

Town of Bolton
Development Review
Board

3045 Theodore Roosevelt Highway
Waterbury, VT 05676
(802) 434-5075

In re: Bolton Town Office/ Site Plan Approval
July 18, 2007

Findings & Decision

INTRODUCTION & PROCEDURAL HISTORY

1. This proceeding involves a request submitted by the Town of Bolton for site plan approval to construct a new town office on the site of the existing Bolton Town Office (scheduled for demolition), under Section 5.3 of the Town of Bolton Land Use & Development Regulations. The town office property is located at 3045 Theodore Roosevelt Highway (RT 2), in the Village I Zoning District (Tax Map Parcel ID #15-2003045). All materials regarding these proceedings are on file for review at the Bolton Town Office.
2. The application for site plan approval was received by Lawrence Peterson, Zoning Administrator, and referred to the Development Review Board on June 4, 2007.
3. On Monday, June 4, 2007, a copy of the notice of a public hearing was filed with the applicant, the Town of Bolton.
4. On Monday, June 4, 2007, a copy of the notice of public hearing and information regarding interested person status was mailed to the all owners of properties adjoining the property subject to the application, on file at Town Office.
5. On Monday, June 4, 2007, notice of a public hearing was posted at the following places:
 - a. Bolton Town Office.
 - b. Bolton Store.
 - c. Smilie School.
 - d. The Bolton Town parcel, within view of Route 2, the public-right-of-way most nearly adjacent to the property for which the application was made.
6. On Tuesday, June 5, 2007, the notice of public hearing was published in the *Burlington Free Press*.
7. The application for site plan approval was considered by the Development Review Board at a warned public hearing held at the Bolton Town Office on Wednesday, June 20, 2007. The Development Review Board reviewed the application under the Bolton Land Use & Development Regulations (BLU&DR), as adopted January 5, 2005 (effective January 26, 2005).
8. Present at the hearing were the following members of the Development Review Board, representing a quorum of the Board:
 - Sharon Murray, Chair
 - Margot Pender
 - Michael Rainville
 - Michael Hauser

No conflicts of interest were disclosed by members of the board. Sharon Murray indicated that, in the absence of a Zoning Administrator, she had responded to questions and discussed basic permitting and procedural requirements with John Devine and Deborah LaRiviere prior to the hearing.

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9. At the outset of the hearing, the Chair 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 has been determined for the record that the Town of Bolton, as the applicant, meets the criteria for interested person status and retains the right to appeal any decision of the DRB under these proceedings. The following appeared and presented testimony on behalf of the town, as reported in the minutes of the meeting on file at the Bolton Town Office:

- John Devine, Bolton Select Board
- Patrick Mallow, Bolton Select Board
- Deborah LaRiviere, Bolton Town Clerk
- Dan Morin and Gordon Rowe, DG Morin Construction LLC

No other persons requested interested person status or otherwise participated in these proceedings.

10. During the course of the hearing the following exhibits were submitted to the Development Review Board for consideration, which are on file at the Bolton Town Office:

- Application for a zoning permit, signed, dated (and denied) on 5/30/07.
- Notice of appeal and application for a variance request, signed and dated 6/4/07.
- List of adjoining property owners.
- Copy of Bolton Tax Map #15 showing the location of the town parcel in relation to adjoining properties, rights-of-way, the Winooski River and the Flood Hazard Area Overlay District (FEMA designated 100-yr flood plain).
- "Bolton Town Clerk Meeting Agenda," dated May 29, 2007, prepared by DG Morin Construction, listing "Items to Discuss," with attachments including "Specifications for Bolton New Town Offices," "Bolton New Town Offices Code Analysis," and window, door and finish schedules.
- Two site maps (no date), prepared by DG Morin Construction, LLC (from survey information prepared by Walter Urie, dated October 1977) showing the general location of the existing and proposed town office, parking area and related improvements, in relation to adjoining road rights-of-way (RT 2, Harley Lane/TH #18), and the New England Central Railway right-of-way to the rear of the property.
- "New Town Office Building" construction specifications prepared by DG Morin Construction, LLC, dated 6/4/07, including a foundation plan, floor plans, building elevations (north, south, east, west), wall sections and truss design.
- The town's state wastewater system and potable water supply system permit application, signed and dated 6/12/07, including a Sanitary Plan (SP1) and Details (D1), dated 5/21/07, prepared by John T. Pitrowiski, PE of Trudell Consulting Engineers, a certification of system design by John P. Pitrowiski, PE, dated 6/7/06, and a copy of the fire station's current wastewater system permit (PB-4-0279) dated 1/12/78.

