



Town of Bolton
Development Review Board

Bolton Town Office
3045 Theodore Roosevelt Highway
Waterbury, VT 05676
802-434-5075

November 5, 2008

Mrs. Charmaine Godin
14 Hummingbird Lane
Waterbury, VT 05 465

Re: Pre-application Sketch (Conceptual) Plan Review

Dear Mrs. Godin:

Thank you for attending the September 24th, 2008 meeting of the Bolton Development Review Board to present your sketch plan for the proposed subdivision of an existing 2.2 acre parcel, located at 14 Hummingbird Lane off the Bolton Valley Access Road. The lot appears to be located in both the Residential I (RI) and Residential II (RII) zoning districts.

It is our understanding, based on information provided at the meeting, that this lot is a pre-existing, nonconforming lot that includes three single family dwellings established prior to the adoption of local zoning and subdivision regulations (prior to 1989). These dwellings are accessed from the Bolton Valley Access Road via a shared private driveway (Hummingbird Lane). The dwellings also share a parking area and on-site water and/or wastewater systems. The intent, as shown on the sketch plan (dated 9/24/08) and in supporting information presented at the meeting, is to:

- Subdivide the existing 2.2-acre parcel to create three separately deeded lots, each with a single family dwelling and accessory structures. No changes to existing dwellings or accessory structures are proposed.
- Lot #1 (1.1+/- acres, 100 ft. frontage) will include the 1500 sq. ft dwelling and 24 x 24 garage.
- Lot #2 (0.5 +/- acre, 100 ft. frontage) will include the 1800 sq. ft. dwelling and four accessory storage structures.
- Lot #3 (0.5 +/- acre, 250 ft. frontage) will include the 820 sq. ft. dwelling and one accessory storage structure.
- The lots will be configured to conform as closely as possible to current zoning district requirements for lot size, road frontage and setbacks, but are not expected to meet minimum district requirements.
- The lots will continue to share the existing driveway access, parking area and water system. Lots#2 and #3 will continue to share a 40 ft. x 100 ft. leach field, located on Lot #2. Deeds will include easement language for shared facilities.

Based on the information provided, in accordance with Section 6.3(D) of the Bolton Land Use and Development Regulations, it is our determination that:

1. The proposed subdivision, because it involves the subdivision of a pre-existing lot, legally in existence as of the effective date of the BLU&DR, into three lots, would be reviewed as a **minor subdivision** under Section 6.5 (Final Subdivision Review) and applicable sections of Article VII (Subdivision Review Standards) of the BLU&DR.
2. The proposed subdivision will result in the creation of three nonconforming lots which do not meet minimum lot size or frontage requirements for the districts in which they are located. It is our

understanding, however, that the intent of the proposed subdivision is merely to establish separate ownership of three pre-existing dwellings located on the lot, and not to change the type, density or intensity of the existing residential use. Under these specific circumstances, the DRB may allow for the creation of nonconforming lots if the applicant provides information which documents that:

- The lot and dwellings were legally established prior to the enactment of zoning regulations by the town (e.g., from Lister records, utility bills, etc.).
- The owner does not hold title to contiguous land that could be merged to make the parcels to be subdivided conform or more nearly conform to zoning district requirements.
- The lots to be created, to the extent feasible, will most nearly conform to applicable zoning district requirements, including lot area, setback and road frontage requirements; and the allocation of land and frontage is appropriate for the proposed level of residential activity and use.
- Each lot is served by a water supply and wastewater disposal system which, at the time of transfer, will function in an acceptable manner.
- The deeds of conveyance establish easements as necessary for shared access and parking, and also for shared wastewater disposal and/or potable water supply systems, as regulated by the state.

The application for final subdivision approval should include a draft of the surveyed plat, supporting legal documentation (proposed deed language, state permit information), and that the names and addresses of dwelling occupants and all abutting property owners, including the owners of property located across the Bolton Valley Access Road. Application materials, the names and addresses of abutters, and any waiver requests should be submitted within six month of the date of this letter, and at least 30 days prior to a regularly scheduled DRB meeting in order to meet public hearing notice requirements and be included on the agenda for that meeting.

If you need more information regarding application requirements, the subdivision review process, or related subdivision standards please contact our Zoning Administrator, Miron Malboeuf.

Sincerely,


Sharon Murray, Chair
Bolton Development Review Board