

Town of Bolton

Development Review

Board

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

**In re: Bolton Town Office/ Amended Site Plan
Approval, July 30, 2008**

Findings & Decision

INTRODUCTION & PROCEDURAL HISTORY

1. This proceeding involves a request by the Town of Bolton for approval for a landscaping plan for the Bolton Town Office, submitted in compliance with the conditions of site plan approval dated July 18, 2007, to be reviewed under applicable criteria of 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. Site plan approval for the Bolton Town Office was issued by the DRB on July 18, 2008 with the following condition (#13):

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).

3. The application for amended site plan approval was received by Zoning Administrator Miron Malboeuf and referred to the Development Review Board on 2/26/08.

4. On 3/1/0/08 a copy of the notice of a public hearing was filed with the Town of Bolton as the applicant.

5. On 3/10/08 a copy of the notice of public hearing and information regarding interested person status was mailed to the list of adjoining property owners of record, on file at Town Office.

6. On 3/10/08 notice of a public hearing was posted at the following places:

- Bolton Town Office
- Bolton Store

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- Smilie School
 - The Bolton Town Office, within view of Route 2, the public-right-of-way nearest to the property for which the application was made.
7. On 3/6/08 the notice of public hearing was published in the *Mountain Gazette*.
8. The application for site plan approval was considered by the Development Review Board at a warned public hearing convened at the Bolton Town Office on Wednesday, March 26, 2008. 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).
9. Present at the hearing were the following members of the Development Review Board, representing a quorum of the Board:
- Sharon Murray, Chair
 - Jerry Chabot, Vice Chair
 - Margot Pender
 - Michael Rainville
 - Michael Hauser
 - Jen Andrews, Alternate
- No conflicts of interest or ex parte communications were disclosed by members of the board.
10. 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. John Devine, Chair of the Bolton Select Board appeared and presented testimony on behalf of the town, as reported in the minutes of the meeting on file at the Bolton Town Office. No other persons requested interested person status or otherwise participated in these proceedings.
11. During the course of this hearing the following exhibit was submitted to the Development Review Board for consideration, which is on file at the Bolton Town Office:
- Site plan (no date) showing the approximate location of existing and proposed plantings, including trees donated by Bolton Valley, prepared by the Zoning Administrator on behalf of the town.
12. The public hearing was recessed, pending receipt of a detailed landscaping plan, drawn to scale, and associated list of species, to May 28, 2008, 7:00 pm at the Bolton Town Office. DRB member Jerry Chabot offered his services to help prepare a landscaping plan, and as such agreed to recuse himself from subsequent DRB deliberations and votes on this application.
13. The hearing was reconvened at the Town Office on May 28, 2008. Present at this 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
 - Jen Andrews, Alternate
14. The Town of Bolton was represented at this hearing by Jerry Chabot, who presented the following exhibit for Development Review Board consideration, as recorded in the minutes of the meeting on file at the Bolton Town Office:

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- A revised landscaping plan, drawn to scale (no date, scale or preparer information) for the town office portion of the town lot, showing setback distances, existing and proposed locations for street tree plantings, parking area screening, a greenway and 5-foot pedestrian walkway along Route 2, a ski lift chair donated by Bolton Valley, and the proposed location of relocated lilac bushes and monuments, in relation to the town office building, road, parking area and utility poles.
15. The hearing was adjourned on May 28, 2008. Following hearing adjournment, the Development Review Board considered this application in deliberative session, pending issuance of a written decision.

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. According to testimony presented at hearing on March 26, 2008, landscaping plans submitted by the Town of Bolton were prepared with the assistance of Bolton Valley. Landscaping installed to date include planting beds identified on the original site plan as previously approved by the DRB, and street trees donated by Bolton Valley. Bolton Valley also donated a ski chair as identified on the plans.

Site Plan Review Landscaping & Screening Criteria:

5. Existing vegetation, including existing trees and lilac bushes have been preserved and incorporated in site design. Lilac bushes will be relocated as shown on submitted landscaping plans.
6. The use of native species is recommended, but not required. No information was provided regarding the type of vegetation planted or proposed, except that the street trees donated by Bolton Valley are a type of maple.
7. Shade trees (street trees) as planted are not all shown on the revised landscaping plan. The trees are deciduous trees that are at least 2.5" in diameter, measured at breast height. No coniferous trees have been planted or proposed.
8. As requested by the DRB, plantings not exceeding three feet in height will be used to help screen the parking area from Route 2. No particular species was identified, as requested by the Board.

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9. No street tree plan has been developed for Route 2 or town property. Street trees donated by Bolton Valley include only maple trees. No information was provided regarding their resistance to road salt. Trees, as planted, are set back from the road and utility lines and have been spaced to help establish a tree canopy at maturity.
10. Landscaping beds, including existing planting beds near the entrance to the town office, and proposed plantings around the relocated monument and flag pole, as shown on the landscaping plan, will enhance the general appearance of the site.
11. No long-term maintenance plan was specified in application materials, but the town agreed to replace dead and diseased vegetation as needed to meet landscaping requirements.

Conditions of Site Plan Approval:

12. Given that the windows installed by the town break up the building façade along Route 2, no additional plantings are required for this purpose.
13. As requested by the DRB, plantings not exceeding three feet in height will be used to help screen the parking area from the road. No particular species was identified as requested by the Board.
14. Deciduous trees as, planted and shown on the landscaping plan, when mature will help shade the parking area to a very limited extent during summer months.
15. Planting beds will improve the appearance of the office entrance and as viewed from Route 2.
16. Street trees (maples) have been established along Route 2 as required. As noted above, not all are shown on the revised landscaping plan.
17. The required greenway and proposed location of a 5-foot pedestrian walkway are shown on the revised landscaping plan as submitted. The walkway will be installed as funding permits.

DECISION & CONDITIONS OF APPROVAL

Based upon the above findings, the Development Review Board finds that the proposed and revised landscaping plans submitted by the Town substantially meet applicable site plan review criteria and the the conditions of prior site plan approval. The Board **APPROVES** (5-0) amended site plan approval, subject to the following conditions:

1. Prior to the issuance of a final certificate of occupancy, the Town of Bolton shall submit a landscaping plan, drawn to scale, that shows all landscaping elements identified in application materials as approved by the DRB and installed on site, including but not limited to all existing trees and planting beds, and a list of vegetation (species) identified on the plan and installed on site.
2. The town will replace as needed, any diseased or dead vegetation, preferably with native and salt resistant species – particularly along Route 2 and the parking area, for a period of at least three years from the date of this approval.
3. The pedestrian pathway identified on the landscaping plan will be installed by the town as funding permits.

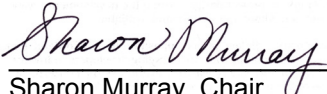
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4. Major changes to the landscaping plan as approved by the DRB, including the addition, elimination or relocation of trees, planting beds, greenways or walkways, are subject to DRB review and approval. Minor changes, such as the replacement of existing vegetation with other similar species, does not require further DRB approval.
5. All other conditions of site plan approval, as issued by the Development Review Board on July 18, 2008, shall remain in effect.

Members voting in favor: Michael Hauser, Sharon Murray, Margot Pender, Michael Rainville, Jen Andrews (Alternate).

Member not voting: Jerry Chabot (recused).

Dated at Bolton Vermont, this 30th day of July, 2008.



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.