



Town of Bolton Development Review Board

Bolton Town Office
3045 Theodore Roosevelt Highway
Waterbury, VT 05676
802-434-5075

Leon Lafreniere
Final Subdivision Approval
Application #2017-13-DRB
August 3, 2017

Applicant

Leon Lafreniere
1456 Stearnsbrook Road
Derbyline, VT 05830

Application

(Application materials on file at the Bolton Town Office)

The Applicant, Leon Lafreniere, has requested final subdivision review and approval to subdivide a 76.5± acre parcel located on and accessed from Duxbury Road (Tax Map 15, #0013466) to create two parcels:

- A 3.0 acre parcel (Lot 1) located north of Duxbury Road with 251.36 feet of frontage along the road, and 415 feet of frontage along the Winooski River. The stated purpose for subdividing this parcel is to construct a single-family dwelling on Lot 1.
- A 73.5 acre parcel (Lot 2) encompassing the remaining land on both sides of Duxbury Road, including 1,175 feet of frontage on the Winooski River, 356.86 feet of frontage on the north side of Duxbury Road, and a shared access and driveway serving Lots 1 and 2 north of the Duxbury Road. An existing, seasonally occupied recreational vehicle is currently stored on Lot 2 north of the road, within the Special Flood Hazard Area. Lot 2 will be retained as undeveloped forestland on the south side of Duxbury Road and incorporate the remaining 4.1 acres of open floodplain on the north side of Duxbury Road where the recreational vehicle is located. No development is proposed on this lot.

Proposed Lots 1 and 2 are located within the Rural I zoning district. The lands north of Duxbury Road are also located within Flood Hazard Overlay II District (Special Flood Hazard Area). Lot 2 south of Duxbury Road includes approximately 70± acres forested uplands, steep (15+%) and very steep (>25%) slopes. The remaining 4.1 acres on the north side of Duxbury Road included with Lot 2 is almost entirely within the Flood Hazard Overlay II District. Lots 1 and 2 also incorporate required stream setbacks and riparian buffers along the Winooski River and a small, unnamed channelized stream bordering Lot 1 to the west.

This application has been reviewed by the Bolton Development Review Board (DRB) for final subdivision approval under the Bolton Land Use and Development Regulations (BLUDRs) as amended, effective August 9, 2010, including applicable zoning district criteria (Tables 2.4 and 2.8), general standards (Article 3), flood hazard area standards (Article 5) and subdivision standards (Article 7). The Development Review Board's procedural history and relevant findings are attached.

Given that only one additional 3.0-acre residential lot will be created (Lot 1), and the majority of land (Lot 2) will be remain undeveloped, in common ownership, to be retained by the current owner, the DRB agreed to waive preliminary subdivision review, and associated boundary survey requirements for

the retained portion of Lot 2 located south of the Duxbury Road, pursuant to Section 6.2(c) of the regulations.

