

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

**Development Review Board Public Hearing Minutes**

July 19, 2006

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

Development Review Board members absent: Margot Pender, Susan Vita

ZA: Dick Ward

Clerk: Amy Grover

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

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**Agenda**

1. DDJG Property Ventures LLC, conditional use review
  2. Michael Kokell, sketch plan review
  3. Minutes – April 26, 2006
  4. Other business or communications
  5. Adjournment
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**Call to Order**

Sharon Murray, Chair, called the hearing to order at 7:05 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 swore in all who would be giving testimony.

**Agenda Item #1 ~ DDJG Property Ventures ~ Conditional Use Review**

Sharon Murray noted that the hearing was convened to consider the request of DDJG Property Ventures LLC, David Dubrul and Jeff Garfield applicants, seeking conditional use approval for a dwelling/single family on 37.5 acres under Section 3.16 (B)(3) of the Bolton Land Use & Development Regulations. Property is located in the RI and RII Districts, off of Champ Lane, Tax Map Parcel ID # 4090579. Sharon noted that:

- A quorum of the DRB was present, 5 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 application, the public hearing date and time, and information regarding “interested person” status.
- Public notice had appeared in the July 2, 2006 edition of the Burlington Free Press.

- Two letters had been received with regard to the application: from the Guyettes and the Atwoods, serving to maintain their status as interested parties. No additional persons were present, or had contacted the DRB prior to the hearing seeking interested person status.
- DDJG Property Ventures had the right to appeal the decision of the DRB to Environmental Court.

Bernie Chenette reviewed the application for the DRB, and noted that:

- DDJG had returned with their conditional use application for one house on the 37.5 acre lot, a reasonable use given the steep slopes.
- The house site was as low as possible, in the lower right of the lot.
- Access is through Champ Lane.
- From the end of Champ Lane it is 900' to the property line, and then 600' from there to the building site, a total of 1500' for the driveway.
- The driveway will not exceed 15%.
- A pull out is located halfway along the driveway.
- Stone retaining walls will be constructed along the driveway, with ditches on the uphill side.
- Level lip spreaders will be used in two areas for water control, one above and one below the driveway switchback, approximately 350' from the property line.
- On site materials will be used to build the stone retaining walls.
- Proper erosion control measures will be put in place.
- Soils are conducive to building and stable.
- Three stone retaining walls will be built behind the house, 3 courses, each 8' high.
- No extraordinary drainage control measures will be installed behind the walls.
- The septic site will be a created flat area with stone retaining walls below and above the site.
- The septic site does not impact the water table.
- DDJG has not yet applied for the septic permi.
- The letter from the Atwoods mentioned the SPA for Fernwood Manor. Review of the SPA on the map from the state showed the eastern edge of the SPA on the western edge of the DDJG parcel. The proposed septic area is on the east of the DDJG parcel, clearly well out of the SPA.

Sharon Murray asked what the total disturbed area was. Bernie Chenette replied 1.7 acres with .55 acres impervious (roofs and driveways), adding that no state permit was needed as the impervious area was under 1 acre. Sharon asked if there was anticipated drainage onto other properties. Jeff Garfield replied no, the woods, vegetation and swale behind Fernwood Manor would prevent drainage onto other properties. Sharon asked what size culvert would be used. Bernie noted recommendation of a 36" culvert, based on a 10 year storm, that a 158 acre watershed would feed that culvert, and that it was not big enough to qualify for a stream alteration permit. Sharon asked if there was a need for an additional easement from the Guyettes for drainage. Bernie replied no.

Sharon Murray and Jerry Chabot noted that B71 standards called for a 3" gravel road surface, not the 2" surface proposed. Bernie Chenette stated that was not an issue to make the gravel road surface 3".

Sharon Murray asked if the plat showed the actual footprint or just a general outline. She noted that the DRB had recommended a designated building envelope in a previous sketch plan, which would allow for changes, not so much for the actual footprint, but for placement of the buildings on the parcel, without coming back to the DRB for approval. Sharon asked if DDJG would like to outline the building envelope now, so that they did not have to come back for changes. Bernie Chenette outlined the building envelope on the plat. Dick Ward asked that the revision be officially made and given to him for the record.

