

**Town of Bolton**  
**Development Review Board**

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

**Findings and Decision**

**In re: Catamount/Bolton Land, LLC**  
**Final approval of a major subdivision**  
**April 26, 2006**

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves the review of an application for subdivision of land submitted by Catamount/Bolton Land, LLC, John Wakefield agent, for final approval of a major subdivision under the Bolton Land Use & Development Regulations.
2. The application was received at the Bolton Town on March 28, 2006. A copy of the application is available at the Bolton Town Office.
3. On Tuesday, April 11, 2006, notice of a public hearing for final subdivision review was published in the Burlington Free Press.
4. On Friday, April 7, 2006, notice of a public hearing for final subdivision review was posted at the following places:
  - a. The Bolton Town Office.
  - b. Catamount/Bolton Land, LLC's property, which is within view of the Bolton Valley Access Road, public-right-of-way most adjacent to the property for which the application was made.
  - c. The Bolton Store
  - d. The Jonesville Post Office
  - e. Smilie Memorial School
5. On Saturday, April 8, 2006, a copy of the notice of a public hearing was mailed to the applicant. On Saturday, April 8, 2006, a copy of the notice of public hearing was mailed to the nineteen owners (names and addresses provided by Catamount/Bolton Land, LLC) of properties adjoining the property subject to the application.
6. The application and plat were considered by the Development Review Board at a final public hearing on Wednesday, April 26, 2006. The Development Review Board reviewed the application and plat under the Bolton Land Use & Development Regulations, as adopted January 5, 2005 (effective date January 26, 2005).
7. Present at the hearing were the following members of the Development Review Board, representing a quorum of the board:

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- Sharon Murray, Chair
  - Margot Pender
  - Mike Rainville
  - Jerry Chabot
  - Michael Hauser, Alternate
  - Rob Heimbuch, Alternate
8. At the outset of the hearing, Development Review Board afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. It was determined for the record that Catamount/Bolton Land, LLC, John Wakefield, agent, as applicant met the criteria for interested person status and retained the right to appeal any decision of the DRB under these proceedings. No other person requested interested person status or otherwise participated in these proceedings.
9. During the course of the hearing the following exhibits were submitted to the Development Review Board, which are available at the Bolton Town Office:
- The DRB application form, cover letter, map showing the proposed subdivision of Lot B-1, adjoiner list, ANR wastewater system and potable water supply permit application, stand analysis, forest stand map, and a property base map.

**FINDINGS**

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

1. The applicant seeks a permit to subdivide land; the subject property is an 840+/- acre parcel located off of the lower west side of the Bolton Valley Access Road in the Town of Bolton, Tax Map Parcel ID # 3003227. The applicant will retain the remaining parcel of land consisting of approximately 1,517 +/- acres.
2. The property is located in the Rural II and Forest Districts as depicted on the Town of Bolton Zoning Map on record at the Bolton Town Office and as described in Tables 2.5 and 2.7 of the Bolton Land Use & Development Regulations.
3. The major portion of the lot encompasses steep slopes, not conducive to development. No development is proposed at this time.
4. Development of this parcel *will not be applicable* under Section 3.16 (B)(3) of the Bolton Land Use and Development Regulations. The lot is not pre-existing to The Bolton Land Use and Development Regulations, as adopted January 5, 2005 (effective date January 26, 2005).

5. Catamount/Bolton Lands LLC is amending their state permit because of the water/wastewater system being on the retained portion, and therefore originally part of the 840 acre parcel.
6. The proposed parcel is virtually all productive bear habitat, with American Beech stands, and deer habitat coming close to the parcel border. Catamount/Bolton Lands, LLC is working with forester Scott Moreau.
7. With regard to ACT 250, there was no hearing called, and the ACT 250 Permit is expected the week of May 1, 2006.
8. There are no written easements for VAST, GMC, or Catamount trails. The future owner plans to allow for continued use, but not in writing/easements.
9. At the February 15, 2006 sketch plan review, the Development Review Board classified the subdivision application as a major subdivision application.
10. At the February 15, 2006 sketch plan review, the Development Review Board determined that the subdivision as proposed would be in compliance with The Bolton Land Use & Development Regulations, under which the application was being reviewed, the Town Plan, and municipal regulations currently in effect.
11. At the February 15, 2006 sketch plan review, the Development Review Board considered a waiver request under Section 6.2 (B) by the applicant to waive preliminary subdivision review under Section 6.4 for major subdivisions that do not require the installation of roads or other improvements, and all resulting parcels are 30 acres or more. The Development Review Board approved the waiver request to waive preliminary subdivision review.
12. Subdivision approval is requested for the project pursuant to review under the following sections of the Bolton Land Use & Development Regulations:
  - Article VI, Section 6.5
  - Article VII, Sections 7.1 - 7.3
  - Article II, Section 2.3, Tables 2.5 and 2.7
  - The DRB waived the final subdivision application requirement for the final plat to be on Mylar, and accepted a paper copy at the April 26, 2006 public hearing. This waiver does not apply to Section 6.6, Plat Recording Requirements.

## **DECISION AND CONDITIONS**

Based upon these findings, and subject to the conditions set forth below, the Development Review Board votes (6 – 0) to grant the application for final approval of a major subdivision.

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Members voting in favor: Sharon Murray, Jerry Chabot, Margot Pender, Mike Rainville, Michael Hauser, Rob Heimbuch

The proposed subdivision meets the requirements of Article VI, Section 6.5, Article VII, Sections 7.1 – 7.3, and Article II, Section 2.3, Tables 2.5 and 2.7 of the Bolton Land Use & Development Regulations.

- Article VI, Section 6.5 ~ the final plan and proposed plat conform to applicable review standards under Article VII, 7.1 – 7.3, and the Town Plan.
- Article II, Section 2.3, Tables 2.5 and 2.7 ~ the final plan and proposed plat meet the dimensional standards, minimum lot size 25 acres.

The Development Review Board approves the application and plat subject to the following conditions:

1. Within 180 days of receipt of final subdivision approval under Section 6.5, the subdivider shall file a Mylar plat in the Bolton land records in accordance with the requirements of 27 V.S.A. Chapter 17, and the Bolton Land Use & Development Regulations. The Mylar plat shall show the contour lines/steep slopes.
2. Development of this parcel *will not be applicable* under Section 3.16 (B)(3) of the Bolton Land Use and Development Regulations. The lot *is not* pre-existing to The Bolton Land Use and Development Regulations, as adopted January 5, 2005 (effective date January 26, 2005).
3. Within 180 days of receipt of final subdivision approval, a copy of the bear habitat report from the Vermont Fish and Wildlife Department shall be placed on file with the original application at the Bolton Town Clerk's Office.
4. The Bolton DRB strongly encourages Catamount/Bolton Land, LLC to place conservation easements for the VAST, Catamount, and GMC trails encompassed within and/or in close proximity to the subdivided parcel.

The approval of the Development Review Board shall expire 180 days from the date of this decision, unless the approved plat is duly filed or recorded in the Bolton Town Office.

Dated at Bolton Vermont, this 26<sup>th</sup> day of April 2006.

\_\_\_\_\_, Chair

\_\_\_\_\_, Vice Chair

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**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.