



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

**Development Review Board Minutes**  
May 28, 2013

Location: Bolton Town Office

DRB Members Present

Sharon Murray (Chair), Mike Rainville, Susan Vita, Margot Pender, Charmaine Godin (Alternate), Jennifer Andrews (Alternate)

DRB Members Absent

Michael Hauser

Staff Present:

Miron Malboeuf, Zoning Administrator  
David Punia, DRB Clerk

Also present:

Justin Willis, John Devine, Dave Hardy, Steve Atwood, Marsha Guyette

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**Warned Agenda:**

1. **Public Comment** – Opportunity for public comment.
2. **Green Mountain Club| Winooski Bridge Project (2012-19-CU)**. Board review of additional information furnished by the applicant following hearing adjournment, to determine whether the hearing should be reopened to allow for consideration by all parties and the DRB in related findings and decision.
3. **Catamount/ Bolton Land LLC, Vermont Land Trust (2012-15-SD)| Final Mylar**– Review of filed subdivision plat for recording in the town land records, per the conditions of DRB subdivision approval.
4. **Public Hearings – *\*\*Note: Participation in the hearing process is required in order to appeal a decision of the Development Review Board.***
  - **John Devine| Minor Subdivision (2013-01-SD)** – Application to subdivide a 58 ± acre parcel into three lots including a 54-acre retained lot and two additional 2-acre residential lots. The parcel (ID# 1-0044387) is located at 4387 Notch Road in the Conservation, Rural I, Rural II and Forest Districts. *Continued from May 7<sup>th</sup>, 2013 pending submission of additional information, draft subdivision plat, from the applicant.*
  - **Catamount/Bolton Land, LLC, and Mountain Operations and Development | Subdivision Amendment (2012-16-SD)** – Application to amend the boundaries of a previously approved parcel (Lot 5). The purpose of this amendment is to (1) increase the acreage of the adjoining (Growald) parcel to 1,010 acres per a contractual agreement and to (2) correct the boundary between the subject property and the property owned by Mountain Operations and Development, LLC ("MOD"), as approved in 2003, for purposes of conveyance. The subject parcel is located at 3227 and 4302 Bolton Valley Access Road (ID#'s 7-3003227, 7- 3004250, 9-3002300) in the Resort Residential, Forest and Conservation Districts. *Continued from May 7<sup>th</sup>, 2013, pending submission of additional information, draft subdivision plat revisions from applicant.*

5. **Zoning Administrator Report** – Permits issued, pending applications, status reports.
  6. **Meeting Minutes** –December 18, 2012, January 22, 2013, February 22, March 12, 2013, March 26, 2013, May 7, 2013.
  7. **Other Business** – Report on meetings with Selectboard, Planning Commission; June meeting schedule.
  8. **Adjournment**
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### **Call to order**

Chair Sharon Murray called the meeting to order at 6:30PM with a quorum of DRB members present.

### **Acceptance of Agenda**

Ms. Murray asked if there were any additions or changes to the Agenda. One item was added to the agenda -- the resignation of Mr. Hauser from the DRB. The revised agenda was accepted.

### **Item 1: Public Comment**

Ms. Murray opened the floor for public comment. No comments were received.

### **Item 2: Green Mountain Club (GMC) | Winooski Bridge Project (2012-19-CU)**

Board review of additional information furnished by the applicant following hearing adjournment, to determine whether the hearing should be reopened to allow for consideration by all parties and the DRB in related findings and decision.

Ms. Murray indicated that the GMC had waived the 45-day limit on a decision to allow the opportunity to present additional information relevant to the pending decision. Ms. Murray indicated the hearing would have to be reopened to accept additional testimony, and that the Board would decide whether reopening the hearing is necessary based on the information presented.

Mr. Hardy provided the following additional information:

- After consultation with the construction team, surveyors and engineers, the northern abutment has been moved slightly to the west, requiring the removal of about 25 trees to make room for footings, anchors and cables.
- On the south side, another 5 trees between the river bank and the road will have to be moved because of the realignment.
- A road will be needed to support construction traffic. While the regulations require returning the trail and road to conditions prior to construction, Mr. Hardy saw this as an opportunity to provide a dry, solid footpath to the bridge, which could be made universally accessible and save some costs.
- Mr. Hardy found that materials excavated from the site can be spread without impacting any wetlands areas and wished to ensure this wasn't violating any regulations.
- A meeting is scheduled with the Select Board to seek permission to bury anchors and cables within the road R-O-W. The cables will not interfere with road maintenance.

- Mr. Quackenbush was consulted regarding parking for construction vehicles. He indicated a 50' buffer will be required.
- Ms. Murray asked if the removed trees will be replaced in other areas. Mr. Hardy indicated this is possible.

Ms. Murray indicated that fill cannot be spread on the site within the flood hazard area, and would have to be removed, unless another arrangement was made with the Select Board or the DRB.

