



# Town of Bolton Development Review Board

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

In re: **Green Mountain Club, Miriam Thomas**  
**Application #2014-1-SD; Minor 2-Lot Subdivision**  
**Final Subdivision Approval, May 27, 2014**

### Applicant

Green Mountain Club  
4711 Waterbury-Stowe Road  
Waterbury Center, VT 05697

### Owner of Record

Miriam Thomas  
c/o Paul Thomas, Guardian  
PO Box 8  
Newbury, VT 05051

Bolton Town Clerk's Office  
Received For Record

May 28 20 14 A.D.  
at 8 o'clock 00 minutes A.M.  
Recorded in Book 87 Page 758-760  
Attest: *Carol Dewlar*  
Asst. Town Clerk

### Application

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

The applicants have requested approval to subdivide an existing 203±-acre parcel located on the Notch Road (ID# 9-0041183) into two lots, to include a 123.24-acre upland lot to be conveyed to the Green Mountain Club (Lot #1), and an 80±-acre lot bisected by Notch Road with an existing camp on the western portion (1257 Notch Road) to be retained by the landowner Miriam Thomas (Lot #2), as shown on the draft subdivision plat submitted with the application. Lot #1 will be conveyed to the Green Mountain Club to accommodate the relocation of the Long Trail along the western ridgeline of Stimpson Mountain. The intent of the Green Mountain Club is to subsequently transfer ownership of Lot #1 to the State of Vermont, as part of the Mount Mansfield State Forest which borders the property to the north and south. No additional development is proposed on the subdivided lots.

The parcel to be subdivided is located on the Notch Road in the Rural II and Forest Districts, and has approximately 1,400 feet of frontage along both sides of the road. The lot is forested, has been logged in the past, and is enrolled in the state's Use Value Appraisal Program. It drains to the west and includes high elevation areas (≥1,500 feet), a prominent ridgeline (Stimpson Mountain), steep (≥15%) and very steep (>25%) slopes, ledge and rock outcrops, shallow soils, surface waters (including mapped tributaries of Duck Brook to the west), and core wildlife habitat. There is also an old cellar hole near an existing logging landing and an abandoned, dilapidated camp located west of the Notch Road on the parcel to be retained, the historic significance of which have not been ascertained. These are noted in the application, but are not indicated on the subdivision plat.

Lot #1 to be conveyed to the Green Mountain Club will be accessed via a proposed 30-foot logging access easement centered on an existing logging road that extends from the Notch Road over the eastern portion of Lot #2, the use of which will be limited to access for forestry and trail maintenance. A VAST trail is also located on the portion of the property to be conveyed.

This application has been reviewed by the Bolton Development Review Board (DRB) as a minor, 2-lot subdivision under the Bolton Land Use and Development Regulations (BLUDRs) as amended, effective August 9, 2010, including applicable zoning district criteria (Tables 2.5, 2.6), general standards (under Article 3) and subdivision standards (Article 7). The Development Review Board's procedural history and relevant findings are attached.

**Decision – Final Subdivision Approval, 3-lot subdivision**

- Denied  
 Approved  
 Approved with Conditions:

1. The revised survey plat dated March 5, 2014 prepared by Button Professional Land Surveyors, as herein approved by the DRB (Exhibit 3), shall be submitted as amended for recording in the land records of the Town of Bolton within 180 days of the date of this approval, or the approval shall expire and reapplication for final subdivision approval shall be required. The applicant shall file the Mylar plat, signed by the Chair or other authorized representative of the Development Review Board, with the Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17, and provide two paper copies and one digital copy of the recorded plat, and one copy of all supporting documentation to the Zoning Administrator.
2. In addition to the information shown on the draft plat, dated March 5, 2014, the final plat, as recorded in the land records of the Town of Bolton, shall also include the following:
  - a. An indication of the approximate location of zoning districts and district boundaries (Rural II, Forest), as defined by the 1,500-foot elevation contour.
  - b. An indication of the approximate length of existing road frontage (distance in feet) for Lot #2, along both sides of the Notch Road.
  - c. An indication of minimum setback distances as required for Lot #2, including a 35-foot minimum setback distance from the road right-of-way, and a 50-foot minimum setback distance from all property lines.
  - d. An indication of the approximate locations of the existing log landing, cellar hole and camp and any associated, existing access points (curb cuts) or driveways.
  - e. The designation of Lot #1 and required stream setbacks as "protected open space" areas, as specified under Section 7.4 of the regulations.
  - f. A plat notation that no buildings, other structures or parking areas are to be constructed on Lot #1 or Lot #2, until one or more building envelopes have been approved by the Bolton Development Review Board.
  - g. A plat notation specifying that no site disturbance, removal of vegetation or development is allowed within 50-foot stream setbacks and associated buffers, as shown on the plat, without prior approval of the Bolton Development Review Board.
3. The final survey plat shall carry the following endorsement:  
*Approved by the Development Review Board of the Town of Bolton, Vermont, on the 27th day of May, 2014, subject to all requirements and conditions of subdivision approval. Signed this \_\_\_ day of \_\_\_, 2014, by \_\_\_\_\_, for the Bolton Development Review Board.*
4. All survey monuments and corner markers shall be installed on the ground as shown on the draft survey plat dated March 5, 2014, and on the final plat submitted for recording in the land records of the town.
5. No principal buildings, accessory structures or parking areas shall be sited or constructed on the retained lot (Lot # 2), or the lot to be conveyed (Lot #1) outside of designated building envelopes approved by the Bolton Development Review Board.

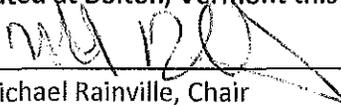
6. Use of the 30-foot logging and trail access easement across Lot #2 to access Lot #1, shall be limited to forestry and trail maintenance, as indicated on the approved subdivision plat and as described in deeds of conveyance recorded in the land records of the town. A copy of draft deed and easement language shall be provided for review by the DRB under these conditions of approval prior recording the subdivision plat in the land records of the town.
7. No site disturbance, removal of naturally occurring, native vegetation or development is allowed within 50-foot stream setbacks and associated buffer areas without the approval of the Bolton Development Review Board under Section 3.17 of the Bolton Land Use and Development Regulations. These areas, as indicated on the revised survey plat dated May 5, 2014, shall be established and maintained as undisturbed, vegetated stream buffers.
8. No site disturbance shall occur within 50 feet of the cellar hole located on Lot #2 until such time as its historic significance has been ascertained, documented and filed with the Administrative Officer.
9. Subsequent development on approved lots is subject to all applicable requirements of the Bolton Land Use and Development Regulations in effect at the time of application. All municipal and state permits, including zoning, highway access, and potable water supply and wastewater permits, must be obtained prior to development on either lot.
10. The Bolton DRB has agreed to waive the boundary survey for Lot #2 to be retained by the landowner, Miriam Thomas. The boundaries of Lot #2, as indicated on the approved subdivision plat, shall be surveyed and recorded in the land records of the town prior to any further subdivision or development, unless subsequently waived by the Bolton DRB.
11. No changes, modifications or other revisions that alter the approved plat, including the location of subdivision boundaries, lot lines, building envelopes, or conditions of plat 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.
12. The conditions of this subdivision approval are binding upon and enforceable against the applicants as permittees and their successors. By acceptance of this approval, the permittees agree to allow authorized representatives of the Town of Bolton to access the properties 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:**

Jenifer Andrews – Yea  
Charmaine Godin – Yea  
Sharon Murray – Yea

Margot Pender – Yea  
Michael Rainville – Yea

**Dated at Bolton, Vermont this 27th day of May, 2014.**

  
\_\_\_\_\_  
Michael Rainville, Chair  
Bolton Development Review Board

NOTICE:

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, minutes on file at the Bolton Town Office)

**Sketch Plan (Pre-Application) Review.** An initial request for sketch plan review, dated January 28, 2014, was received by the Zoning Administrator and referred to the Bolton Development Review Board (DRB) on January 29, 2014. This request was considered by the DRB at its regularly scheduled meeting, held on February 25, 2014. The DRB agreed at this meeting that the proposed 2-lot subdivision would be classified and reviewed as a minor subdivision under the regulations, to include one warned public hearing with notice to abutters. It was also recommended that the draft survey plat, as submitted for review, should show relevant zoning districts, district boundaries and required district setback distances from proposed property lines; the proposed access easement for the lot to be conveyed and related language limiting its use to logging and trail maintenance; any mapped surface waters, wetlands and associated setback distances; and associated plat notations that these areas be maintained as required open space, in accordance with Sections 7.3 and 7.4 of the regulations. The applicants were also asked to clarify whether the lot to be retained, as bisected by the Notch Road, was to be considered as one lot, or two separate lots defined by the road – in effect creating a 3-lot subdivision which would also qualify as a minor subdivision.