Decision – Final Subdivision Approval

- Denied**
- Approved**
- Approved with Conditions:**

1. The subdivision survey plat showing the proposed subdivision (Lots 1 and 2), entitled “Two Lot Subdivision Plat of a Portion of Lands of Leon Lafreniere, part of Lot 177 of New Huntington” prepared by Button Professional Land Surveyors, Christopher Haggerty No. 741, Sheet #1, dated 6/21/2017, as amended herein, shall be submitted for recording in the land records of the Town of Bolton within 180 days of the date of this approval, or the approval shall expire and reapplication for final subdivision approval shall be required. The applicant shall file the Mylar plat, signed by the Chair or other authorized representative of the Development Review Board, with the Bolton Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17, and provide two paper copies of the recorded plat, digital plat (parcel boundary) data, and one copy of all supporting documentation to the Zoning Administrator (see Section 6.6 of the regulations).
2. The final survey plat as recorded shall carry the following endorsement:
Approved by the Development Review Board of the Town of Bolton, Vermont, on the ___ day of _____ 2017, subject to all requirements and conditions of subdivision approval. Signed this ___ day of _____, 2017, by _____, DRB Chair.
3. The final plat as recorded shall also include the following notations:
 - a. Those portions of Lots 1 and 2 located within the Special Flood Hazard Area shall be designated on the plat as “permanently protected open space.”
 - b. “All structures and parking areas on Lot 1 must be sited within the designated building envelope, as shown on the plat and marked on the ground.”
 - c. “No further subdivision or development of Lots 1 or 2 within the Special Flood Hazard Area or required property line, stream and river setbacks is allowed without prior approval from the Bolton Development Review Board.”
4. No further subdivision or development of Lots 1 or 2 within the Special Flood Hazard Area or within required property line, stream and river setbacks, as shown on the final survey plat recorded in the Bolton Land Records, shall be allowed without prior approval from the Bolton Development Review Board.
5. At minimum, one-half of the required riparian setback distance on Lots 1 and 2, as measured from the top of the bank of the Winooski River and the smaller stream channel to the west, shall be maintained as a naturally vegetated buffer. No clearing, development, excavation, landfill, or grading shall occur within the required buffer area, and vegetation shall be left in an undisturbed state. Limited clearing and site development for encroachments within the buffer may be allowed with prior approval from the Bolton Development Review Board under Section 3.17 of the Bolton Land Use and Development Regulations.
6. The designated building envelope on Lot 1 shall be permanently marked on the ground with iron pins in locations indicated on the subdivision plat, as recorded in the Bolton Land Records. All

structures and parking areas on Lot 1 shall be located within the designated building envelope. No additional DRB approval is needed for structures, uses or improvements located within the building envelope which require only administrative approval under the regulations.

7. The existing, undeveloped and unpermitted access to Lot 1 shall be eliminated and permanently closed off. Access to Lot 1 shall be provided via a shared 50-foot wide access easement and driveway across Lot 2, to benefit Lot 1 as indicated on the draft subdivision plat dated 6/21/2017 and shown on the recorded subdivision plat. A highway access permit from the town is required prior to the issuance of a zoning permit for site preparation work and construction on Lot 1. The Bolton Zoning Administrator is authorized to review and permit minor modifications to the location of the access, as required by the town, in association with the issuance of a zoning permit.
8. The shared access and driveway serving Lots 1 and 2 shall be upgraded and maintained as necessary to meet B-71 standards for residential driveways, and to remain elevated above the mapped Base Flood Elevation, as shown on the draft and final survey plats.
9. Potable water supply and wastewater systems serving Lot 1 shall be located as generally shown on the draft and final survey plat, outside of the Special Flood Hazard Area and required stream and river setbacks.
10. Utility lines serving Lot 1 shall be buried, unless otherwise approved by the DRB, and located outside of the Special Flood Hazard Area.
11. The storage of floatable materials, chemicals, explosives, flammable liquids, and other hazardous or toxic materials is specifically prohibited on Lots 1 and 2 within the Special Flood Hazard Area and required stream and river setbacks.
12. The 4.1-acre portion of Lot 2 north of the Duxbury Road shall be retained in common ownership with the remainder of Lot 2 located south of the Duxbury Road, unless otherwise approved by the Development Review Board. The Duxbury Road right-of-way shall not define a further subdivision of Lot 2, allowing for separate conveyance of this land, without prior approval from the Development Review Board.
13. The recreational vehicle currently stored on Lot 2 within the Special Flood Hazard Area must be located outside of the required 75-foot vegetated buffer along the Winooski River, and be fully licensed and maintained so that it is ready for highway use, or be relocated out of the SFHA. Seasonal use and occupancy of the vehicle is limited to no more than 120 days within any one-year period. All wastewater must be disposed of offsite, in accordance with applicable state regulations.
14. Recorded deeds for Lots 1 and 2 shall reference the 50-foot shared access and utility easement across Lot 2 to benefit Lot 1, and associated restrictions on development and the storage of materials within the Special Flood Hazard Area and required stream and river setbacks, as indicated on the Flood Insurance Rate Map (#50007C0451D, panel 0451D), effective July 18, 2011, and the recorded subdivision plat. The recorded deed for Lot 1 shall also reference the required building envelope. Deed language shall be submitted for administrative review prior to or in association with the recording of the subdivision plat.
15. Subsequent development on approved lots is subject to all applicable requirements of the Bolton Land Use and Development Regulations in effect at the time of application. All municipal and state permits, including municipal highway access and state potable water supply and wastewater

permits, must be obtained prior to the issuance of a zoning permit and the start of site work and construction.

