



Town of Bolton Development Review Board

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

In re: **Lafreniere Boundary Adjustments
#2010-08-SD/ Subdivision Amendment Approval
August 28, 2012**

Applicants:

Estate of Ronald Lafreniere, Sr., Deceased Ronald Lafreniere Jr. Executor 895 Duxbury Road Waterbury, VT 05676	Ronald Lafreniere, Jr. 761 Duxbury Road Waterbury, VT 05676	Gerald and Lisa Lafreniere 796 Duxbury Road Waterbury, VT 05676
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Application

(Application materials on file at the Bolton Town Office, procedural history attached.)

An application has been filed with the Development Review Board (DRB) to approve boundary (lot line) adjustments as previously approved by the board in a written decision issued on August 12, 2010. The subdivision plat, as approved, was not recorded in the land records of the town within 180 days, as required under § 6.6 of the Bolton Land Use and Development Regulations and 24 V.S.A. § 4463. Because the plat was not recorded, the subdivision and plat as approved by the DRB has expired. No changes to boundary adjustments as previously approved by the DRB are requested.

This application has been reviewed by the Bolton Development Review Board as a minor subdivision amendment under §§ 6.5 and 6.7 of the Bolton Land Use and Development Regulations in effect January 26, 2005, as amended effective August 9, 2010, and the DRB decision issued on August 12, 2010.

Decision – Final Subdivision Amendment (Boundary Adjustment) Approval:

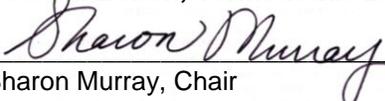
- Denied
 Approved
 Approved with Conditions:

1. The DRB approves those boundary adjustments previously approved by the board in its written decision issued on August 12, 2010 (attached), as previously recorded in the land records of the town.
2. All conditions of previous subdivision approval, including but not limited to those conditions specific to plat recording, remain in full force and effect.

Approved with conditions (5-0) by the Bolton Development Review Board:

Michael Hauser – Yea	Michael Rainville – Yea
Sharon Murray – Yea	Susan Vita – Yea
Margot Pender – Yea	

Dated at Bolton, Vermont this 28th day of August, 2012.



Sharon Murray, Chair
Bolton Development Review Board

NOTICE: This decision may be appealed to the Environmental Division of Vermont Superior Court by an 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 Court Proceedings.

Review Process:

(Application materials, hearing notices, minutes on file at the Bolton Town Office)

An application to approve boundary adjustments as previously approved by the DRB was filed with Miron Malboeuf, Bolton Zoning Administrator on July 26, 2010 and referred to the Development Review Board. A public hearing was scheduled for August 14, 2012, and warned in accordance with § 9.8 of the Bolton Land Use & Development Regulations and 24 V.S.A. § 4464.

The public hearing to consider the application was convened on August 14, 2012, 6:30 pm at the Bolton Town Office with a quorum of the DRB present. There were no reported ex parte communications, conflicts of interest, or recusals. Following the submission of testimony and evidence, the hearing was adjourned that evening, marking the start of the 45-day period for issuing a written decision.

The following persons attended and participated in the hearing process, or submitted written comments prior to the hearing date, and may be afforded status as interested persons with rights to appeal this decision:

- Ronald Lafreniere, Jr., Executor, representing the applicants

In addition to the application form, the following materials were submitted in support of the application:

- Copy of the Bolton Development Review Board's written decision, issued on August 12, 2012, as previously recorded in the land records of the town, granting subdivision approval for proposed boundary adjustments, subject to the conditions of approval including plat recording requirements.

Findings

1. The applicants' request for final subdivision approval for boundary (lot line) adjustments to three previously subdivided parcels, as recorded in the land records of the town, was reviewed by the Bolton DRB in 2010 for conformance with applicable zoning district requirements (Rural I and Flood Hazard Overlay Districts), applicable subdivision standards (Sections 7.2-7.4) of the Bolton Land Use and Development Regulations (BLU&DR) in effect at the time of application, and proposed flood hazard area bylaw amendments as warned by the Bolton Selectboard for public hearing on January 28, 2010. Related findings and conclusions under each of these standards are included in the DRB's written decision of August 12, 2010, as sent by certified mail to the applicants.
2. Mr. Malboeuf testified that, due in part to staff oversight, the subdivision plat as previously approved by the DRB had never been recorded.
3. Under Section 6.6 of the BLU&DR and state statute (24 V.S.A. § 4463)a plat that is not recorded within 180 days of the date of approval shall expire. Under the town's regulations, DRB subdivision approval also expires with the expiration of the plat.
4. The applicant has testified that no changes to the subdivision, including boundary adjustments as previously approved by the DRB, are proposed. The request is to simply re-approve the subdivision as previously approved, as necessary to record the plat.
5. There have been no amendments to state statute or to the BLU&DR that would require modifications or changes to the subdivision as previously approved, nor to prior conditions of subdivision approval. The subdivision was previously reviewed under proposed flood hazard area bylaw amendments that have since been adopted by the town and are now in full effect.

Based on these findings, the DRB concludes that it is reasonable to approve the subdivision and plat as previously approved by the DRB, subject to all prior conditions of subdivision approval including associated plat recording requirements.