



# Town of Bolton

## Development Review Board

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

In re: Automotive Services International, Inc.  
(d/b/a the 4x4 Center)  
Site Plan, Conditional Use Approval  
Application # 2014-31-CU  
May 7, 2015

### Applicant

**Automotive Services International, Inc.**  
(d/b/a the 4x4 Center)  
Michael Hopwood, President  
c/o Claudine C. Safar, Esq.  
Monaghan Safar Ducham PLLC  
156 Battery Street  
Burlington, VT 05401

### Owner of Record

**Catamount/Bolton Land LLC and  
Mountain Operations and Development, LLC**  
c/o Larry Williams, President  
210 College Street, Suite 201  
Burlington, VT 05401

### Application

(Application materials are on file at the Bolton Town Office; findings and procedural are history attached.)

The applicant, Automotive Services International, Inc. (d/b/a the 4x4 Center), in association with the landowner of record, Mountain Operations and Development, LLC (d/b/a Bolton Valley Resort) has requested 1) site plan approval for a new access and driveway off the Bolton Valley Access Road to serve the 4x4 Center, and 2) conditional use approval for the following requested 4x4 Center improvements, to be sited and developed on parcels currently owned by the Bolton Valley Resort located in the Rural II, Resort Residential, Forest and Conservation Zoning Districts:

1. Additional "Warm Up Area" trails and features, to include:
  - a) A Side Slope Feature;
  - b) An expanded Winter Skid Pad, to include cutting back the east bank adjacent to the existing pad by 15 feet to allow for expansion;
  - c) An additional Flip Flop Feature;
  - d) The installation of ten water hydrants and associated water lines for irrigation and snowmaking;
  - e) Additional trails within the Warm Up Area;
  - f) A 24'x100' concrete and rock hill climb built into an existing ledge;
  - g) A permanent 15'x20' Hospitality Shed (15' x 20') and 12'x24' deck on the previously permitted Hospitality Pad, and a port-to-let.
2. A proposed ravine crossing ("Ravine Trail");
3. Preparation and 4x4 Center use of additional trails, including the following: Twice As Nice Go Around, Eastern Loop, Eastern Go-Round, Cobrass, Doug's Trail, Sherman's Pass; Cobrass Lane, 5 Corner Bypass, Knoll Bypass, Cobrass Link, Staircase, Staircase Bypass, Cliff Overlook, UT Extension, UT Link, Ravine Trail, Upper Inner Loop, Lowe Inner Loop, Upper Flood Chute Bypass, Lower Flood Chute Bypass, and Ledge Bypass.
4. Construction of a Material Staging Area located below the Lower Flood Chute Bypass for use in trail maintenance;
5. Construction and year-round use of a 1,250 SF, 3-bay Shop building that includes a floor drain to a 1,000-gallon precast concrete holding tank under the adjoining wash pad, and will be served by individual onsite water and wastewater systems, a buried 500 gallon propane tank, and an adjoining 11-space parking area;
6. Installation of overhead electrical power service to the Shop and Hospitality Shed;
7. Year round use of Warm Up Area trails and features described above; and
8. Year-round use of all previously permitted trails as well as specific trails identified in the application, including the Goose Pond Trail.

In addition to the above, the applicant also requested approval for the following during the hearing process:

1. Revised stormwater management infrastructure, to include redirection of site and parking lot drainage, and the installation of four (4) ponds for stormwater retention and treatment, and irrigation and snowmaking, including three (3) bermed ponds sited on steep slopes.
2. A covered, 2-bay concrete Vehicle Wash Pad next to the Shop, with a floor drain to a 2,000 gallon washwater holding tank, and fuel storage/containment area located on the wash bay slab.
3. Three "Fleet Storage Areas" located in the vicinity of the Winter Skid Pad and Hospitality Shed, for the onsite storage of up to 22 registered and unregistered vehicles, including 13 training and 9 maintenance vehicles.