11. The public hearing was adjourned on June 20, 2007 at the request of the Town for an expedited process, with the stipulation that written verification would be provided regarding information presented in testimony, including lot dimensions, specific lot and building coverage and setback distances, right-of-way widths, and the height of the existing antenna to be remounted on the roof of the new town office. Transmittals from Gordon Rowe of DG Morin Construction, dated 6/25/07 and 7/9/07, were received by the DRB on 6/26/07 and 7/10/07 respectively, which are on file at the town office. Remaining information discrepancies in application materials were clarified in a phone call from Sharon Murray, DRB Chair, to Gordon Rowe of DG Morin LLC on 7/19/07 (see File Notes: DRB Calculations).

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12. Following hearing adjournment, the Development Review Board considered this application in deliberative session, pending issuance of a written decision within 45 days of the date of hearing adjournment.

FINDINGS

Based on the application, testimony, exhibits, and other evidence submitted for review, on file at the Bolton Town Office, the Development Review Board makes the following findings:

Property Description:

1. The subject property is located at 3045 Theodore Roosevelt Highway (RT 2) in the Town of Bolton, Vermont (Tax Map #15, Parcel ID #2003045). The existing town office, office parking area, fire station, fire station parking area, on-site water and wastewater systems, and a memorial are located on the property.
2. The subject property is bounded to the north by RT 2, to the east by Harley Lane (TH #18), to the south by the New England Central Railway right-of-way, and to the west by the cemetery lot.
3. The town lot frontage along RT 2, as calculated by DG Morin Construction, LLC, from survey data, is 409.75 feet. RT 2, along this stretch, has a 50-foot right-of-way. The town office portion of the lot and parking area are accessed from Harley Lane (TH #18) to the east. The fire station and station parking area are accessed directly from RT 2.
4. The property is located entirely within the Village I (VI) Zoning District as depicted on the Town of Bolton Zoning Map on record at the Bolton Town Office, and described in Table 2.1 of the Bolton Land Use & Development Regulations. It is not located within the Flood Hazard Overlay District (designated 100-year floodplain).
5. The town office is a type of “public facility” listed in Table 2.1 as a permitted use within the V1 District, subject to district requirements under Table 2.1, applicable general regulations under Article III, and site plan review and approval by the Development Review Board under Section 5.3 of the Bolton Land Use & Development Regulations.

VI Zoning District Criteria (Table 2.1):

6. The town lot is a pre-existing, nonconforming small lot of 0.64 acres (27,878.4 SFT), as calculated from survey data, which does not meet the current district minimum lot area requirement of 1.0 acre, but may still be developed or redeveloped for the intended use under Section 3.7 (Nonconforming Lots) of the regulations. The lot has 409.75 feet of frontage along RT 2, and therefore meets the minimum district frontage requirement of 150 feet.
7. As proposed, the new town office will be sited to meet the district front setback requirement of 15 feet, as measured from the edge of the RT 2 right-of-way, and the side setback requirement of 25 feet, as measured from side property lines, but will not meet the rear setback requirement of 25 feet, as measured from the rear property line. As proposed, the building will be sited 15 from the rear property line, and thereby encroach 10 feet into the required rear setback area. The town applied for a variance from the district rear setback requirement, which was granted by the Development Review Board with conditions on July 18, 2007.
8. The town office to be constructed is 31' x 54' with a 7' x 6' entry, or 1,716 SFT in total area. The office parking area, as proposed, is 1,688 SFT in area. Calculated from information submitted by DG Morin, LLC, the total building coverage (including the new office, existing

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fire station, and fire station addition) is 6,600 SFT or 23.7% of the total lot area; total lot coverage (also including existing and proposed parking areas, paths and other impervious surfaces) is 16,479 SFT or 59.1% of the total lot area. Total building and lot coverage areas, as proposed, are less than maximum allowed district building (40%) and lot (60%) coverage.