Ms. Godin moved that the information presented is adequately covered in the findings and did not require reopening the hearing. Ms. Vita seconded, and the motion carried unanimously. Ms. Murray indicated the approval would be issued with conditions, and an appeal period of 30 days would follow.

### **Item 3: Catamount/ Bolton Land LLC, Vermont Land Trust (2012-15-SD)|Final Mylar**

Review of filed subdivision plat for recording in the town land records, per the conditions of DRB subdivision approval.

The submitted plat was compared to the DRB's conditions of approval. All conditions were met. Mr. Rainville moved to sign the plat. Ms. Vita seconded. The motion carried and the plat was signed by the Chair.

### **Item 4a: Public Hearing – John Devine| Minor Subdivision (2013-01-SD)**

Application to subdivide a 58 ± acre parcel into three lots including a 54-acre retained lot and two additional 2-acre residential lots. The parcel (ID# 1-0044387) is located at 4387 Notch Road in the Conservation, Rural I, Rural II and Forest Districts. Continued from May 7th, 2013 pending submission of additional information, draft subdivision plat, from the applicant.

Mr. Devine presented a revised subdivision plat and an accompanying letter from Mr. Michael Gervais. The Board reviewed the previous list of changes:

- Lot 1 size was corrected to 58 acres and the changes were noted.
- Zoning District boundaries were corrected.
- Easement language requested was provided

The Board requested the addition of language regarding use of shared access for logging, and for road maintenance responsibilities.

Ms. Pender made a motion to close the hearing. Ms. Godin seconded, and the motion carried. Ms. Murray indicated a final decision would be issued within 45 days, and a 30 day appeal period would follow.

**Item 4b: Public Hearing – Catamount/Bolton Land, LLC, and Mountain Operations and Development |Subdivision Amendment (2012-16-SD)**

Application to amend the boundaries of a previously approved parcel (Lot 5). The purpose of this amendment is to (1) increase the acreage of the adjoining (Growald) parcel to 1,010 acres per a contractual agreement and to (2) correct the boundary between the subject property and the property owned by Mountain Operations and Development, LLC ("MOD"), as approved in 2003, for purposes of conveyance. The subject parcel is located at 3227 and 4302 Bolton Valley Access Road (ID#'s 7-3003227, 7-3004250, 9-3002300) in the Resort Residential, Forest and Conservation Districts. *Continued from May 7<sup>th</sup>, 2013, pending submission of additional information, draft subdivision plat revisions from applicant.*

There was discussion as to whether the hearing regarding Lot 5 was closed at the previous meeting. Miron and David will consult the minutes and recording of the meeting. Ms. Godin moved to continue the hearing to the meeting of June 25, 2013, 6:30 at the Bolton Town Offices. Ms. Vita seconded the motion, which carried unanimously.

**Item 5: Zoning Administrator's Report.**

Mr. Malbeouf introduced Marsha Guyette and Steve Atwood. The discussion revolved around a septic system design for a mobile home park owned by Mrs. Guyette, comprising 5 lots approved by the State prior to the adoption of Town subdivision regulations. A septic permit is recorded, but no subdivision plat is on file. Each of the lots has a dedicated septic system. According to Mrs. Guyette, the lots have been taxed individually, but are shown as a single lot on tax maps. Some individuals have expressed a desire to purchase their lots, but they apparently cannot be deeded separately under the existing circumstances. A surveyed site map was shown. Discussion ensued as to whether a surveyed plat was issued, or who may have information that would resolve the issue.

Questions were raised as to whether the subdivision was grandfathered or would require DRB review in order to record the plat. Mr. Malbeouf will consult with Town Attorney Joe McClain about the jurisdiction of the DRB.

**Item 6: Acceptance of Minutes**

Ms. Godin proposed tabling the review of minutes until a future meeting. Ms. Andrews seconded, and the motion carried.

**Item 7: Other Business**

Ms. Vita announced that she will be resigning from the DRB.

Mr. Hauser's letter of resignation was acknowledged. The DRB suggested that he be asked to serve as an alternate.

Ms. Godin agreed to serve as an alternate until the Select Board confirms a new appointment.

Ms. Murray would like to arrange thank you notes for the departing members.

Ms. Murray indicated she will request additional staff assistance for the DRB. There was further discussion about meeting schedules, length of meetings, and the need for deliberative sessions to work on findings, and making improvements to the application and approval process.

**Adjournment**

Ms. Godin moved for adjournment, Ms. Vita seconded, the motion carried, and the meeting was adjourned at 8:30 PM.

The next regular meeting of the DRB will be held at the Bolton Town Office on June 25, 2013 at 6:30 p.m.

Respectfully submitted,

David Punia  
Clerk, Bolton Development Review Board

These minutes are unofficial until accepted.

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These minutes were read and accepted by the Development Review Board as amended on June 25, 2013.

  
Sharon Murray, DRB Chair

