



Town of Bolton  
3045 Theodore Roosevelt Highway  
Bolton, VT 05676

**Bolton Development Review Board**  
**DRAFT Meeting Minutes**  
**October 27, 2016**  
**Bolton Town Office**

**DRB Members Present:** Steve Diglio (Chair), Sharon Murray, John Devine, Rob Ricketson (Alternate), Adam Miller (Alternate)

**DRB Members Absent:** Charmaine Godin, Michael Rainville

**Staff Present:** Sarah McShane, DRB Assistant/Zoning Administrator

**Others Present:** Joseph Grossman, Katie Kain, Gunner McCain, James Kilpeck, Leon Lafreniere, Ronald Bergeron, Patricia Bergeron, Kevin Youngman.

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**Posted Agenda:**

1. Public Comment
2. **Warned Public Hearings:** Notice –Participation in the hearing process is required in order to appeal a decision of the Development Review Board.
  1. Application of Joseph Grossman & Katherine Kain to amend Condition #10 of the previously approved DRB Decision [2014-30-SD/CU] issued on December 11, 2014. The applicants request approval to run overhead utility lines to serve the subdivided lot. The property is located in Conservation zoning district at 14 Honey Hollow Road (TM # 13-6003001).
  2. Application of Leon Lafreniere [2016-32-Sketch]: Sketch Plan review for a 2-lot subdivision of parcel #0013466 (Map 15). The property is located on Duxbury Road in the Rural I District and the Special Flood Hazard Area.
  3. Application of Kevin Youngman (Applicant) on behalf of property owners James & Kim Kilpeck [2016-31-Sketch]: Sketch Plan review for a 3-lot\* subdivision of parcel #0010895 (Map 8). The property is located on Duxbury Road in the Rural I & Rural II Districts.
  4. Informal Review request of Randy & Patty Bergeron for the construction of a single family dwelling and proposed residential access at 1199 Mountain View Drive. Proposed development requires DRB review under Section 3.2(A) and would impact slopes of greater than 15%. The property owners request informal review and comments.
3. Zoning Administrator's Report
4. Meeting Minutes 7/28/16
5. Other Business
6. Meeting Adjournment
7. Deliberative Session

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**Call to Order**

Mr. Diglio, Chair, called the meeting to order at 6:40 PM with a quorum present.

1. **Public Comment & Adjustments to the Agenda** - None
2. **Public Hearing: Application of Joseph Grossman & Katherine Kain to amend Condition #10 of the previously approved DRB Decision [2014-30-SD/CU] issued on December 11, 2014. The applicants request approval to run overhead utility lines to serve the subdivided lot. The property is located in Conservation zoning district at 14 Honey Hollow Road (TM # 13-6003001).**

1 Mr. Diglio opened the hearing and provided an overview of the application. No ex parte  
2 communications or conflicts of interest were reported. The Applicants, Joseph Grossman and Katie  
3 Kain, were present to answer questions and provide an overview of the proposal. The Applicants  
4 stated that they would like to amend one of the Board's conditions of approval to allow over-head  
5 utilities to the existing structure. They explained that the approved location of the septic system  
6 interferes with running below ground utilities and any ground disturbing activities would require  
7 review by a professional archaeologist. Mr. Ricketson asked why the condition was included in the  
8 Board's decision. Ms. Murray noted that it's a standard condition of approval under the subdivision  
9 regulations (p. 94) and that the original application had come before the board as a request for  
10 subdivision approval. Applicant Ms. Kain noted that below ground utilities would cost  
11 approximately three times more, plus the cost of the excavator.

12  
13 At 6:55PM, Mr. Ricketson made a motion to close the hearing, Ms. Murray seconded. The  
14 motion carried 5-0. The Board will issue a written decision within 45 days regarding the request  
15 to amend condition #10.

16  
17 **3. Sketch Meeting: Application of Leon Lafreniere [2016-32-Sketch]: Sketch Plan review for a 2-lot**  
18 **subdivision of parcel #0013466 (Map 15). The property is located on Duxbury Road in the Rural I**  
19 **District and the Special Flood Hazard Area.**

20  
21 Mr. Diglio opened the meeting and provided an overview of the sketch plan review process. No ex  
22 parte communications or conflicts of interest were reported. The Applicant, Leon Lafreniere, is  
23 requesting sketch plan review for a 2-lot subdivision of parcel #0013466. The parcel is bisected by  
24 Duxbury Road and portions are within the Special Flood Hazard Area (floodplain). The Applicant  
25 intends on subdividing a 2-3 acre lot on the north side of Duxbury Road for the purpose of  
26 developing a single family dwelling. Ms. Murray asked whether or not the parcel is part of a  
27 previously approved subdivision. The Applicant was unsure. The Board discussed the proposal and  
28 concluded that the main issue will be to identify the base flood elevation (BFE). The board noted  
29 that all development within the Special Flood Hazard Area will need to comply with the town's Flood  
30 Hazard Regulations.

