

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

Development Review Board Public Hearing Minutes

November 15, 2006

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

Development Review Board members absent: Jerry Chabot

Clerk: Amy Grover

Also present: Nicole Fitch, McCain Consulting, Inc., Leigh Sykes, Chris May

Agenda

1. Sykes~ conditional use and flood hazard review
 2. May ~ sketch plan review
 3. Amendment to the DRB Rules of Procedure
 4. DRB clerk duties review
 5. Minutes – October 18, 2006
 6. ZA monthly report
 7. Communications or mail
 8. Any other business
 9. Adjournment
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Call to Order

Sharon Murray, Chair, called the meeting to order at 7:02 p.m. Sharon made the motion to enter executive session for an applicant interview. All were in favor, motion carried. Sharon made the motion to exit executive session. All were in favor, motion carried.

Sharon Murray called the hearing to order at 7:35 p.m., noted that the hearing was a reconvened recessed hearing from October 18, 2006, and that those giving testimony were still under oath. Sharon asked if there were any new parties present. There were none. Sharon reviewed the agenda items, and noted that there were no changes, and that there was a quorum of the DRB present. Sharon asked if there was any public comment. There was none.

Agenda Item #1 ~ Sykes ~ conditional use and flood hazard review

Sharon Murray noted that the hearing was re- convened from October 18, 2006 to consider the request of Leigh Sykes, applicant, seeking conditional use and flood hazard review under Sections 5.4 and 5.5 of the BLUDR for a proposed 7 bay garage (36' x 100'), existing structure 2693 square feet. Property is located in the Village District, 3504 Theodore Roosevelt highway, Tax Map Parcel ID # 2003504. 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 October 1, 2006 edition of the Burlington Free Press.
- No additional persons were present, or had contacted the DRB prior to the hearing seeking interested person status.
- Mr. Sykes had the right to appeal the decision of the DRB to Environmental Court.

Sharon noted for the record that a letter had been received from Rebecca J. Pfieffer, State of Vermont Water Quality Division, regarding the Base Flood Elevation, placement of fill, location of propane tanks and proposed garage.

Nicole Fitch reviewed the information requested and noted that:

- The revised site plan included the tree line on the eastern side of the property.
- The tree line was substantial and included 4 pines, spruce, and a weeping willow.
- The adjacent residence was fully shielded by the trees, and was not visible from the location of the proposed garage.
- Vehicles entering the drive will shine their headlights to the north toward I89, followed by a westerly turn into the garage. Headlights will not be directed toward the residence.
- Security lights on the garage will be on 6 minute sensors.
- The propane tank has been relocated to the rear and placed on fill.

Rob Heimbuch asked what the construction timeline now was. Mr. Sykes replied construction would now be delayed until spring 2007.

Sharon Murray asked for a description of the type of fill being used. Mr. Sykes replied the fill was sandy loam, and was being trucked to the site by Gene Armstrong. Sharon noted that there were FEMA requirements for fill. Mr. Sykes noted that he did not have a better answer for the board other than the fill was sandy loam, coming from the pit on the Notch Road in Bolton. Mr. Sykes noted that the footings for the building would be below the existing grade by 18” – 26”.

Sharon Murray asked if all electrical and septic would be located above the flood level. Mr. Sykes replied yes.

Sharon Murray asked if there would be water access in the garage. Mr. Sykes replied no, there was nothing planned, and that if he needed water there to wash a vehicle he would run a hose from the existing building.

Sharon Murray asked what size the propane tank was. Mr. Sykes replied it was a 500 gallon tank, which was large for his use, and that he could easily use a smaller tank.

Sharon noted that only tanks larger than 550 gallons were regulated, and noted that certification from an engineer that the tank was protected would not apply unless located below the base elevation.

Sharon Murray asked if there were any issues with the State requirements. Nicole Fitch replied no.

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

Sharon noted that the DRB was required to incorporate the state's recommendations into the DRB decision, and that the DRB had 45 days to issue that decision, adding that the board would do their best to expedite the decision.