**Final Subdivision Review.** An application and fees for final subdivision review and approval, dated March 17, 2014, was deemed administratively complete by the Zoning Administrator and referred to the DRB for review on March 26, 2014. The application was warned for public hearing on April 29, 2014 in accordance with Section 9.8 of the Bolton Land Use and Development Regulations (BLUDR) and 24 V.S.A. § 4464.

The public hearing to consider the application was convened by the DRB on April 29, 2014, 6:40 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. The DRB hearing on the application was adjourned that evening, following the receipt evidence and testimony.

The following persons attended and participated in the hearing process and may be afforded status as interested persons with rights to appeal this decision:

- David Hardy and Susan Shea, representing the Green Mountain Club  
4711 Waterbury-Stowe Road, Waterbury Center, VT 05697
- Paul Thomas, Guardian, representing the landowner, Miriam Thomas  
PO Box 8, Newbury, VT 05051

The following materials in support of the application were submitted during the hearing:

1. Completed application form for final subdivision approval, dated March 17, 2014, as referred by the Zoning Administrator to the DRB on March 26, 2014.
2. Hearing Notice as posted and published.
3. Exhibit 1: Site Location Map (no date).
4. Exhibit 2: Project Description (3 pages, March 2014)
5. Exhibit 3: "Plat of Survey Showing Two Lot Subdivision of Lands of Miriam Thomas, prepared for the Green Mountain Club" prepared by Christopher Haggerty, Land Surveyor (License # 741), Button Professional Land Surveyors, PC, dated February 19, 2014, as revised March 5, 2014.

## Findings and Conclusions

The applicants' request for a minor, 2-lot subdivision was reviewed by the Bolton Development Review Board (DRB) for conformance with applicable zoning district requirements under the Rural II and Forest Districts (Tables 2.5, 2.6), General Requirements (Sections 3.2, 3.6, 3.16, 3.17) and Subdivision Standards (Sections 7.2 – 7.4, 7.6) of the Bolton Land Use and Development Regulations (BLUDR) as amended, effective August 9, 2010. Board findings and conclusions under applicable standards are presented as follows.

### Zoning District Standards (Tables 2.5, 2.6)

**Conclusion:** Based on the following findings, the proposed subdivision will result in parcels that conform to minimum zoning district requirements and allowed uses for the districts in which they are located.

1. The subdivision of the 203±-acre parcel owned by Miriam Thomas will result in the creation of a 123.24-acre parcel located in the Rural II and Forest districts (Lot #1), and an 80±-acre retained parcel located entirely in the Rural II District (Lot #2), as shown on site location map (Exhibit 1) and the revised survey plat, dated March 5, 2014 (Exhibit 3). The unsurveyed portion of Lot# 2 west of the Notch Road is approximately 17 acres, and that portion east of the road is 63± acres, as shown on the draft survey plat.
2. The minimum dimensional requirements for these districts as set forth in the regulations are as follows:

Minimum Required	Rural II (Table 2.5)	Forest (Table 2.6)
Lot Area	10 acres	25 acres
Road Frontage	300 feet	NA
Setback/Front (ROW)	35 feet	NA
Setback/Rear	50 feet	NA
Setback/Side	50 feet	NA

3. The two proposed lots meet the minimum lot area requirement for the districts in which they are located. Lot #1 as conveyed to the Green Mountain Club, though included in two zoning districts, will not be further subdivided. In the event that Lot #2 is subdivided along the Notch Road, both the east and west portions of the lot would meet the minimum required lot area for the Rural II District.
4. Lot #2 will retain its existing road frontage of approximately 1,400 feet along both sides of the Notch Road as stated in application materials, but not indicated on the revised survey plat dated March 5, 2014 (Exhibit 3). This exceeds the minimum frontage requirement of 300 feet in the Rural II District.
5. The minimum required front setback distance from the road right-of-way is indicated on the draft survey plat for Lot #2 as 30-feet, rather than the required minimum of 35 feet. No minimum required setbacks from property lines are shown on the revised survey plat (Exhibit 3).
6. No minimum road frontage or setback requirements apply to upland lots located in the Forest District, which includes most of Lot #1. According to applicant testimony, Lot #1 will be placed under a conservation easement and will not be further subdivided or developed; as such required setback distances will not apply to the remaining portion of Lot # 1 within the Rural II District (Exhibits 1, 3).

