

Development Review Board Meeting
March 15, 2006
DDJG Property Ventures LLC ~ Sketch Plan
Haggerty/McKeown ~ Sketch Plan

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

Development Review Board Public Meeting Minutes

March 15, 2006

Development Review Board members present: Sharon Murray, Chair, Jerry Chabot, Mike Hauser, Alternate, Rob Heimbuch, Alternate, Margot Pender

Development Review Board members absent: Mike Rainville, Susan Vita

Clerk: Amy Grover

Also present: David DuBrul, Jeff Garfield, DDJG Property Ventures LLC, Bernie Chenette, Chenette Associates, Chris Haggerty, Michael McKeown

Agenda

1. DDJG Property Ventures, LLC Sketch Plan Review, subdivision
 2. Haggerty/McKeown Sketch Plan Review, subdivision
 3. Minutes – February 15, 2006
 4. Other business or communications
 5. Adjournment
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Call to Order

Sharon Murray, Chair, called the meeting to order at 7:10 p.m. Sharon reviewed the agenda items, and noted that there were no changes, and that there was a quorum of the DRB present. Sharon noted for the record that the DRB had conducted a site visit to the DDJG parcel/proposed 7-lot subdivision on Saturday March 11, 2006. Amy Grover stated that Michael Rainville had recused himself from the Haggerty/McKeown Sketch Plan, and also from the DDJG sketch plan as he had missed that previous sketch plan meeting and the site visit. Sharon noted that sketch plan review is an informal pre-application process, an opportunity for the DRB to provide an initial response to the sketch plan, and to review three criteria:

- Classification of the subdivision as a major or minor subdivision.
- Compliance with the Town Plan, and the BLUDRs.
- Consideration of any associated waivers.

Agenda Item #1 – DDJG Property Ventures, LLC, Sketch Plan Review

David DuBrul, Jeff Garfield, and Bernie Chenette appeared on behalf of DDJG Property Ventures, LLC. Bernie Chenette reviewed the proposed subdivision and noted that as a result of the previous meeting and the site visit; he understood there were two issues; access and steep slopes. With respect to those issues, Bernie stated that:

- The RI District portion of the property is 12.5 acres and is the more accessible portion.

- Access is envisioned through two points: Champ Lane and Green Mountain Drive.
- The first stage of development would access three lots.
- Right of way and dead end road length were issues. Right of way needed: 50'. Currently on Champ Lane the r.o.w. varies between 16' and 50'.
- Road length through Champ Lane to property boundary is 1900", leaving 600' before the dead end trigger.
- Road length through Green Mountain Drive to the property boundary is 1550', the shorter of the two, leaving 950' before the dead end trigger.
- DDJG was leaning toward Green Mountain drive for primary access, with Champ Lane for emergency access.
- Driveways were required to be less than 15%.
- The road would be 24' with 2' shoulders.
- DDJG can make the access work.

David DuBrul stated that:

- Currently the upper 2/3 of the parcel goes with the upper 2 lots. That land could remain open either through common land, or purchase by VT Land Trust. In that case 20+ acres would be maintained as undeveloped land.

Sharon Murray asked if the length of the road from RT 2 via Green Mountain Drive to the top of the project would be less than 2500'. Bernie Chenette stated that approximately 3550' would be needed to serve the development and that a second access was clearly needed. Jerry Chabot asked if the dead road length was only for the road, and did not include driveways. Sharon replied yes, road only. It was noted that a letter had been received by the DRB from the Blows, property owners on Green Mountain Drive, expressing multiple concerns with access for the proposed project through Green Mountain Drive, and that copies had been forwarded to DDJG Property Ventures and Chenette Associates. Bernie noted the letter had been received. A copy is on file at the Town Clerk's office.

Sharon Murray asked what the soil types were. Review of the map revealed soils to be stony loam. Sharon noted that there were engineering specifications to show how developable that type of soil was.

Amy Grover provided slope limitation information, along with a memo from the Bolton Planning Commission to the group, which reiterated that the PC's intent in drafting the steep slopes portion of the BLUDR was to clearly prohibit any development (with certain exceptions as noted in the regulations) on slopes of 25% or greater.

Jeff Garfield provided a letter to the group from Mike Gervia, BVFD Chief with regard to the proposed access.

Jerry Chabot asked what the number of trips per day would be for the development. Bernie Chenette replied a total of 70, 10 per house.

Sharon Murray asked if the road needed to be that wide (noted 24" plus 2" shoulders). Bernie Chenette replies yes, to allow for safe two-way access.

Bernie Chenette provided a letter to the group from attorney David H. Greenburg with his interpretations of the BLUDR steep slopes provision. (Copies of all these letters are on file at the Town Clerk's office.) Sharon Murray noted that steep slopes are also reviewed under sections 7.2, 7.3 (C), and 7.4. Jerry Chabot noted that development is allowed on a pre-existing lot, and that the proposed subdivision is not pre-existing.

Jeff Garfield stated that they would not be building houses on slopes over 25%, only the roads. Sharon stated that the interpretation of land development includes roads, and that the PC memo backed up that interpretation. Bernie Chenette stated that there were slopes less than 25% for building and that they needed access those areas. Jeff stated that he had a road maintenance quote from Gene Armstrong, a local excavator, and that it would cost less than \$75 per month per unit, or approximately \$5200 per year. Jerry asked if that cost was all the way through to RT 2 on both ends. Jeff replied no, for their portion only, not Champ Lane or Green Mountain Drive. Michael Hauser noted the need to add in the costs out to RT 2, and noted the situation in he and Jerry's development and those road maintenance costs. Sharon noted that the state recommends paving of roads over 8% grade, and that the maintenance estimates might be low. Jeff stated that Gene Armstrong would be using black shale, which is less prone to washout. Rob Heimbuch noted that Gene had used that material on his driveway, and it had washed out two times during this winter. Rob Heimbuch stated that road maintenance costs were a moot point, and that it is not up to the DRB to determine what cost is excessive for maintenance. Jerry stated that it was not a moot point, that if the owners could not pay to maintain the road, and there was an emergency, that would be a real concern. Jerry added that issue made him less willing to allow for roads outside of the regulations. Margot Pender stated that if the DRB approved the subdivision, it would be a disservice to the residents that would eventually live there, and that the Town would be liable for allowing that (burdensome maintenance costs, not maintained for emergency access) to happen.

