



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
802-434-5075

Development Review Board Meeting Minutes

May 8, 2012

Development Review Board members present: Sharon Murray, Chair, Michael Hauser, Margot Pender, Mike Rainville

Development Review Board members absent: Susan Vita

ZA: Miron Malboeuf

Acting Clerk: Amy Grover

Also present: James Cornett, applicant

Location: Bolton Town Office

Warned Agenda:

1. **Public Comment** – Opportunity for public comment.
2. **Public Hearing** –
Mark Bean, Beans Mobile Homes/Appeal (#2012-05.F-AP) continued from February 28, 2012. Appeal of AO determination that conditional use review is required, under regular and emergency flood hazard regulations, for substantial repairs to sales office, and to relocate new mobile home inventory on lot. The 4.6-acre parcel, including the existing office and outbuildings (ID# 15-2003608), is located at 3068 Theodore Roosevelt Highway (RT 2) in the Village (V) and the Flood Hazard Overlay I (FHOI) Districts (Continued from March 27 th, 2012)
3. **Sketch Plan Review:** Request of Sue Ann Beckman (Revocable Trust), for pre-application sketch plan review of a proposed subdivision located at 289 Notch Road.
4. **Cornett Subdivision Plat Review:** Pending submission of final plat for recording in the land records of the town.
5. **2012 Organizational Meeting** –(continued from March 27th, 2012)
 - a. _ Confirm DRB membership (appointments, vacancies)
 - b. _ Elect Officers (Chair, Vice Chair, Secretary)
 - c. _ Review DRB Rules of Procedure and Ethics
 - d. _ DRB projects, coordination with Planning Commission (forms, bylaw updates)
 - e. _ Set regular meeting date, schedule
6. **ZA Report**
7. **Meeting Minutes** – March 27, 2012
8. **Other Business**
9. **Meeting Adjournment**
Deliberative Session as needed

Call to Order

Ms. Murray, Chair, called the meeting to order at 6:33 p.m., with a quorum of DRB members present. The following changes were made to the agenda:

1. Agenda Item #4 - Ms. Murray noted that Agenda Item #4, Cornett Subdivision Plat Review would be heard first as neither applicant Bean nor Beckman were present.

Agenda Item #1 ~ Public Comment

No public comment received.

Agenda Item #4 – Cornett Subdivision Plat Review

Ms. Murray noted that the official hearing process had ended, and as part of the decision, careful review of the final subdivision Mylar plat was needed to determine that conditions of approval had been met. Ms. Murray stated for the record that there had been emails and correspondence between Mr. Cornett, the ZA and the DRB.

The group reviewed the final subdivision Mylar plat. Mr. Cornett stated that, as requested, the plat incorporated:

- The parcel insert.
- The setbacks from the Bolton Valley Access Road and Joiner Brook.
- The 30 acre lot.
- The well shield.
- Additional survey notes, which included the information the DRB required, as stated in #5, #6, and #7 of the written decision, including “The Nature Conservancy” envelopes being changed to “Town of Bolton” approved building envelopes.

Ms. Murray asked Mr. Cornett if there was documentation by The Nature Conservancy of approval of the building envelopes and final subdivision plat. Mr. Cornett noted that the GIS shape files were provided by The Nature Conservancy, as noted on the plat, and that he had copied The Nature Conservancy on all the town emails.

As such, Mr. Hauser made the motion to accept Mr. Cornett’s final subdivision Mylar plat as presented for recording in the town of Bolton land records. Ms. Pender seconded. All were in favor (4 – 0), motion carried. Ms. Murray signed the final subdivision Mylar plat.

Agenda Item # 2~ Public Hearing – 1.) Bean, Appeal Continuation

Ms. Murray reviewed the application before the board as warned.

DRB members reported no conflicts of interest or ex parte communications.

It was noted by Ms. Murray for the record that:

- Verbal or written participation in the hearing process was required in order to appeal a decision of the DRB to the Environment Division of Superior Court.
- The applicant/appellant would have interested party status.
- The DRB could choose to either continue or adjourn the hearings, and had 45 days to issue its written findings and decision once the hearing was adjourned.

1.) Bean, Appeal Continuation

Mr. Malboeuf stated that this was a continuation from February 28, 2012, and that Mr. Bean was not in attendance.

The group reviewed Mr. Bean’s appeal. It was noted that the issues of substantial damage relating to the office and mobile home inventory storage within the flood hazard area needed to be addressed in order to render a decision on whether conditional use review was required.

With reference to substantial damage, Mr. Malboeuf stated that:

- The total appraised value of the property, as listed, was \$180K.
- When the land, improvements and shed were separated from the mobile home office, the value of the structure (office) was \$30,400.
- When the common level of appraisal was applied, the value of the structure (office) was \$30,500.
- Substantial damage, 50% of the value, would therefore be \$15,250.
- Mr. Bean had submitted documentation for \$12,297 in repairs to the mobile home office.

