



TOWN OF BOLTON

3045 Theodore Roosevelt Highway
Bolton, VT 05676

Bolton Development Review Board

Meeting Minutes

October 24, 2019

Bolton Town Office

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Present:

Members: Steve Diglio (chair), Adam Miller, Adam Beaudry, Rob Ricketson

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

Others present: Deb Shelby, 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: none**

15 **The DRB will accept additional testimony on this hearing continued from September 26, 2019**

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

18 **7:30 PM Meeting Minutes** – review & approve draft minutes of September 26, 2019 DRB mtg.

19 **7:45 PM Zoning Administrator's Report & discussion of draft Zoning Bylaw Amendments**

20 **8:00 PM Deliberative Session (if necessary)**

21 **8:30 PM Adjourn**

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

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

26 Deb Shelby noted that the Planning Commission had agreed to the zoning district changes suggested by the
27 DRB at their September meeting (the bottom of the Bolton Valley Access Road, encompassing Curtis Lane,
28 from Rural I to Village) and expanded it slightly, and gave kudos to all on good communication, and making
29 the process work within a tight timeframe; a positive experience with a process that worked. Brief
30 discussion on how to replicate this successful process going forward, and staff bandwidth.

31 Brief discussion on zoning maps and zoning bylaw changes currently in process, including steep slopes
32 review (Steve Diglio noted he would be drafting steep slopes language), and scheduling a joint meeting
33 between the DRB and PC to help educate/inform and determine how to best address the zoning needs of
34 the town.

35 Brief discussion on the overarching issue of SOV requirements and regulations with no attached funding;
36 beyond the bandwidth and knowledge base of many volunteer boards.

37 **Public Hearings:**

38 **Continued from September 26, 2019: Application 2019-01-CU:** Applicant: Richard J. Weston

- 39
- Adam Miller recused himself from this hearing as a neighbor/abutter.

- 40 • The application is a request for Conditional Use Approval to build 1,464 sq. ft.* seasonal camp at
41 1811 Happy Hollow Road. (*Note: on 10/10/2019, applicant submitted revised building elevations
42 showing finished interior space estimated by staff at 1,464 sq. ft. Zoning application re-submitted
43 on Sept. 19, 2019 was for 2,604 sq. ft. of finished interior space, including loft & garage incorrectly.)
44

45 The group reviewed the outstanding issues noted during the September meeting.

46 **1. Visual assessment and impact:**

- 47 • John Stuart noted the attempt of a balloon test on Oct. 10-11 with two white balloons, one set at 35'
48 height, and one set at 45' height – to assist in locating the 35' balloon) was not very conclusive,
49 given that the balloons were set up without reference to PZA's requirement that advance notice to
50 the ZA was needed, to allow for verification of placement, and timely observation of the results.
- 51 • As an alternative, Stuart arranged for an independent technical analysis conducted by T.J. Boyle
52 Associates. The Board reviewed the 'Vegetated Viewshed Map' produced by Boyle, which illustrates
53 topography and viewpoints of project site within & beyond a 2-mile radius, based on GIS elevation
54 data. (Boyle did not conduct any field assessment for this report.)
- 55 • Steve Diglio asked if there was a narrative that accompanied the Boyle map. John Stuart stated no,
56 the methodology was a GIS-based assessment, with an assumption that the tree cover was
57 approximately 40' high throughout the area. John Stuart noted that the balloon test indicated that
58 there were limited areas where the house site could be seen; the pond, and cleared areas off the
59 road, but with the subdued colors and the coniferous backdrop, one would need to know where to
60 look to see the building – resulting in very little visual impact.
- 61 • Steve Diglio asked if the balloons were set at 20' above the ledge. John Stuart stated yes, the highest
62 point/peak of the house at 35' approximately 20' above the ledge.
- 63 • The group reviewed photographs provided by both the applicant and by Adam Miller from several
64 vantage points. In the Miller document, it was noted that the balloons were difficult to see in any of
65 the photographs. Rob Ricketson noted that there clearly was visibility of the ridge from outside of
66 the two (2) mile circle on the map supplied by T. J. Boyle Associates. John Stuart noted that was the
67 standard approach to visibility assessment. Larry Lewack noted that Miller's photos confirmed the
68 ridge was visible from other towns, and that another visibility variable was leaves on trees: the
69 photographs were taken before most of the leaves were down.
- 70 • Steve Diglio asked about the visibility of the windows on the gable end. John Stuart stated that the
71 windows would have a film applied to reduce outside reflectivity to 85% of untreated glass. Adam
72 Beaudry asked if the applicant had provided the lighting cut sheet. Larry Lewack stated yes.

