

Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
802-434-5075

Development Review Board Public Hearing Minutes

January 25, 2006

Development Review Board members present: Jerry Chabot, Mike Hauser, Alternate, Margot Pender, Mike Rainville, Vice Chair

Development Review Board members absent: Sharon Murray, Susan Vita

Clerk: Amy Grover

Also present: Samuel Dimascola, applicant, Rodney Mergo

Agenda

1. Samuel Dimascola – Site Plan Review/Permitted Use
 2. Minutes – September 21, 2005, and October 19, 2005
 3. Other business or communications
 4. Adjournment
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Call to Order

Mike Rainville, Vice Chair called the hearing to order at 7:07 p.m., and swore in all who would be giving testimony.

Agenda Item #1 – Samuel Dimascola ~ Site Plan Review/Permitted Use

Mike Rainville noted that the hearing was convened to consider the request of Samuel Dimascola, applicant/landowner, seeking Site Plan approval, Table 2.1 Village District (E) (2), for a permitted use under Section 5.3 of the Bolton Land Use and Development Regulations. Request approval to convert a pre-existing pub area into a two bedroom apartment, creating a three unit multi-family dwelling located at 3064 Theodore Roosevelt Highway, Tax Map #15, block #2003064.

Amy Grover noted that:

- A quorum of the DRB was present, 4 members.
- There was no conflict of interest, or ex parte communication of the members present.
- Adjoining/abutting landowners had been notified by mail of the site plan application by Mr. Dimascola, the public hearing date and time, and information regarding “interested person” status.
- Public notice had appeared in the January 8, 2006 edition of the Burlington Free Press.
- Samuel Dimascola met the criteria for interested person status.

- No other persons were present, or had contacted the DRB prior to the hearing seeking interested person status.
- Mr. Dimascola had the right to appeal the decision of the DRB to Environmental Court.

The DRB had received a packet from Mr. Dimascola, which included the completed application form, site plan map, septic system plans, and a letter from Ben Gordesky, VT ANR Site Technician, Earthbound Services.

Samuel Dimascola noted that:

- The lot is a pre-existing, non-conforming lot (minimum lot size in the Village District is currently 1 acre), of .53 acres.
- He was seeking site plan approval to convert the pub area, which had not been in use for more than twenty years, into a two-bedroom apartment, which he would live in.
- With approval, the building would contain two 2-bedroom apartments, and one 1-bedroom apartment.
- He had investigated the septic plans/permit, noting that the file for this property at the Regional Office was on microfilm.
- He had retrieved a hard copy of the septic file from the state archival facility in Middlesex.
- The septic system was designed for a 50 seat pub/restaurant, 1,000gpd.
- The design flow for the three-units/five bedrooms would be 560 gpd, less than the original design flow of 1,000 gpd.
- There would be no new curb cut required, or additional landscaping.
- There was sufficient parking on site to accommodate 2 vehicles per unit for a total of six vehicles.

Mike Rainville asked if there were questions or comments.

Mike Rainville asked if a replacement leach field was required. Mr. Dimascola replied no. Mike noted that the letter from Ben Gordesky made it sound as if there might be two septic systems on the property, one for the two existing apartments and one for the old pub. Mr. Dimascola stated he didn't know anything about there being two systems. Jerry Chabot noted that the system for the old pub was sufficient for all three of the apartments. Mike noted his concern that the letter from Ben Gordesky did not give any certification for the septic system, and stated that was an issue that would need to be addressed in conditions of approval. Jerry noted that there was a protocol for assessing the performance of the septic system, and that if there were two systems, the system for the pub had been unused and not maintained for 20 – 30 years. Mr. Dimascola stated that he did not believe that there was a second system for the house, and that the system for the pub took care of the entire building. He added that the previous owner had stated that the tank had been pumped every three years, indicating the system was in use and functioning.

Mike Rainville asked if Mr. Dimascola would be adding on to the footprint. Mr. Dimascola replied no.

Margot Pender asked for an explanation for parking plan noted on the site plan. Mr. Dimascola noted the parking plan was there to accommodate the old pub, and that the tenants park in the current tenant parking area. Margot asked if the parking for the tenants could be moved to the rear of the property. Mr. Dimascola said that it could be, although it wouldn't be very convenient for the tenants, and that there would not be a need to accommodate more than 2 vehicles per unit for a total of 6 parking spaces. Mr. Dimascola stated that the additional parking spaces for the pub shown on the site plan would not be utilized. Margot noted her concern regarding parking in spaces labeled as numbers 13 and 14 would require vehicles to back out onto Theodore Roosevelt Highway (Route 2). Mike Hauser and Jerry Chabot concurred that it was a safety issue that would need to be addressed in conditions of approval.

Mike Rainville asked if there were any other questions or comments. There were none.

Margot Pender made the motion to approve the request of Samuel Dimascola for Site Plan approval for a permitted use under Section 5.3 of the Bolton Land Use and Development Regulations to convert a pre-existing pub area into a two-bedroom apartment, creating a three unit multi-family dwelling with the following conditions:

1. Adequate safe parking for tenants is required. Parking sites labeled as #13 and #14 on the site plan map may only be utilized if a turnaround area is provided to eliminate backing a vehicle out onto Theodore Roosevelt Highway (RT 2).
2. It is required that a copy of the installation certification, as required by the state, be submitted prior to the issuance of a certificate of occupancy, as required under Section 3.18 (D) of the Bolton Land Use and Development Regulations (re: water and wastewater systems); "In addition to the requirements of Section 9.4, the Zoning Administrator shall not issue a certificate of occupancy for any structure or use that requires a new or upgraded potable water supply or wastewater disposal systems until copies of applicable state permits and associated certifications have been received."

Jerry Chabot seconded the motion. All were in favor, motion carried.

Agenda Item #2 – Minutes September 21, 2005, and October 19, 2005

Jerry Chabot made the motion to accept the minutes of September 21, 2005. Margot Pender seconded the motion. All were in favor, motion carried. Minutes of October 19, 2005; tabled due to a lack of a quorum from that date.

Agenda Item #3 - Other business or communications

Mike Rainville and Jerry Chabot noted that they would not be present for the February 15, 2006 public hearing.

Development Review Board Hearing
January 25, 2006
Dimascola – Site Plan/Permitted Use

Agenda Item #4 – Adjournment

The hearing was adjourned at 7:50 p.m.

Amy Grover
Clerk, Development Review Board
These minutes are unofficial until accepted.

These minutes were read and accepted by the Development Review Board on

_____, 2006

Sharon Murray, Chair
or
Mike Rainville, Vice Chair