16. All conditions of prior subdivision approvals, which have not been amended herein, remain in full force and effect. No changes, modifications or other revisions that alter the subdivision as approved, including the location of subdivision boundaries, lot lines, the designated building envelope, easements or other conditions of subdivision approval, shall be made without prior approval from the DRB. Any changes, modifications or revisions recorded without DRB approval shall be considered null and void.
17. The conditions of this subdivision approval are binding upon and enforceable against the applicant as permittee and his successors. By acceptance of this approval, the permittee agrees to allow authorized representatives of the Town of Bolton to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Approved with conditions (3-0) by the Bolton Development Review Board:

Stephen Diglio– yea
Sharon Murray – yea
John Devine – yea

Dated at Bolton, Vermont this 3rd day of August, 2017.

For the Development Review Board:



Stephen Diglio, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #4 (802-879-5676) to determine whether state permits are required.
2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a notice of appeal that specifies the basis for the request with the Secretary of the Development Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised on appeal have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.
3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.
4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke this permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Review Process

(Application materials, hearing notices, meeting minutes on file at the Bolton Town Office)

Sketch Plan (Pre-Application Review). An initial request for sketch plan review from the applicant, dated October 14, 2016, was received by the Zoning Administrator and forwarded to the Bolton Development Review Board (DRB) for consideration at its next regularly scheduled meeting, held on October 27, 2016. At this meeting the DRB indicated that as proposed, the subdivision would be classified and reviewed as a minor subdivision under the regulations, to include one warned public hearing with notice to abutters. During the meeting it was noted that Duxbury Road bisects the parcel creating a natural subdivision of ± 7.5 acres, bound by Duxbury Road to the south and the Winooski River to the north, but that the Applicant proposed only to subdivide a 2-3 acre parcel from the ± 7.5 acre lot on the north side of Duxbury Road. The Applicant indicated that the remaining lands will remain intact with the parcel on the south side of Duxbury Road. The following non-binding observations and recommendations were provided to the Applicant following the sketch plan review meeting:

1. The parcel to be subdivided is in the Rural I District, and as proposed, contained frontage on both Duxbury Road and the Winooski River.
2. It appears this parcel was part of a previous three-lot subdivision recorded in 2004 (Map 38-C). The further subdivision of land would result in the creation of four or more lots constituting a major subdivision; however given that the large majority of the parcel to be subdivided would be retained as undeveloped forestland, the DRB could, at the request of the applicant, agree to waive preliminary review, as allowed under the regulations., and only require one final review hearing.
3. Any other requested waivers under Section 6.2(C) & (D) should also be submitted in writing with the application.
4. The subdivision, as proposed, would result in the creation of one additional lot intended for a single-family dwelling. As proposed, the 2-3 acre lot would have frontage on Duxbury Road as required under Article 2, Table 2.4.
5. The majority of the $7.5\pm$ acre parcel north of the Duxbury Road is also within the Flood Hazard Overlay II District, a mapped Special Flood Hazard Area (SFHA) – and also includes required setbacks from the Winooski River and adjoining stream that defines the western boundary. These areas would need to be surveyed and delineated on the subdivision plat, along with a designated building envelope that excludes these areas and other required setbacks, but includes all principal and accessory structures (building footprints) and parking areas. It was noted that in this district, the dwelling must be located outside of the SFHA—the regulations prohibit the approval of a new dwelling within the SFHA in the Flood Hazard Overlay II District. The mapped SFHA (Base Flood Elevation) on the parcel to be subdivided/developed must be surveyed and shown on the subdivision plat (even if no building is proposed). If there is no suitable location outside of the SFHA for development on the lot, the Board can only approve the subdivided lot as a woodlot or other open space.
6. Setback requirements from surface waters and wetlands, outlined under Section 3.17, would require all structures and impervious surfaces, to be setback at least 150 feet from the Winooski

River, as measured from the top of bank, and 50 feet from other naturally occurring streams and rivers [Section 3.17(C)(1)].