Lot 5 (aka the "South Parcel"), the primary parcel to be developed, consists of 302± acres with 1,147± feet of road frontage along the Bolton Valley Access Road, as previously approved with conditions by the DRB (#2012-16-SD), and intended to be conveyed to the applicant. This parcel is bordered to the north by the Bolton Valley Resort (Timberline Base Lodge area), and is currently accessed from the Timberline Base Lodge parking lot, to be replaced by a separate access and driveway serving the parcel. Proposed buildings, parking areas, and supporting infrastructure are located in the vicinity of the Timberline Base Lodge at the Bolton Valley Resort, within the Rural II, Resort Residential, Forest, and Conservation Zoning Districts, and the mapped Source Protection Area (SPA) for the Bolton Valley Public Community Water System (WSID #5051).

The parcel in question represents a large block of unfragmented forestland that includes previously identified steep (15+ %) and very steep (>25%) slopes, shallow soils and rock outcrops, elevations above 2,500 feet, Class A headwaters, Joiner and Goose Pond Brooks and associated tributaries, Class II and III wetlands, an uncommon natural community, an uncommon vascular plant, significant wildlife habitat (upland, riparian, bear/beechness stands, Bicknell Thrush), a mapped fluvial erosion hazard area along Joiner Brook, public water supply wells and associated source protection areas. The land is currently enrolled in the state's Use Value Appraisal Program and managed for logging in accordance with a state-approved forest management plan. It includes existing logging roads, trail networks and features previously approved by the DRB for use by the Bolton Valley Resort and the 4x4 Center.

This application has been reviewed by the Bolton Development Review Board (DRB) under the Bolton Land Use and Development Regulations (BLUDR) as amended, effective August 9, 2010, including applicable Zoning District standards (Article II), General standards (Article III), Conditional Use standards (Section 5.4) as applied to proposed improvements, applicable Site Plan standards (Section 5.3) as applied to the proposed access and driveway and as incorporated under conditional use review, prior DRB decisions and conditions of approval applicable to the 4x4 Center and subject parcels currently in effect, and related court-ordered stipulation agreements, including the following:

- Decision on Appeal re status of 4x4 School Off-Road Driving School, May, 8, 2009
- Conditional Use Approval for 4 x 4 School As-Built Improvements, Trail Expansion, Winter Use, issued December 8, 2009
- 2010-28-CU-1 Winter Demo Area, issued February 24, 2011
- 2010-28-CU-2 Connector Trails, Rock Climb Feature, Traction Pit, issued March 10, 2011
- 2010-28-CU-3 Vehicle Wash Pad, issued June 7, 2011
- Stipulation of Dismissal and Order (Docket 6-1-10 VTec), issued June 15, 2011
- 2010-28-CU-4 Chute, Southern Dip Trails (issued under the Stipulation of Dismissal and Order, Docket No. 6-1-10-Vtec), issued September 8, 2011

- 2012-16-CU Alpine Traverse Trail, Winter Exercise Lane, Hairpin Turn” Trail, seasonal hospitality trailer, utility installation, issued December 6, 2012
- 2012-12-MPR EPSC Master Plan Approval (under Stipulation of Dismissal and Order, Docket No. 6-1-10-VTec, as amended January 29, 2013), issued June 20, 2013
- 2012-16-SD Final Subdivision Approval for Lot 5, issued July 5, 2013
- Stipulation of Dismissal and Order re Conditions of Final Subdivision Approval (2012-16-SD as amended under Docket No.175-12-13 VTec), issued August 11, 2104

The Development Review Board’s procedural history and relevant findings are attached.

## **Decision – Site Plan, Conditional Use Approval**

- Denied**
- Approved**
- Approved with Conditions:**

The Bolton Development Review Board hereby approves requested 4x4 Center facilities and improvements as shown on the following plans and described in referenced exhibits, except as amended herein, under associated conditions of approval:

- Site Plan, The 4x4 Center Driving School (Sheet 1 of 6), prepared by Grover Engineering PC as revised, corrected, 3-27-2015 (Exhibit 45A).
- Stormwater and Utilities, The 4x4 Center Driving School (Sheet 2 of 6), prepared by Grover Engineering PC, as last revised, corrected 3-27-2015 (Exhibit 45B).
- Driveway Layout, The 4x4 Center Driving School (Sheet 3 of 6), prepared by Grover Engineering PC, last revised 3-20-2015 (Exhibit 45C).
- Shop Layout, The 4x4 Center (Sheet 4 of 6), prepared by Grover Engineering PC, last revised 3-20-2015 (Exhibit 45D).
- Details, The 4x4 Center Driving School, prepared by Grover Engineering PC, last revised 3-20-2015 (Exhibit 45E).
- Planting Details, The 4x4 Center, prepared by Grover Engineering PC, last revised 3-20-15 (Exhibit 45 F).
- Permitted, Proposed Trail Network Map prepared by A. Worthley of Arrowwood Environmental, dated 9-30-2014 (Exhibit 31).

