



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

Planning Commission Meeting Minutes

November 11, 2013
6:00-8:10 p.m.
Bolton Town Office

Planning Commission members present: Jen Andrews, Linda Baker (Chair), Steve Barner, Jim Bralich

Planning Commission members absent: Rodney Pingree

Also present: Kate McCarthy (VNRC), Sharon Murray (DRB), Mike Rainville (DRB), Amy Ludwin (CC)

Clerk: Carol Devlin

Agenda

1. Public Comment
2. ECOS - Kate McCarthy, VNRC
3. Minutes - October 14, 2013
4. Flood Regulations – Update
5. Budget
6. Other communications/mail
7. Any other business
8. Adjournment

Call to Order

Linda Baker called the meeting to order at 6:05.

Agenda Item #1 ~ Public Comment

The floor was opened to public comment. There was none.

Agenda Item #2 ~ ECOS – Kate McCarthy, VNRC

Kate McCarthy started by explaining the ECOS project. VNRC is a non-profit, not a SOV agency. ECOS is the Chittenden County sustainability plan. The current “ECOS project” is part of the Science to Action project, funded by a CCRPC ECOS grant.

Kate McCarthy proceeded to go through the memo (see attached) page by page. The memo is a draft of a VNRC document the PC can use as a guideline while reviewing the

Town Plan and regulations. The final draft of the memo will:

- Review Bolton's 2005 Land Use and Development Regulations
- Provide Sample Language
- Summarize ideas for management strategies
- Include guidance for using the maps that will be provided as the result of the multi-town inventory

Overall, Bolton's regulations are very good. Kate sometimes uses them as examples. However, since 2005 the JAM Golf Vermont Supreme Court Decision (2008) changed the standards required of regulations. The Court struck down some of South Burlington's zoning laws because they did not adequately define what constituted "protection" and did not explain the conditions which would require protection. According to *Community Strategies for Vermont's Forests and Wildlife* (CSVFW) and Kate, "The take-home lesson of the JAM Golf decision is that if standards for protecting habitat and natural areas are to be legally defensible, they have to be clear, specific and consistent." (p. 37) Regulations must therefore provide specific guidance for both applicants and boards. Chapters 11 and 18 of CSVFW provide details on how to do this.

In the memo Kate provides tables which serve as a checklist of regulations that need revision. She outlines the standard, the issue and recommendations for changes. Common themes include:

- The need to provide more specific standards
- The use of consistent terms and specific definitions for those terms
- Cross reference sections to increase clarity
- Regulations should provide *specific guidance for management plans, protection and standards for both the applicants and the boards*

The discussion also addressed the need to discuss outdoor recreation in Bolton and whether further development should be regulated. There is concern that Bolton may be heading toward recreational overuse. It was suggested that the PC consider differentiating between types of outdoor activities based on their intensities (e.g., high intensity motorized/low intensity motorized/non-motorized activities).

The regulation of roads was another area of discussion. The group discussed how to prohibit the development of permanent roads from temporary roads and the need to continue prohibiting roads with steep grades. Kate McCarthy pointed out that the SOV, not towns, regulates logging roads.

The PC expressed its appreciation for Kate McCarthy's work on the memo. The detailed, specific suggestions will be a useful tool as the PC works on updating the Town Plan. Kate said she would accept questions and comments regarding the memo until Monday,

November 18 when she will write the final draft of the memo. She will get the final draft to the PC by the December 9th meeting. Kate also said that she would be available for questions even after the grant deadline at the end of December.

Agenda Item #3 ~ Minutes October 14, 2013

Jen Andrews moved that the PC accept the Minutes of the October 14, 2013 meeting. Jim Bralich seconded. The motion passed (3-0).

Agenda Item #4 ~ Flood Regulations Update

Jen Andrews reported on the discussion of Flood Regulations at the October 28 Select Board meeting. Rodney Pingree explained to the SB that the current flood regulations were the minimum the PC could authorize. However, some property owners still consider the regulations too strict. The SB would like to have a meeting early in 2014 with state and federal representatives and members of the SB and PC. The PC consensus is the town has already adopted the minimum regulations and cannot go any further.

Kate McCarthy suggested that the PC contact Ned Swanberg with the State of Vermont. He works with the Biggert Water Act. The PC asked Carol Devlin to see if he can attend the December 9, 2013 meeting.

Agenda Item #5 ~ Budget

The PC discussed a proposal to separate the zoning and planning budgets. The PC used to have its own budget. Several years ago the zoning and planning budgets were combined under one line item. Sharon Murray explained that DRB legal fees have been using most of that line item. The PC would definitely prefer to have its own funding.

Specific issues that were raised include:

- \$4,000 was the suggested amount for a PC budget line.
 - A portion of this would go to CCRPC for mapping as part of the planning update.
 - The remainder could be used as a match for a Planning Grant.
- Ideally, the PC would like a set amount each year (\$5-10,000) that would be put in reserve for use by the PC for staff and other expenses during years when the Town Plan is updated.
- The Town should have a capital expenses budget line.
- Carol Devlin will check with Amy Grover to see if a formal proposal is necessary.
- The PC is interested in pursuing a Planning Grant in July 2014.

The PC would also like Carol Devlin to explore buying a mic system for conference calls.

Agenda Item #6 ~ Other communications/mail

Carol Devlin followed up with Jens Hawkins-Hilke from VT Fish and Wildlife about the crossing study in Bolton. Jens said that there were four cameras along Rt. 2 (Joiner Brook Culvert, Pineo Brook, Sharkyville and Little River). There are other cameras (he

doesn't know how many) 400' from I-89. There is no camera at the Notch Road tunnel. Jens would be surprised if any wildlife used the Notch tunnel as it is not configured to appeal to wildlife. His "blanket statement" would be "The Waterbury-Bolton corridor is KEY to migration between the Central and Green Mountains."

Agenda Item #7 ~ Any other business

Amy Ludwin from the CC is scheduling the ECOS final report which will include an explanation of the maps. The PC approved the proposed date: Thursday, January 9, 2014 from 6:30-8:30. The PC members confirmed that the meeting should be two hours to allow adequate time for discussion and questions.

The next PC meeting will be December 9, 2013 at 6:00.

Agenda Item #8 ~ Adjournment

The meeting was adjourned at 8:00 p.m.

Carol Devlin
Clerk, Planning Commission

These minutes are unofficial until accepted.

These minutes were read and accepted by a quorum of the Planning Commission on:

For the Planning Commission