There was no further discussion, and the motion passed (5-0), with all members voting in
48 favor.

49
50 Adam Beaudry made a motion to approve the DRB minutes of July 30, 2020 as presented. Rob
51 Ricketson seconded. There was no further discussion, and the motion passed (5-0), with all members
52 voting in favor.

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54 Rob Ricketson made a motion to approve the DRB minutes of September 24, 2020 as presented. John
55 Devine seconded. There was no further discussion, and the motion passed (5-0), with all members
56 voting in favor.

57
58 **Zoning Administrator's Report:**

59 Permits: Permit volume has decreased greatly since September. The permit for the signage and gas
60 canopy at the Bolton Country Store was issued, and both will adhere to the BLUDRs requirements.

61
62 Reynolds Notice of Violation (NOV): The NOV was issued with a November 9, 2020 signature
63 deadline. There has been no communication from Mr. Reynolds. No signature by the deadline will
64 result in a new NOV being issued. The mobile home on the property is unpermitted, has not been used
65 for decades, does not meet state standards, and requires a new septic system. Contact made/information
66 provided by the State of Vermont Wastewater Specialist. Current tenants on the property have
67 continued to move ahead with curing violations, but will not be able to convert the mobile home to a
68 primary residence until the mobile home issues are addressed. Noted: a NOV was issued three PZA's
69 ago, which apparently was not followed up on by the town.

70
71 DRB permits and administrative decisions: For improved transparency and record keeping, permits and
72 administrative decisions are now available in a searchable database on the town website from the
73 "Zoning" tab on the home page.

74
75 Appeals: Comparison of Bolton's \$275 appeal (of a decision of the PZA) fee in comparison to the other
76 towns in Chittenden County revealed that Bolton's is the highest (with the exception of Colchester) and
77 nearly twice as high in proportion to median household income. Fees ranged from \$50-\$80. An appeal
78 is a democratic process and needs to be accessible to all, not fee prohibitive for folks with less in
79 economic resources. Scaling the fee to income is a way to achieve that, and the fee came to \$145
80 factoring in median income. The members discussed current permit application fees, that an appeal does
81 not always involve an application fee (i.e. NOV), that costs to the town, especially publication of
82 warning costs, should be covered, Select Board sets the fees. Noted: Not much in the history of appeals
83 for the last 4 years, other fees have not been reviewed. Action: Search for the fee spreadsheet created by
84 Sarah McShane/Larry Lewack, get input from the Select Board.

85
86 Brook & Betsy Blackshaw, 138 Thacher Road: The property was declared abandoned in July 2020 by
87 PZA Larry Lewack with a NOV warning sent. The owner has cleaned up loose debris, and the open
88 foundation, chimney, and sill plate remain. According to the BLUDRs, the owner needs to apply for a
89 permit to rebuild (there is no time limit for this under abandonment), or return the site to grade. The
90 owner is to submit their plan by November 1, 2020. The site has improved since the NOV warning was
91 sent, and cannot remain in its current condition as it remains a hazard/liability and does not satisfy the
92 required remedies in the BLUDRs. Steve Diglio reviewed the site history and the dangerous condition
93 off the property, especially prior to relatively new clean up efforts by the owner.

94

95 Pending applications: The Antley Mill Brook Road boundary adjustment application appears to show
96 that there is not sufficient evidence provided to determine if Ms. Antley owns the land used to access the
97 remaining holdings; re: if creating a boundary line adjustment with the former Leduc property creates a
98 land locked parcel. There is little evidence that Ms. Antley has legal access due to issues with the title
99 succession, and that the easement created through the former Leduc property uses an abutters land which
100 is not described in the deed of that owner. Both points of the Antley access are questionable. Legal
101 review has noted that it is not the legal responsibility of the PZA to determine if a survey is accurate,
102 landowners would need to dispute the accuracy. If Ms. Antley insists that she has legal access, a
103 boundary adjustment will be issued.

104

105 Permits issued: 42 permits and 21 zoning certifications have been issued to date. Rob Ricketson noted
106 an abundance of current development in West Bolton with at least three large projects underway, adding
107 there is an assumption there is no more buildable land in Bolton, but there is a notable amount of
108 development currently.

109

110 **Discussion of the Town of Bolton's land use regulations on steep slopes:**

111 Steve Diglio opened the discussion by confirming that targeted terrace areas were 60' – 100' above
112 roads, he had reviewed how much terraced land could be opened, and that the recommended process
113 forward would be for the DRB to develop general language bullet points, note concerns (i.e. screening)
114 and/or main issues for implementation, for conversation with the Planning Commission (PC).
115 Addressing specifics at this time would not be a good use of time and energy.

116

117 Spencer Nowak noted he had attended the PC meeting and one concern raised was that the in the future
118 the DRB might not have members with engineering backgrounds to be able to make development
119 evaluations, and the PC did not want to have language incorporated that future DRB boards without
120 members who were engineers would not be able to evaluate.