### **Site Development, Stormwater Management and Erosion Control.**

1. Site clearing and disturbance shall be limited to those areas as shown on Exhibit 45A, prepared by Grover Engineering, last revised 3-27-2015. Areas to be cleared shall be clearly marked on the site prior to the start of site clearing and disturbance.
2. Temporary and permanent slope stabilization and erosion control measures shall be applied to all disturbed areas. Temporary measures can be removed after 80% of the vegetation has been established.
3. All cut and fill slopes exceeding 33% shall be replanted with vegetation as indicated on Exhibit 38E, Planting Details, prepared by Grover Engineering, last revised 3-20-2015, in order to stabilize the slope. For purposes of slope stabilization, planting areas shall also include the cut slope east of the Winter Skid Pad.

4. The hydraulic capacity of the existing stormwater drainage system as documented by Grover Engineering PC, including the capacity of drainage ditches and culverts adjoining and downstream of the project area within the town highway right-of-way, shall not be exceeded.
5. All drainage ditches that exceed a 5% grade shall be installed and lined with stone as detailed in Exhibit 45E.
6. The drainage ditch within the right-of-way of the Bolton Valley Access Road shall be excavated and armored with VTrans Type II stone fill from the outlet of the offsite (parking area) flow diversion channel down gradient to the outlet of Stormwater Pond #1.
7. Stormwater and snowmaking ponds shall conform fully with the pond construction requirements and guidelines of the Vermont Stormwater Management Manual (VSMM), Volumes I and II.
8. The permittee shall file with the Zoning Administrator the following per the recommendations of the independent engineer review, prior to the issuance of a zoning permit:
  - a. Additional detail to ensure that the earthen berms that are holding back stored water in the ponds are constructed appropriately to prevent leakage and potential collapse;
  - b. Details for the waterproofing method that will be used for each pond to ensure that the collected stormwater is hydrologically separated from the SPA groundwater. It is strongly recommended that any groundwater recharge practices occur after stormwater treatment to minimize the potential for introducing salt and fertilizer compounds;
  - c. Details on the type of stabilization that is proposed for the proposed berms to ensure that the slope does not erode during extreme storm events;
9. Stormwater management facilities, including stormwater and snow making retention ponds, shall have an operation and maintenance plan that includes annual inspections, and inspections after storm events that exceed the design storm. The permittee shall submit copies of annual and storm event maintenance and inspection reports to the Zoning Administrator.
10. The property owner is responsible and shall assume all liability for damages to the town right-of-way associated with any failure of onsite stormwater management facilities or erosion control measures.

### **Source Protection Area**

11. Per Section 3.15(C)(3) of the BLUDR, operations or activities that use, process, store or dispose of hazardous materials or wastes in amounts that could threaten public water supplies are specifically prohibited within the mapped Source Protection Area. These include floor drains or sumps that drain directly into the ground; above and below ground fuel storage tanks that lack an adequate impervious containment area; the outdoor storage of de-icing materials, pesticides and herbicides; snow storage areas and dumps; and the onsite storage of unregistered vehicles unless stored in an enclosed structure, parked on an impervious surface, or drained of all fluids.
12. The shop, driveway, parking areas, trails, and other identified potential sources of contamination (PSOC) located within the mapped Source Protection Area shall be managed in accordance with existing and updated source protection area plans (SPPs) for the Bolton Valley Resort Community Water System (WSID #5051).

13. Spills of fuel, oil or other lubricants within the Source Protection Area shall be reported immediately to all agencies identified in the Source Protection Plan, including the Town of Bolton. Updated contact information shall be filed with the Bolton Town Clerk prior to the issuance of a zoning permit.
14. The property owner shall assume all liability for damages to the public water supply due to contamination of the groundwater from onsite improvements and activities.