31  
32 Members discussed the proposed location of the driveway. The Applicant stated that the proposed  
33 location was selected due to the topography and sight distance. The board noted that the driveway  
34 would cross over the adjacent parcel and require an easement.

35  
36 Ms. Murray noted that if it is determined to be a major subdivision (consisting of 4 or more lots),  
37 that the board would need to waive the preliminary hearing in order for the applicant to proceed  
38 straight to final subdivision review.

39  
40 Mr. Diglio explained to the Applicant that he could develop the lot without going through the  
41 subdivision process, however in order to separately transfer the lot, it would require subdivision  
42 approval and for a survey plat to be recorded. Mr. Diglio explained that if the Applicant could  
43 demonstrate that the lot is above the BFE he could receive administrative approval for a single  
44 family dwelling. He also recommended not having a basement. Mr. Lafreniere stated that he will  
45 work with Chris Haggerty to get an elevation certificate and have the land surveyed.

46  
47 Mr. Lafreniere inquired about how the lot would be taxed after subdividing and if he would receive  
48 two tax bills. Ms. McShane suggested speaking to the Assessor who is in the office on Wednesdays.

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2 The sketch plan review meeting concluded at approximately 7:30 PM. The Board will issue a  
3 written follow-up letter outlining the subdivision requirements within 45 days.  
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5 **4. Sketch Meeting: Application of Kevin Youngman (Applicant) on behalf of property owners James**  
6 **& Kim Kilpeck [2016-31-Sketch]: Sketch Plan review for a 3-lot\* subdivision of parcel #0010895**  
7 **(Map 8). The property is located on Duxbury Road in the Rural I & Rural II Districts.**  
8

9 Mr. Diglio opened the meeting and provided an overview of the request. No ex parte  
10 communications or conflicts of interest were reported. The Applicant is requesting sketch plan  
11 review for a 3-lot subdivision. The parcel is located on Duxbury Road and portions of the lot include  
12 steep slopes. The Applicant is proposing to subdivide two interior lots without frontage on a public  
13 right-of-way.  
14

15 Consultant Gunner McCain was present to provide an overview of the request. He explained that  
16 the current access serves an existing single family dwelling and his clients would like to improve the  
17 access in order to subdivide an additional two parcels for the purpose of developing a single family  
18 dwelling on each lot. Mr. McCain explained that his clients are inquiring about the provisions  
19 prohibiting impacting slopes of greater than 25%. He stated in order to improve the line of sight of  
20 the existing access slopes of greater than 25% would need to be impacted. He stated that the  
21 driveway could be engineered to be under 15% grade, however it would require impacting steep  
22 slopes (>25%). Lengthy discussion ensued regarding the steep slopes provision including drainage  
23 issues, culverts, and earth work within the right-of-way. The Board discussed the related provisions  
24 and scenarios in which it might be necessary to disturb steep slopes (>25%) in order to maintain  
25 and/or improve an existing access or driveway. Members agreed that the existing driveway and  
26 dwelling could be considered grandfathered but were unsure whether or not additional lots should  
27 be created off the improved driveway. Mr. McCain noted that his clients would only make the  
28 improvements to the existing access and driveway if they could further subdivide an additional two  
29 lots.  
30

31 Members discussed Section 3.16(B)(3) which states "*development on pre-existing lots legally in*  
32 *existence as of the effective date of these regulations for which the Board determines that there is no*  
33 *portion of the lot on which the slope does not exceed 25% and, as such, that the total prohibition of*  
34 *development on slopes in excess of 25% would unduly preclude reasonable use of the lot."* Mr.  
35 McCain asked for clarification and whether or not it would apply since the parcel is not 100%  
36 covered in slopes greater than 25%. Members agreed if read literally this provision would not apply  
37 to this parcel.  
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39 Mr. McCain also stated that neither of the proposed lots would have frontage on a public right-of-  
40 way and inquired whether or not the frontage requirement could be waived. Ms. Murray noted that  
41 the regulations probably would allow a waiver, however the Board should consider whether or not it  
42 would be appropriate to approve the creation of new lots that do not conform to the applicable  
43 dimensional requirements. She noted that frontage cannot be measured on a private shared  
44 driveway. Mr. McCain explained that the proposed lot lines could be drawn down to Duxbury Road  
45 to satisfy the frontage requirement, however it is not in his client's interest to configure the lots in  
46 that fashion.  
47

