



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton, VT 05676

Bolton Development Review Board
Meeting Minutes
June 23, 2015
Bolton Town Office

DRB Members Present: Michael Rainville (Chair), Sharon Murray, Stephen Diglio, Charmaine Godin

DRB Members Absent: John Devine, Margot Pender (Alternate)

Staff Present: Miron Malboeuf, Zoning Administrator, Sarah McShane, DRB Assistant

Others Present: Phillip Harrington, Deb Shelby, William Peery

Posted Agenda:

1. Public Comment
 2. Public Hearing: 2014-07-CU: Application of Phillip N Harrington, Conditional use review (Continued from April 28, 2015)
 3. Public Hearing: 2015-10-CU: Deborah Shelby, Conditional use review (2169 Notch Rd.)
 4. ZA Report
 5. Meeting Minutes
 6. Other Business
 7. Meeting Adjournment
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Call to Order

Mr. Rainville, Chair, called the meeting to order at 6:35pm with a quorum present.

1. Public Comment

None

2. Public Hearing: 2014-07-CU: Application of Phillip N Harrington, Conditional use review (Continued from April 28, 2015)

Mr. Rainville opened the hearing and provided an overview of the application. No ex parte communications or conflicts of interest were reported. This application was continued from April 28, 2015 pending additional information from the applicant.

The applicant, Phillip Harrington, updated the DRB by stating that he was working on a shared maintenance agreement with the interested parties. Members discussed the existing agreement for emergency access. Ms. Murray stated that portions of the road are owned by the state and Bolton Valley and the town has an emergency access agreement. Mr. Harrington stated that there will be a meeting next week with all of the interested parties. Mr. Harrington reviewed the revisions that were made to the site plan since his last meeting with the DRB. He noted that the pull-off areas were shown on the site plan, as well as the potable water source, and proposed wastewater improvements. Ms. Murray noted that the road appears to meet driveway standards and that the applicant will need to provide a letter from the Fire Department. She also noted that the site plan needs to show the location of all culverts. Mr. Diglio stated that based on his site visit, there are no issues with the first pull-off, but the road needs to indicate the stationing and distance in order to determine the grade. Mr. Harrington stated that he had a road profile.

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Members discussed the gate and whether or not the applicant had any agreements with the State. Members discussed whether or not a gate should guard a road to a single-family, year-round residence. Mr. Harrington stated he was fine with having an unlocked gate. Mr. Diglio noted that an unlocked gate typically will still deter people from entering. Ms. Godin stated that at a previous meeting the State indicated that they wanted a gate in order to protect their land. Mr. Rainville noted that it was unusual to have a gate for a single family dwelling. Ms. Murray stated that the preference would be to have a gate beyond Mr. Harrington's access.

Members discussed the shared maintenance agreement. Members stated that the road cannot be more than 15% and the Fire Department needs to be able to access the property in the event of an emergency. Members agreed that they should not close the hearing until the applicant has submitted a draft shared maintenance agreement. Ms. Murray stated that the applicant should have the site plan revised to indicate the location of the stations on the road profile to demonstrate that it is not more 15% over any 50 foot section. Mr. Harrington submitted road profile and station information to Ms. McShane.

Members discussed other site plan revisions. The site plan should be revised to indicate the stream setback and include a notation indicating that the stream setback has to be maintained as a natural vegetative buffer, as well as a notation that all principal and accessory structures and parking areas must be located within the designated building envelope. Ms. Murray stated that the board usually limits clearing outside of the building envelope and on steep slopes unless the property is under a forest management plan.

Mr. Harrington stated that his right-of-way is 66' wide. Members stated that the right-of-way should be indicated on the site plan. Members noted that the pull-off areas need to be located within the right-of-way and that the dimensions of the lower pull-off should be indicated on the site plan. The DRB noted the pull-offs should be 10' x 30'.

Mr. Rainville asked the applicant about outdoor lighting and stated that all outdoor lighting must be cast downward as a condition of approval.

Members summarized the necessary application requirements and site plan revisions required for the continued hearing; the site plan should indicate the right-of-way, stations on the road profile, and incorporate the notations for the building envelope and stream buffer. They also noted that the applicant should provide a copy of the draft shared road maintenance agreement and letter from the Fire Department. The board stated that the applicant will be required to submit an updated site plan as a condition of approval. Ms. Murray also suggested that the applicant speak to the Road Foreman to see if a curb cut permit is required. Members discussed options for moving forward without the shared maintenance agreement and suggested that a condition of approval could be that the applicant is responsible for maintaining the road to driveway standards until a shared maintenance agreement is reached. Members agreed that it was best to keep the hearing open.

At 7:30 PM, Ms. Murray made the motion to continue the DRB hearing to August 27, 2015 at 6:30 PM at the Bolton Town Office. The motion was seconded by Mr. Diglio and passed unanimously, 4-0.