**Access (Curb Cut), Driveway**

15. The access, driveway, associated culverts and drainage ditch shall be sited and installed to meet B-71 standards for commercial driveways, as shown on Exhibits 45C and 45E prepared by Grover Engineering, last revised 3-20-2015, except that that the driveway width may be reduced, as requested by the applicant, from 24' to 18' to minimize the amount of impervious surface within Zone 1 of the mapped Source Protection Area. Prior to the issuance of a zoning permit, the applicant shall file a revised site plan and construction drawings depicting driveway revisions as approved.
16. The drainage ditch along the driveway, as shown on Exhibit 45C, must be rock-lined as detailed in Exhibit 45E. The drainage culvert under the driveway shall be sized and installed as indicated on Exhibit 45C.
17. The driveway culvert installed within the town right-of-way must have a minimum diameter of 36" and a minimum length of 30' as specified in curb cut permit issued by the town (Exhibit 9D), and be installed according to town specifications.
18. The driveway access (curb cut) shall be kept clear of vegetation and snow banks as necessary to maintain vehicle sight distances.
19. A 'Blind Drive' sign must be erected on the lower side of the driveway on Bolton Valley Access Road as required in the curb cut permit.
20. The driveway shall be maintained to allow for year-round access by emergency vehicles. A gated emergency vehicle access shall be installed as indicated on Exhibits 45A, and 45C; and a signed emergency access easement shall be recorded in the land records of the town prior to the issuance of a zoning permit for the shop and associated parking area. The permittee and assigns shall provide the Bolton Volunteer Fire Department with a copy of the key or code for any lock installed on the gate.
21. Snow dumps and the use of salt and other de-icing chemicals for winter driveway maintenance are prohibited, given the location of the driveway within the Source Protection Area.

**Shop, Wash Pad, Hospitality Trailer**

22. The 3-bay shop, to include a garage, office and waiting area, and associated 2-bay wash pad area, shall be sited and constructed as shown on the Site Plan and Shop Layout (Exhibits 45A, 45D).

23. Onsite vehicle maintenance, including vehicle maintenance within the shop, is limited to light vehicle maintenance and repair activities associated with normal vehicle operation. All other vehicle repair, including engine and body work, shall be conducted off site.
24. The permittee shall observe previously approved protocols for washing vehicles on site, as specified in the Vermont Department of Environmental Conservation's "Practice Regarding Washwater Discharges from Vehicle Washing" (rev 5-6-2009).
25. Above ground fuel storage tanks shall be installed on the wash pad containment slab as shown on the Shop Layout (Exhibit 45D), along with a spill kit to be maintained on site.
26. The permittee shall also provide a spill protection plan, install appropriate engineering controls, and implement appropriate operational procedures to prevent contaminants from being released within the Source Protection Area.
27. The permittee shall maintain adequate storage capacity at all times within the secondary containment holding tank to contain a complete spill from the largest fuel storage tank within the wash pad. Additional freeboard beyond capacity for the largest fuel storage tank is recommended to account for contingencies.
28. All holding tanks and sediment traps must be regularly maintained. Maintenance logs that document holding tank and containment area maintenance activities shall be maintained and provided to the Town of Bolton and water system operation upon request.
29. The Hospitality Trailer shall be located as shown on the Site Plan (Exhibit 45A).

#### **Parking Areas**

30. The shop parking area shall be sited and installed as shown on the Site Plan and Shop Layout (Exhibits 45 A, 45D) to include eleven parking spaces, the installation of landscaping and screening, guardrails, and a gated emergency access to the adjoining Timberline Base Lodge parking area.
31. The emergency access gate shall be kept clear of parked vehicles at all times.
32. The DRB approves the requested reduction in the minimum height required for coniferous trees used to screen the parking area from 8' to 6' in height, as indicated on a corrected planting plan submitted prior to the issuance of a zoning permit. The permittee is required to replant any dead or diseased plants used for screening.
33. Fleet storage areas shall be installed as shown on the site plan (Exhibit 45A).
34. Unregistered vehicles must be stored inside the shop, on a concrete or paved surface, or drained of all fluids. Fleet storage areas used to store unregistered vehicles shall have an impervious paved or concrete surface.