Agenda Item #2 ~ May – sketch pan review

Sharon Murray noted that the sketch plan review was an informal meeting to acquaint the DRB with a proposed subdivision early in the process to allow for: classification as a minor or major subdivision, consideration of compliance with the regulations in effect, and to consider any associated waivers. Sharon asked Mr. May to provide the board with information regarding his proposed subdivision. Mr. May noted that:

- The parcel was located at 3336 Notch Road, in the RII District and totals 14.61 acres.
- The subdivision would create two lots of 7.31 and 7.30 acres.
- He and his brother Thomas want to subdivide so that they each have their own parcel of land.
- He and his brother currently split the cost of taxes, and he didn't want to be liable if his brother chose not to pay his share.
- He is unable to apply for a second mortgage because of the shared ownership.
- He wants to be able to leave his land to his children.
- He has lived there for 18 years, and when he purchased the land, minimum lot size was 6 acres.
- There are two mobile homes on the parcel, and both have been there for 18 years.
- There are two separate conventional septic systems for the mobile homes which are fully functioning, with a 1,000 gallon concrete tank.
- There is a shared drilled well, 504 feet deep, water 12" from the top with a flow of 2 – 2.5 gallons per minute.
- The pump for the well is wired to his mobile home.

Sharon Murray noted that the subdivision would create two non conforming lots, as minimum lot size in the RII District is currently 10 acres. Sharon added that the DRB could approve the subdivision for transfer of ownership if the mobile homes were constructed on the lot prior to zoning, but that water and septic would require documentation and easements.

Sharon Murray asked if the two mobile homes would be moved. Mr. May replied no.

Sharon Murray asked if Mr. May would grant an easement to well access. Mr. May replied yes, and for the road also. Mr. May noted that his brother might put in a second road for access on his side of the lot.

Sharon Murray noted that the DRB needed to be sure that the water and sewer systems were fully functioning in the event that the lots were sold, that there were easements for access to the water and sewer, and that those were requirements under state law. Mr. May noted that he had a replacement septic field approved by the state, and the difficulty of finding that documentation. Sharon noted that the state regulations had changed since that time. Mike Rainville suggested Mr. May contact the well drilling company for documentation and asked if Mr. May needed to have an engineer certify the systems. Sharon noted that Mr. May's lawyer would need to draw up easements and that it would be optimal to have that documentation, but that ultimately it was a state issue and that the DRB could accept Mr. May's testimony under oath that the systems were fully functioning.

Sharon Murray asked if there were any other questions or comments. There were none. Sharon noted that the DRB would issue Mr. May a letter outlining requirements for the subdivision, which would include statutory language, and that the subdivision qualified as a minor subdivision. Mr. May noted that he would probably submit his application in time for the January 2007 DRB meeting.

Sharon Murray made the motion to enter deliberative session. All were in favor, motion carried (8:15 p.m.). Rob Heimbuch made the motion to exit deliberative session. All were in favor, motion carried (8:45 p.m.).

Agenda Item #3 ~ Proposed Amendment to the DRB Rules of Procedure

The board reviewed the proposed amendment to the DRB Rules of Procedure. Rob Heimbuch made the motion to adopt the proposed amendment. All were in favor. Motion carried.

Agenda Item #4 ~ DRB Clerk duties review

The DRB noted that the DRB clerk duties had been reviewed under Agenda Item #3.

Agenda Item #5 ~ Minutes October 18, 2007

Mike Rainville made the motion to accept the minutes of October 18, 2006. All were in favor, motion carried.

Agenda Item #6 ~ Monthly Report from the ZA

Tabled until further notice. Amy noted that Dick had called her that afternoon to tell her he would not be coming to the meeting that evening. He stated he would be leaving in the morning for Florida for the winter.

Agenda Item #7 - Other business or communications

The DRB reviewed the letter from Bob Fries regarding Bolton Valley's compliance with conditions for the quad lift, and Dick Ward's notation that Mr. Fries personal

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documentation that conditions had been met was not sufficient. The board noted that Dick will need to continue to follow up on this issue.

Agenda Item # 8 ~ Any other business

Margot Pender reviewed the status of the ad hoc committee, stating that the next three meetings scheduled for November and December had been cancelled, and that the ad hoc committee would not be meeting again until Bolton Valley submitted some type of master plan.

Agenda Item #9 – 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

Sharon Murray, Chair