

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

**Development Review Board Meeting Minutes**

September 24, 2008

Development Review Board Members present: Sharon Murray, chair, Mike Rainville, Michael Hauser, Margot Pender, Jerry Chabot, Jenifer Andrews, alternate

Development Review Board members absent: None

Clerk: Jeremy King

Also Present: Larry Williams (Bolton Valley Resort), David Parot, Abutter (Bolton Valley Resort application), Charmaine Godin (sketch plan review)

Location: Bolton Town Office

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**Warned Agenda**

1. Public Comments
  2. Public Hearing: Conditional Use Review/Amendment– Year-round use of The Ponds @ Bolton Valley Resort
  3. Sketch Plan Review: Kenneth and Charmaine Godin – proposed 3-lot subdivision
  4. Meeting Minutes – 03/26/08, 05/28/08, 07/30/08
  5. ZA Report: Permits, Pending Applications
  6. Other business
  7. Meeting Adjournment
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**Call to Order**

Ms. Murray, Chair, called the hearing to order at 7:05pm. There were no changes to the agenda. A quorum of the DRB was present.

**Agenda Item #1 ~ Public Comment**

There was none, no one present other than applicants.

**Agenda Item #2 ~ Request for Modification of Conditional Use Approval: The Ponds @ Bolton Valley**

Ms. Murray re-opened public hearing , continued from July 30, 2008, regarding the applicant's request to amend their conditional use approval to allow four-season use of The Ponds, and noted that the DRB requested a traffic/parking study and more information regarding lighting and the pedestrian crossings at The Ponds facility. Ms. Murray noted that a parking study had been received.

No no conflicts of interest, or ex parte communications were reported, and no one had contacted the DRB prior to the meeting seeking interested person status. Ms. Murray

noted that adjoining had rights to participate and to appeal, including appeals to environmental court.

Larry Williams, representing Bolton Valley Resort, presented the results of the “Bolton Valley Resort Parking Analysis and Management Plan,” dated August 27, 2008 that he had prepared on behalf of the resort. ITE parking standards were used to develop the study, as required under the regulations (Exhibit 5), since there are no specific parking requirements for ski areas or conference centers (the Ponds).

Mr. Williams stated that the primary generator of traffic at Bolton Valley is the ski area:

- ITE guidelines include two types of standards for parking requirements for ski areas; the first, based on lift tickets, requires every lift ticket sold requires 0.4 parking spaces for every lift ticket sold; the second, based in acreage, requires 2.1 parking spaces per acre (Exhibit 3).
- Using the lift ticket calculation requires a total of 879 required parking spaces.
- Using the acreage calculation requires a total of 612 required parking spaces.

Mr. Williams calculated parking capacity by using the BLUDRs parking requirements of a 9’ by 18’ foot space, and a with a 24 foot aisle lane, scaled and superimposed on orthophotos (Exhibits 1, 2). The following parking spaces were identified:

- The main lot, hotel lot, drop-off area, west side of the base lodge, employee lot and maintenance area totaled 490 spaces.
- Timberline Base totaled 295 spaces.
- Tennis Courts (winter overflow parking) totaled 110 spaces.
- Behind Courtside Condominiums (winter overflow parking) totaled 50 spaces.
- Sugarhouse parking area (overflow, used with permission), totaled 40 spaces.
- Total of 985 winter parking spaces, including overflow parking

Mr. Williams highlighted car counts conducted during the resort’s 12 peak days (Exhibit 6)– adding that Bolton Valley completed a parking exercise on February 17<sup>th</sup>, one of the resorts busiest days, with employees counting vehicles in all lots over a period of a few hours. Mr. Williams noted the total number of vehicles counted was 1,038 and added that customers came and went over the counting period, parking lot attendees probably parked cars closer together than the space required in the BLUDRs, and that customers parked in the fire lane and along the entry roads to the Timberline lot. He noted that this (parking roadside) is discouraged, emergency access is still available, and those potential spaces were not included in the parking study.

Ms. Murray inquired about the required ADA parking at The Ponds. Mr. Williams noted that there is room for two handicapped parking spaces.

Ms. Murray inquired about bus parking. Mr. Williams noted that generally buses are sent to the Sugarhouse lot to park after dropping off their passengers. He added that bus traffic is typically during off-peak times due to ticket discounts, and that Bolton Valley

was instituting a “no idling” policy this winter to alleviate citizen concerns brought forward previously by David Parot, resident and the Conservation Commission.