### **Trails, Stream Crossings**

35. Trails and stream crossings approved herein shall be sited as indicated on the Site Plan (Exhibit 45A) and proposed trail maps (Exhibits 3, 12B, 31).
36. The DRB denies approval of the two side slope trails leading up to the parking area, as proposed on fill slopes (Exhibit 45A). These trails were presented after the board's independent technical review and sufficient details to support approval were not provided during the public hearing. The applicant can ask for reconsideration of these two trails, if additional details are provided with regard to stormwater runoff and slope stabilization.
37. All proposed trails on steep and very steep slopes, including cut/fill slopes, are required to adhere to the standards and protocols for trail installation, maintenance and use in the Erosion Prevention and Sediment Control Master Plan as previously approved by the DRB (Exhibit 13), and winter use and maintenance protocols submitted with the application (Exhibit 40).
38. Approved stream crossings are limited to those indicated on Exhibits 12 B and 31. Stream crossings (fords) shall be installed per the specifications included in the EPSC Master Plan.
39. The Ravine Trail and Flood Chute Bypass shall be installed as detailed on Exhibit 26 and 27.
40. The material staging area shall be located outside of the 50-foot riparian buffer along Goose Pond Brook.
41. The permittee shall provide the Town with copies of all state-required water quality monitoring reports for Goose Pond Brook. If adverse impacts are reported, the DRB reserves the right to require additional mitigation measures.
42. Mapped bear habitat (Exhibits 10, 11A) shall be identified on all future site plans as protected open space. The permittee shall observe the following seasonal restrictions on trail use, as agreed to by the Agency of Natural Resources, to minimize impacts to critical bear habitat as shown (Exhibits 10, 11A, 11B):
  - Use of the Goose Pond Trail up to its intersection with the Upper Traverse Trail junction is unrestricted (outlined in blue).
  - Trails outlined in Red (Upper portion of the Goose Pond trail from Upper Traverse Junction, Upper Inner Loop, Upper Flood Chute Bypass, Lower Inner Loop, and the Flood Chute Bypass) shall be closed for use from September 1 until December 15<sup>th</sup>, except for maintenance.
  - Trails marked in yellow (Staircase, Staircase Bypass, Cliff Overlook, and the Eastern Go Around) shall be limited in use to 2 days per month during September and October.
  - Trails marked in Green (Doug's Trail) shall be limited in use to 2 days per week in September and 2 days total in October.
  - Blue trails (Lower Traverse, Middle Traverse, Upper Traverse and the UT Extension, any and all trails in the ski area, and existing trails above and below the 1800 contour) shall be unrestricted.
43. In accordance with previous DRB approvals, new trails are prohibited above the 2800' elevation contour to minimize adverse impacts to Bicknell Thrush habitat.

44. The permittee shall restore all abandoned or relocated trail corridors and associated site improvements to their natural condition, per the Stipulation of Dismissal and Order issued on June 15, 2011 (Docket 6-1-10 VTec).

**General Conditions**

45. Activities on the property must comply with the Performance Standards listed in Section 3.12 of the BLUDR.
46. Outdoor lighting shall include cutoff fixtures that are directed downward be on timers and be kept to a minimum required for safety, security, and intended use.
47. Power lines must be buried. The applicant shall file a revised Site Plan indicating the proposed location of the buried utility lines, and removing the proposed overhead utility lines and poles.
48. Approved improvements shall be installed as specified under the construction schedule included in the application (Exhibit 23), with all work to be completed by December 2017, unless otherwise extended for reasonable cause under an administrative amendment issued by the Zoning Administrator. Zoning permits shall be obtained prior to each phase of construction.
49. Prior to the issuance of zoning permits, the applicant shall submit a three (3)-year performance bond, escrow account, or other form of surety acceptable to the Bolton Select Board, which may be extended for an additional three (3)-year period with the consent of the owner, to ensure proper installation and maintenance of required landscaping, stormwater management facilities (including drainage systems, snowmaking and retention ponds), adequate slope stabilization and erosion control, and the protection of public facilities that may be adversely impacted by the project, including infrastructure within the town highway right-of-way, and public water supplies.
50. Prior to the issuance of applicable zoning permit(s), the applicant shall complete the following, as documented to the satisfaction of the Zoning Administrator:
- a. Obtain written comments from the licensed systems operator indicating that he has reviewed all of the proposed improvements for consistency with the Source Protection Plan. Failure to obtain favorable/supportive comments from the licensed systems operator will void this DRB approval.
  - b. Record the warranty deed of easement with Bolton Valley Resort for emergency access in the town land records;
  - c. File with the Zoning Administrator a revised site plan and final construction documents including stamped engineering plans containing additional detail as requested herein;
  - d. Obtain required state and federal permits, including but not limited to water supply and wastewater, stormwater, and construction permits.
51. Upon substantial completion of the project, the permittee shall provide an affidavit from a licensed engineer that all site, stormwater and driveway improvements have been constructed per approved plans.
52. Prior to the issuance of a Certificate of Occupancy by the Zoning Administrator for use of the shop and office building, the applicant shall:

