



TOWN OF BOLTON
3045 Theodore Roosevelt Highway
Bolton, VT 05676

Bolton Development Review Board

Approved Meeting Minutes

January 28, 2021

Virtual Meeting (online)

5
6

7 **Present:**

8 *Members:* All via remote – Adam Beaudry, Rob Ricketson, John Devine, Adam Miller, & Spencer
9 Nowak (DRB alternate)

10 *Staff:* All via remote –Jonathan Ignatowski (Planning and Zoning Administrator and DRB Clerk)

11 *Public:* All via remote – Amy Grover, Mike Tarrant, Catherine Antley, Mike Magoon, Tyler Thompson,
12 Eileen Thompson, & Larry Stevens

13

14 **Posted Agenda:**

15 **6:30 PM** **Introductions, adjustments to Agenda & Public Comment**

16

17 **6:35 PM** **Sketch Plan Review:** Application 2021-04-DRB. Catherine Antley and Gideon Bavly are
18 proposing a boundary line adjustment involving two contiguous properties they own on
19 569 & 650 Mill Brook Road, resulting in a portion of 569 Mill Brook Road appended to 650
20 Mill Brook Road.

21 **7:15 PM** **Meeting Minutes** – review & approve draft minutes of December 10, 2020 DRB mtg.

22

23 **7:20 PM** **Zoning Administrator’s Report**

24

25 **7:30 PM** **Other business**

26

27 **8:00 PM** **Adjourn**

28

29

30 **Call to Order:** With a quorum of 4 members present, the meeting was called to order by Adam
31 Beaudry, Vice-Chair, at 6:35 p.m., and roll call was taken.

32

33 **Public Comments:** (none)

34

35 **Sketch Plan Review:**

36

37 **Application 2021-04-DRB.: 569 & 650 Mill Brook Road., Catherine Antley, applicant.**

38

39 Mike Tarrant discussed the proposed boundary line adjustment / minor subdivision. The
40 application proposes a reduction of 569 Mill Brook Rd. and appends the subdivided piece to 650
41 Mill Brook Rd. No change of use was proposed by the applicants.
42

43 Adam Miller asked for clarification about land ownership on the plat, as the existing boundary
44 lines are difficult to discern. Mike Tarrant provided an explanation of the proposed plat, and what
45 parcels belong to which owner. Mike Magoon provided additional context to the proposed plat,
46 describing the ownership and relationships of the lots.
47

48 Adam Beaudry reviewed the application under Section 7.1 of the subdivision standards. Adam
49 Beaudry asked if the applicants wished to pursue development as a part of the minor subdivision.
50 Mike Tarrant states that there is no proposed change of use.
51

52 Rob Ricketson asked why the applicant is asking for a boundary line adjustment. Mike Tarrant
53 discusses the outcomes of prior litigation on the property. The applicant wishes to make the lots
54 more manageable. Catherine Antley stated that the house lot is listed for sale.
55

56 Under Section 7.3, Adam Beaudry noted there are not significant natural features on the property,
57 and that access is not being proposed.
58

59 Adam Miller asks what property belongs to the Lathrop Tract. Mike Tarrant clarified the
60 orientation of the Lathrop Tract, and how the minor subdivision will impact the Lathrop Tract.
61 Mike Tarrant emphasized that the adjustment is just between the lands of one owner. Catherine
62 Antley added that the Common Road is the primary form of access. Rob Ricketson stated that the
63 plat is misleading since all the roads on the plat are not roads and are barely accessible. Rob
64 Ricketson found that it was difficult to understand the detail of the plat. Adam Beaudry
65 commented that the contours on the plat were not labeled.
66

67 Adam Beaudry noted that the shared driveway likely does not meet engineering standards for a
68 private road. He also noted that it appeared that the original access for the Lathrop Tract was the
69 road north of Lot 2. Adam Beaudry commented that the slope of the shared driveway would likely
70 need to be evaluated.
71

72 Rob expressed concerns that the right-of-way is an issue with the proposed subdivision, as it was
73 the core subject of prior litigation. Mike Tarrant emphasized that they believe that the issue of
74 access to the shared driveway has been resolved. The applicant has reserved a 50' right-of-way for
75 future access if Lot 2 is sold.
76

77 John Devine asks if the boundary line adjustment will increase road frontage for the Lathrop Tract.
78 Catherine Antley claimed that they received an offer when they were in court for an easement that
79 benefits Lathrop. She then discussed the history of the easement and the resulting litigation.
80

81 Rob Ricketson asked Jon Ignatowski if there is another plat associated with the settlement
82 agreement. Jon provided information about the surveys associated with the settlement agreement.
83

84 Adam Miller stated that he felt that the Lathrop Tract currently has access, and access is not an
85 issue with the boundary line adjustment application. Catherine Antley provided additional
86 information about the specific properties that enjoy access.