Mr. Williams stated that there was no formal study of peak times but that those times would generally be between 10 am and 12 noon The ski lifts do not open until 8 am and there is less activity in the afternoon. . Ms. Murray she appreciated the work, and Mr. Rainville noted there was a good new base line for parking established.

Mr. Williams then provided information with respect to lighting, traffic circulation and pedestrian crossing used to access The Ponds from the Timberline parking area, noting that:

- The only current lighting is low landscape lighting.
- Four 100 watt pole mounted lights along the access driveway are proposed (cutsheet), which should not be visible by neighboring residents above the facility.
- 35 foot pole mounted 400 watt metal halide lights are currently used to light the Timberline parking area and the pedestrian crossings which are visible.
- Crosswalks had been painted by the town but were paved over.
- The town road crew foreman indicated that the crosswalks would be repainted.
- Bolton Valley would like to retain the option to change the traffic flow direction in and out of the access drive if necessary.

David Parot, a resident of Bolton Valley, questioned the septic capacity under the wastewater permit issued by the state with respect to The Ponds –that originally it specified a maximum capacity of 250. Mr. Williams reported that Labor and Industry had subsequently rated the building for a capacity of 406 attendees. Mr. Rainville indicated that this is a state issue, though the board often requests documentation. Mr. Chabot noted that the state had reviewed and approved the septic.

Mr. Parot stated his additional concerns included:

- Conditions in original permit were not met – 2 marked crosswalks, pole mounted lighting, a 35 mph speed limit sign coming into the S-curve.
- If the building was weatherized and winterized for four season use.
- The town completing the painting of the crosswalks.
- The speed at which folks come down the hill in the winter time.
- Speed needed to progress forward up the hill past The Ponds area in the winter under poor conditions.
- Pedestrians in the middle of the road on a snowy night were a hazard.
- Limited plowing late at night.
- Being stopped by parking attendants, not certified for traffic control, and being unable to continue uphill.
- Whether the DRB had considered all of those issues.
- Lack of notification of public hearings.

Mr. Williams stated that:

- The building was very energy efficient building, fully insulated, single pane windows with storm window for the winter months. Modifications met state energy codes.
- Pedestrian crossing signs with flashing lights were installed above and below the entry as required, and that only the Select Board had the authority to install speed limit signs.
- A sandwich board is posted at the pedestrian crossing during events.
- Attendants were stationed in the road during events.
- The ZA had stated attendants were not certified traffic control, and that Bolton Valley should use certified attendants or sheriffs.

Ms. Murray noted that:

- Resident stickers could identify residents so they were not stopped, but that was beyond the DRB.
- The DRB did not regulate construction (re: winterization).
- In order to change The Ponds prior approval to four season use Bolton Valley needed an amendment to their permit.
- Issues for approving that amendment included parking, pedestrian safety and water and wastewater.
- Conditions not met under the original permit are subject to enforcement.
- Agendas are posted in at least three areas of town, and published in the Mountain Gazette.

Mr. Hauser asked if it was an issue of the road not being maintained adequately. Mr. Williams stated that Bolton Valley had met with the Select Board regarding road maintenance and he understood that it was a big expense for the town, and that the town had been responsive to their concerns.

Mr. Chabot stated that he was envisioning trained personnel making sure people were crossing the road safely during events. Mr. Williams asked if that meant staffing for an entire 4 – 5 hour event. Mr. Rainville noted that Bolton Valley should be responsible for staffing decisions.

Ms. Murray asked if there were further questions or comments. There were none.

Ms. Pender made a motion to close the hearing. Mr. Chabot seconded. All were in favor, motion carried.

### **Agenda Item #3 ~ Sketch Plan (Pre-application) Review: Godin 3-Lot Subdivision**

Ms. Murray noted that this was an informal pre-application meeting to discuss what the applicant wanted to do under the subdivision regulations. After the meeting the DRB would issue a letter stating how the DRB would review the application and what the applicant needs to consider.

