



TOWN OF BOLTON

3045 Theodore Roosevelt Highway
Bolton, VT 05676

Bolton Development Review Board

Meeting Minutes

September 26, 2019

Bolton Town Office

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Present:

Members: Steve Diglio (chair), Adam Miller (6:37 p.m.), Adam Beaudry, John Devine, Rob Ricketson

Staff: Larry Lewack (Planning & Zoning Administrator), Amy Grover (acting clerk)

Others present: Alan Duffy, Amanda Rooney-Wheelock, Tony Wheelock, Rick Weston, John Stuart

12 **Posted Agenda:**

13 **6:30 PM Adjustments to Agenda & Public Comment** – Opportunity for public comment

14 **6:35 PM Warned Public Hearings:**

15 **Application 2019-38-DRB:** 93 Curtis Lane, Alan Duffy, applicant & owner. Waiver to construct 18x18' car port within side yard
16 setbacks. The property is located in the Rural 1 Zoning District.

17 **Application 2019-36-DRB:** 695 Mountain View Dr., Pierre Bernier & Kimberly Moore, applicants & owners. Waiver to demolish &
18 replace existing SFD & replace with 2-family dwelling within side yard setback. This property is located in the Rural 2 Zoning District.

19 **Application 2019-34-CU:** 154 Joiner Brook Ln., Amanda Rooney & Tony Wheelock Jr., applicants & owners. Conditional use to demolish
20 & replace existing SFD with larger house in Flood Hazard Zone. This property is located in the Village Zoning District.

21 **The DRB will also accept additional testimony on this hearing continued from Aug. 29, 2019:**

22 **Application 2019-01-CU:** Applicant: Richard J. Weston, Property Owner: (same) – Request Conditional Use Approval to build 1,680 sq.
23 ft. seasonal camp at 1811 Happy Hollow Rd. The property is located in the Forest Zoning District.

24 **7:30 PM Meeting Minutes** – review & approve draft minutes of Aug. 29, 2019 DRB mtg.

25 **7:45 PM Zoning Administrator's Report**

26 **8:00 PM Deliberative Session (if necessary)**

27 **8:30 PM Adjourn**

28
29 **Call to Order:** With a quorum of 4 members present, the meeting was called to order by the Vice Chair at
30 6:35 p.m.

31 **Public Comment & Changes to the Agenda:**

32 1. There was no public comment.

33 2. John Devine made the motion to move application 2019-01-CU to first on the agenda. Steve Diglio
34 seconded. There was no further discussion and the motion passed (4-0).

35 **Public Hearings:**

36 **Continued from Aug. 29, 2019: Application 2019-01-CU:** Applicant: Richard J. Weston

- 37 • Adam Miller recused himself from this hearing as a neighbor/abutter.
- 38 • The application is a request for Conditional Use Approval to build 1,680 sq. ft. seasonal camp at
- 39 1811 Happy Hollow Road.

