



# Town of Bolton Development Review Board

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

**Beckman Subdivision Approval, 2-Lot Subdivision  
Application #2012-11-SD  
November 27, 2012**

## Applicants

Sue Ann Beckman Revocable Trust  
David Beckman  
PO Box 273  
Jonesville, VT 05466

## Application

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

The applicants, represented by David Beckman, have requested approval to subdivide an existing 349 +/- acre lot with an operating gravel pit lot into two lots – a 317-acre lot including the existing gravel pit, to be retained under the ownership of the Sue Ann Beckman Revocable Trust, and a 32.09-acre lot to be separately conveyed to David Beckman for the construction of a single family dwelling (Lot #1), including a 750-foot driveway, well and septic system. The lot to be subdivided (Tax Map ID# 8-0040605) is located at 298 Bolton Notch Road, in the Rural II District, with 900+/- feet of frontage along Bolton Notch Road. The parcel to be separately conveyed and developed includes steep (15+ %) and very steep (>25%) forested slopes, and is crossed by Duck Brook to the west. As shown on the town's Natural Resource Map, it is also indicated as being located within a state-mapped deeryard.

This application has been reviewed by the Bolton Development Review Board (DRB) as a minor subdivision under Section 6.5 (Final Subdivision Approval) and applicable subdivision standards (Article 7) of the Bolton Land Use and Development Regulations as amended through July 19, 2010, and in effect at the time of application. The DRB's procedural history and relevant findings are attached.

## Decision – Final Subdivision Approval:

- Denied
- Approved
- Approved with Conditions:

The Bolton Development Review Board hereby approves the subdivision of the 317+/-acre lot, located at 298 Bolton Notch Road (Tax ID #8-0040605) into two lots, including a 32.09-acre residential lot to be conveyed to the applicant (Lot #1), and the 317+/- acre gravel pit lot to be retained under the ownership of the Sue Ann Beckman Revocable Trust, subject to the terms and conditions of final subdivision approval:

1. The subdivision plat to be recorded in the land records of the Town of Bolton shall include and show the following information, as agreed to by the applicant:
  - a. A revised building envelope on Lot #1, to be marked on the ground with iron pins, that is configured to include the proposed house site, parking area, and any future accessory structures, and to exclude the proposed driveway, "Existing Woods Road" and septic system, and areas of steep and very steep slope and drainage (as shown on SK-01, Slope Analysis Plan, dated 7/6/12), to be accepted by the DRB prior to final plat recording.

11. Driveway and pull-out areas shall be maintained as necessary to allow for year-round emergency vehicle access.
12. Permanent outdoor lighting fixtures shall be cast downward and designed to minimize glare, and may include recessed, shielded or cutoff fixtures, or low luminance lamps. Lighting fixtures shall not direct lighting upward or onto adjacent properties or roads, or result in excessive lighting levels that are uncharacteristic of the area. Use of timers or motion sensors is recommended to minimize unnecessary lighting and energy use.
13. No changes, modifications or other revisions that alter the subdivision as approved, including the location of subdivision boundaries, lot lines, building envelope, accesses or conditions of subdivision approval shall be made without prior approval from the DRB. Any changes, modifications or revisions recorded without DRB approval shall be considered null and void.
14. The conditions of this subdivision approval are binding upon and enforceable against the applicant as permittee and all successors. By acceptance of this approval, the permittee agrees 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.

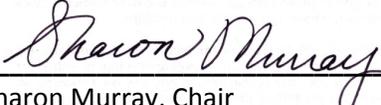
**Approved with conditions (5-0) by the Bolton Development Review Board:**

Sharon Murray – Yea  
Michael Rainville – Yea  
Jennifer Andrews (Alternate) – Yea

Susan Vita – Yea  
Margot Pender – Yea

**Dated at Bolton, Vermont this 27th day of November, 2012.**

**For the Development Review Board:**

  
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Sharon Murray, Chair

**NOTICE:**

1. In accordance with 24 V.S.A. §4449(e), the applicant is 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. This decision may be appealed to the Environmental Division of the 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 Division Court Proceedings.

7. C6.01 "Driveway Profile" dated October 23, 2012, prepared by Trudell Consulting Engineers, showing existing and proposed driveway grades.
8. Letter from Michael Gervia, Bolton Fire Chief, dated October 23, 2012, that the length and slope of the driveway, as shown on the site plan and profile, will not present any problems for emergency fire access.
9. Letter from Karina Daily, Environmental Scientist, TCE, dated October 2, 2012, regarding her site visit and evaluation of the Vermont Department of Fish and Wildlife's mapped deer wintering area and wildlife travel corridors on the property.
10. "Site Location and Natural Features Map" dated April 12, 2012, prepared by Karina Daily, TCE, showing the location of surface waters, wetlands, and the mapped deer wintering area in relation to the proposed subdivision.
11. An e-mail transmittal from John Gobeille, Wildlife Biologist, VT Dept. of Fish and Wildlife, dated October 17, 2012, confirming that the parcel is no longer included in a mapped deer wintering area and as such, there should be no issues with deer habitat as proposed.