7. The proposed residential lot would be served by individual on-site wastewater and potable water supply systems. During the meeting it was noted that a state wastewater permit had already been secured for the parcel, for a septic system designed for a 3-bedroom single-family dwelling. The DRB requested that a copy of state wastewater and potable water supply permits be submitted with the application for subdivision approval, and that the subdivision plat indicate system locations and associated isolation distances.
8. The Board noted that the proposed curb cut would require a Highway Access (Curb Cut) Permit issued by the Select Board, and the proposed driveway would need to be upgraded to meet B-71 Standard for Residential Driveways. There did not appear to be any grade or slope issues in the area proposed for the residential driveway. It was noted that portions of the proposed driveway would cross over the adjacent eastern lot and therefore require a deeded access easement. A minimum 20' access easement must be shown on the survey plat.
9. The draft survey plat should show the general location of all utility lines, corridors or easements, water and wastewater system, the location of the private driveway, as well as a designated building envelope. The designated building envelope should meet the minimum district setbacks and exclude the areas unsuitable for development. Under the regulations, all parking areas and primary and accessory structures must be located within the designated building envelope.

Final Subdivision Review. The application for final subdivision review and approval, and supporting information, was forwarded to the DRB, and warned for public hearing on May 11, 2017 in accordance with Section 9.8 of the Bolton Land Use & Development Regulations (BLUDRs), and 24 V.S.A. § 4464.

The public hearing to consider the application was convened on May 11, 2017 at the Bolton Town Office with a quorum of the DRB present. There were no reported ex parte communications, conflicts of interest, or recusals.

The following persons attended and participated in the hearing process and may be afforded status as interested persons with rights to appeal this decision:

- Leon Lafreniere, Applicant 1456 Stearnsbrook Road, Derbyline, VT 05830
- Justin Willis PO Box 98, Richmond, VT 05477

In addition to the application form, dated April 4, 2017, the following materials were submitted in support of the application:

1. Application to the Development Review Board, dated 4/4/2017;
2. Copy of Tax Map showing location of parcel, dated April 2016;
3. Sketch plan review follow-up letter from the DRB, dated 11/29/2016;
4. Survey plat titled "Two Lot Subdivision Plat of a Portion of Lands of Leon Lafreniere, part of Lot 177 of New Huntington" prepared by Button Professional Land Surveyors, Christopher Haggerty No. 741, Sheet #1, March 2017;

5. Site Plan of Water Supply and Wastewater System- Leon Lafreniere Duxbury Road, prepared by Will Design Associates, Inc. , Sheet S1, last revised 4/6/2017;
6. Water Supply and Wastewater System Details- Leon Lafreniere Duxbury Road, prepared by Will Design Associates, Inc. , Sheet D1, last revised 12/4/2012;
7. ANR Natural Resources Atlas showing Special Flood Hazard Area, dated 5/3/2017;

The public hearing was continued to June 22, 2017 pending additional information from the applicant and to refer the application to the VT District Floodplain Coordinator Rebecca Pfeiffer for review and comment. No comments were received from the Floodplain Coordinator within the 30-day period defined in statute.

The following materials were submitted for review during the June 22nd public hearing:

8. Survey plat titled “Two Lot Subdivision Plat of a Portion of Lands of Leon Lafreniere, part of Lot 177 of New Huntington” prepared by Button Professional Land Surveyors, Christopher Haggerty No. 741, Sheet #1, dated 6/21/2017, showing the location of the Base Flood Elevation (elevation mapped elevation contour), required stream setbacks and a designated building envelope;
9. Site Plan of Water Supply and Wastewater System- Leon Lafreniere Duxbury Road, prepared by Will Design Associates, Inc. , Sheet S1, last revised 6/21/2017;
10. FEMA FIRM map (#50007C0451D; panel 0451D) effective date July 18, 2011, showing location of subject parcel.