Dick Ward stated that the applicant was not the developer and noted his concern about an assurance that what was approved by the DRB would be built as such. Sharon noted that the developer would only need to stick to the design and use a certified engineer. Jeff Garfield noted that he was selling the parcel with the driveway and power in place, that he would not be developing the septic system, house, garage or barn. He added that once the permits were in place he was dumping the property. Dick stated that was his point, Jeff would dump the property and then someone else would come in. David Dubrul stated conformation of approved plans could be added to the sales contract.

Sharon Murray asked if there was any intent for an accessory dwelling. Jeff Garfield replied no.

Sharon Murray noted that access remained an issue, the 16" right of way on Champ Lane, with the BLUDR and state statutes requiring a 20' r.o.w. access, adding that she did not believe that the r.o.w. was something that could be waived. Sharon noted her surprise that nothing had triggered state review of the access and curb cut. Bernie Chenette noted that DDJG had a legal right of way to the parcel, a 16' r.o.w. for 300' through the Atwoods property, and that he would contact/follow up with Vermont Agency of Transportation as needed. Jeff asked how else would he access his parcel, and that he was not giving the Atwoods 50k for 3 feet of road, adding that the Atwoods have a commercial business, a junkyard, with traffic all day, and questioned why the Atwood should be worried about his one house. Mike Rainville asked if the access was grandfathered because it was pre-existing. Jeff added that the parcel had been there since the 1980's. Sharon asked if the 50' r.o.w. and access through Green Mountain Drive could be used instead. Bernie Chenette replied no, there were too many issues and obstacles with neighbors on that side of the parcel, and noted that the grandfathered question was a legal issue.

Mike Rainville asked if there would be an association formed to maintain the road. Jeff Garfield replied no, that the Atwoods and Champneys took care of their portions of the road, and the owner of his parcel would take care of the/his driveway. Mike asked if an association should be part of the plan. Rob Heimbuch replied that the DRB could not require the other property owners to form an association because of a new house. Sharon

Murray noted that the DRB could require that access meet the BLUDR. Jerry Chabot stated that DDJG already had an existing access to the parcel. Jeff noted access was on the deed. Sharon noted her concern of safety with a 16' r.o.w. accessing several properties, and a commercial business. Jerry stated that the access was legally there now, and that it was not reasonable to deny access to the property. Discussion ensued regarding number of trips per day for a commercial business, residence, or recreational property. Mike Rainville stated that the 16' r.o.w. was not an issue for him. Rob noted that it was a 20 year old problem that one house was not going to compound, and that quantifying it made no sense at all. Rob added that it would be no more dangerous than it was right now, and that the town allowed the 16' r.o.w. 20 years ago. Jeff stated that the road was big, 30' wide, and safe, and that the 16' r.o.w. was on paper only. Sharon asked if DDJG was concerned that the Atwoods might appeal a decision of approval. Jeff stated that they probably would. Sharon noted that if the case went to environmental court, DDJG could very well lose. Dick Ward stated the legal ramifications were that the 16' r.o.w. was DDJG's issue and that they were responsible for resolving the issue, or taking the chance that they could end up losing in environmental court.

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

Mike Rainville made a motion to approve the DDJG's application for conditional use approval for a dwelling/single family on 37.5 acres, with conditions to be determined in deliberative session. Rob Heimbuch seconded the motion. Four were in favor (Mike Rainville, Rob Heimbuch, Mike Hauser, Jerry Chabot), and 1 against (Sharon Murray), motion carried. Hearing closed at 8:10 p.m.

**Agenda Item #2 ~ Michael Kokell~ Sketch Plan Review**

Chris Haggerty noted the need to reschedule the sketch plan review as Doug Bicknell from Trudell Engineering, authorized to represent Mr. Kokell, was not present. Sharon Murray noted that the DRB would next convene on August 16, 2006.

Sharon Murray made a motion to enter deliberative session at 8:30 p.m. All were in favor, deliberative session opened. Sharon Murray made a motion to close the deliberative session at 8:55 p.m. All were in favor, motion carried, deliberative session closed.

**Agenda Item #3 – Minutes April 26, 2006**

Jerry Chabot made the motion to accept the minutes of April 26, 2006. All were in favor, motion carried.

**Agenda Item #4 - Other business or communications**

Sharon Murray noted that need for the DRB to meet with the PC to address waiver provisions in the BLUDR, and appointing an acting ZA.

Sharon Murray asked that a hard copy of minutes also be sent with information packets before meetings/hearings, and that the DRB be sent a copy of the minutes from the SB meeting.

**Agenda Item #6 – Adjournment**

The meeting was adjourned at 9:15 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