9. The height of the new building, as indicated on application materials, will be 19' 3". The existing municipal antenna, to be remounted on the new building, is 11 feet in height. The combined total height (30' 3") is less than the maximum district height requirement of 35 feet and therefore meets district height requirements. Because the antenna is less than 12feet in height, it is not otherwise subject to municipal review under 24 V.S.A. §4412 (as amended in 2007).
10. The proposed town office is sited to meet the front district setback requirement of 15 feet, and to maintain a vegetated, landscaped area at least 15 feet in depth along the length of RT 2, with the exception of approved curb cuts and pedestrian walkways, as required for this district under Table 2.1(E)(2). In order to expedite the review process, the town agreed to meet DRB landscaping requirements as a conditional of approval.
11. The proposed town office is a municipal facility that is open to the public and intended for general public access, as specified for public facilities in this district under Table 2.1(E)(6), and is therefore a conforming use.

Site Plan Review Criteria (Section 5.3):

12. **Site Features.** The new town office will be located on town property, on the site of the existing town office which is scheduled for demolition. Site layout and design, to the extent feasible, incorporate existing site features, including the existing fire station and station parking area, existing and replacement wastewater disposal fields, and the town monument. As proposed, some existing vegetation will be removed or relocated as indicated on submitted site maps, and the town office parking area will be reduced, as needed to accommodate a larger town office. The flag pole and town sign will also be relocated. No other significant features requiring protection, as specified in Section 5.3(C)(1) of the regulations, are located on the site.
13. **Site Layout & Design/Village Districts.** The new office is sited to maintain the required minimum front setback and landscaped area of 15 feet along RT 2. The proposed building is larger than the existing structure, which will increase the density of development on the lot as recommended for village districts. The building is of a pedestrian scale, but not a pedestrian orientation – as proposed there is no entrance to the building or pedestrian access from or along town property bordering RT 2. Because of lot limitations and accessibility requirements, the primary entrance will be located on the east side of the building, accessed from the parking area, rather than the front of the building facing RT 2. In order to maximize southern exposure and minimize road noise, town offices are to be located in the back rather than the front of the building, resulting in blank wall spaces on the north and west sides of the building where the vault is to be located, which are visible from RT 2. Mr. Morin indicated that, in lieu of reversing the office layout, the building façade and streetscape along RT 2 could be improved through the installation of fake windows and landscaping. No landscaping plan was submitted but, in order to expedite the process, the town agreed to accept related DRB requirements as a condition of approval.
14. **Vehicular Access.** The town office parking area is accessed from Harley Lane (TH#18), a secondary right-of-way, rather than Route 2, in conformance with the regulations. No access improvements are proposed, however the access must meet applicable town (B-71) standards, as required under Section 3.2 (Access & Driveways) of the regulations. The fire station parking area, to include three proposed employee parking spaces, is accessed

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directly from RT 2, which may be subject to review and approval by the Vermont Agency of Transportation. No change in the location or extent of this access is proposed. No increases in the number of employees, or trip generation rates, are anticipated.

15. **Parking, Loading & Service Areas.** The existing and proposed town office parking area is located to the side of the building as required under the regulations. Based on the square footage of the new office, a minimum of nine parking spaces (1 space/200 sf), measuring a minimum of 9' x 18', are required in accordance with Section 3.11 (Parking) of the regulations. The nine spaces must include one designated and marked van-accessible handicapped space near the main entrance that meets applicable ADA requirements, including an adjoining aisle that is at least 96 inches (8 feet.) wide. As proposed, six of the required spaces, including the van accessible space, are to be located in the town office parking area. Three employee spaces will be located in the fire station parking area. Employee parking spaces will be connected to the office by a 3-foot wide path to the rear entrance of the building. The parking area must be landscaped or screened to minimize its visibility from RT 2, as required under Section 5.3(4)(b), however this was not addressed in application materials. In order to expedite the review process, the town agreed to meet related DRB landscaping requirements as a condition of approval. Because this is a public building, at least one bicycle rack, not shown on submitted materials, is also required.
16. **Site Circulation.** A proposed asphalt ramp provides minimum pedestrian and handicapped access from the town office parking area to the side (main) entrance. The only proposed pedestrian path links employee parking spaces in the fire station lot to the rear employee entrance. It does not extend through to the town parking area because it is not intended for use by the general public. As proposed, no provision is made for general pedestrian access across the town lot, or to the town office from RT 2, as required under Section 5.3(C)(5). Pedestrian circulation was not addressed by the town. Currently there are no walkways or adopted sidewalk plans for the village, however these are envisioned and incorporated in village district requirements
17. **Landscaping & Screening.** The only landscaping proposed includes raised beds, framed by 8' x 8' railroad ties, located in otherwise "unusable areas" on either side of the access ramp to the main entrance as shown on the site map, and the relocation of disturbed vegetation. Other landscaping requirements – for front and side yards, to screen parking areas, to interrupt building facades, to establish street trees, and to enhance the overall appearance and environmental quality of the site, were not addressed in the application, so no findings can be made at this time, however, the town agreed to meet any DRB landscaping requirements as a condition of approval.
18. **Outdoor Lighting.** Three outdoor lighting fixtures are proposed, as shown on submitted elevations, including two at the main entrance and one at the rear entrance of the building. These will be operated on timers and switches. No flag or parking lot lighting is proposed. All outdoor lighting will be designed to meet the requirements of Section 3.9 (Outdoor Lighting).
19. **Stormwater Management & Erosion Control.** No site drainage plan was provided; no state stormwater permit is required. The town lot is relatively level and, according to testimony provided by DG Morin Construction, drainage has not been, and is not anticipated to be, a problem. No basement is proposed; grading and construction will improve site drainage. The current basement will be filled in and the building floor will be lowered to improve access, but the slab is to remain at about the same elevation. Snow guards and diverters will be installed on the roof. The paved parking area drains into adjoining vegetated areas and, according to the engineer, no drainage improvements are needed. A small drainage swale (not shown on the site map) is proposed to run the length of the building and parking area, along RT 2.