87
88 Adam Beaudry noted that there is a lot of background associated with this property. He then asked
89 if there is an existing maintenance agreement that includes Catherine Antley. Catherine provided
90 history of her access to the private road, and the existing maintenance agreements written into the
91 four deeds of the existing subdivision. Catherine asserted that the Lathrop Tract has had access for
92 generations. Catherine then provided information about the history of the Town Road / Mill Brook
93 Road.

94
95 Adam Miller asked what parcel touches the Town Road. Mike Tarrant confirms that Lathrop
96 directly touches the Town Road. Catherine provided the history of Lathrop's access.

97
98 Rob asserted that physical access along the road north of lot 2 is incredibly difficult. Adam Miller
99 stated that while access may not be ideal, it still has legal access. Use will be a separate topic
100 requiring stringent review if future development is proposed. Mike Tarrant emphasized that
101 access was not changing as a result of the boundary line adjustment.

102
103 Jon Ignatowski encouraged the Development Review Board to remember that the application at
104 hand needed to be reviewed as a minor subdivision instead of as a simple boundary line
105 adjustment, and it was important for the Board to consider if the proposed change would
106 substantially alter the original minor subdivision. Mike Tarrant responded that he didn't believe it
107 was not a substantial change. Adam Miller asked if the land to be subdivided was all wooded, and
108 Mike Tarrant confirmed that it was.

109
110 Rob Ricketson reminded the Board that there was no clear answer to the shared maintenance
111 agreement. Catherine affirmed that everyone pitches in. Rob asked if the Lathrop Tract is part of
112 the maintenance agreement. Mike Tarrant responded that the while the Lathrop Tract was not
113 part of the shared maintenance agreement, this fact shouldn't influence the outcome of the
114 boundary line adjustment since the owner was the same. Catherine provided more context about
115 the shared driveway and how it was discussed in the settlement agreement.

116
117 Adam Beaudry asked if the maintenance agreement is written in the deeds of the four lots.
118 Catherine affirmed, but stated it was not accurate since the original subdivision was altered by the
119 settlement agreement. Adam Beaudry discussed the purpose of shared maintenance agreements.

120
121 Rob Ricketson asked why the right-of-way was 50' along the shared driveway. Mike Tarrant stated
122 that it was placed on the map as an example. Mike Magoon confirmed that it had not been created
123 yet.

124
125 Tyler Thompson asked if the plat could be simplified since a boundary line adjustment was the
126 only issue at hand. He felt that details should be removed since they were not relevant to the
127 adjustment. Mike Tarrant felt that the details needed to be included per the stipulations of the
128 bylaws.

129

130 Catherine provided a history of the property and surveys that were conducted.

131

132 Adam Miller affirmed that the Lathrop Tract has access and meets the requirements of the
133 boundary line adjustment. Mike Tarrant offered that while there may not be an agreement over
134 access to the shared driveway, it was not relevant to the application at hand. Adam Miller agreed.
135 Adam Miller stated that since there was not a change of use, access to the shared road did not have
136 to be addressed. There was access now and would be access after the boundary line adjustment.

137

138 Rob stressed that access had been litigated for years and felt that the Board did not have enough
139 information. He emphasized that this meeting was for a sketch plan review for a minor
140 subdivision, it wasn't just for a boundary line adjustment. This would need subdivision approval.

141

142 Catherine asked if the last boundary line adjustment resulting from the settlement agreement was
143 reviewed by the DRB. The Board stated they had not seen it. Catherine Antley asserted that there
144 are discrepancies between the two surveys of the settlement agreement, provides more context to
145 the settlement agreement.

146

147 Tyler Thompson shared that he spoke with his lawyer and was instructed that the nature of the
148 settlement agreement could not be discussed outside of court. Mike Tarrant and Tyler Thompson
149 discussed details of the agreement. Catherine also provided details about the settlement
150 agreement.

151

152 Adam Miller stated that it was obvious there was a dispute, but the dispute could not be resolved
153 by the Board. The matter at hand was a boundary line adjustment, and access disputes would need
154 to be addressed by a court. Adam Beaudry agreed, and affirmed that the Board did not have the
155 ability to arbitrate access disputes.

156

157 Adam Miller suggested that the approval provided by the Board would explicitly state that the
158 Board did not address the disputed access. Adam Beaudry confirmed that the current and future
159 use as a result of the boundary line adjustment would not change.