Ms. Godin presented a revised sketch plan from that originally submitted and stated that:

- The lot is 2.2 acres.
- She wanted to subdivide the property into three, separately deeded lots for her children.
- Hummingbird Lane is a private road
- The structures have been there 20 years.
- Trudy Martel holds the mortgage on the property.
- Prior ZA Lawrence Peterson stated that because of the existing sewers, water, and road, a simple boundary adjustment could be made. Present ZA Miron Malboeuf found no documentation from Peterson on a boundary adjustment.
- Time was of the essence to her due to financial constraints.

Ms. Murray stated that:

- The DRB does allow for subdivision of a nonconforming lot with existing structures, but the subdivision has to conform to the BLUDRs as closely as possible. The DRB can regulate density but not ownership.
- The DRB has to document is that the structures predate zoning and were not installed in violation of the regulations – that they are legally established pre-existing structures.
- If it legally predates zoning then the courts have ruled that the DRB can allow the subdivision for plat recording.
- If water, wastewater and access to the structures are shared there has to be legal documentation that that will continue after subdivision.
- The district boundary for the R I and R II Districts goes through the property.

The group discussed what was currently on the parcel. Ms. Godin stated that:

- Lot 3 had a single wide trailer.
- Lot 2 had a silver streak trailer with two additions.
- Lots 2 and 3 share a 40 by 100 leach field installed 12 years ago.
- Lot 1 had the house with a 1000 gallon septic tank and a 500 gallon dry well.
- Every lot has a 1000 gallon septic tank.
- All lots would have road frontage, 100' for lot 1, 100' for lot 2, and 250' for lot 3.
- All lots have separate postal addresses; 14, 24 and 36 Hummingbird Lane.

The group reviewed the map and discussed issues of note and concern which included:

- Unfortunately Mr. Peterson had given the applicant bad information as a subdivision would be required, not a boundary adjustment, because new lots would be created.
- New lots would need to be as regularly shaped (square) as possible and deviate the minimum from zoning district requirements.
- Rural II minimum lot size is 10 acres, which encompasses half of the parcel.

- Rural I minimum lot size is 2 acres, which encompasses the other half of the parcel.
- The subdivision could create non-conforming lots and structures.
- Documentation needed that the structures were predated the 1989 zoning regulations, or were established at least 15 years ago, in 1993. Documentation could include power and telephone bills, postal records.
- A letter from Trudy Martel in 1989 references a 2 bedroom mobile home that had been installed in a vacant spot, identified as trailer/lot #2. The letter does not reference the 2 other structures on lots #1 or #3.
- State certification of wastewater and water systems would be needed.
- The town needs documentation that there is sufficient capacity to serve all three structures with water and sewer, and would accept the state sign offs as documentation.
- Easement required for shared septic system.
- Town files did not include any state permits.
- Shared parking was a concern, shared accessed had to be legally documented and attached to the deeds.
- Separate frontage could allow for separate lot access at some point.
- If there is an easement for a town installed cement drain for storm water between the garage and the house, lot #3.
- Future construction would be incredibly limited or non existent due to the created nonconforming lots.
- Current steep slope provisions could affect new access/development.
- A survey plat would need to be recorded as a record of landowner/subdivision and ownership under state law, which would require completing a survey/hiring a surveyor.
- An attorney would be required to draft legal documents and deeds.
- She could investigate the possibility of setting up a family trust instead of subdividing the parcel.
- The town would need to have a complete application available before warning a public hearing.

**Agenda Item #4 – Meeting Minutes 03/26/08, 05/28/08, 07/30/08**

Mr. Chabot made the motion to approve the 3/26/08 minutes. Mr. Rainville seconded. All were in favor, motion carried.

Ms. Pender made the motion to approve the 5/28/08 minutes. Mr. Rainville seconded. All were in favor, motion carried.

Ms. Pender made the motion to approve the 7/30/08 minutes. Mr. Rainville seconded. All were in favor, motion carried.

**Agenda Item #5 – Zoning Administrator Report**

In the absence of the zoning administrator, no report.

**Agenda Item #6–Other business**

Ms. Pender made the motion to move the meeting start time to 6 p.m. beginning in October 2008. Mr. Chabot seconded. All were in favor, motion carried.

**Agenda Item #7 - Adjournment**

Mr. Chabot made the motion to adjourn. Mr. Hauser seconded. All were in favor, motion carried.

Amy Grover  
Acting Clerk, Development Review Board  
*These minutes are unofficial until accepted.*

These minutes were read and accepted by the Development Review Board on April 29, 2009.

  
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Sharon Murray, Chair