The public hearing was adjourned that evening, initiating the 45-day period for the issuance of a written DRB decision.

Findings & Conclusions

The applicant’s request for final subdivision approval to create two lots was reviewed by the Bolton Development Review Board (DRB) for conformance with applicable zoning district requirements (Rural I, Flood Hazard Overlay II Districts), general requirements (Sections 3.2, 3.16, 3.17, 3.18), flood hazard review requirements (Section 5.5) and subdivision standards (Article VII) of the Bolton Land Use and Development Regulations (BLUDR) in effect at the time of application. DRB findings and conclusions under applicable standards are presented as follows.

Zoning District Standards (Tables 2.4 and 2.8)

Conclusion: Based on the following findings, the proposed subdivision will result in parcels that conform to minimum zoning district requirements and allowed uses for the districts in which they are located.

1. The subdivision of the existing parcel owned by the applicant, totaling approximately 76.5± acres, will result in the creation of a 3.0 acre parcel north of the Duxbury Road (Lot 1) and a 73.5± acre parcel (Lot 2) comprised of lands on both sides of Duxbury Road, both of which are located in the Rural I zoning district, as shown on the draft survey plat dated 6/21/2017.
2. Portions of the lands on the north side of Duxbury Road to be subdivided are also locate within the Flood Hazard Overlay II District, as shown on the draft survey plat dated 6/21/2017, the Official Town of Bolton Zoning Map, and on the FEMA Flood Insurance Rate Map (#50007C0451D; panel 0451D) effective date July 18, 2011.

3. Residential uses as proposed within the Rural I District are allowed as permitted uses within the district, however all new principal structures, including new single family dwellings, must be located outside of the Flood Hazard Overlay II District.
4. The minimum dimensional requirements for this district are as follows:

	Rural I (Table 2.4)
Lot Area	2 acres
Road Frontage	200 feet
Setback/Front (ROW)	35 feet
Setback/Rear	35 feet
Setback/Side	35 feet

5. Both proposed lots meet the minimum 2-acre lot size requirement for the Rural I District.
6. Each proposed lot has required frontage along the Duxbury Road in the Rural I District, as shown on the survey plat dated 6/21/2017.
7. A 35-foot setback from the road right-of-way and adjoining property boundaries, as required in the Rural I District, is shown on the draft survey plat.
8. The 150-foot stream setback and 50-foot stream setback, as shown on the draft survey plat, conform to the required setback from the Winooski River and the unnamed stream bordering Lot 1 to the west, as specified under Section 3.17 of the regulations.
9. The designated building envelope on Lot 1, as shown on the draft survey plat dated 6/21/2017, is located outside of required riparian and property line setbacks.
10. The designated building envelope on Lot 1 has also been configured to exclude all land within the mapped Flood Hazard Overlay II District (Special Flood Hazard Area). No new principal structures are allowed or proposed within this district.

General Standards (under Article III)

Conclusion: Based on the following findings, the proposed subdivision will conform to applicable general standards under Article III of the regulations.

Access (Section 3.2)

11. According to the applicant, the existing access on the Duxbury Road serving Lot 1 is unpermitted and has poor sight distances. As proposed, Lot 1 to be developed will be served by an existing unimproved access on the northern side of Duxbury Road via a 50-foot access and utility easement over Lot 2 as shown on the draft subdivision plat dated 6/21/2017.
12. The applicant will be required to submit easement language for the 50-foot access and utility easement across Lot 2, to be conveyed with Lot 1, as required under the regulations and shown on the draft survey plat dated 6/21/2017.