73 **2. Access and erosion control:**

- 74
- 75 • Steve Diglio noted that although the access for the camp was meant to be seasonal/for ATV type
76 vehicles, the zoning regulations had no flexibility/differentiation with respect to driveways
77 between access to a camp, or to a single family dwelling. Therefore, any approval would need to
78 have access restrictions; i.e. no delivery vehicles, and it would be explicitly stated in the event of an
79 approval that the town would not be obligated to provide emergency services.
- 80 • The group reviewed language from a prior DRB decision for a camp off the Bolton Valley Access
81 Road and the restrictive conditions for that approval, which included unimproved access on a
82 logging road, and no services from the town's emergency services.
- 83 • Rick Weston stated that vehicles would need access to install gravel and stone on the road, and
84 during construction of the house. Rob Ricketson noted that in order to build a structure, the
85 current road would have to be improved, and questioned if that improvement would then require
86 that the road meet the driveway standards. Steve Diglio stated no, that the DRB would essentially

- 87 be permitting a camp without a driveway. Rob Ricketson stated that construction would require
88 quite a bit of traffic, including concrete trucks, and that the road would get upgraded in the process.
89 Steve Diglio noted that was the reason for the DRB requiring stormwater and erosion control plans;
90 the applicant was not creating a new road, only improving a forest road, and would be addressing
91 stormwater and erosion only for use of that forest road for seasonal access following construction.
92 • John Stuart stated that erosion control measures included use of gravel, hardening/armoring of the
93 ditches on uphill side of the road, treated with type 2 rock; additional rock for run off areas, and
94 additional rock ditch lining in the final approach to the building site. Adam Beaudry stated these
95 measures are needed from the building site to the pond, and from the pond down to the last culvert.
96 • Steve Diglio asked what type of vehicles would be accessing the site. John Stuart and Rick Weston
97 both noted four-wheel drive and off-road vehicles would be used.
98 • Larry Lewack noted that despite repeated requests, the applicant has not yet addressed the need
99 for long-term maintenance of the forest road access across other properties, which would require a
100 maintenance agreement signed by neighbors, or a unilateral agreement to accept responsibility for
101 maintaining the entire length of the access road. Adam Beaudry noted that the larger issue was the
102 existing house currently in foreclosure, owned by an out of state bank, and the uncertainty that the
103 bank would be willing to enter such an agreement. Rick Weston noted he was attempting to
104 purchase the property which is located in Bolton. Larry Lewack stated maintenance was on the
105 table because when the bank owned property is sold, the new owners need to know that they can
106 access their property, and that the DRB had to keep that in mind when drafting the decision.
107 • Adam Beaudry stated that the applicant or someone had to be responsible for maintaining erosion
108 control measures infrastructure; either through a maintenance agreement including the neighbors,
109 or the applicant taking full responsibility for that maintenance. John Stuart noted that all drainage
110 improvements were on the applicant's property (including the lot to the south of this project, in
111 Huntington). Steve Diglio questioned if the applicant had permission from all landowners to make
112 improvements. Rick Weston stated he believes the easements/ROWs stipulated in the deeds he
113 provided earlier gave that permission. He also stated he's willing to take responsibility for long-
114 term maintenance of the road and infrastructure. John Stuart noted that could be a condition of
115 approval. Brief discussion if plowing of the road should be allowed; forest roads can be groomed
116 for snowmobile and ATV use; otherwise, probably not.
117 • Steve Diglio noted the applicant will probably want to install a gate. Rick Weston noted a
118 previously installed gate had already been damaged, but agreed it could be restored.
119 • Group discussion on the BLUDRs definition of a seasonal "camp," which includes active use less
120 than one hundred (180) days each year, and how the lister creates the property record.