40

41 The group reviewed additional information submitted by the applicant, as requested at the last hearing:

- 42 • Revised site plans which depicted detailed topography in the area of the house, the rock outcrop,
43 the building position, the deck elevation, and unscaled north & west elevations of the camp.
- 44 • Review of additional erosion control measures: rock lining added on the outfall of both the new and
45 existing culverts, existing ditching to be enhanced with blasted rock, addition of check dams.
- 46 • John Stuart stated that there was no change to the current road grade, as they believe this was
47 sufficient for a seasonal camp. Road construction details were provided on the site map. They
48 acknowledge that some erosion had occurred during storms, but this plan will stabilize the road.
- 49 • Group discussion on whether the extent of stone lined swales/ditches on plan are sufficient. DRB
50 members believe stone-lined ditching is needed for the driveway's entire length to meet Bolton's
51 erosion control/stormwater management standards – these are not being adequately addressed in
52 this most recent version of the site plan. They also asked if new culvert inlets need stone lining.
53 They also noted that the current plan shows only limited driveway reinforcement & does not show
54 driveway cross sections.
- 55 • Steve Diglio asked for the basis for the engineer's analysis for what areas need reinforcement. John
56 Stuart stated that was based on stationing; that water runs to the north side, and that it would be
57 easy to add stone lining all the way up that to the house, and from the bottom of ledge to the pond.
58 DRB members reiterated that as the driveway exceeds 15%-20% in many areas, rock lining is
59 needed all the way up, including the lower portion of the driveway, and that the DRB cannot
60 approve a plan that could increase erosion hazards due to increased use. John Stuart stated he will
61 update the plan to reflect stone lining up to the pond, and at the lower end of the driveway.
- 62 • Larry Lewack noted the large drop in the level of the driveway at the outlet of the pond. John Stuart
63 stated there could be a larger swale there, and that it is all ledge. Rick Weston stated they could
64 install another culvert or a short bridge there.
- 65 • Site disturbance – there will be grading to within 50 – 75' feet of the house.
- 66 • It was noted that there was a prior discussion about the possibility of "flipping" the orientation of
67 the house, so that the roof faced to the west. Richard Weston stated he did not agree to changing the
68 orientation, as the view was the whole point of the orientation. Brief discussion that regardless of
69 orientation, the roof and siding materials needed to blend with surroundings; earth colors. The
70 applicant has still not provided any details the DRB requested on building materials to be used.
- 71 • Larry Lewack noted that Mr. Weston's recently resubmitted zoning permit and conditional use
72 applications now reflect the change from a residence to a camp.
- 73 • DRB members noted that there were continued concerns about the visibility factor of the structure
74 from multiple vantage points on several roads, the general lighting plan, and the large gable end
75 facing out, which would be all glass and highly visible when lit at night. It was noted that the anti-
76 glare windows the applicant has stated would be used address daytime glare, but not nighttime
77 visibility with lights turned on. The group reviewed the minutes from the August meeting, and the
78 language in the BLUDRs which addresses development on ridgelines.
- 79 • John Stuart stated outside lights were shown on the detailed site plan, shielded downward-directed
80 lighting, and that the cut sheet was in the application file.
- 81 • Continued discussion on the structure visibility. Rob Ricketson noted continued concerns
82 regarding the general visibility factor from proposed building on the rocky outcropping including
83 the night time visibility of the gable end, that pushing the structure back had made it not as
84 prominent, but that the structure still proposed a 20' rise above rocky outcropping at the gable
85 peak. Rob Ricketson added that the current proposal does little to mitigate visibility from other
86 areas, as required in the BLUDRs, that it was within the DRB's jurisdiction to require a visibility
87 study; the proposal did not provide that information.

- 88 • Richard Weston stated he thinks the DRB had already approved the structure and expressed his
89 frustration; that he had moved the structure back 20' hoping that would take care of the visibility
90 issues and that it was all changing again; that that moving it back cut down on the view which was
91 the whole purpose of building there, and only the upper story would be visible. Larry Lewack
92 clarified that the DRB has not yet taken any vote to approve or reject this application.
93 • DRB members questioned the height of the camp. Richard Weston stated it was 35', and needed to
94 be that high to obtain the western views he wants. DRB members noted that a 35' building height
95 seemed incongruous for a "camp." Steve Diglio stated the maximum height allowed in that district
96 was 35', and noted the building elevation provided by the applicant was not scaled & it was
97 therefore impossible to validate the applicant's height claim.
98 • The group discussed the process, recognizing frustrations for the long review timeline on both
99 sides, and whether to close the hearing that evening and vote on the application. Larry Lewack
100 noted closing would present an issue, in that once closed, the DRB would no longer be able to
101 accept any additional information, such as what the applicant's engineer has promised to provide in
102 the coming weeks to address driveway design concerns aired at this hearing.

103 **Members of the DRB stated that:**

- 104 ➤ This was a unique situation calling for a tight application.
105 ➤ The current plans are hard to decipher, with many key questions raised by DRB still unresolved.
106 ➤ Scaled building elevations are required and must show the actual building height, re-stating
107 that 35' is the maximum height allowed.
108 ➤ DRB would like more details on the visibility of the structure from roads below, and the
109 nighttime visibility of lighting on the decks, and the gable end of the structure. The applicant
110 has not provided a visual impact assessment; it was not addressed within the application. The
111 DRB is interested in a visibility test so that they can discern what the structure will look like
112 from other areas - i.e. a balloon test at a 35' height with pictures taken from various
113 areas/roads. If required, they will review that information with respect to ridgelines in the
114 BLUDRs; visibility from public vantage points, including roads.
115 ➤ Addressing erosion and storm water management for the full length of the road; stone lining of
116 the swales, culvert inlets.
117

118 **John Devine moved to continue the hearing to the October 24, 2019 DRB meeting, to allow the**
119 **applicant additional opportunity to address concerns raised at this hearing.** Steve Diglio
120 seconded. There was no further discussion and the motion passed (4-0, Adam Miller abstained).

121

122 **Application 2019-38-DRB:** 93 Curtis Lane, Alan Duffy.