Jerry Chabot noted that the turnarounds would require aggressive cut and fill. Jeff Garfield stated that the regulations stated that there had to be turnarounds, and that they would only be 40' x 60', not football fields. Jerry stated that a 40' x 60' area would be significant. Michael Hauser stated that artificial cliffs would be created, needing either very strong retention, or hundreds of yard of fill. Jerry added that what was proposed would be a nice road, but that DDJG must work within the parameters of the BLUDR developed by the Planning Commission and approved by the Select Board.

Bernie Chenette asked if the proposed subdivision was a reasonable use of this lot. Sharon Murray stated that approval for seven non-conforming lots by the DRB was not reasonable use, and that approval would be contentious with potential for appeal. Rob Heimbuch stated that reasonable use was one house. Bernie stated that he understood they met the exemption for one house, and asked if the DRB would consider a variance for fewer lots, and how they would fare under the variance criteria. Sharon stated that a

variance was for pre-existing lots, not new developments, and that the exception was not to allow for the subdivision of lots other than transfer of ownership, not development. Bernie replied he thought the DRB could do a variance for anything. Sharon replied that they could not meet variance criteria #3, hardship. Rob added that they were creating the hardship, and that there already were unhappy neighbors on both sides of the property.

Jerry Chabot suggested that DDJG review the slopes in the lower end of the parcel, which might allow for small lots with common open land. Sharon Murray noted that DDJG could have a 24% slope and cut that to grade, and that PRDs do not have to meet the district standards. Michael Hauser suggested investigating with what accuracy the slopes on their map were depicted, questioning whether it was +/- 5% , or +/- .5%, noting that there was clearly lower grades in the lower right corner of the map. Bernie Chenette asked if they would have to come before the DRB for one home. Sharon replied that they certainly had the right to do one home under the exception and that they would need to come before the DRB for conditional use review, one hearing. Jeff Garfield stated that they had two issues; roads above 25% and lots above 25%. Sharon noted it was one issue, anything over 25%. Jeff asked if he could find slopes at 22% or 23%, could he develop. The DRB replied yes. Jeff noted his reluctance to throw away his investment in the 40 acres of land.

Sharon Murray asked if there were any other questions or comments. There were none.

Sharon Murray noted the slopes and access, as currently presented were not consistent with the BLUDR, adding that was the whole purpose of the sketch plan review, to give of indication of the DRB's thoughts with respect to a proposed project. Sharon noted that the DRB would send a letter, non binding, outlining those thoughts within 45 days, and that DDJG could proceed as they chose, either with the current plan, or a redesigned plan looking for slopes in the 15 – 24% range.

8:10 p.m.

Agenda Item #2 – Haggerty/McKeown Sketch Plan Review

Chris Haggerty and Michael McKeown appeared on behalf of the sketch plan. Chris reviewed the proposed subdivision and noted that:

- The proposed subdivision is of a 16-acre parcel in the RII District, into two 8-acre parcels.
- McKeowns own two separate, adjoining parcels, the 16-acre parcel and a ten-acre parcel, which they purchased in the 70's.
- An existing 16' x 16' cabin would be moved to the newly subdivided parcel, doubled in size along with a detached garage.
- Clearing would be done around the house site.
- There were 4 wells and a septic site to work around.
- Access to the site would be by a gravel drive, B71 standards, from Stage Road, 1600' with a hammerhead turnaround.

Sharon Murray asked if they had applied for state permits. Chris Haggerty replied no, they wanted to go before the DRB first.

Sharon Murray asked if the area encompassed any steep slopes. Chris Haggerty replied no, there was a small rise, which would lie behind the cabin.

Margot Pender asked if there was a legal right of way. Chris Haggerty replied yes.

Sharon Murray noted that the BLUDR required frontage for new lots, which would be an issue. Sharon added that a 50' right of way could be established to create the needed frontage, straddling the property line, adding that would give the opportunity for further subdivision. Chris Haggerty stated that they might consider a boundary line adjustment, which might be easier, and would keep the needed right of way for subdivision out of the critical septic area. Rob Heimbuch noted that either method would achieve the desired result.

Sharon Murray noted that the DRB would issue a letter within 45 days of the sketch plan review, non binding, and that the McKeowns and Chris Haggerty could proceed as they chose, either with a boundary line adjustment, or subdivision creating frontage with a right of way.

Sharon Murray noted that the DRB should send a suggestion to the PC that the BLUDR include a waiver provision for back lot subdivisions.

Agenda Item #3 – Minutes February 15, 2006

Margot Pender made the motion to accept the minutes of February 15, 2006. Jerry Chabot noted that two agenda items were listed as #2. All were in favor of accepting the minutes as amended, motion carried.

Agenda Item #4 - Other business or communications

Sharon Murray noted that she was scheduled to meet with the Select Board (two new members as of Town Meeting) on Monday, March 20, 2006 to review the duties/status of the DRB, and review a “to do” list for 2006 under consideration.

Agenda Item #5 – Adjournment

The meeting was adjourned at 8:20 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

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Sharon Murray, Chair