7. Fifty-foot stream setbacks, as indicated on the revised survey plat dated March 5, 2014, conform to the setback requirements for unnamed streams under Section 3.17 of the regulations (Exhibit 3).
8. The stated intent of the Green Mountain Club, to permanently conserve Lot #1 under a conservation easement and transfer of ownership to the State of Vermont, conforms to the stated purposes of both the Rural II and Forest Districts: "to allow for limited, compatible forms of development that maintain Bolton's rural character, and protect the town's significant natural resources, while discouraging subdivision and development in areas with limited access to public roads and facilities" (Table 2.5); and to "protect Bolton's more remote and inaccessible forested upland areas from fragmentation, development and undue environmental disturbance, while allowing for the continuation of traditional uses such as forestry, outdoor recreation and compatible low density development" (Table 2.6).
9. Existing forestry and outdoor recreational uses, including existing and proposed hiking and VAST trails, are allowed uses within both the Rural II and Forest Districts. According to the applicants, no additional development is proposed on Lot# 1 to be conveyed to the Green Mountain Club, or on Lot #2 to be retained by the landowner (Exhibit 2, applicant testimony).

**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.

10. **Access (Section 3.2).** The existing parcel to be subdivided is currently undeveloped, and has no approved highway access (curb cut) or driveway onto the Notch Road; but has been accessed from the Notch Road for purposes of logging and forestry management. The location of the existing logging road accessed from and to the east of the Notch Road is indicated on the revised subdivision plat dated March 5, 2014 (Exhibit 3).
11. A 30-foot easement across Lot #2, centered on the existing logging road as shown on the revised subdivision plat, will be conveyed to the Green Mountain Club to access Lot #1 for purposes of logging and trail maintenance, to be referenced and restricted in the deed of conveyance. According to the applicants, this will access not be used for emergency or other vehicle access that would require upgrades to meet driveway (B-71) or development road (A-76) standards under the regulations (Exhibits 2, 3; applicant testimony).
12. **Steep Slopes (Section 3.16).** The lot to be subdivided includes steep slopes (15 to 25%) and very steep slopes (>25%) as determined from contour lines indicated on the revised survey plat. No development is proposed within these areas, with the possible exception of small sections of the relocated Long Trail, which has been generally sited to follow grade (contour line). Hiking trails are allowed on slopes in excess of 25% under Section 3.16(B).
13. **Surface Waters and Wetlands (Section 3.17).** Lots #1 and #2 are crossed by at two small streams that flow westward, joining Duck Brook west of Notch Road. The location of these streams, and 50-foot setback distances on either side as required for unnamed streams, are indicated on the revised survey plat (Exhibit 3). No development is to occur within required setback distances. No mapped wetland areas have been identified on the property to be subdivided (Exhibit 2; applicant testimony).

14. **Water Supply and Wastewater Systems (Section 3.18).** No information was provided regarding any existing water or wastewater systems serving the existing camp west of Notch Road, but according to applicant testimony the camp has fallen into disrepair and is no longer in use. No other development that would require the installation of water or wastewater systems is proposed (Exhibit 2; applicant testimony).

**General Subdivision Standards (Section 7.1)**

**Conclusion:** Based on the following findings, the DRB has determined that land being subdivided is suitable for its existing and intended use for forestry and outdoor recreation, and that the subdivision as proposed conforms to specific policies of the Bolton Town Plan, district settlement patterns for the zoning districts in which it is located, and applicable lot requirements.

15. **Development Suitability.** The land to be subdivided includes steep and very steep slopes and two streams as indicated on the Bolton Natural Resources Map and as shown on the revised survey plat (Exhibit 3). It also is part of a significant habitat block and travel corridor as mapped by the Vermont Department of Fish and Wildlife, the boundaries of which have not yet been verified in the field (Exhibit 2; applicant testimony). No development, except for the relocated hiking trail, is proposed in areas characterized by poor drainage, ledge and shallow soils, very steep slopes (>25%) or other hazardous conditions.

