

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

**Bolton Development Review Board  
Meeting Minutes  
July 30, 2008**

**Location:** Bolton Town Office

**DRB Members Present:** Sharon Murray, Chair; Mike Rainville, Michael Hauser, Margot Pender

**DRB Members Absent:** Jerry Chabot; Jenifer Andrews (Alternate)

**Clerk:** Jeremy King

**Also Present:** Miron Malboeuf, ZA; John Pitrowiski, Trudell Consulting Engineers, on behalf of Michael Kokell; Larry Williams, of Redstone, on behalf of Bolton Valley; Amy Grover, on behalf of the Bolton Planning Commission.

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**Warned Agenda:**

1. Public Comments – Opportunity for public comment.

**Public Hearings:**

2. Michael Kokell/Final Subdivision, PRD Review (*continued from 06/25/08*)
- 2(a) Michael Kokell/Conditional Use Review
3. Mountain Operations and Development LLC/dba Bolton Valley Resort (*continued from 05/28/08*) – Conditional Use Review, 4x4 School Expansion [**Note: Application formally withdrawn 07/06/08**].
4. Mountain Operations and Development LLC/dba Bolton Valley Resort (*continued from 05/28/08*) – Amended Conditional Use, year-round use of “The Ponds: events facility

**Meeting Business**

5. Bolton Valley master Plan/Sketch Plan Review (pre-application review) (*continued from 05/28/08*)
  6. Meeting Minutes – 10/24/07, 12/12/07, 03/26/08, 05/28/08, 06/25/08
  7. ZA Report – Permits, pending applications
  8. DRB Meeting Schedule
  9. Other Business
  10. Deliberative Session - Applications
  11. Meeting Adjournment
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**Call to Order**

Sharon Murray, Chair called the meeting to order at 7:05 pm, once a quorum of the board was present. No changes to the warned agenda were requested.

**Agenda Item #1 – Public Comment**

No members of the public in attendance. No comments.

**Agenda Item #2(a) – Michael Kokell/Final Subdivision and PRD Review (continued)**

The Chair reconvened the public hearing, continued from the June meeting, to allow the applicant time to submit requested legal documents, a revised plat, and related Act 250 submissions as requested by the Board. This information was included in the Board’s meeting packet.

John Pitrowiski of Trudell Consulting Engineers, representing the applicant, explained the following changes to the plat:

- The building envelope on Lot #4 was reduced slightly in response to Act 250 concerns regarding slope stability at the top of the bank.

- The existing trail across Lot #4 is still on the plat but it shown as abandoned. No easement will be granted for this trail corridor.
- The new trail corridor along Joiner Brook (Lot #6) has easements and is shown on the plat.
- 25% slopes were added to the plat.
- Some notes were corrected.
- Building envelopes will be marked on site with iron pins, in locations shown on the plat.
- VANR has required that they obtain a storm water discharge permit.

Mike Rainville asked Mr. Pitrowiski about retention ponds. He explained that additional stormwater management measures had been added along the main stream channel leading into Joiner Brook, including splash pools, and explained how they work. He also noted that, with the recent heavy rainfall, they had a chance to monitor existing drainage and observed that the swales across Lots 2 and 4 were only one quarter full. Existing culverts handle most drainage. Sharon Murray asked if they had increased the culvert size. He indicated that they had, in response to Act 250 requirements. Stormwater permits and monitoring will also be required.

Mr. Pitrowiski noted that they had hired Gene Armstrong, per recommendations from Chris Burnell at VANR to test the use of boulders to shore up certain areas, which worked well. He added that Gene did a wonderful job.

Mike Rainville asked who would be responsible for repairs to the stormwater management system if there was a major washout. Mr. John replied that it would be the property owners' responsibility.

Sharon Murray asked about the changes to the Lot #4 building envelope. John stated that that they had shrunk the envelope so that it's now located 50 feet from top of slope, where it had been only 25 feet before, and that the house site would be located approximately 70 feet from top of slope.

Mike Rainville asked about paving the access road. Mr. Pitrowiski indicated that this is scheduled, as requested by the Board, but would not be finished until after all construction has been completed. The Chair noted that board member Jerry Chabot, who was especially concerned about long-term road maintenance, was unable to attend the meeting and may have a few questions following his review of submitted legal documents.

No other information was requested by the Board.

Margot Pender motioned to close the final public hearing for subdivision and planned residential development review. Seconded by Mike Rainville. No additional discussion. Motion passed unanimously.

Mike Rainville complimented Mr. Pitrowiski and his staff for the fine job they did with their application and presentations to the board.

#### **Agenda Item #2(b)–Michael Kokell/Conditional Use Review**

The Chair convened the public hearing and read the warning for conditional use review and approval under Section 5.4 of the regulations for subdivision-related development on slopes exceeding 15% under Section 3.16 (Steep Slopes), and within designated stream and wetland buffers under Section 3.17 (Surface Waters). The hearing notice was read. Zoning Administrator

Miron Malboeuf indicated that the hearing had been warned as required by statute. No conflicts of interest or ex parte communications were disclosed.

Board members agreed that sufficient information had been submitted with the subdivision application to make findings and determinations under applicable sections of the regulations. There were no written comments or testimony from adjainers.

Michael Hauser motioned to adjourn the public hearing for conditional use review. Seconded by Margot Pender. There was no additional discussion. Motion passed unanimously.

The Chair indicated that the board had 45 days from the date of hearing adjournment to issue its written decision, including findings and determinations, which would be sent to the applicant by certified mail.