13. A highway access permit (curb-cut permit) from the town will be needed prior to the issuance of a zoning permit.
14. Per applicant testimony, the proposed driveway will be upgraded and maintained to meet B-71 Standards, as required under the regulations.
15. **Steep Slopes (Section 3.16).** Portions of Lot 2 on the southern side of Duxbury Road include steep (15+%) and very steep slopes (>25%). No development is proposed on this lot. Development proposed under this application will have no impact on steep or very steep slopes as defined under the regulations.
16. **Surface Waters (Section 3.17).** A ditched intermittent stream runs along the western property line on Lot 1 and is shown on the draft survey plat dated 6/21/2017. The Winooski River forms the northern property boundary for Lots 1 & 2, as indicated on the draft survey plat. Respective stream setbacks of 50- and 150-feet are marked on the survey plat. At minimum, one-half of the required setback distance, as measured from the top of the stream or river bank, shall be maintained as a naturally vegetated buffer. The building envelope on Lot 1, as shown on the draft survey plat, has been delineated to exclude riparian setback and buffer areas. No development, excavation, landfill, or grading is proposed within required setback or buffer areas. According to the applicant, vegetation shall be left in an undisturbed state.
17. **Wetlands (Section 3.17).** No wetlands were identified within areas intended for development.
18. **Water Supply and Wastewater Systems (Section 3.18).** A State Wastewater and Potable Water Permit has been obtained by the Applicant for Lot 1, the locations of which are shown on the survey plat dated 6/21/2017. Septic System Design drawings entitled 'Leon Lafreniere' prepared by Willis Design Associates, Inc. dated 6/21/2017 also indicate the locations of the at-grade septic system and drilled well on Lot 1. The septic system and well are located outside of required surface water setback areas and the Special Flood Hazard Area. The applicant has agreed to provide copies of state permits and certifications prior to the issuance of a zoning permit by the Zoning Administrator for development on Lot 1.

Flood Hazard Review (Section 5.5)

Conclusion: This application for subdivision approval has also been reviewed under the town's flood hazard area regulations, as required for continued community participation in the National Flood Insurance Program (NFIP). Based on the information provided and following findings, the DRB concludes that no new development will occur within the mapped Special Flood Hazard Area, as shown on the draft survey plat. All proposed development on Lot 1, and associated water supply and wastewater systems, will be located outside of the mapped SFHA. The access driveway intended to serve Lots 1 and 2 is also elevated above the base flood elevation, as shown on the draft survey plat, and should therefore be free from all but major (100+-year) flooding.

19. Portions of Lots 1 and 2 north of the Duxbury Road are within the Flood Hazard Overlay II District (Special Flood Hazard Area), as shown on FEMA FIRM map (#50007C0451D; panel 0451D), effective date July 18, 2011. The surveyed Base Flood Elevation is clearly marked on the draft survey plat dated 6/21/2017.

20. The application was referred for comment to State Floodplain Coordinator Rebecca Pfeiffer on May 12, 2017. A reminder notice was sent on May 22, 2017. No comments were received.
21. The flood carrying capacity of the Winooski River and the small tributary along the western boundary of Lot 1 will not be affected by the proposed subdivision or development on Lot 1. Required setbacks and buffers from each will be maintained by the applicant and subsequent property owners.
22. No new development is proposed within the SFHA on either lot. The designated building envelope on Lot 1 is sited and delineated to exclude the Special Flood Hazard Area and riparian setbacks.
23. Onsite water and wastewater systems serving Lot 1, as approved by the VT Department of Environmental Conservation and shown on the draft survey plat, are located outside of the mapped SFHA.
24. The proposed access drive across Lots 1 and 2, as shown on the draft survey plat, is elevated above the Base Flood Elevation.
25. According to the applicant, the recreational vehicle currently stored within the SFHA on Lot 2 is fully licensed and ready for highway use, and will be maintained as such as long as it is stored on the property.
26. No storage of floatable, toxic or hazardous materials is proposed within the SFHA.