121 **Structure specifications:**

- 122 • Steve Diglio noted the previous camp decision discussed (on Bolton Valley Access Road) required
123 that the vegetation around the structure be kept intact, that there be no outside lighting, and that
124 the structure could not extend above the forest canopy. He questioned the project's current status
125 as a seasonal camp, given its height (35'), with a three-car garage. Group discussion on the updated
126 building footprint (1,464 sq. ft). Rick Weston confirmed the bottom floor was only unfinished
127 garage space, and John Stuart stated the structure was within the existing forest canopy.
128 • It was noted that the cut sheets for the outdoor lighting with "down tube" lighting only open on the
129 bottom, and building exterior finishes were on file;

131 **Agency of Natural Resources jurisdiction:**

- 132 • Larry Lewack noted that he had previously suggested more than once that the applicant check in
133 with the ANR permit specialists for feedback on the project's potential impact on stormwater,

134 wetlands, natural heritage and non-game wildlife (as originally noted on the Project Review Sheet
135 submitted by the applicant in February). Given no response from the applicant to this request, he
136 took the initiative on behalf of the town to request this information directly from ANR. State permit
137 specialists' feedback (documented in emails from Stuart and to Larry) was that there was no
138 adverse impact on stormwater, no rare or threatened species habitat, and that there are minor
139 wetlands noted at the northeast edge of the pond (built in 1982). ANR's wetlands specialist
140 performed a site visit earlier this week, and reported that the pond berm was being used as part of
141 the road access, which was allowed, as long as any additional work stayed within the prior
142 disturbance. Any additional disturbance, additional fill and/or grading would require a permit.

143 Steve Diglio asked if there were any additional comments or questions. There were none.

144 **Adam Miller made the motion to close the hearing. Rob Ricketson seconded. There was no further**
145 **discussion and the motion passed (4-0, with Adam Miller abstaining). It was noted that the DRB had**
146 **forty-five (45) days to issue the decision.**

147 **September Meeting Minutes review:** Steve Diglio noted two amendments to the September 26, 2019
148 minutes: the new modular home built in the same "approximate" footprint, and that the "first floor" of the
149 proposed structure was two feet (2') above the base flood elevation. **Adam Miller made the motion to**
150 **accept the September 26, 2019 minutes as amended. Adam Beaudry seconded. There was no**
151 **further discussion and the motion passed (5-0).**

152
153 **Zoning Administrator's Report:** Larry Lewack handed out a report on permitting year to date: 34 zoning
154 permits have been issued, with a few still in process pending DRB reviews & decisions. Municipal planning
155 grant project is moving along; a stakeholder meeting for residents, employees and recreational users was
156 held on September 24, attracting over 60 participants. The Planning Commission is looking for feedback on
157 several draft amendments to the BLUDRs, which we will discuss next. They would like to submit a final
158 draft for public hearings next month.

159
160 **Proposed Zoning Bylaw Amendments.** Discussion included:

- 161 • Accessory dwellings: Sec. 4.2 goal is regulate & encourage 'accessory dwelling units,' small
162 additions or free-standing dwellings to be built on the property of existing dwellings. Current
163 ordinance limits the accessory structure to not exceed 30% of principal dwelling. Proposed
164 amendment would carve out an exception for very small houses, allowing up to 40% of homes
165 under 1,400 sq. ft. DRB members argued we should instead set a floor (e.g. "... 30% or 600 sq. ft.,
166 whichever is greater") to allow reasonably-sized accessory dwellings even for smaller principal
167 residences. They would prefer to let PC make the final decision. Brief discussion on how to enforce
168 "clearly subordinate," and to not allow an accessory dwelling to be built first.
- 169 • Tiny House: New definition; if moveable (on a trailer frame with wheels), should be treated as a
170 camper or RV. If not, will be regulated as a permanent dwelling. Either requires septic capacity if
171 hooked up to a property's system, or if camper/RV/tiny house are dumping holding tanks on site.
- 172 • River & Stream Setbacks: issue came to light with VT Riverlands (owners of the Bolton Potholes)
173 placed a trail when improving safety/access/erosion to the potholes. Proposed Sec. 3.17 changes
174 would make it clear that unpaved pedestrian recreation paths, and selective cutting of trees for
175 safety/trail improvements, are allowed within river & stream setbacks.
- 176 • Boundary adjustments: Larry described history. Currently boundary adjustments are buried within
177 the subdivision regulations (Sec. 6.1). Boundary adjustments need to become stand-alone, clarify
178 the definition, update/create a new application, and require a final survey for recording.
- 179 • On farm businesses: a recent state law allows towns to regulate agricultural-based businesses
180 through local zoning for supporting more value-added agricultural business activity, allowing

- 181 towns to regulate with a conditional use permit. Our draft language would define these types of
182 uses, and allow the town to require a zoning permit following a conditional use review for high-
183 intensity changes of use likely to impact wastewater, roads or neighboring properties.
- 184 • River Corridor protection: Inclusion of higher state standards would allow the town to qualify for
185 an additional in match funds from the state -17.5% instead of 12% for flood damage repairs. We are
186 awaiting draft language from a CCRPC staff member at this time; we will need to review the
187 specifics when we see them.
 - 188 • Review of zoning district changes to preserve Bolton's numerous high value wildlife
189 crossings/corridors, and large contiguous forest blocks: proposed revisions would further limit
190 development in Bolton's Forest and Conservation districts, adding more restrictions and better
191 defining what we're protecting. Noted:
 - 192 ➤ Bolton has large areas of land already conserved.
 - 193 ➤ Changes are potentially contentious.
 - 194 ➤ Edits to Forest District: changing some permitted uses to conditional uses.
 - 195 ➤ Conservation District: conditional uses only allowed with frontage on public roads.
 - 196 • Suggestion to review conserved parcels and determine how much developable land there is under
197 current regulations, and consider "pulling back" some of the proposed zoning district lines so they
198 allow building on portion of lots that are close to existing roads. Once the district boundaries are
199 changed, that is final, and limits any future development.
 - 200 • Salvage yards: state statute has recently changed, slightly. The town can choose to ban salvage
201 yards, per our town attorney. There are currently none permitted in town, but they are a permitted
202 use in R1 and R2 districts. PC would like to ban them altogether. DRB concurs this is OK with them.

203

204 ***Other Comments/Suggestions to the PC:***

- 205 • Re-examine some of the conditional/allowed uses in the forest districts, and the definition for
206 seasonal structures/camps.
- 207 • Re-examine zoning boundaries in the Happy Hollow area; be intentional on what is allowed.
- 208 • Consider a ban on any development over 2,000 feet, except ski lift & cell towers, etc. Noted: Act 250
209 would largely prohibit such development, as well. Suggest lowering Conservation District elevation
210 boundary to 2,000 feet and up.
- 211 • Discussion on definition for seasonal camps: does not address size; probably should.

212 **Deliberative session tabled due to time constraints, to be addressed at the next scheduled meeting**

213 **Next DRB meeting:** The next meeting is scheduled for November 14, 2019, 6:30 p.m. at the Town Office.
214 (*Note:* this is a reschedule from the regular meeting date of the 4th Thursday, which is Thanksgiving Day.)

215

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

218

219 Respectfully submitted,

220

221 Amy Grover (acting DRB clerk) and Larry Lewack,
222 DRB Clerk, Planning & Zoning Administrator