**Agenda Item #3–Bolton Valley/Off Road Driving School, Conditional Use Review (continued)**

The Chair reconvened the hearing, continued from 5/28/08, by reading the hearing notice. She noted for the record that the Board had sent a letter, dated 6/06/08, to Larry Williams requesting additional information. She also noted for the record that the Board had requested clarification from the Planning Commission regarding the intended use of alpine ski trails, under the bylaw definition of Alpine Ski Facility, on 06/05/08. The DRB received written reply from the Planning Commission on 06/16/08 which was made available to those in attendance.

She also noted for the record that the DRB received a letter on 07/06/08 from Larry Williams indicating that Bolton Valley was withdrawing its application for the 4x4 school expansion, based on an opinion from their attorney, included with the letter, that no municipal permits were needed for the project.

Amy Grover reported that the Bolton Select Board, at the Planning Commission's request, had asked for an opinion from the town's attorney regarding the need for permits under the town's regulations, which would be made available to everyone once it was received. The Planning Commission was interested for future reference, for consideration in the update of the town's regulations.

Mike Rainville asked Mr. Williams if the resort planned to move forward with their expansion. Mr. Williams confirmed that they were moving forward. Sharon Murray noted that, based on information received to date, the resort may be putting themselves at risk by withdrawing their application, and asked if that was still their intent. Mr. Williams confirmed that it was their intent to withdraw the application.

Margot Pender made the motion to discontinue the hearing due to the application withdrawal, seconded by Michael Hauser. Motion passed unanimously. The Chair asked that all interested parties who had participated to date be notified of the applicant's decision.

**Agenda Item #4 –Bolton Valley/Ponds Events Facility, Conditional Use Review (continued)**

The Chair reconvened the hearing continued from 05/28/08 and noted for the record that the Board had sent Larry Williams a letter requesting additional information with respect to revised site plan, parking, existing facilities and days and hours of operation.

Mr. Williams, representing Bolton Valley, explained proposed changes:

- No crossing guards will be used. Cones are, and will continue to be, placed in the road for pedestrian crossings during events at the Ponds.
- Cars will only be stopped with a full house at the base area.
- The Resort will hire or train licensed traffic control persons.
- Security is hired for busy times.

Margot Pender expressed concerns regarding lighting and safety of pedestrians because some of these events will be at night in the winter. Mr. Williams indicated that the events facility would be available seven days a week between the hours of 8 AM and 12 AM, but that it is expected that most events will take place in the afternoon.

Mike Hauser asked about capacity; Sharon Murray asked about square footage. Larry noted that, per state building codes, the capacity of the Ponds 405 standing and 250 seated, and that the square footage is approximately 6,400 sq. ft. including kitchen and bathroom areas. The facility has been insulated to allow for winter use.

Sharon Murray indicated that the board needed a parking analysis/plan documenting that there is sufficient parking capacity at Timberline to accommodate shared lift and lodge parking, overflow employee parking, and events facility parking, as previously documented by the facility in permit application filings –especially during periods of overlapping use. In response to an observation from Mr. Williams that there were no ski facility parking standards in the regulations, Ms. Murray noted that the regs specify the use of ITE standards, if not otherwise specified.

Concerns were raised regarding the safety of the pedestrian crossing for night time, winter use – especially in adverse weather and icy road conditions. According to their consultant, Mr. Williams indicated that no changes to pedestrian road crossings were warranted. It is anticipated that most guests will be dropped off at the Ponds, but that they may reverse the access for the ponds driveway, directing entering traffic to the upper access. No separation of traffic and pedestrian access points was proposed. Lighting options for pedestrian crossing areas were discussed. Mr. Williams noted that they will work on a more detailed parking and lighting plan for the next meeting.

The Chair reported that, due to vacation schedules, a quorum for the August meeting was unlikely, so there would be no regular August meeting of the Board.

Mike Rainville motioned to continue this hearing at the next regular Board meeting, scheduled for 09/24/08, 7 pm at the Bolton Town Office. Michael Hauser seconded the motion. No additional discussion was heard. Motion passed unanimously.

#### **Agenda Item #5–Bolton Valley/Master Plan, Sketch Plan Review (continued)**

The Chair noted that the sketch plan review was included again on the Board meeting agenda in the event that additional information was available. Mr. Williams reported that the Act 250 application had been updated and he could make that available to the board. There was no additional discussion.

#### **Agenda Item #6 –Meeting Minutes**

Draft copies of the 12/12/07, 03/26/08 and 05/28/08 meetings were distributed for board review. Given the late hour it was agreed by consensus to postpone discussion and action on the minutes until the next regular meeting of the Board.

**Deliberative Session**

Michael Hauser moved to enter deliberative session to discuss application materials before the board, and associated findings. Motion passed unanimously. Draft decisions will distributed for board review; final written decisions, as voted on by the board, will be issued publicly within 45 days of hearing adjournment in accordance with the regulations.

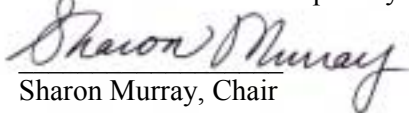
**Adjournment**

There being no other business to discuss, the meeting was adjourned at 9:10 pm. The next regular meeting of the Bolton Development Review Board is scheduled for Wednesday, September 24, 2008, 7:00 pm at the Bolton Town Office.

Respectfully submitted,

Jeremy King, Clerk

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

  
Sharon Murray, Chair