160

161 Adam Miller asked if there were conditions of approval from the existing minor subdivision that
162 were relevant to the application. Jon Ignatowski stated that he could not find any documentation
163 about conditions of approval.

164

165 Catherine Antley noted that the survey included easements for a sugaring house and a camp. Jon
166 Ignatowski provided a brief history of the Supreme Court decision that rendered the Stevens-3 lot
167 subdivision. Catherine provided historical context to the Lathrop strip north of Lot 2.

168

169 John Devine asked how the Lathrop Tract benefits from the boundary line adjustment and if it
170 gained access to the disputed right of way. Catherine responded by stating that the boundary line
171 adjustment, along with the 50' right-of-way, would improve the access to Lathrop.

172

173 Adam Beaudry asked if there was additional comment from the public. Tyler Thompson brought
174 up concerns with the chain of title, and discussion involving Tyler, Catherine Antley, and Mike
175 Magoon followed.

176

177 Adam Beaudry asked if there were additional comments. Catherine provided additional context
178 about land claims.

179

180 Rob Ricketson brought up the issue of conforming vs nonconforming. Jon Ignatowski provided
181 information that suggested both lots in the proposed subdivision were conforming.

182

183 Rob Ricketson asked about frontage requirements. Adam Miller stated that since the lots were
184 existing, road frontage requirements did not apply, and that both lots had access.

185

186 Rob Ricketson then brought up the shared driveway as a matter for subdivision review. Adam
187 Beaudry wondered if the Supreme Court had required that the shared driveway meet B-71
188 requirements. Adam Miller stated that the shared driveway was a future concern and did not need
189 to be reviewed. John Devine recalled the Supreme Court case from his time on the Select Board.
190 Rob Ricketson pointed out that the 1994 regulations did call for B-71 standards. John Devine
191 provided more historical context to the Stevens subdivision. Mike Tarrant also provided context to
192 the Supreme Court decision.

193

194 Adam Beaudry asked for additional comment. Adam Miller wondered if building envelopes
195 needed to be addressed. Adam Beaudry stated that it may not be wise to look at building
196 envelopes since disputed access would then need to be addressed. It was mutually agreed that
197 building envelopes were not needed for the boundary line adjustment.

198

199 Rob Ricketson asserted that since the driveway did not meet standards, there was no possibility of
200 building on the Lathrop at this time. Spence Nowak confirmed that building envelopes were not
201 needed since there was no intention of development. Rob Ricketson asked if the plat could include
202 an inset that showed the lots in their entirety. Discussion about the inset ensued.

203

204 Mike Magoon commented that the shared driveway not meeting B-71 standards may be an
205 assumption and not a fact.

206

207 Adam Beaudry asked Mike Magoon for labels on the contours, and Mike Magoon consented.

208

209 Adam Beaudry asked for a motion to close. John Devine provided the motion. Adam Miller
210 seconded. The motion passed (4-0). The sketch plan review hearing concluded at 8pm.

211

212 **Draft December 10, 2020 Meeting Minutes:**

213

214 John Devine made a motion to approve the draft minutes. Adam Miller seconded. The motion
215 passed (4-0).

216

217 **Zoning Administrator's Report**

218

219 Jon Ignatowski provided information about recent zoning permits issued and those in the pipeline.
220 He also discussed the PC's applications to the UPWP. Jon informed the Board that the 2020
221 BLUDRs amendments had several issues and needed to be edited. He had requested the Select

222 Board to deny the amendments, which they did. The PC will have to hold a new public hearing to
223 adopt the amendments. Lastly, he discussed a single-family home proposal for 588 Bolton Valley
224 Access Rd. that will need DRB review. Jon asserted that all violations on John Reynolds's property
225 had been addressed.

226

227 **Deliberative Session:**

228

229 Rob Ricketson made the motion to enter deliberative session. Adam Beaudry seconded. The
230 motion passed (4-0) at 8:30 p.m.

231

232 Adam Miller made the motion to exit deliberative session. Rob Ricketson seconded. There was no
233 further discussion and the motion passed (4-0) at 9:00 p.m. No decisions were made during this
234 deliberative session.

235

236 **Next scheduled DRB meeting:**

237

238 Thursday, February 25th, 2021, 6:30 p.m. (Virtual/online meeting only, unless otherwise noticed
239 in posted agenda.)

240

241 **Adjourn:**

242 Rob Ricketson made a motion to adjourn the meeting. Adam Miller seconded. There was no
243 further discussion, and the motion passed (4-0) with all members voting in favor. The meeting
244 was adjourned at 9:10 p.m.

245

246 *Respectfully submitted,*

247

248 Jon Ignatowski, Planning & Zoning Administrator

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