



# Town of Bolton

## Development Review Board

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

In re: **Bolton Woods LLC**  
**Conditional Use Approval/Seasonal Camp**  
**January 30, 2009**

### Applicant:

**Bolton Woods, LLC**  
c/o Chris McKown  
1196 Canton Avenue  
Milton, MA 02186

### Application

(Application materials on file at the Bolton Town Office, procedural history attached.)

The applicant has requested conditional use approval for the construction of a one-story, 635+/- square foot "rustic cabin" – a camp, as defined under the Bolton Land Use Regulations – to be located on a 998+/- parcel (Parcel ID # 04-012) with 7,000+/-feet of frontage along the Bolton Valley Access Road. The parcel is located at 2276 Bolton Valley Access Road, within the Rural II and Forest Districts. The camp, at an elevation of 1576 feet, would be sited in the Forest District. The camp is intended for occasional, year-round recreational use. No utilities, plumbing, access roads or driveways are proposed. Existing trails on the property, as depicted on the site plan, would be used for access. Vehicle parking would be located within an existing parking area on the property (Sugar House) located at the trail head adjacent to the Bolton Valley Access Road.

This application has been reviewed by the Bolton Development Review Board under applicable zoning district and conditional use criteria of the Bolton Land Use and Development Regulations (in effect as of January 26, 2005), and the conditions of a previous subdivision approval for the lot (Catamount /Bolton Land LLC Final Subdivision Approval) issued by the Board on May 18, 2006. The Development Review Board's procedural history and relevant findings are attached.

### Decision

- Denied  
 Approved  
 **Approved with Conditions:**

1. The applicant shall 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 one year of the date of this decision, DRB approval shall expire and reapplication shall be required.
2. The proposed camp, outhouse and any future additions or accessory structures shall be located within the designated building envelope, as depicted on the revised site plan (SP1, Inset A) dated 12/19/08 and marked on the ground with iron pipes (Findings 1, 2, 5).
3. Site disturbance shall be limited to areas within the designated building envelope. Survey markers shall be installed prior to construction to establish construction limits. No heavy equipment shall be used to construct the camp or accessory structures (Findings 1, 2, 5).
4. No clearing or site disturbance shall occur outside of the building envelope, except as required for trail maintenance, and as allowed under the forest management plan for the property (Findings 1, 2, 6, 13).

5. Access to the camp is limited to the existing logging road as shown on the site plan (SP1) dated 10/28/08 and related sheets (SP2, SP3). No vehicular access, other than occasional off-road (ATV) access by the owner during summer months, is allowed (Findings 3, 7).
6. The applicant agrees in writing and, upon conveyance of the property, in recorded deed language that given physical access constraints, the municipality shall not be responsible for providing emergency services to the camp site, nor be held liable for any damages resulting from the lack of emergency services (Findings 3, 11).
7. In order to limit the camp's visibility from public vantage points, including the Bolton Valley Access Road, the applicant and subsequent property owners shall minimize its visual impacts by:
  - Retaining existing vegetative screening, including forest cover, around the camp. Selective pruning to maintain views from the camp is allowed.
  - Using natural materials (wood, stone) in construction that blend into the wooded setting.
  - Using non-reflective glass or screening in windows.

No outdoor lighting installations are permitted. No portion of the camp, or any accessory structure, shall extend above the forest canopy (Findings 6, 13, 15).

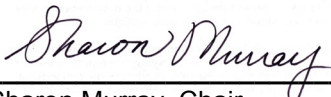
8. Use of the camp shall be limited to occasional, four-season, recreational use. The camp shall not be constructed or occupied as a permanent, year-round dwelling (Findings 5, 16).
9. Vehicle parking is limited to the existing parking area on the property (Sugar House) accessed from the Bolton Valley Access Road. Any change in highway access to the parking area shall require approval from the Bolton Road Foreman (Findings 3, 9, 16, 18).
10. The applicant and subsequent property owners are strongly encouraged to allow continued public access to the property, with landowner permission, for hunting and outdoor recreation, and to negotiate trail or conservation easements with qualified recreation or conservation organizations that will ensure long-term access to and management of the existing trail network (Findings 10, 13).
11. Additions or accessory structures to the camp that are located within the designated building envelope, and are consistent with the above conditions of approval, shall require only the issuance of a zoning permit from the Zoning Administrator. Conditional use approval shall be required for any change in the existing parking area, designated building envelope, or access to the camp as approved by the DRB.