121

122 Adam Beaudry noted that there were 8 - 10 terraces along Duxbury Road with steep slope access, 4
123 were in the Forestry District, and most of the others were on the Kilpecks' land. The plateaus run higher
124 than the river around the base of the Camel's Hump range. Some of those higher terraces have been
125 developed in Richmond, and there were areas in Bolton that could be opened up. Additional terraces on
126 Stage Road may be limited by the length or height of slope.

127

128 Steve Diglio added that exemptions for certain thresholds, i.e. 500 square feet, could be considered and
129 steep slopes should be defined to include height, rise/run, and to consider a cutoff point.

130

131 Jon Ignatowski indicated that he would be interested in hearing case studies of impact on development,
132 noting that development by property owner on Sharkeyville Road had been impacted by the current
133 regulations.

134

135 Adam Miller noted that terraces in Richmond had public road access and properties were developed
136 from the public roads, which would not be the case in Bolton, and that there should be some restrictions
137 to allow the use of terraces that Bolton does have. In representing the voice of DRB, concerns should be
138 expressed such as screening, and remaining close to roads versus opening up the backcountry woods for
139 development.

140

141 The members discussed the process going forward: Steve Diglio and Adam Beaudry would review and
142 generate language, including concerns, and request input and comments from the other DRB members
143 prior to meeting with the PC. Jon Ignatowski will confirm the next PC meeting date and their ability to
144 accommodate the DRB presenting.

145
146 Rob Ricketson noted he was struggling to recognize the value/purpose in making the steep slopes
147 suggestion, and that based on his time on the DRB, suggestions should come from the DRB trying to
148 resolve issues which have come up multiple times in an effort to help citizens resolve development
149 issues. Building on terraces felt like a different purpose; opening up more development in Bolton.

150
151 Steve Diglio noted given the current regulations, some of the development throughout Bolton would not
152 have been possible due to flood plains and steep slopes. Given Bolton's topography, the BLUDRs may
153 be overly restrictive as most projects have elements of steep slopes which restricts development;
154 stopping any development at a certain threshold that may not necessarily be that steep. It makes sense
155 for some type of blanket exemption, opening up and enforcing development in a responsible way and
156 clearly defining steep slopes. Some steep slopes are easily addressed by a retaining wall.

157
158 Rob Ricketson noted he agreed with suggesting language that solves problems, and that his
159 understanding was that the current regulations prevent development on flood plains and steep slopes to
160 prevent abuse of development in those problematic areas. The PC will have the final say.

161
162 Adam Beaudry noted the existing regulations do not allow for an expert opinion, and the potential to
163 consider allowing development if certified by a licensed professional.

164
165 Members discussed the BLUDRs independent review which is the responsibility of applicant, and
166 potential for a substandard independent review. Rob Ricketson noted that regulations should not assume
167 that the DRB will have engineers as members for careful and appropriate review.

168
169 John Devine stated that defining specific numbers for steep slopes would make it less problematic for
170 everyone.

171
172 Steve Diglio noted the potential for the addition of flexibility for infill development, along with the
173 potential for opening up limited terraces for development, to provide a path forward for responsible
174 development.

175
176 Rob Ricketson added that easing language for infill was appropriate as infill development was more
177 realistic and more sustainable for terracing.

178
179 The members briefly discussed the need to support Bolton's existing businesses, the impact of the 3-acre
180 Stormwater General Permit, budgeting for the town to have an engineer on retainer.

181
182 Thanks expressed to Steve Diglio and Adam Beaudry for spearheading efforts to improve the BLUDRs.

183
184 **Discussion of the Town of Bolton's land use regulations on trail systems:**

185 Jon Ignatowski noted discussion was completed at the previous meeting, that he was reviewing other
186 towns' trails systems and actions, and generating a report in addition to the comments compiled at last
187 meeting.

188

189 **Budget Request:**

190 The members reviewed previous budgets, expenditures, training costs, and equipment purchased. John
191 Devine made a motion to request \$250 in the FY 21-22 DRB budget. Rob Ricketson seconded. There
192 was no further discussion, and the motion passed (5-0) with all members voting in favor.

193

194 **Other Business:** None.

195

196 **Next scheduled DRB meeting if needed:**

197 **Thursday, November, 19, 2020, 6:30 p.m.** (Virtual/online meeting only, unless otherwise noticed in
198 posted agenda.) This would be noticed as a special meeting as it is not on the 4th Thursday. Placeholder
199 for a December 10, 2020 special meeting as needed, dependent upon the November meeting and
200 applications.

201

202 **Adjourn:**

203 Rob Ricketson made a motion to adjourn the meeting. Adam Beaudry seconded. There was no further
204 discussion, and the motion passed (5-0) with all members voting in favor. **The meeting was adjourned**
205 **at 8:14 p.m.**

206

207 Respectfully submitted,

208 Amy Grover (DRB clerk substitute), and
209 Jon Ignatowski, Planning & Zoning Administrator

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211 **Minutes are unofficial until approved. These minutes were read and approved by the Bolton**
212 **Development Review Board on December 10, 2020.**

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