

**Bolton Development Review Board Meeting Minutes**  
**March 26, 2008**

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

**Development Review Board**  
**Meeting Minutes**

March 26, 2008

Members Present: Sharon Murray, Chair; Jerry Chabot, Vice Chair; Mike Hauser; Margot Pender, Mike Rainville, and Jen Andrews, Alternate.

Others Present: John Devine Bolton Select Board, Miron Malboeuf ZA

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**Warned Agenda**

1. Public Comments
  2. Public Hearing– Michael Kokell/Final Subdivision, PRD approval
  3. Public Hearing – Town of Bolton/Town Office –Waiver (Rear Entrance), Amended Site Plan Approval (Landscaping Plan)
  4. DRB Meeting Minutes – October 2007, December 2007 (\*no meetings in January or February of 2008)
  5. Other Business
  6. Adjournment
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**Call to Order**

Sharon Murray, Chair, called the meeting to order at 7:04 p.m.

**1. Public Comment**

Ms. Murray asked if there were any public comments on the matters being brought before the Board and there were none.

**2. Public Hearing – Michael Kokell/Final Subdivision, PRD Approval**

Ms. Murray asked Mr. If Mr. Pitrowiski had submitted a letter requesting continuance Mr. Malboeuf stated that he had requested a letter but had not received it yet. The chair entertained a motion to continue the Kokell hearing

**MOTION** by Ms. Pender to continue the hearing to May 28, 2008, 7:00 pm at the Bolton Town Office. **SECOND** by Mr. Chabot. The motion passed unanimously.

**3. Public Hearing – Town of Bolton/Town Office**

Ms. Murray next convened the public hearing for the Town of Bolton requests for (a) a variance for a roof over the rear entryway, and (b) amended site plan approval for the landscaping plan submitted at the request of the DRB. The notice was read as warned. Mr. Malboeuf indicated that that all adjoining had been notified of the hearing and the notice had been published and posted as required. No conflicts of interest or ex parte communications were identified.

**3(a) Bolton Town Office/Variance (Waiver) Request for Roof over Rear Entry**

Mr. Devine, representing the Town of Bolton as the applicant, stated that due to the elevation and grade of the rear entry – designed to facilitate handicapped access – water from the roof was seeping under the doorsill and into the office. This had resulted in some flooding around the entry and wet carpets. The solution suggested by the contractor was to install a gable roof over the rear entry to direct the water away from the door face and sill. The roof was then installed.

Mr. Chabot asked how the how the issue had been brought before the Development Review Board. Mr. Malboeuf stated that when he noticed the roof, he informed the Town that it did not comply with previous DRB findings and approvals and that the structure now encroached further into the rear setback. To bring the addition into compliance an amended variance or waiver from the DRB would be required, as warned for the March DRB meeting.

Ms Murray asked for clarification whether the matter should be considered as a variance or a conditional use under the waiver provision, given that the town office is a previously approved nonconforming structure. Mr. Hauser suggested that the waiver provision of the regulations was a more appropriate way to address the issue under related conditional use criteria. Ms Murray requested a motion to consider the application as a waiver, under conditional use criteria, rather than a variance under the variance provisions of the regulations.

**MOTION** by Ms. Pender to hear the application as a waiver, **SECOND** by Mr. Chabot. The motion passed unanimously.

Ms. Murray stated that the town office currently encroaches 15 feet into the 25 foot rear setback. The maximum encroachment that the DRB can grant under the waiver provision is 50% or 7.5 feet – the roof must be at least 2.5 feet from the property line.

Mr. Malboeuf indicated that the roof, as constructed, measures three feet by five feet, extending over the cement pad that was previously approved by the board. As such, it does not affect lot coverage. The roof as constructed is now located seven (7) feet from the property line.

Mr. Hauser asked if the entry roof had solved the water infiltration problem. Mr. Devine answered that it had and the building was now secure.

With regard to applicable conditional use criteria, it was agreed that the roof, as constructed, functioned to maintained the condition and capacity of an existing public facility, and would have no additional impact on character of the area, traffic, bylaws currently in effect, or the use of renewable energy resources, and that it was consistent with the site plan as previously approved by the board.

**MOTION** by Mr. Hauser to grant conditional use approval waiving the setback requirement for a three-foot by five-foot roof over the rear entry to the town office, subject to the issuance of a Zoning Permit. **SECOND** by Mr. Chabot. The motion passed unanimously.

**3(B) Bolton Townn Office/ Site Plan Amendment (Landscaping Plan).**

Ms. Murray then moved the hearing to agenda item 3(b) –approval of a landscaping plan, submitted as a condition of prior site plan approval, issued by the DRB on July 18, 2007. She indicated that, at the time of the original approval, the Board was primarily concerned with parking, access to the building, and the preservation of a walkway corridor extending along the front of town property along Route 2 from the town office to the cemetery parcel. The Board had also required screening for the north side of the parking lot, shrubs along the building to screen or breakup the façade, and the planting of salt-tolerant street trees along the highway.

Mr. Devine stated that the landscaping had been donated to the town by Bolton Valley (Redstone), and that the Town had relied on their landscaping expertise to accomplish the DRB's goals. The landscaping plan as submitted for the hearing shows the location of newly planted maples along the highway, the relocation of existing lilac bushes to west side of the parking lot, and the proposed relocation of the War Memorial, Flag Pole and office sign. The plan was an attempt to visually depict the present planting and future elements of the site.

Ms. Murray asked if the trees, as planted, were outside the highway right of way and whether they would, in the future, interfere with overhead utility lines. A visual inspection was conducted by members of the Board and it was determined that the trees were nineteen feet from the centerline of the road and that the power and utility lines crossed to the other side of the highway.

The location of the sign was discussed and Mr. Devine stated that exact location had not been determined and that letters identifying the building as the Town offices might be placed on the gable end over the main entrance.

The board indicated that a detailed landscaping plan, drawn to scale, that identified the location of the monuments, flag, lift chair and existing and future plantings, and a list of species, were key requirements of their previous decision. Mr. Malboeuf stated that the Town had attempted to hire a landscape architect or someone to develop a plan to scale; as they were unable to find someone, they had created their own plan.

Mr. Chabot stated that if was a matter of creating a scaled drawing, he would be happy to volunteer his services. Mr. Malboeuf stated that Mr. Chabot's assistance would help the town's staff to complete the process of issuing a permanent certificate of occupancy for the structure. Ms. Murray noted that in that event Mr. Chabot provided this service to the town, he should recuse himself from future deliberations and votes on the matter.

Ms. Pender stated that, regarding the building façade, the windows accomplished the purpose of breaking up the visual impact and that less planting along the Rt. 2 side would be acceptable. It was suggested that the Town's application for an approved landscaping plan be continued to the next meeting May 25, 2008, pending the submission of a plan drawn to scale, as prepared for the Select Board by Mr. Chabot.

**MOTION** by Mr Rainville to continue the hearing to May 28, 2008, 7:00 pm at the Bolton Town Office. **SECOND** by Ms. Pender. The motion passed, with Mr. Chabot abstaining.

**4. Meeting Minutes**

Given the late hour and lack of draft minutes it was agreed to postpone action on past minutes until the next regular meeting of the board.

**5. Other Business**

No other business was brought to the attention of the board.

**6. Adjournment**

Ms. Murray adjourned the meeting at 10:00 pm.

Respectfully submitted,

Miron C Malboeuf  
Zoning Administrator

These minutes were accepted by the Development Review Board on September 24, 2008

  
Sharon Murray, Chair