1 **3. Zoning Administrator's Report**
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3 Mr. Malboeuf provided the Zoning Administrator's report while waiting for the applicant to arrive. He
4 reported that he was working with Lisa Fuller, 3251 Theodore Roosevelt Hwy, who would like to
5 construct a structure in the floodplain for her horses. Members discussed whether or not animals can
6 be stored in structures in the floodplain. Mr. Malboeuf stated that he had discussed the application
7 with Rebecca Phiefer, the state floodplain coordinator. He reported that the structure will be less than
8 500 square feet and can be permitted as an accessory structure with DRB review. Members noted that
9 the structure will have to be anchored and would need an elevation certificate among other items
10 required for structures in the floodplain. Mr. Malboeuf stated that her application is scheduled for July
11 23. He also reported that he was working with a property owner that would like to add an addition to a
12 non-conforming structure that is near Joiner Brook.
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14 **4. Public Meeting: 2015-10-CU: Deborah Shelby, Conditional use review for non-conforming structure (2169**
15 **Notch Rd.)**
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17 Mr. Rainville opened the conditional use review hearing and provided an overview of the application.
18 Mr. Rainville asked if any members of the board had any ex parte communications or conflicts of
19 interest. Mr. Rainville reported that he had previously worked with the property owner. Ms. Shelby
20 reviewed her application. She stated a small portion of the south-east corner of her house was
21 nonconforming since it is within the front yard setback. She told the board that she would like to
22 expand her kitchen above the nonconforming corner of the house. She stated that it would add
23 approximately 144 cubic feet of nonconformance.
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25 Members discussed the proposal and calculated the degree of noncompliance. Ms. Murray noted that
26 the degree of noncompliance also includes volume. Mr. Diglio calculated the current amount of
27 nonconformance as being ± 603 cubic feet. The regulations allow nonconforming structures to be
28 enlarged up to 50%, or in this case ± 301 cubic feet.
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30 Members stated that it was a legally nonconforming structure because Ms. Shelby had received a zoning
31 permit for the portion of her house that is nonconforming. The permit was for a basement wood shed
32 and was issued due to inaccurate front setback information.
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34 Mr. Rainville asked if Mr. Peery had any concerns. Mr. Peery stated that he had no objections and that
35 the addition will mirror the existing roofline but approximately 10' lower.
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37 Mr. Diglio stated that the applicant's proposal is not increasing the degree of nonconformance by area
38 since it will not further encroach in the front setback.
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40 Mr. Rainville asked if the board had enough information to close the hearing. Mr. Diglio asked if the
41 board could approve the application based on the requirements in the regulations. Ms. Murray noted
42 that the board could find that no reasonable alternative exist since the foundation is existing and that a
43 zoning permit was issued by the Zoning Administrator in 2013 for the basement wood shed. Mr. Diglio
44 stated that the proposal would not change the area of noncompliance and would not cause any adverse
45 impacts.
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47 Members discussed design options with the applicant. Ms. Murray noted that it seems reasonable to
48 allow the applicant to increase the volume of the existing foundation however if the applicant wanted to

1 extend the nonconforming portion further into the front yard setback it would not meet the regulations.
2 Members discussed working with the Planning Commission to revise the setback and nonconforming
3 regulations. Ms. Murray noted that she would feel more comfortable if the board had exact numbers.
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5 Mr. Diglio made a motion, seconded by Mr. Rainville to continue the hearing to August 27, 2015 at 6:30
6 PM at the Bolton Town Office. The motion passed 4-0.
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8 Members further discussed regulatory and design options with the applicant. Mr. Diglio reported that
9 he felt that it was appropriate for the board to allow the applicant to increase the existing foundation
10 but not to further encroach the front yard setback, especially since the town had issued a permit for the
11 existing nonconforming basement. Members agreed that the applicant should not be allowed to
12 increase the area of nonconformance and agreed to ignore the volume requirements since the town had
13 issued the permit. Given the added discussion and consensus of the board, Ms. Godin made a motion,
14 seconded by Mr. Diglio to close the hearing. The motion passed 4-0. Members agreed that the
15 applicant should be allowed to add volume to the nonconforming section, but not increase the area of
16 nonconformance. The hearing closed at 9:10 PM.
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18 **5. Meeting Minutes**

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20 DRB members reviewed the minutes from May 26, 2015. Ms. Murray made the motion, seconded by
21 Mr. Diglio, to accept the minutes of the May 26, 2015 Development Review Board meeting as
22 submitted. The motion passed unanimously, 4-0.
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24 **6. Other Business**

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26 Members were reminded that the regular DRB meeting day is now the 4th Thursday of each month (and
27 the 2nd Thursday as needed). Members were reminded that there will be a DRB meeting on July 9, 2015
28 to review the request for reconsideration from the 4 x 4 Center.
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30 **9. Meeting Adjournment**

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32 Ms. Godin made the motion, seconded by Mr. Diglio, to adjourn the meeting. Motion carried
33 unanimously, 4-0. The meeting adjourned at approximately 9:30 pm.
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35 The next regular meeting of the DRB will be held on Thursday, July 9, 2015, 6:30 pm at the Bolton Town
36 Office.
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38 Respectfully submitted,
39 Sarah McShane
40 Bolton DRB Assistant
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42 ***These minutes are unofficial until formally accepted by the DRB.***

43 These minutes were read and accepted by the Development Review Board on July 23, 2015.

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46 Michael Rainville, DRB Chair