- a. Provide as-built drawings certified by the project engineer demonstrating that the proposed improvements were constructed as required by the engineering design, permit requirements, and conditions of approval.
  - b. Record a Commercial Building Energy Standards Certificate in the Bolton land records.
  - c. Record in the Bolton land records a wastewater permit issued by the Vermont Department of Environmental Conservation.
53. The Zoning Administrator may review and administratively approve modifications that do not substantially or materially alter these conditions of approval. No other changes or modifications to approved uses and facilities shall be undertaken without prior written approval of the DRB.
54. The conditions of this approval shall run with the land and are binding upon and enforceable against permittees and their successors. By acceptance of this permit, the permittees agree to allow authorized representatives of the Town of Bolton to access the properties subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.
55. All conditions of prior DRB approvals, except as amended herein, remain in full force and effect.

**Approved with conditions (4-0-1) by the Bolton Development Review Board:**

John Devine –Yea  
Stephen Diglio– Yea  
Charmaine Godin – Absent

Sharon Murray – Yea  
Michael Rainville – Yea

**Dated at Bolton, Vermont this 7th day of May, 2015.**

**For the Development Review Board:**



Michael Rainville, Chair

**NOTICES:**

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #4 (802-879-5676) to determine whether state permits are required.
2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a notice of appeal that specifies the basis for the request with the Secretary of the Development Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised on appeal have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.
3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another 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 Division Court Proceedings.
4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke this permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

**Review Process**

(Application materials, hearing notices, meeting minutes on file at the Bolton Town Office)

**Conditional Use Review.** The application for conditional use review and approval, and supporting information, was forwarded to the DRB, and warned for public hearing in accordance with Section 9.8 of the Bolton Land Use & Development Regulations (BLUDRs), and 24 V.S.A. § 4464.

During the public hearings, DRB members reported the following ex parte communications:

- Ms. Murray reported during the 2-24-2015 DRB hearing that she had discussed with the Selectboard the possibility of having an independent engineer review the project.
- Mr. Diglio reported during the 3-24-2015 DRB hearing that he had spoken with Dennis Chaivallre, the licensed system operation, and asked whether or not he had reviewed the project.

There were no other reported ex parte communications, conflicts of interest, or recusals.

The public hearing to consider the application was convened on January 27, 2015 at the Bolton Town Office with a quorum of the DRB present and one alternate participating. The hearing was continued to February 24, 2015, and subsequently continued to March 24, 2015.

The Bolton DRB, in consultation with the Bolton Select Board procured the services of David Whitney of EcoSolutions to conduct an independent technical review of the application with regard to proposed stormwater management and erosion control for areas not covered under the EPSC master plan previously approved by the DRB, particularly in the vicinity of the public water supply well and town highway right-of-way. A copy of the review was forwarded to the applicant's engineer and entered into the hearing record.

The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal the DRB decision in these proceedings:

- Larry Williams, 210 College Street Suite 201, Burlington, VT 05401
- Mike Hopwood, 63 Ethan Allen Drive, S.Burlington, VT 05403
- Dean Grover, Grover Engineering, 2044 Main Road, Huntington, VT 05462
- Dori Barton, Arrow-wood Environmental, 950 Bert White Road, Huntington, VT 05462
- Claudine C. Safar, Esq., Monaghan Safar Ducham PLLC, 156 Battery Street, Burlington, VT 05401
- Scott Moreau, Green leaf Consulting, Inc. PO Box 39, Westford, VT 05494
- Mike Mainer, Grover Engineering, 2044 Main Road, Huntington, VT 05462

In addition to the application form, dated 10-6-2014, the following materials were submitted in support of the application: See attached Exhibit List.