The group reviewed the packet of correspondence, including information from ANR River Management and the FEMA “Substantial Improvement Checklist.” It was noted that cleaning and trash removal were

excluded from the FEMA “Substantial Improvement Checklist,” which would reduce Mr. Bean’s repairs by \$500.

The group reviewed Mr. Bean’s documentation for \$12,297 in repairs. Mr. Rainville stated that the documentation was reasonable, and that when 1.2% was added for overhead and profit, that brought the total to \$14,746, still less than 50% of fair market value. When the \$500 was subtracted from that, the total was \$14, 276.

As such, Mr. Hauser made a motion that based on the information provided; the repairs to the mobile home office do not meet the definition of substantial damage. Ms. Pender seconded. All were in favor (4 – 0), motion carried.

As such, Mr. Hauser made a motion that as the mobile home inventory storage on the site predates flood hazard regulations and the Town of Bolton Land Use and Development Regulations, as the mobile home inventory had not been removed for more than one year, and as a grandfathered use, the mobile home inventory storage is allowed on the site, as long as the mobile homes meet FEMA requirements for anchoring. Mr. Rainville seconded. All were in favor (4 – 0), motion carried.

Ms. Murray noted that the DRB will issue written findings and a decision within 45 days, and that as the emergency flood regulations were in effect at the time of the application, the ZA has the responsibility to issue the zoning permit.

Ms. Pender made the motion to close the hearing. Mr. Hauser seconded. All were in favor (4 – 0), motion carried.

Agenda Item #3~ Sketch Plan Review

It was noted as Ms. Beckman was not present for the pre-application sketch plan review of a proposed subdivision located at 289 Notch Road, the ZA will reschedule at the applicant’s convenience.

Agenda Item #5~ 2012 Organizational Meeting

- Confirm DRB membership (appointments, vacancies). The group noted that it should be requested that the Select Board assign terms and add a 3rd alternate given alternate Chabot’s limited availability.
- Elect officers (Chair, Vice Chair, Secretary). Ms. Pender made a motion for the 2012 – 2013 slate of officers: Sharon Murray, Chair, Michael Hauser, Vice Chair, and Margot Pender, Secretary. Mike Rainville seconded. All were in favor (4 – 0), motion carried.
- Review DRB Rules of Procedure and Ethics. The group reviewed the document. There were no changes.
- DRB projects, coordination with Planning Commission (forms, bylaw updates). It was noted that a joint meeting should be scheduled with the Planning Commission to coordinate changes in application forms and checklists to facilitate writing decisions. It was also noted that some communities put the responsibility of drafting findings on the applicant. The group discussed a condemnation ordinance and noted that would fall under the Select Board’s jurisdiction.
- Set regular meeting date, schedule. Mr. Hauser made the motion to set the regular DRB meeting date as the 4th Tuesday of the month, with the 2nd Tuesday reserved for special meetings. Ms. Pender seconded. All were in favor (4 – 0), motion carried.

Agenda Item #6 ~ ZA Report

Mr. Malboeuf noted that:

- Leigh Sykes, 3504 Theodore Roosevelt Highway, had filed a complete application for a new building that will need to go through flood hazard and conditional use review.
- Bernie Chenette, Bolton Valley, will be requesting two sketch plan reviews, one for the Nordic Center land sale to the VT Land Trust. Questioned if that would be a minor or major subdivision.
- The Green Mountain Club will be requesting sketch plan, subdivision, stream buffer and FHA review for the Long Trail relocation and bridge crossing project in Bolton
- He had an inquiry regarding a nonprofit organization opening a group home of more than 8 people in the Resort Residential District. It was noted that was not an allowed use in that district.

Agenda Item #7 - Meeting Minutes March 27, 2012

Mr. Rainville made a motion to accept the minutes of March 27, 2012, as amended. Mr. Hauser seconded. All were in favor (4 – 0), motion carried.

Agenda Item #5 - Other Business

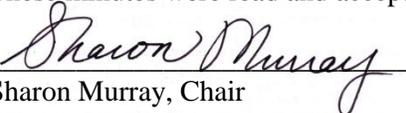
- Ms. Murray stated that she would be coming before the DRB for a stream bank restoration/stabilization project that might need to be permitted under the BLUDR. Noted: in the town right of way, with an eroding culvert.
- Noted: 2 areas of concern on the south side of the Winooski River where land clearing is taking place within buffer zones, and possible unpermitted building.
- In West Bolton, a dangerously dilapidated structure continues to be an issue.
- ZA to check with town attorney regarding ACT 250 notice/4 x 4 Center.

Agenda Item #6 - Meeting Adjournment

- Ms. Pender made a motion to close the meeting. Mr. Hauser seconded. All were in favor (4 – 0), motion carried, meeting closed at 8:12 p.m.
- The next regular meeting of the DRB will be held Tuesday, May 22, 2012, 6:30 p.m. at the Bolton Town Office.

Amy Grover
Acting Clerk, Development Review Board
These minutes are unofficial until accepted.

These minutes were read and accepted by the Development Review Board as amended on May 22, 2012.


Sharon Murray, Chair