Signs (Section 3.14)

20. A new, relocated, two-sided town sign, visible from RT 2 is proposed, though no specifications were provided so no findings are made, except that any sign must meet the requirements of Section 3.14 (Signs). It was noted that the sign will be wired through an underground conduit for future illumination.

Water Supply & Wastewater Systems (Section 3.18)

21. As of July 1, 2007 all potable water supply and wastewater systems are subject to review and approval by the Vermont Department of Environmental Conservation. A state permit has been applied for to replace the existing wastewater system serving the town office. The system design, certified by John P. Pitrowski, PC of Trudell Consulting Engineers (6/7/07), includes the installation of a new septic tank and line to the fire station septic system on the site, which has the capacity to handle additional wastewater flows from the town office.

DECISION & CONDITIONS OF APPROVAL

Based upon the above findings, the Development Review Board **APPROVES** (4-0) the request by the Town of Bolton for site plan approval to construct a new town office on the site of the existing town office, subject to the following conditions:

1. The Town shall obtain a zoning permit from the Zoning Administrator prior to construction of the new office. In the event that a zoning permit has not been obtained within one year of the date of this decision, DRB site plan approval shall expire and reapplication will be required.
2. Prior to the issuance of a zoning permit, the town shall submit a revised site plan for recording in the town land records that is drawn to scale, meets applicable requirements of Section 5.2 (see Table 5.1), and at minimum depicts the following:
 - Date, scale, north arrow, title block and preparer information.
 - All lot lines and dimensions, total lot area, and the names of owners and parcel identification numbers for all adjoining properties.
 - The locations and widths of adjoining road rights-of-way (Route 2, Harley Lane).
 - All required district setbacks, and actual, approved setback distances as measured from the point of the office building nearest to the adjoining property line or right-of-way.
 - Finished site contours and drainage, including the drainage swale along RT 2.
 - Existing vegetation, including the location of vegetation to be removed and/or relocated.
 - All existing and proposed building footprints (existing fire station and addition, new town office) and associated dimensions and areas.
 - All parking areas and parking spaces, including accesses (curb cuts) and dimensions; parking lots, parking spaces and dimensions; the ADA van-accessible space and aisle dimensions and markings; entry access ramp and dimensions; and parking sign and guardrail locations.
 - Pedestrian walkways, including the employee walkway as proposed, and the general location, in relation to other site features, of a future walkway at least 5 feet wide, to extend along Route 2 across the town lot from Harley Lane to the adjoining cemetery lot, to provide pedestrian access across the town lot and from Route 2 to town building entrances.
 - The location of all existing and proposed utilities, including the location of the well and wellhead area, existing and proposed septic tanks and leach field areas, and utility lines serving the lot and new office building.
 - The location of other existing or required site elements, including the 15-foot area to be landscaped along RT 2, the locations and dimensions of proposed raised beds and a

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bike rack near the building entrance, and the locations of the enclosed area at the rear of the building for trash disposal and recycling, the town monument, and the relocated town sign and flagpole.

