



# Town of Bolton Development Review Board

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

Lynda DesLauriers (Applicant)  
Conditional Use Review  
Application #2021-33-DRB  
August 9, 2021

## **Applicant**

Lynda DesLauriers  
26 Wentworth Rd.  
Bolton Valley, VT 05477

**Property:** 26 Wentworth Rd.

## **Application**

(Application materials on file at the Bolton Town Office)

The Applicant requests conditional use approval to construct an approximately 480 sq. ft. garage accessory to an existing single-family dwelling. The proposed garage will have an approximately 260 sq. ft. roof deck above the garage and attached to the single-family dwelling. The parcel is located at 26 Wentworth Rd. (Tax Map # 4-9000026) in the Resort Residential district.

The proposed project has been reviewed by the Bolton Development Review Board (DRB) as a development on steep slopes (Sec. 3.16) necessitating conditional use review (Sec. 5.4) under the Bolton Land Use and Development Regulations (BLUDRs) as amended, effective May 24, 2021. This review also included the following: applicable zoning district criteria (Table 2.3) and site plan review (Sec. 5.3).

The Development Review Board's procedural history and relevant findings are attached.

## **Decision –Conditional Use Approval**

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

The Bolton Development Review Board (DRB) hereby approves the construction of an approximately 480 sq. ft. garage on 26 Wentworth Rd. and 260 sq. ft. roof deck subject to the following conditions of approval:

1. The Applicant must obtain a zoning permit from the Zoning Administrator prior to beginning site work and construction. In the event that a zoning permit has not been obtained within two years of the date of this decision, DRB approval shall expire and reapplication shall be required.
2. The project must be developed according to the plans and applications submitted to the DRB, which includes site, erosion control, and stormwater management plans.

3. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this permit, the permittee agrees to allow authorized representatives of the Town of Bolton to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

**Approved with conditions (5-0) by the Bolton Development Review Board:**

Adam Beaudry – yea      Rob Ricketson – yea  
John Devine – yea      Adam Miller – yea  
Spencer Nowak – yea

**Dated at Bolton, Vermont this 9th day of August, 2021.**

**For the Development Review Board:**



Adam Beaudry, Vice-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)

Applications for conditional use review were filed by applicant Lynda DesLauriers on May 24, 2021. The applications were accepted as administratively complete by Bolton Zoning Administrator Jon Ignatowski on June 24, 2021, and referred to the Bolton Development Review Board for a public hearing. A public

hearing of the DRB was originally scheduled for July 22, 2021, then rescheduled for August 5, 2021 and warned in accordance with Section 9.8(D)(1) of the regulations and 24 V.S.A. § 4464.

Steve Diglio, as an engineer for the Applicant's project, claimed ex parte communications and a conflict interest, and recused himself from the review of these applications. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

- Lynda DesLauriers, 26 Wentworth Rd., Bolton Valley, VT 05477

The following materials were submitted in support of the application and entered into the hearing record:

1. Applications to the Development Review Board (2021-33-DRB), received 5/24/2021;
2. Stormwater and erosion management plan, received 8/4/2021;
3. Building Elevations, received 6/28/2021;
4. Aerial Imagery, received 7/14/2021
5. Lighting Specification, received 8/3/2021

The DRB adjourned the hearing that evening, following the submission of testimony and evidence.

## **Findings & Conclusions**

The Applicant's request for conditional use approval was reviewed by the Bolton Development Review Board (DRB) for conformance with applicable requirements of the Bolton Land Use and Development Regulations (BLUDR) in effect as of January 5, 2005, and amended through May 24, 2021, including the following:

- Table 2.3 – Resort Residential District
- Section 3.16 – Steep Slopes
- Section 5.3 – Site Plan Review Standards
- Section 5.4 – Conditional Use Standards

DRB findings and conclusions under each of these are presented as follows.

### **Zoning District Standards (Table 2.3, Resort Residential District)**

**Conclusion:** Based on the following findings, the DRB has determined that the proposed development, as shown on site plan submitted as part of the application, meets the use and supplemental standards of the Resort Residential District in which it is located. Regarding dimensional standards, the DRB has determined that the lot is an existing, legally established nonconforming lot, and that the single-family dwelling is an existing, legally established nonconforming structure. The project will conform to all other dimensional standards.