- 123 • Applicant Alan Duffy is requesting a waiver to construct 18x18' car port within side yard setbacks
124 with space for two vehicles, simply built with four posts and a roof, no walls. The lot is pre-existing
125 and nonconforming.
126 • Amy Grover noted that as neighbors, she and her husband supported Al Duffy's application.

127 **Discussion:**

- 128 • The structure placement and setback distances – approximately 21' from the edge of the carport to
129 the pavement of Curtis Lane. Al Duffy noted he could reduce the size to 16' x 18' to make it 23' from
130 the pavement. DRB members noted that waivers allow up to 50% of the setback; in this instance
131 that would be a minimum of 17.5 feet. Discussion on ROW/property line; even with a waiver,
132 meeting both side and front setbacks is an issue/cannot be accomplished.

- 133 • The possibility of reducing the carport size to 16' x 16'; consensus by all that would be too tight,
134 would not address future uses/size of different vehicles, and still would not meet side yard setback.
135 • The need to clearly identify lot lines, suggestion that there might be a site plan available for a
136 wastewater permit which would assist in determining the exact setbacks, nonconforming lot. Al
137 Duffy noted that given the length of time he has owned the property, that information probably is
138 not available. Larry Lewack checked the DEC septic permit website & could not find it.
139 • Completing a property survey would not solve the issue of lack of setback distance.
140 • The DRB noted that this was a reasonable application and a reasonable request, and that this issue
141 should be addressed by the Planning Commission, with a request to look at that neighborhood and
142 potentially redistrict it as part of the Village district, which would reflect the actual development
143 that is there, and reduce the setback requirements for the small, nonconforming lots in this area.
144 • Steve Diglio stated that the DRB could not approved the application, and that the path forward was
145 through a Planning Commission process of zoning district changes.

146
147 **Steve Diglio made the motion to close the hearing. John Devine seconded. There was no**
148 **further discussion and the motion passed (5-0).**
149

150 **Application 2019-36-DRB:** 695 Mountain View Dr., Pierre Bernier & Kimberly Moore

- 151 • Applicants were not present.
152 • Application seeks a waiver to demolish & replace existing SFD with 2-family dwelling within side
153 yard setback. Lot is nonconforming due to insufficient road frontage and no apparent west side
154 yard setback from existing single family dwelling.

155 **Discussion:**

- 156 • The application reflects a change of use from single family/4-bedroom home, to a two family 40 x
157 40 house.
158 • There is a limited area to build due to steep slopes on most of this lot. Applicants want to stay
159 within or close to the footprint of current house, if possible.
160 • The applicant stated on the application there is 50' distance to the west side boundary which would
161 not require a waiver. Actual distance is unclear – map viewers show the property line going
162 through the corner of the current structure. Larry Lewack stated that the applicant was advised to
163 get help from a surveyor to locate the property line pins to the west.
164 • The applicants will also need to re-visit septic and water permit due to the change of use; the
165 application does not specify the bedroom count for the proposed structure. Any structure with
166 three or more bedrooms requires a revised state septic permit.

167
168 **DRB members concluded:**

- 169 • This is an incomplete application; a site plan needs to confirm the setbacks, the applicant needs to
170 address the change of use, and specify the bedroom count.
171 • Applicant also needs to contact VT DEC to apply for a septic permit amendment.
172 • With the current information, the DRB could only approve this application for a new structure to
173 remain within the same footprint, and not increase non conformity.
174 • Steve Diglio noted that the DRB can continue the hearing to the October 24th meeting, and if the
175 applicant can confirm that there is a 50' setback and a waiver is not needed, the application can be
176 pulled, and approval would be made through an administrative permit.

177
178 **Steve Diglio made the motion to continue the hearing to the October 24th meeting. Adam**
179 **Miller seconded. There was no further discussion and the motion passed (5-0).**
180

181 **Application 2019-34-CU:** 154 Joiner Brook Ln., Amanda Rooney-Wheelock & Tony Wheelock Jr.

- 182 • Steve Diglio recused himself from the application review as engineer for project.
183 • The application is for conditional use to demolish & replace existing SFD with larger house in Flood
184 Hazard Zone, Village district.