Following the submission of testimony and evidence, the public hearing on this application was adjourned on October 23rd, 2012, triggering the 45-day period to issue a written decision.

## **Findings & Conclusions**

The applicant's request for approval of a minor, 2-lot subdivision has been reviewed by the Bolton Development Review Board (DRB) for conformance with applicable subdivision review standards under Article 7 of the Bolton Land Use and Development Regulations (BLU&DR) in effect at the time of application. DRB findings and conclusions under each of these standards are presented as follows.

### **Section 7.2 General Standards**

Based on the following findings, the DRB concludes that the proposed subdivision reflects the land's development suitability, conforms to applicable policies of the Bolton Town Plan currently in effect, and desired settlement patterns for the districts in which it is located. Lot layout is generally consistent with site topography and the intended use of the parcel to be conveyed. The applicant has agreed to delineate a revised building envelope, to be shown on the final subdivision plat, which excludes areas of steep slope as required under the regulations.

1. The proposed subdivision is located in the Rural I (Table 2.4) and Rural II (Table 2.5) Districts, with the following minimum district dimensional standards:

	<b>Rural II</b>
Lot Area	10 acres
Road Frontage	300 feet
Setback/Front	35 feet
Setback/Rear	50 feet
Setback/Side	50 feet

2. The lots to be created, as shown on the site plan, include a residential lot of 32.09 acres (Lot #1) and a retained gravel pit lot of 317+/- acres, each having more than 400 feet of total frontage on the Bolton Valley Access Road. As such both lots meet minimum district lot area and road frontage requirements. No further development is proposed, but required setback distances for each lot will be shown on the subdivision plat as recorded in the land records of the town.

12. Minimum stream setbacks for Duck Brook (100 feet from top of bank or slope), as required under Section 3.17 of the Bolton Land Use & Development Regulations and shown on the draft subdivision plat, dated September 4, 2012, are to be shown on the final subdivision plat.
13. No additional development on subdivided lots is proposed. Any subsequent development outside of the designated building envelope shall require approval from the Town of Bolton.

#### **Section 7.4 Open Space**

Based on the following findings, the DRB concludes that the proposed subdivision provides for the continued preservation of contiguous open space on subdivided and adjoining parcels, through the designation of a building envelope.

14. The "Site Location and Natural Resources Map" submitted in support of the application, dated 4/12/12, shows the location of the proposed subdivision in relation to surrounding parcels and natural features located in the vicinity of the subdivision. These include (off-site) ecologically significant species and natural communities, deer wintering areas, surface waters and mapped wetlands.
15. The location of the proposed building envelope, house site and driveway on Lot#1, near the existing gravel pit, maintains contiguous open space on the parcel and in the vicinity of the proposed subdivision and avoids adverse impacts to identified resources.
16. The building envelope proposed for Lot #1 is to be configured to exclude environmentally sensitive areas and significant natural and cultural resources located on the property.

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

Based on the following findings, the DRB concludes that the proposed subdivision and development will be designed and constructed to minimize stormwater runoff, soil erosion and sedimentation as necessary to protect water quality, the town highway, and downstream properties.

17. The parcel to be conveyed and developed for residential use (Lot #1) includes steep and very steep slopes as defined and regulated under Section 3.16 of the regulations.
18. No development will occur on slopes greater than 25%. The proposed house site is on slopes of less than 10% and the proposed 750-foot gravel driveway will be installed on slopes in excess of 20%, with a final grade of no more than 15%, as shown on the Sanitary Site Plan (C2-01), the Driveway Profile (C6.01) and the Slope Analysis Plan (SK-01) submitted in support of the application.
19. The building envelope proposed for Lot #1 to be shown on the revised subdivision plat, will be configured to exclude areas of steep and very steep slope.
20. The driveway has been sited to minimize the amount of cut and fill required, as shown on the Driveway Profile (C6.01).
21. According to Shane Mullen, PE of Trudell Consulting Engineers, representing the applicant, stormwater management and erosion control measures, including silt fences, 3:1 slope stabilization (grading, seeding and mulching), ripped ditching along the driveway, and a stabilized construction entrance have been designed in accordance with Vermont Department of Conservation's *Low Risk Site Handbook for Soil Erosion and Sediment Control* (2006), and will be