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

Jerry Chabot – Yea  
Sharon Murray – Yea  
Michael Hauser – Yea

Margot Pender – Yea  
Michael Rainville – Yea

**Dated at Bolton, Vermont this 30th day of January, 2009.**



Sharon Murray, Chair  
Bolton Development Review Board

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an 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 Court Proceedings.

## **Review Process:**

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

An application from Bolton Woods, LLC for conditional use review, dated 11/1/08, was received by the Bolton Zoning Administrator on 11/8/08 and referred to the Bolton Development Review Board (DRB). A public hearing was scheduled for December 17, 2008 and warned in accordance with Section 9.8(D)(1) of the Bolton Land Use & Development Regulations and 24 V.S.A. §4464. The hearing notice was:

- Submitted for warning in the *Mountain Gazette* on 11/26/08 for publication.
- Mailed to the applicant for posting on the property within view of the Bolton Valley Access Road on 11/26/08
- Mailed to abutting property owners on 11/26/08.
- Posted at the Bolton Town Office, Bolton Store, and Jonesville Post Office on 11/26/08

The public hearing to consider the application was convened on 12/17/08, 6:00 pm at the Bolton Town Office with a quorum of the DRB present. There were no identified 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:

- Chris Mckown, Bolton Woods LLC, applicant
- Scott Moreau, Greenleaf Forestry, PO Box 39 Westford, VT, representing the applicant
- John Pitrowiski, Trudell Consulting Engineers, PO Box 308, Williston, VT, representing the applicant
- Sally and Damon Brink, 1663 Bolton Valley Access Road, Bolton, VT
- Jase Roberts, 628 Bolton Valley Access Road, Bolton, VT

The following materials were submitted in support of the application:

- Application transmittal letter from Scott Moreau, Greenleaf Forestry, dated 10/31/08.
- Zoning permit, conditional use review application forms, dated 11/1/08, application fees.
- Location (property tax) map, survey (dated 5/2006), and "Act 250 Map" (dated 10/2/08) showing the location of the parcel and camp site in relation to abutting properties, the Bolton Valley Access Road, and local drainage.
- Cabin floor plan and building elevations (north, south, east, west) – no date.
- Letter from John Gobielle, state wildlife biologist, dated 7/23/08, identifying no significant impacts to wildlife habitat.
- Site Plans (SP1, SP2, SP3), dated 10/29/08, prepared by Trudell Consulting Engineers, John Pitrowiski, PE (# 8104), showing trail elevation contours, cabin site contours, footprints (Inset A)
- Letter from the applicant, dated 11/28/08, describing the project, intent regarding uses, trail network
- E-mail from Chris Mckown, dated 11/28/08, describing project
- Letter from Chris Mckown, dated 11/29/08, transmitting updated survey, site map, forest stand map, forest management plan, requested waiver for emergency vehicle access, description of foundation work, and references to conditional use criteria.
- Updated boundary survey (dated 6/2007).
- Revised site plan (SP1), prepared by TCE dated 11/4/08, showing zoning district boundaries.
- Forest Stand Map (dated 11/29/08) showing location of cabin site in relation to Bolton Lodge on adjoining parcel.
- Visual impact analysis (photos), no date, as presented at hearing.

Following the submission of testimony and evidence, the hearing was adjourned on the same day, with the stipulation that a revised site plan showing the building envelope as agreed to at the hearing would be submitted by the applicant.

- A revised site plan (SP1) showing the building envelope, dated 12/19/08, was transmitted on 12/22/08.

