



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton, VT 05676

Bolton Development Review Board
Meeting Minutes
November 25, 2014
Bolton Town Office

DRB Members Present: Michael Rainville (Chair), Sharon Murray, Charmaine Godin, John Devine (Alternate)

DRB Members Absent: Stephen Diglio, Margot Pender

Staff Present: Miron Malboeuf, Zoning Administrator

Acting DRB Clerk: Sharon Murray

Others Present: Ben Putman, A. Johnson Company (2014-SD-24); Alexandra and Britton Haselton (Sketch Plan Review)

Posted Agenda:

1. Public Comment
 2. Public Hearings:
 - Application 2014-24-SD | Joji Fillmore – continued from October 28, 2014
 - Application 2014-07-CU | Phillip Harrington – continued from October 28, 2014
 3. Sketch Plan Review – Alexandra and Britton Haselton, 2-lot subdivision, Notch Road (ID# 8-0041182)
 4. DRB Position
 5. Zoning Administrator Report
 6. Meeting Minutes, 10/28/14
 7. Other Business
 8. Public Meeting Adjournment
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Call to Order

Michael Rainville, Chair, called the meeting to order at 6:35 pm with a quorum of members present, and alternate John Devine participating. There were no requested changes to the warned meeting agenda.

1. Public Comment

None.

2. Public Hearings

Mr. Rainville reminded those present that participation in the hearing process was required in order to appeal a decision of the DRB.

- a. Joji Fillmore–Final Subdivision Review (2014-24-SD). The Chair reconvened the public hearing continued from October 28, 2014, pending receipt of plat revisions, abutter easement information and a proposed road maintenance agreement from the applicant and abutters. No DRB ex parte communications or conflicts of interest were noted. The A. Johnson Company was represented by Mr. Putnam; the applicant and other parties were absent and unrepresented.

The Zoning Administrator entered into the hearing record a copy of e-mail correspondence received from Mr. Fillmore, dated November 19, 2014, requesting that the DRB Chair “remove any hearing continuations from September’s meeting at this time” given that other parties previously had been given additional time to review the draft road management agreement and supply requested legal

documentation. Mr. Malboeuf also distributed and entered into the record notes from a voicemail message left by abutter Maureen Matthews on November 25, 2014, noting travel as the reason for her absence, requesting edits to the draft October 28th meeting minutes, and a hearing continuance to accommodate a previously requested DRB site visit. Mr. Malboeuf also noted that Mr. O'Brien had been in the town office to research land records regarding the status of his easement across the property.

Mr. Putnam indicated that the draft maintenance agreement had been circulated to all parties for review, but had not yet signed. The DRB discussed the fact that a site visit, if warranted, could not be conducted until the location of the proposed building envelope was identified on the subdivision plat, as previously requested by the DRB, and marked on the ground.

Given the request by the applicant to expedite review, Ms. Murray recommended that the DRB establish a firm deadline for the submission of requested materials. She then made the motion to *"have the Zoning Administrator issue written notice to all parties that information previously requested by the DRB must be submitted to the Bolton Town Office, with copies to all parties, no later than January 15, 2015, for consideration at the DRB's January 27, 2015 meeting."* She then clarified for the record that this information should include: 1) a revised survey plat from Mr. Filmore showing the location of the proposed building envelope in relation to very steep slopes (>25%), surface water setbacks, clearing setbacks, and the shared access road/driveway; 2) legal documentation from Mr. O'Brien supporting his claim of an existing easement across the property, and 3) a road maintenance agreement as agreed to and signed by all parties. Motion seconded by Mr. Devine; motion passed unanimously (4-0).

Mr. Devine then made the motion to *"continue Mr. Filmore's hearing, pending receipt of requested information, to January 27, 2015, 6:30 pm, at the Bolton Town Office."* Motion seconded by Ms. Godin; motion passed unanimously (4-0).

- b. Phillip Harrington – Conditional Use Review (2014-07-CU). The Chair reconvened the public hearing continued from October 28, 2014, pending receipt of site plan revisions and additional information from the applicant. No DRB conflicts of interest or ex parte communications were noted since the last meeting. Mr. Malboeuf reported that the applicant had requested a hearing continuance. Ms. Godin made the motion to *"continue the Harrington hearing to the next regular meeting of the DRB, scheduled for January 27, 2015, 6:30 pm, at the Bolton Town Office, pending additional information from the applicant."* Motion seconded by Mr. Devine; motion passed unanimously (4-0).