1 Board members discussed the request and concurred that there were two issues: 1) improving an  
2 existing access which requires impacting slopes greater than >25%; and 2) subdividing additional  
3 lots. Members agreed that the two requests should be reviewed together.

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5 The meeting closed at approximately 7:55 PM. The Board will issue a written follow-up letter  
6 outlining the subdivision requirements within 45 days.

7  
8 **5. Informal Review: Request of Randy & Patty Bergeron for the construction of a single family**  
9 **dwelling and proposed residential access at 1199 Mountain View Drive. Proposed development**  
10 **requires DRB review under Section 3.2(A) and would impact slopes of greater than 15%. The**  
11 **property owners request informal review and comments.**

12  
13 Mr. Diglio opened the meeting and provided an overview of the request. The Applicants are  
14 requesting informal review and guidance on developing a parcel off Mountain View Drive. The  
15 parcel lacks frontage and contains steep slopes. The property owners would like to develop a single  
16 family dwelling and associated driveway.

17  
18 Mr. Gunner McCain presented his clients request and explained that his clients own a 170± acre  
19 parcel off Mountain View Drive. The Bergeron's came before the Board three years ago requesting  
20 subdivision approval for three wood lots. Mr. McCain stated that their request was ultimately  
21 denied due to access concerns. He explained that since that application, VELCO has constructed an  
22 improved access road that could be used to serve the parcel. His clients were wondering if the  
23 Board would entertain the re-application for subdivision approval for three 'hunting' or 'wood' lots.  
24 He explained that the Bergeron's would like to have a septic system designed and possibly develop a  
25 camp or single family dwelling. Ms. Murray noted that if the dwelling was to be used year-round,  
26 the access would be required to meet driveway standards. She also stated that the previous  
27 application was denied due to legal issues, not simply the condition of the right-of-way. She  
28 explained that the Board has approved seasonal camps without requiring them to meet driveway  
29 standards. Mr. McCain stated that since the parcel is not 100% covered with steep slopes (>25%), it  
30 does not appear to qualify for the grandfathering provision under Section 3.16(B)(3). Board  
31 members agreed.

32  
33 The meeting closed at approximately 8:15 PM. The Board will issue a written follow-up letter  
34 with recommendations.

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36 **6. Zoning Administrator's Report**  
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38 Ms. McShane provided an update regarding zoning inquires and permits. She reported that the  
39 regularly scheduled date for the November meeting falls on Thanksgiving and asked the Board if  
40 they wanted to meet in November and December. She has not received any completed  
41 applications, however the applicants for the Wheeler Field PUD would like to schedule preliminary  
42 review. Ms. Murray stated that in the past the Board has chosen an alternate date in early  
43 December. The date of December 8<sup>th</sup> was tentatively selected. Members John Devine and Adam  
44 Miller noted that they are not available that date. Ms. McShane will coordinate with the Chair  
45 depending on the applications received.

1 **7. Meeting Minutes**

2 Members reviewed the minutes from July 27, 2016. Mr. Ricketson made a motion, seconded by Mr.  
3 Devine to accept the minutes of July 27, 2016 as submitted. The motion passed unanimously, (5-0).

4 **8. Other Business**

5 None

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7 **9. Meeting Adjournment**

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9 Ms. Murray made a motion, seconded by Mr. Ricketson, to adjourn the meeting. Motion passed  
10 unanimously, (5-0). The meeting adjourned at 8:55 PM.

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12 The next DRB meeting is tentatively scheduled for December 8, 2016 (pending applications received)  
13 at the Bolton Town Office at 6:30 PM.

14  
15 **10. Deliberative Session**

16 None

17 Respectfully submitted,

18  
19 Sarah McShane  
20 Bolton DRB Assistant

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22  
23 *\*\*These minutes are unofficial until formally accepted by the DRB.\*\**

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24 These minutes were read and accepted by the Development Review Board on \_\_\_\_\_, 2016.

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29 Steve Diglio, DRB Chair