Following the submission of testimony and evidence the public hearing was adjourned on March 24, 2015 initiating the 45-day period for the issuance of a written DRB decision.

### **Findings & Conclusions**

The applicants' request for access and conditional use approval were reviewed by the Bolton Development Review Board (DRB) for conformance with applicable zoning district requirements (Resort Residential, Rural II, Forest, Conservation Districts), General Standards (Article 3) and Conditional Use and Site Plan Review Standards (Article 5) of the Bolton Land Use and Development Regulations (BLUDR) in effect as of January 5, 2005, and as amended effective August 9, 2010, and prior conditions of approval and court ordered stipulation agreements.

DRB findings and conclusions under applicable standards are presented as follows.

#### **Zoning District Standards (Tables 2.3, 2.4, 2.5, 2.6, 2.7)**

**Conclusion:** Based on the following findings, proposed 4x4 Center development complies with minimum zoning district requirements and supplemental standards for the districts in which it is located.

1. Proposed 4x4 Center development, with the exception of the expanded use of existing ski area trails at Bolton Valley Resort, is located on Lot 5, a 302.4-acre parcel with 1,147± feet of road frontage along Bolton Valley Access Road, as previously approved by the DRB. Lot 5 is located in the Resort Residential, Forest and Conservation Districts.

	<b>Resort Residential (Table 2.3)</b>	<b>Rural II (Table 2.5)</b>	<b>Forest (Table 2.6)</b>	<b>Conservation (Table 2.7)</b>
Minimum Lot Area	2.0 acres	10 acres	25 acres	25 acres
Road Frontage	100 feet	300 feet		500 feet
Setback/Front (ROW)	15 feet	35 feet	See Sec. 3.17	See Sec. 3.17
Setback/Rear	25 feet	50 feet	NA	NA
Setback/Side	25 feet	50 feet	NA	NA
Maximum Building Height	35 feet	35 feet	35 feet	35 feet
Maximum Building Coverage	40%	NA	4000 sf	2000 sf

2. Proposed 4x4 Center development, previously classified by the DRB as a type of "Recreation/ Outdoor" use, is an allowed use in all listed districts, subject to conditional use review and approval. Accessory structures to a conditional use in these districts are also allowed subject to conditional use review and approval. The 4x4 Center has also been defined as "Mixed Use" in association with the use of existing ski area facilities at Bolton Valley Resort, as allowed in these districts.
3. Uses in these districts also must meet applicable general standards for development under Article III of the regulations, and applicable specific use standards under Article IV of the regulations (see related findings below).
4. Lot area and frontage meet applicable district lot size and frontage requirements for all districts in which the lot is located.
5. Proposed structures and parking areas as depicted on Exhibits [38A, 38D, 45A, 45D], are located in the Resort Residential District. The purpose of this district is to allow for moderate densities of coordinated, well-planned recreational, lodging and residential development in the immediate vicinity of the resort village, in an area that is served by centralized infrastructure and utilities, in a manner that reinforces the function of Bolton Valley as a compact resort village and protects significant natural features, ridgelines and environmentally sensitive areas. The existing and proposed recreational use of the property is generally consistent with this purpose.
6. Proposed structures and parking areas as identified on Exhibits [38A & 45A] include an office and shop building and adjoining concrete wash pad covered by a impervious deck; an associated gravel parking area and outdoor storage area; a permanent hospitality trailer and deck, and additional "fleet storage" parking areas for fleet vehicles. Based on calculations of total proposed square footage, for building footprints and impervious surface (to include the driveway), proposed development meets maximum lot and building coverage requirements for the districts in which it is located. A previously approved traction circle has not been built and is not shown on the current site plan. It was therefore not included in current lot coverage calculations.
7. The proposed shop, washpad and parking area, as shown on the Site Plan (Exhibit 45A) are outside of required setback areas as mapped for the Resort Residential District.
8. The height of the proposed shop building, as shown on Exhibit 45D, is 35 feet, which is consistent than the maximum building height of 35 feet in the Resort Residential District.
9. The applicant proposed to develop and maintain additional trails as shown on Exhibit 31. Existing and proposed 4x4 trails are located in the Resort Residential, Forest and Conservation Districts and, according to applicant testimony, have been classified by the state as pervious surfaces. No structures are proposed in these districts.