3. **Sketch Plan Review: Alexandra and Britt Haselton – 2-lot subdivision, Notch Rd.** Ms. Murray noted that the intent of sketch plan review was to give applicants an opportunity to discuss proposed subdivisions with the DRB prior to filing formal applications and plats. As such, any recommendations based on information provided were intended as guidance and were not binding on applicants or the town.

Mr. Haselton noted that they recently purchased "Lot 2" of the 2-lot Miriam Thomas/Green Mountain Club Subdivision as approved by the DRB on May 27, 2014 (2014-1-SD), including the land bordering Notch Road, and would like to further subdivide this into two residential parcels as

indicated on their preliminary sketch plan, dated 11/14/14. Lot# 2 as approved by the DRB is located largely, if not entirely, within the Rural II District. The Haseltons plan to:

- Retain “Lot #1” as shown on the sketch plan, to include 17± acres west of the Notch Road and 49± acres east of Notch Road, bounded to the east by the GMC parcel, to build a single family dwelling west of the road.
- Subdivide and sell “Lot #2” consisting of 14± acres east of the Notch Road and south of Lot #1 for residential use, possibly with deeded rights to Lot #1 for recreational access.
- Designate building envelopes on each lot in accordance with the regulations, as generally indicated on the sketch plan, in relation to steep and very steep slopes, surface water setbacks, and potential wetland areas.
- Access each lot from the Notch Road, preferably without crossing streams, wetlands or steep slopes.

The right-of-way reserved by the Green Mountain Club across Lot #1 (Lot #2 on the approved subdivision plat) is also generally indicated on the sketch plan. Ms. Murray asked if they were familiar with the conditions of subdivision approval that apply to their property (Lot#2 as approved), including conditions regarding the camp and cellar hole. Ms. Haselton noted that they were – that the camp was in poor condition and probably not historic, and that they did not plan to disturb the area near the cellar hole. Ms. Hasleton noted that there were also stone walls on the property that, except for a break for driveway access, would remain undisturbed.

After some discussion, the DRB indicated that the subdivision as proposed would result in the creation of only one additional lot, and as such would qualify as a minor amendment to the previously approved subdivision, requiring only final subdivision review and one warned hearing. Building envelope setbacks from the Notch Road, however, could not be waived except in association with an application for a planned unit development. The proposed subdivision establishing new lots would not meet waiver or variance criteria that apply only to existing, nonconforming lots or structures under the regulations. The DRB also recommended that the applicants:

- Renumber the parcels to correspond to the existing, approved subdivision plat (e.g., as Lot #2 and Lot #3).
- Depict topography and drainage (contour lines, elevations) and the location of mapped streams, wetlands and required setback distances on the subdivision plat, as specified in the regulations – especially within the vicinity of proposed building envelopes – and/or on an attached subdivision plan.
- Avoid stream crossings if possible, and any other site disturbance within required stream and wetland buffer areas, which would also be subject to conditional use review under the regulations.
- Configure lots to minimize forestland fragmentation and ensure that forestland remains eligible for enrollment in in the state’s Use Value Appraisal (Current Use) program (i.e., 25 acres excluding 2-acre house sites/homesteads).
- Define building envelopes on each lot to exclude protected resources and hazard areas (e.g., the cellar hole, surface waters, wetlands, required setbacks and very steep slopes) as proposed. Building envelopes do not need to be separately surveyed, but must be indicated on the subdivision plat as marked on the ground (with iron pins).

- Define building envelopes on each lot that are large enough to accommodate all principal and accessory structures and parking areas. It was noted that the building envelope shown on Lot #1 was likely not large enough to accommodate a house, garage or shed and parking area.
- Meet applicable driveway and access standards under both the regulations and the town's highway access permit requirements (e.g., B-71 standards as provided) – the review of which will be coordinated with the road foreman and fire chief.
- Provide legal documentation (e.g., draft deed or easement language) for any formal access or recreational rights on Lot #1 to be conveyed to Lot #2. Access easements or rights-of-way should also be identified on the draft subdivision plat submitted with the application.