General Subdivision Standards (Section 7.1)

Conclusion: Based on the following findings, the DRB has determined that land being subdivided is suitable for its intended residential use, and that the subdivision as proposed conforms to specific policies of the Bolton Town Plan, district settlement patterns for the zoning district in which it is located, and lot and building envelope requirements.

27. **Development Suitability.** The land to be subdivided on the north side of Duxbury Road includes protected surface water areas (unnamed drainage ditch along western property boundary of Lot 1 and the Winooski River along the northern property boundary of Lots 1 & 2) and portions are located within the Flood Hazard Overlay District (100-year mapped floodplain). The lands to remain undeveloped on the southern side of Duxbury Road include moderate to steep (15+%) and very steep (>25%) slopes. The lands to be developed for residential use, as included within designated building envelope, excludes the 50-foot setback from the unnamed stream, 150-foot setback from the Winooski River, and the mapped floodplain. No development is proposed in the surface water setbacks, within the Flood Hazard Overlay District, or on moderate to steep slopes.
28. **Bolton Town Plan.** The current Bolton Town Plan, as adopted in April 2017, contains the following objectives that apply to this parcel:
 - “Development shall not take place within the floodplain outside of the Village area.”

- “Prohibit development within 150 feet of the Winooski River ...as measured from the top of the bank, to prevent surface runoff and protect water quality and riparian wildlife habitat.”

The subdivision has been configured, as noted above, to avoid or minimize impacts to areas of steep slope, mapped floodplains, and surface waters, as indicated on the draft survey plat dated 6/21/2017 and in related application materials.

29. **District Settlement Pattern.** Those portions of the existing lot to be subdivided and developed for residential use are located within the Rural I Zoning District. Proposed development (single family dwelling) is consistent with the purpose of this district (Table 2.4) to allow for traditional uses such as forestry and agriculture, moderate densities of residential development in appropriate locations, and limited commercial development along Route 2, in a manner that maintains the town’s rural character.
30. **Lot Layout.** The lots to be subdivided, retained and conveyed, as shown on the draft survey plat, are regularly shaped, are consistent with site topography and the suitability of the land for development, and have been configured to meet district dimensional requirements and to conform to desired settlement patterns.
31. **Building Envelopes.** A building envelope that limit the location of structures, parking areas and associated site improvements has been designated by the Applicant on Lot 1, along with indicating suitable locations (footprints) for a new principal structure on Lot 1, as shown on the draft survey plat dated 6/21/2017. The locations of iron pins used to mark and identify building envelopes on the ground are shown on the draft survey plat.
32. **Survey Monuments.** Survey monuments, as shown on the draft survey plat dated 6/21/2017 will also be shown on the final recorded plat.
33. **Landscaping and Screening.** A 150-foot stream setback is required along the Winooski River that forms the northern property boundary for Lots 1 and 2. A 50-foot stream setback is required for the channeled, unnamed stream on the western property boundary of Lot 1. The riparian setbacks are shown on the draft survey plat dated 6/21/2017. Under Section 3.17 of the regulations, at minimum, one-half of the required setback distance, as measured from the surface water or wetland, shall be maintained as a naturally vegetated buffer. No development, excavation, landfill, or grading shall occur within the buffer area, and vegetation shall be left in an undisturbed state, with the exception of limited clearing and site development associated with listed allowed encroachments.
34. **Energy Conservation and Renewable Energy.** New residential development on Lot 1 will be required to meet current Residential Building Energy Standards (RBES). The proposed subdivision will not interfere with the access to, direct use or future availability of renewable energy resources onsite or on adjacent parcels.

Protection of Natural & Cultural Resources (Section 7.3)

Conclusion: Based on the following findings, the DRB has determined that the proposed 2-lot subdivision has been designed and configured to avoid undue adverse impacts to natural resources identified on the property.