1. **Lot Area.** The 1.1-acre lot in the Resort Residential District does not meet the minimum lot area of 2 acres. However, the lot is an existing, legally established nonconforming lot.

2. **Frontage.** The existing lot, having approximately 481 feet of road frontage, meets the current minimum district road frontage requirement of 100 feet.
3. **Setbacks.** The proposed garage conforms to the 15-foot minimum setback from the right-of-way and the 25-foot minimum setback from side lot lines.
4. **Building and Lot Coverage.** Maximum building and lot coverages in this district are 40% and 65% respectively. The combination of existing and proposed structures will result in a building coverage of 4.9%. The combination of existing and proposed lot coverage will result in a coverage of 8.1%. Thus, this application conforms to district rules.
5. **Use.** The proposed garage will be an Accessory Structure to a Single-Family Dwelling. The proposed garage is compatible with the existing principal use of the lot.

### **Steep Slopes (Section 3.16)**

**Conclusion:** Based on the following findings, the Board concludes that the proposed site development minimizes impacts to steep slopes.

6. The Applicant submitted engineered plans that satisfy the standards established in Section 3.16.
7. Stormwater management and erosion control plans presented by the Applicant conforms to best management practices.
8. While the proposed development will disturb a short section of slope greater than 25%, the DRB affirmed that the disturbance of this slope is permissible since it conforms to an established precedent that short sections of steep slope that are created by fill, and are not graded natural slopes, are not regulatory slopes.

### **Site Plan Review (Section 5.3)**

**Conclusion:** Based on the following findings, the Board concludes that the proposed site layout and design are functional, safe, attractive, and consistent with the purpose and character of the Resort Residential District.

9. The location and orientation of the garage and supporting infrastructure on the site is compatible with the proposed setting and context, as determined for zoning district objectives, existing site conditions and features, adjoining or facing structures in the vicinity, and other applicable provisions of Bolton's regulations, including density, setback, height and buffering requirements.
10. The proposed garage will not impact surface waters, wetlands, and associated buffers or other wildlife habitat areas. The project will affect areas of steep slopes, but engineered plans provided by the Applicant suggest the project will be constructed in accordance with best management practices. The project will impact a small section of very steep slopes, but as established by precedent, small sections of man-made steep slopes composed of fill can be disturbed with DRB approval.
11. The parcel is served by an existing residential curb cut. No changes to the curb cut have been proposed.

12. The existing parking spaces will serve the current and proposed uses on the property.
13. The proposed garage will not increase visual impact to nearby residents and other uses due to existing vegetative screening.
14. The Applicant provided the board with an example of an exterior light. This type of light fixture is in conformance with 3.9 of Bolton's land use and development regulations.
15. The proposed stormwater management and erosion control methods described in the submitted plans conform to best management practices.

**Conditional Use Review (Section 5.4)**

**Conclusion:** Based on the following findings, the Board concludes that the proposed project, if constructed as approved, will have no undue adverse effect on the capacity of existing and planned community services and facilities, the character of the area affected, traffic on Wentworth Rd., bylaws currently in effect, or the use of renewable energy resources.

**The capacity of existing or planned community services or facilities.**

16. The proposed garage will not increase water consumption or wastewater discharge.
17. The project will be constructed in an area which allows adequate emergency vehicular access.

**The character of the area affected.**

18. The application is for the construction of an accessory structure, allowed as both a permitted and conditional use in the Resort Residential District, the purpose of which is to facilitate "moderate densities of coordinated, well-planned recreational, lodging and residential development in the immediate vicinity of the resort village, in an area that is served by centralized infrastructure and utilities, in a manner that reinforces the function of Bolton Valley as a compact resort village and protects significant natural features and environmentally sensitive areas." (Table 2.3, Resort Residential purpose).
19. The project is compatible with the character of the area, with minimal impacts to neighboring properties.

**Traffic on roads and highways in the vicinity.**

20. The project is unlikely to generate any significant increase in unique visits and traffic.

**Bylaws in effect.**

21. Applicable bylaws include the Bolton Land Use & Development Regulations. No other applicable local ordinances were identified.

**The utilization of renewable energy resources.**

22. No change is proposed with regard to the use of, or access to, the utilization of renewable energy resources. The project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.