In response to questions from the Haseltons, it was also noted that the DRB and town have no jurisdiction over the siting of net-metered solar installations or agricultural and logging activities.

4. DRB Staff Position

The Chair reported that, because of his work schedule, he had not been able to schedule interviews this month. Ms. Murray noted that given her work load and select board responsibilities, someone would need to be hired by year-end, under the current budget, to fill this position. She reported that the DRB request for \$6,000 to fund this position in FY15/16 had been submitted and incorporated in a draft budget, but had not yet considered by the Select Board.

5. Zoning Administrator Report

Mr. Malboeuf reported that:

- The 4x4 center had submitted their application for driveway, site plan and conditional use review under the stipulation agreement, and for additional trails. He is working with the applicants' attorney to ensure that their application is complete, as recommended by the town attorney, prior to warning a hearing. In response to a question from Ms. Murray, Mr. Malboeuf observed that the site plan did not include a building envelope as required under the DRB's prior conditions of subdivision approval. He also indicated that copies of the application as submitted were available for DRB review. Mr. Rainviller noted that, given the DRB's current hearing schedule and lack of a quorum for a special meeting in January, new hearings could not be scheduled until the board's regular January meeting, at the earliest.
- Mr. Mallow had not submitted a subdivision/PUD application following his sketch plan review, but this may also be on the schedule for January.
- He recently attended a Chittenden County RPC meeting regarding permitting software; and forwarded an estimate to the Select Board for software recently purchased by Warren, but noted that it was expensive (\$5,500 plus annual maintenance costs) and probably more than Bolton needed. Other less expensive options may be available.

6. Meeting Minutes – October 28, 2014

The Chair requested that the draft October 28th meeting minutes be amended on page 3, line 10 to state: "... to use proceeds from the sale, less administrative costs, to further stabilize the historic barns, including the west barn."

Ms. Murray noted that Mr. Malboeuf had also provided missing exhibit information and dates from the hearing file; Mr. Lafreniere, however, had not provided any contact information, as reflected in the draft minutes. Mr. Malboeuf will get this information from town records for the hearing file.

The DRB reviewed requested edits from Maureen Matthews with regard to the Fillmore hearing – specifically her concern that that the DRB would consider her request for a site visit after the filing of a “final” plat. The draft minutes (p. 2, lines 2,3) state that “The Chair, supported by other DRB members present, indicated that they’d consider this request once a *revised* [not final] plat is submitted by the applicant.” As such, no motion was made to amend the minutes per Ms. Matthews’ request.

Mr. Devine then made the motion to “*accept the minutes as corrected and amended by the Chair.*” This was seconded by Ms. Murray; motion passed 3-0, with Ms. Godin abstaining.

Ms. Murray asked Mr. Rainville to provide a scanned signature to include on the PDF version of the minutes as accepted, to be posted on the town’s website.

7. Other Business

2014-15 Town Report – Ms. Murray noted that the Chair, in the past, was responsible for drafting the DRB’s contribution to the Town Report. She agreed to forward the previous report to the Chair to use as a template.

VFPR Preston-Lafreniere Homestead , Draft Decision – Ms. Murray noted that she was still working on the draft decision for DRB review, and distributed copies of the federal *Secretary of Interior Standards for the Rehabilitation of Historic Properties*, as referenced in the regulations. She then asked that the DRB meet briefly in deliberative session following public meeting adjournment to discuss these in relation to proposed conditions.

8. Meeting Adjournment

Ms. Godin made the motion to adjourn the meeting, seconded by Mr. Devine. Motion carried unanimously (4-0). The meeting adjourned at 8:40 pm. The DRB will not meet in December due to holiday schedules. The next regular meeting of the DRB is scheduled for Tuesday, January 27th, 2015, 6:30 pm at the Bolton Town Office.

Respectfully submitted,

Sharon Murray, Acting Clerk
Bolton Development Review Board

***These minutes are unofficial until formally accepted by the DRB.*

These minutes were read and accepted as amended by the Development Review Board on January 27, 2015.



Michael Rainville, DRB Chair