16. **Bolton Town Plan.** The current Bolton Town Plan, readopted in 2011, contains the following goals and polices under Section 3.2 (Natural Resources) that apply to generally to the property being subdivided:

- 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.
- Identify and manage pollution, flooding and fluvial erosion hazards along rivers and streams.
- Protect sensitive habitat and water resources with strict regulations governing land at elevations above 1500 feet [Forest District], and especially above 2500 [Conservation District].

The subdivision has been configured, as noted above, to permanently conserve and protect areas above 1,500 feet, areas of steep slope, surface waters, and significant wildlife habitat on the portion of the property to be subdivided and conveyed to the Green Mountain Club (Lot # 1), as indicated on the revised subdivision plat (Exhibit 3) and in related application materials (Exhibit 2, applicant testimony).

17. **District Settlement Pattern.** The proposed 2-lot subdivision, as configured to convey the undeveloped, upland portion of the lot (Lot # 1) for resource conservation and outdoor recreation, is consistent with existing and planned settlement patterns for the Rural II and Forest Districts to protect significant natural resources and the town's more remote, inaccessible forested upland areas from further fragmentation and development, as set forth in district purpose statements and associated dimensional and use standards under Tables 2.5 and 2.6.

18. **Lot Layout.** The lots to be subdivided, retained and conveyed, as shown on the revised survey plat (Exhibit 3), are consistent with site topography and the suitability of the land for development, and have been configured to meet district dimensional requirements and to conform to desired settlement patterns as noted above and to maintain contiguous, protected open land .

19. **Building Envelopes.** No development has been proposed. As such no building envelopes that limit the location of structures, parking areas and associated site improvements (excluding driveways, water and wastewater systems), have been designated for subsequent development on either lot. The applicants are aware that the designation of a building envelope approved by the DBR will be required prior to any future development on either lot (Exhibit 3, applicant testimony).
20. **Survey Monuments.** Survey monuments, as shown on the revised survey plat (Exhibit 3) will be shown on the final plat as recorded in the land records of the town.
21. **Renewable Energy, Energy Conservation.** The parcel to be subdivided is almost entirely forested and is currently enrolled in the Use Value Appraisal Program. Access to upland areas for logging and forestry management, including the potential harvesting of cordwood or woody biomass, will be maintained under the logging and trail easement across Lot #2 to be granted to the Green Mountain Club with the conveyance of Lot #1. Subdivided parcels include sufficient acreage to ensure that both are separately eligible for continued enrollment in the Use Value Appraisal Program.

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

**Conclusion:** Based on the following findings, the DRB has determined that the proposed 2-lot subdivision has been designed and configured to permanently conserve high elevation areas, and to avoid any undue adverse impacts to natural and cultural resources identified on the property.

22. **Resource Identification.** Natural resources identified on or in the vicinity of the property to be subdivided include forested hillsides (mostly northern hardwoods), a prominent ridgeline (Stimpson Mountain), steep (15%-25% )and very steep (>25%) slopes, and two permanent streams (tributaries of Duck Brook) as well as significant wildlife habitat – including a portion of an extensive habitat block and wildlife corridor, as indicated on the Bolton Natural Resources Map, the revised survey plat (Exhibit 3) and as referenced in related application materials (Exhibit 2). Potential cultural resources identified on the property include a cellar hole and camp, the age and historic significance of which have not been ascertained (Exhibit 2, applicant testimony).
23. **Surface Waters.** The parcel to be subdivided includes upland headwater areas (above 1500 feet) which will be permanently conserved under easement or state ownership; and two streams that flow west into Duck Brook, as shown on the revised survey plat (Exhibit 3). As noted, 50-foot stream setbacks and buffer areas, as required for unnamed streams, are indicated on the revised survey plat; however no plat notation is included that identifies these areas as protected open space, or that references required DRB approval prior to any development within these areas.
24. **Rock Outcrops, Steep Slopes, Hillsides and Ridgelines.** Lot lines, as shown on the revised survey plat (Exhibit 3) for Lot #1, have been configured to include and to permanently conserve areas of very steep and very steep slope, the western portion of the ridgeline along Stimpson Mountain, and associated ledge and rock outcrop areas. This land will be used only for forestry and outdoor recreation, including the relocation of the Long Trail. The lot to be retained (Lot #2) also includes some areas of steep and very steep slope, but no development is proposed that would impact these areas.
25. **Natural Areas and Wildlife Habitat.** The subdivision has been configured to minimize the fragmentation of existing upland wildlife habitat on the property by including more than half of the existing acreage (123 of 203 acres) in Lot #1 to be conveyed to the Green Mountain Club for permanent conservation. The proposed configuration of Lot #1 also maintains contiguous habitat