35. **Resource Identification.** Natural resources identified on or in the vicinity of the property to be subdivided include forested hillsides, steep and very steep slopes, the Winooski River, and an intermittent stream, as indicated on the draft survey plat dated 6/21/2017 and as referenced in related application materials.
36. **Surface Waters, Wetlands and Floodplains.** As shown on the draft survey plat, the proposed building envelope on Lot 1 has been configured to exclude the intermittent stream and the associated 50-foot riparian buffer, the 150' riparian setback as measured from the top of bank of the Winooski River, and the mapped Special Flood Hazard Area on Lot 1, and to avoid adverse impacts to these areas from subsequent residential development.
37. **Rock Outcrops, Steep Slopes, Hillsides and Ridgelines.** These resources are present, as indicated from resource maps, only on Lot 2 south of the Duxbury Road. No development is proposed on Lot 2. As noted above, the proposed house site on Lot 1 will be located on slopes of less than 15%.
38. **Historic and Cultural Resources.** No historic or cultural resources were identified within the designated building envelope or other areas to be developed.
39. **Natural Areas and Wildlife Habitat.** The subdivision has been configured to avoid the fragmentation of existing natural areas and wildlife habitat on the property by maintaining 73.5± acres of Lot 2 south of the Duxbury Road, as indicated on the draft survey plat dated 6/21/2017, to be retained by the applicant as contiguous upland forest habitat. No development is proposed on Lot 2.
40. **Forestland.** The subdivision, including lot lines and building envelopes, has been configured to avoid the fragmentation of productive forestland on Lot 2 south of the Duxbury Road. Upland portions of the 73.5±-acre parcel to be retained by the owner are mostly wooded. The retained parcel has sufficient acreage to be enrolled in the state's Use Value Appraisal Program.

Open Space (Section 7.4)

Conclusion: Based on the following findings, the DRB has determined that the proposed subdivision as shown on the draft survey plat dated 6/21/2017, will result in the retention of approximately 73.5± acres of contiguous, undeveloped open space on Lot 2. It will also result in the retention and preservation of undevelopable land within the SFHA on the portion of Lot 2 north of the Duxbury Road, and a 150-foot stream setback and buffer along the Winooski River, forming the northern boundary of Lots 1 and 2, to be indicated on the final survey plat as protected open space. Portions of Lot 1 will also remain open and undeveloped outside of designated building envelope.

41. Lot 2, following subdivision, will consist of approximately 73.5± acres of contiguous, undeveloped open land, separated only by the Duxbury Road right-of-way. The undevelopable portion of Lot 2 north of the Duxbury Road within the SFHA will be retained in common ownership with the remainder of the lot, and identified as protected open space.
42. The remainder of Lot 2 south of the Duxbury Road to be retained by the applicant has not been formally designated on the draft survey plat as protected open space; however the intended use of Lot 2 is for forestry or agriculture. No additional subdivision is proposed.

Transportation (Section 7.6)

Conclusion: Based on the above findings under Section 3.2, the DRB has determined that access to the proposed subdivided lot will meet applicable access and driveway standards under Section 3.2. Access to the Duxbury Road is also subject to approval by the Town of Bolton. No development roads are proposed.

Facilities and Utilities (Section 7.7)

Conclusion: Based on the above findings pertaining to proposed water supply and wastewater systems and other facilities and utilities as follows, the DRB has determined that existing and planned infrastructure and services serving the proposed subdivision will be adequate, and conform to applicable standards under this section of the regulations.

43. The proposed subdivision will result in the creation of one residential lot on the Duxbury Road. As such, it will not create an undue burden on existing municipal or community facilities and services, including town highways or the school.
44. Utility lines serving Lot 1 will be located within the shared 50' wide access easement on Lot 2, as identified on the draft survey plat dated 6/21/2017.
45. All utility lines serving new residential development will be buried, unless otherwise subsequently approved by the DRB in association with the development of an individual lot.
46. No outdoor lighting is proposed under this application; new outdoor lighting must meet the requirements of Section 3.9 of the regulations (Outdoor Lighting).

Legal Requirements (Section 7.8)

Conclusion: As a condition of approval, deed language will be required that references the shared 50-foot access easement over Lot 2 to benefit Lot 1, the designated building envelope on Lot 1, and associated restrictions for future development outside of the designated building envelope.