## **Findings**

The applicant's request for conditional use approval was reviewed by the Bolton DRB for conformance with prior conditions of subdivision approval (Catamount /Bolton Land LLC Final Subdivision Approval, issued by the Board on May 18, 2006); and applicable zoning district standards (Table 2.6, Forest District) and conditional use criteria (Section 5.4) under the Bolton Land Use and Development Regulations (BLU&DR) in effect as of January 5, 2005. Board findings and conclusions under each of these are presented as follows.

### **Conditions of Prior Subdivision Approval**

The DRB subdivision approval issued in 2006 which resulted in the creation of this parcel specifically required, as a condition of approval, that "applications for subsequent development of subdivided lots shall include designated building envelopes that meet the requirements of Sections 7.2(E) (Building Envelopes) and 7.3 (Protection of Natural & Cultural Resources) under the BLU&DR, and that access roads and driveways be designed to meet the requirements of Section 7.3, in addition to any other applicable requirements of the regulations."

1. The revised site plan (SP1) dated 12/18/08 shows the building envelope as agreed to by the Development Review Board, which has been configured to avoid rock outcrops, promontories, and areas of steep slope (>25%) in the vicinity of the camp site. The camp site is located within known bear habitat, however it will result in no significant impacts to wildlife, as indicated in the letter from state wildlife biologist John Gobielle, dated 7/23/08. There are no other known or mapped protected resources in the vicinity of the proposed camp site.
2. The proposed camp and outhouse will be located within the designated building envelope, as depicted on the revised site plan (SP1, Inset A) and marked on the ground with iron pipes. Site disturbance will be limited to areas within the building envelope. No heavy equipment will be used in construction. The camp's foundation will consist of several sauna tubes set into the ground and tied together by metal beams. The holes will be dug by hand (Letter dated 11/29/08). Survey markers will be installed prior to construction to establish construction limits. No clearing or site disturbance will occur outside of the building envelope, except as required for trail maintenance, and as allowed under the forest management plan for the property.
3. Foot access and very limited seasonal off-road vehicle (no car or truck) access is proposed. Access will be provided via the existing trail network (logging road), routed to avoid areas of very steep slope (>25%), as surveyed and shown on the revised site plan (SP1), and in more detail on SP2 and SP3. No road upgrades are proposed. The use of the existing trail network will not result in further fragmentation of forest resources on the property, which are being managed under a forest management plan. Vehicle parking is limited to an existing parking area on the property near the trail head (Sugar House), accessed from the Bolton Valley Access Road.

### **Zoning District Standards (Table 2.6)**

4. **Dimensional Requirements.** The existing lot, having an area of 998+/- acres and 7,000+/- feet of frontage along the Bolton Valley Access Road, meets minimum district dimensional requirements for both the Rural II and Forest Districts. The proposed camp site, at an elevation of 1,576 feet, is located within the Forest District (Table 2.6), which includes all lands in this area above 1,500 feet.
5. **Building Envelope.** Structures in this district must be located within designated building envelopes. Camps, as defined in the regulations, are an allowed use in the Forest District, subject to conditional use review if not located within a previously approved building envelope. A building envelope has been designated on revised site plans (see findings #1, #2 above). The proposed building envelope area, as depicted on the revised site plan (SP1, Inset A) is less than the maximum building envelope area for this district (1 acre).

6. **Visual Impacts.** No structure in this district shall be sited on exposed ridgelines that are visible from public vantage points, including public roads. The visual impact assessment submitted by the applicant indicates that the proposed camp, located below the ridgeline within a wooded setting, is largely screened from view by the existing tree canopy. It is not highly visible, but may be briefly viewed by motorists from two locations along the Bolton Valley Access Road, especially if lighted at night. According to testimony presented, the applicant will minimize the camp's visual impacts by retaining vegetative screening, using natural materials (wood) in construction and non-reflective glass or screening in windows, and by not installing outdoor lighting.
7. **Access.** No vehicle access (road, driveway) is proposed (see finding #3 above). Access will be provided by an existing logging trail, routed to avoid areas of steep slope (>25%). There is one existing stream crossing (bridge), as identified on the site plan (SP1).

**Conditional Use Review Standards (Section 5.4)**

**The capacity of existing or planned community services or facilities.** The proposed project will have no undue adverse effect on municipal services and facilities.