on adjoining parcels, including parcels in state ownership to the north and south. As proposed, the subdivision will permanently protect contiguous habitat along the ridgeline, eventually in consolidated state ownership and management (Exhibit 2, applicant testimony).

26. **Historic and Cultural Resources.** Two cultural features have been identified on the lot to be subdivided, including a cellar hole and a camp that is in disrepair (Exhibit #2, applicant testimony); however the locations of these are not indicated on the revised survey plat (Exhibit 3). The historic significance of these structures has not been ascertained, but the regulations in particular identify stone walls and cellar holes as historic landscape features that shall "to the extent feasible, be preserved and integrated into the subdivision design" (§ 7.03(E)). The applicants have not specifically addressed this feature, but no development is proposed at this time that would adversely affect either the cellar hole or camp.
27. **Forestland.** The subdivision has been configured to minimize the fragmentation of productive forestland. As noted, the lot to be subdivided is mostly forested (northern hardwoods) and is currently enrolled in the Use Value Appraisal Program. Both resulting parcels will have sufficient acreage (25+ acres) to retain their eligibility for program enrollment. Logging access to Lot #1 from the Notch Road, via an existing logging road over Lot #2, will be preserved through a 30-foot easement, centered on the existing road, as shown on the revised subdivision plat (Exhibit 3), and as referenced in the deed of conveyance (Exhibit 2, applicant testimony).

**Open Space and Common Land (Section 7.4)**

**Conclusion:** Based on the following findings, the DRB has determined that the proposed 2-lot subdivision will result in the permanent conservation of 123 acres of undeveloped open land (Lot # 1), as well as 50-foot stream setback areas on both lots, as protected open space. These areas are shown on the revised subdivision plat (Exhibit 3), but are not designated as protected open space on the plat or under associated plat notations.

28. **Open Space.** Protected areas to be included as designated open space on the subdivision plat as recorded in the land records of the town include: Lot #1, intended for permanent protection as conveyed to the Green Mountain Club and subsequently the state; and stream setback areas on both lots, as shown on the revised subdivision plat (Exhibit 3). These are not currently designated on the plat as protected open space.
29. Lot #1, as shown on the revised subdivision plat (Exhibit 3), has been configured so that it is contiguous with existing and potential open land on adjoining properties, including extensive, undeveloped, forested land on the lot to be retained by the landowner (Lot #2), and on adjoining lots to the north and south which are owned by the state (Mount Mansfield State Forest).
30. Lot #2, to be retained by the landowner, Miriam Thomas, has not been surveyed and has not been designated as protected open space; however it is largely undeveloped. No additional subdivision or development of Lot #2 is proposed at this time.
31. Both lots are configured to support their existing and intended use for resource conservation, forestry and outdoor recreation, including the relocation of the Long Trail across Lot #1. As noted, subdivided lots retain enough forested acreage to support continued enrollment in the Use Value Appraisal Program.

**Transportation (Section 7.6)**

**Conclusion:** Based on the above findings under Section 3.2 (#10, #11) and the fact that no development is being proposed, the DRB has determined that the proposed 30-foot easement across Lot #2 to access Lot #1, centered on an existing logging road as shown on the revised survey plat (Exhibit 3), is sufficient for purposes of forest management and trail maintenance, as indicated on the plat and restricted under the deed of conveyance. This logging road has not been reviewed, and therefore will not be considered, for use as a driveway or development road on either lot.

**Legal Requirements (Section 7.8)**

**Conclusion:** No legal documentation was submitted in draft form with the subdivision application. The applicant has agreed to provide access and conservation easement language for DRB review, as referenced in application materials and testimony, in association with the filing of a subdivision plat for recording in the town land records (Exhibit 2, applicant testimony).