185
186 **Steve Diglio and applicants Amanda and Tony Wheelock stated that:**

- 187 • The existing double wide mobile home, on a slab, the last home on Joiner Brook Lane would be
188 demolished.
189 • The new modular home would be built in same approximate footprint, going from a one-story home
190 to a two-story home with a porch and a deck.
191 • The foundation would be built with a frost wall with a crawl space, flood vented with eight certified
192 flood vents. Steve Diglio entered the flood vent information for the record.
193 • The BFE is 338.3 feet for the first floor, the first floor of the proposed structure would be more than
194 2' above that.
195 • The vents are 7/10 foot above grade, the grade on the inside and outside will be the same; flood
196 baffle vents will be installed in foundation, and mechanicals will be located on the first floor.
197 • The exterior propane tank will be anchored as required; noted it is a "back water" area with no
198 current in a flood situation.
199 • The proposed house meets all of the setbacks. The only reason the application needs conditional
200 use review is because of the Flood Hazard Zone requirements for conditional use review.
201 • An elevation certificate entered for the record (previously on file) confirms the flood zone & Base
202 Flood Elevation for this site.

203
204 **Discussion:**

- 205 • Larry Lewack stated that the application requires review by the state flood specialist in order for
206 the town to approve the application.
207 • Amanda Rooney-Wheelock noted her frustration stating that they had submitted the application
208 weeks previously, but was only informed yesterday (the day prior to their hearing) that there was
209 additional information and state approval needed, adding that lack of a permit being issued created
210 a ripple effect; not being able to obtain the bank loan, or purchase the house, or start construction,
211 and that now because of the timeline, they were looking at a winter build which would be much
212 more expensive.
213 • Larry Lewack apologized and noted he understood the frustration, that he would send the
214 application to the state the next day, and noted that the reason the town needs to have the state
215 flood hazard specialist information is that the state may find items not addressed in current design,
216 and that in order to remain a part of the National Flood Insurance Program (NFIP) the town needs
217 to follow regulations and state rules so that properties remain insurable.
218 • The group discussed options and timeline for the approval process. Steve Diglio stated that the
219 application follows all of the regulations. The DRB reached a consensus that PZA Larry Lewack
220 would "tee up" the findings and conditions for approval to expedite issuing the decision as soon as
221 the required state information is received.

222
223 **Rob Ricketson made the motion to close the hearing. Adam Miller seconded. There was no further**
224 **discussion and the motion passed (4-0). (Steve Diglio abstained.)**

225
226 **Approval of August 29, 2019 Meeting Minutes:** Steve Diglio made the motion to approve the minutes of
227 August 29, 2019. Adam Miller seconded. There was no further discussion and the motion passed (5-0).

228 **Zoning Administrator's Report:** Larry Lewack noted: the town has issued 32 zoning permits and 20
229 zoning certifications YTD. Bylaw amendments and Bolton Valley Village planning work are moving into
230 high gear this fall. The Planning Commission has moved fwd. on a town energy plan amendment to the
231 2017 Town Plan; moved bylaws amendments re: Accessory Dwelling Units, Boundary Adjustments, on-
232 farm accessory business rules, river corridors, salvage yards and strengthened protection for forest blocks
233 and habitat connectors. We want the DRB to weigh in. He would like to schedule time on our Oct. 24 agenda
234 to discuss drafts, which he will circulate to members ahead of the meeting.
235

236 **Deliberative Session:** Rob Ricketson made the motion to enter deliberative session. Adam Miller
237 seconded. There was no further discussion and the motion passed (5-0) at 8:15 p.m.

238 Rob Ricketson made the motion to exit deliberative session. Steve Diglio seconded. There was no further
239 discussion and the motion passed (5-0) at 9:05 p.m.

240 **Deliberative session decisions:**

- 241 • **Application 2019-34-CU:** 154 Joiner Brook Ln., Amanda Rooney-Wheelock & Tony Wheelock Jr. -
242 authorize findings and approval with conditions, pending feedback from the State Flood Hazard
243 specialist Rebecca Pfeiffer.
- 244 • **Application 2019-38-DRB:** 93 Curtis Lane, Alan Duffy – application denied.
- 245 • Recommendation for the Planning Commission to re-evaluate changing the Rural I Zoning District to
246 Village at the bottom of the Bolton Valley Access Road from Route 2 to the southern boundary of Smith.
- 247 • Seek legal counsel re: likely 2019-01-CU findings & conditions. No “balloon test” will be needed.

248 **Next DRB meeting:** The next meeting is scheduled for October 24, 2019 @ 6:30 p.m. at the Town Office.
249

250 **Adjourn:** Adam Miller made a motion to adjourn the meeting. Steve Diglio seconded. There was no further
251 discussion, all were in favor, and the motion passed (5-0). **The meeting adjourned at 9:07 p.m.**

252
253 Respectfully submitted,

254
255 Amy Grover (acting DRB clerk) and Larry Lewack,
256 DRB Clerk, Planning & Zoning Administrator