8. **Water/Wastewater Systems.** The camp is a primitive camp. No water or interior wastewater systems (toilets) are proposed. The camp will be served by a separate outhouse, as shown on the revised site plan (SP1, Inset A).
9. **Public Roads.** The camp will be located approximately ½ mile from the Bolton Valley Access Road on an existing trail network, accessed from an existing parking area off the Access Road (Sugar House), as shown on the site plan (SP1). No change in the property's existing access (curb cuts) on the Bolton Valley Access Road is proposed.
10. **Trails.** The project, as proposed, will not adversely affect public access to or use of the existing trail network. There are 22 miles of existing logging and recreational trails crossing the property, including a VAST trail and cross-country skiing trails used by the Nordic Center. These are owned by the applicant, but have long been used and to a limited extent maintained by other groups, with landowner permission. There are no formal conservation or trail easements on the property however the land is not posted. It is the applicant's intent to continue to allow public access to the property for hunting and recreation, to maintain the trail system in association with other groups to limit runoff and erosion, and to restrict access to the property by motor vehicles, including cars, trucks and off-road vehicles (Testimony, Letter dated 11/28/08).
11. **Emergency Services.** No emergency vehicle access will be provided to the camp site, given topography. Steep slopes prevent the installation of an access road or driveway that meets steep slope and grade requirements under the town's regulations, and therefore prevent access by emergency vehicles. There is no expectation on the part of the applicant that emergency services will be provided by the town (Testimony, Letter of 11/29/08).

**The character of the area affected.** The proposed project is compatible with the existing and planned character of the area and will have no undue adverse effect on environmentally sensitive areas or adjoining properties.

12. The camp will be sited on two acres of a large (998+/- acre) undeveloped parcel, characterized by steep slopes and extensive forest cover that provides critical wildlife (e.g., bear) habitat and is used for forestry and outdoor recreation. The proposed site is located approximately ½ mile from the access road, 1,150 feet from the nearest property boundary, 3,500 feet from the Bolton Lodge on the adjacent property to the east, and 585 feet from the nearest stream (Act 250, Forest Stand Maps).
13. The camp is an allowed use within the Forest District, and as proposed is consistent with the stated district purpose "to protect the town's more remote and inaccessible forested upland areas from fragmentation, development and undue environmental disturbance, while also allowing for the continuation of traditional uses such as forestry, outdoor recreation, and compatible low density

development.” The camp is intended to be used for occasional, four-season, recreational use (Application). The remainder of the property is actively being managed for forestry and outdoor recreational use under a forest management plan submitted as part of the application.

14. No significant impacts to wildlife or wildlife habitat have been identified (see Finding #1).
15. Potential visual impacts, as identified from the visual impact analysis, will be addressed by the applicant (see Finding #6).

**Traffic on roads and highways in the vicinity.** The project will have no undue adverse effect on traffic or roads in the vicinity of the project.

16. The construction of a primitive camp intended for occasional use, located well of the road and accessed primarily by foot will not generate any additional vehicular traffic on highways and roads in the vicinity of the parcel.

**Bylaws in effect.** The project will have no undue adverse effect upon municipal bylaws and ordinances currently in effect.

17. Applicable bylaws include the Bolton Land Use & Development Regulations (1/26/05) and the Bolton Motor Vehicle Ordinance (11/01/93).
18. Under the town’s vehicle ordinance no parking is allowed within town highway rights-of-way. The applicant will access the camp from an existing parking area on the property (Sugar House).

**The utilization of renewable energy resources.** No change is proposed with regard to the use of, or access to, the utilization of renewable energy resources.

19. The project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources. The parcel is under active forest management. The camp will be heated by wood burning stove.

**Legal Documentation.** The applicant must also obtain applicable amended state and municipal permits for this project.

20. The applicant has applied for and obtained an amended Act 250 permit amendment for the project (#4C0436-31B), dated 12/4/08. According to testimony provided, no state water or wastewater permits are required for a primitive camp without interior plumbing or toilets.