3. Prior to the issuance of a zoning permit, the Town of Bolton also shall submit revised building elevations that show building height, the height of the antenna, and the total height of the building and antenna as mounted on the roof of the building. The building elevations for the north and west building façades (visible from Route 2) shall also show the location of artificial windows to be installed on the exterior of each wall in the northwest corner of the building to be occupied by the vault.
4. The new town office building shall be sited and constructed as shown on the revised site plan and building elevations, to meet required and DRB-approved setback distances (see variance approval) and structure heights.
5. If the antenna height exceeds 12 feet (31 feet as mounted), additional review and approval will be required.
6. Artificial windows shall be installed on the north and west building facades, in the corner of the building occupied by the vault, in order to improve the appearance of the building façade as viewed from Route 2. These shall have the appearance of functional windows as viewed from the exterior of the building.
7. Vehicle access to the town parking area will continue to be from Harley Lane, as indicated on submitted and revised site plans, and shall be improved as needed to meet applicable town access (B-71) standards.
8. All parking areas and spaces, including the six town office parking spaces and three employee parking spaces located in the fire station lot, shall be maintained and marked (lined) as depicted on the revised site plan, to manage on-site parking. The van-accessible space and aisle area must be sited nearest the entrance ramp with adequate clearance, and lined and marked in accordance with town and ADA requirements (minimum space width of 9 feet, minimum aisle width of 8 ft). The fire station lot may be used for overflow parking to the extent that this does not interfere with fire station vehicle access and emergency response.
9. A 3-foot walkway shall be installed as shown on submitted site plans to connect employee parking spaces in the fire station lot to the rear entrance of the building.
10. All utility lines, including water, wastewater and electrical lines shall be installed as shown on the revised site plan.
11. Trash and recyclables shall be stored in an enclosed structure to be located behind the building.
12. Raised planting beds and a bike rack shall be located near the entrance to the office building, as shown on the revised site plan.
13. The 15-foot frontage area along Route 2 shall be maintained as an undeveloped, vegetated strip that will be landscaped in accordance with a landscaping plan to be approved by the Development Review Board, and to accommodate a future pedestrian walkway as shown on the revised site plan.
14. Outdoor lighting fixtures are limited to the three identified on submitted building elevations, and shall be designed and installed to meet the requirements of Section 3.9. They shall be cast downward or designed to minimize glare, and may include recessed, shielded or cutoff

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fixtures or low luminance lamps. Lighting shall not be directed upward or onto adjoining properties or road rights-of-way.

15. The town sign and flagpole shall be relocated as shown on the revised site plan. If the town sign is lit, exceeds 16 square feet in area (per side, excluding the support structure), or additional signs are requested, administrative review and the issuance of a zoning permit will be required to ensure that the sign(s) meets applicable requirements of Section 3.14.
16. Within six months of the date of site plan approval, the Town of Bolton shall submit a landscaping plan for review and approval by the DRB, in order for the DRB to make findings and issue a decision with regard to applicable landscaping requirements under Section 5.3(C)(6) of the Bolton Land Use & Development Regulations. Accordingly, the landscaping plan shall incorporate the following elements:
 - a. A mixture of deciduous and coniferous shade trees, shrubs, and planting beds that are sited and designed to:
 - Interrupt building facades visible from Route 2, particularly along north and west building elevations.
 - Partially screen and shade the town office parking area from Route 2
 - Landscape the front and west side yard areas for appearance and energy conservation.
 - Establish street trees along Route 2.
 - Accommodate utilities and a future 5-foot walkway along the lot fronting Route 2.
 - b. Native, salt tolerant species that meet the minimum requirements of Section 5.3(6).
17. Prior to the issuance of a temporary certificate of occupancy, the Zoning Administrator shall verify that the building has been constructed as approved by the Development Review Board and as shown on the revised site plan, and that all required state approvals, including a wastewater and potable water supply permit, have been obtained. The temporary certificate of occupancy shall be issued for no more than one year, at which time a final certificate of occupancy must be obtained.
18. Prior to the issuance of a final certificate of occupancy, the Zoning Administrator shall verify that all other required site improvements, including parking area and landscaping improvements, have been installed as approved by the Development Review Board and shown on the revised site plan and DRB-approved landscaping plan.

Members voting in favor: Michael Hauser, Sharon Murray, Margot Pender, Michael Rainville.
Member absent and not voting: Jerry Chabot.

Dated at Bolton Vermont, this 18th day of July, 2007.

Sharon Murray, Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding 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.