### **General Standards (under Article III)**

#### **Access/Driveway (Section 3.2)**

**Conclusion:** Based on the following findings, the proposed curb cut and driveway on Lot 5 to serve the 4x4 Center will conform to applicable access standards under Section 3.2 of the regulations.

10. The shop and parking area will be accessed directly from the Bolton Valley Access Road via a new access and commercial driveway as depicted on Exhibit 45A and detailed on Exhibit 45C.
11. The applicant has proposed one curb cut for the lot as required by Section 3.2(D)(1). This access is the subject of the Docket No.175-12-13 VTec, Stipulation and Order re Conditions of Final Subdivision Approval, August 11, 2104, and has been proposed in association with the conveyance of Lot 5 to the 4x4 Center, resulting in the potential loss of the existing access to Lot 5 via the Timberline Base Lodge parking area, as previously approved by the DRB (2012-16-SD).
12. According to applicant testimony, the proposed driveway has been sited along an existing trail used to access the resort's water supply system and incorporated in the existing 4x4 trail network.
13. The access and driveway have been designed to meet B-71 standards, as required under the regulations. The driveway as depicted on Exhibit 45A and detailed on Exhibit 45C, is 24 feet in width as required and will not exceed a 15% grade. It will not be paved.
14. The applicant has requested that the allowed driveway width be reduced to 18 feet, to minimize encroachment and impervious surface within Zone 1 of the Source Protection Area. The DRB finds that reducing the travel width from 24' to 18' will minimize impacts to the Source Protection Area and, given no increase in expected traffic, will not impact motorist safety nor impair emergency vehicle access (see related findings below).
15. Access onto public highways is also subject to the approval of the Bolton Selectboard. The curb cut and proposed driveway have been reviewed by the Bolton Selectboard, Road Foreman, and Bolton Fire Department as provided in Exhibits 9A, 9D, and 36. The curb cut application was reviewed and approved by the Bolton Selectboard, with conditions and subject to DRB approval, on 10-6-2014.
16. Given the absence of a turnaround in the parking area sufficient to accommodate fire trucks and other emergency vehicles, the applicant has proposed to install a gated emergency access from the shop parking area to the Timberline Base Lodge parking area, as shown on Exhibit 45A & 45D. The applicant has provided a draft warranty deed of easement (Exhibit 41A) with Bolton Valley Resort allowing emergency vehicle access.

### **Source Protection Area (Section 3.15)**

**Conclusion:** The proposed shop, wash pad and fuel storage area, driveway, and other related improvements are located within mapped Source Protection Area (SPA) for Bolton Valley Resort's public community water supply system (WSID #5051). Based on the following findings, the DRB concludes that proposed improvements represent Potential Sources of Contamination (PSOC) as identified in BLUDR and outdated Source Protection Plan submitted with the application; however, proposed improvements, if reviewed and approved by the licensed System Operation and developed and managed in conformance with existing and amended source protection plans, independent technical review recommendations, and associated conditions of DRB approval, should not adversely affect the public water supply.

17. Proposed development, including the shop, wash pad and fuel storage area, driveway, and other related improvements, is located within Zones 1 and 2 of the mapped Source Protection Area (SPA)

for the public water supply serving Bolton Valley Resort and adjoining residential neighborhoods (WSID #5051), as shown and described in Exhibits 45A-45D. Development within a SPA is regulated under Section 3.15 of the BLUDR.

18. The Source Protection Plan (SPP) for the water supply system, as referenced in the regulations, is dated June 28, 2010. Given that SPPs are to be updated every three years, the plan as submitted with the application – including listed potential sources of contamination and system operator and other contact information – is now out of date.
19. The system operator has not, to date, reviewed the proposed development for conformance with the existing Source Protection Plan. No letter of review, recommendation or approval has been submitted to the DRB by the operator or applicant, as requested.
20. Proposed fuel storage tanks, driveway and parking areas, vehicle storage areas, wash pad, shop, wastewater disposal system, and stormwater management facilities are all potential sources of contamination within the Source Protection Area, as identified in the existing Source Protection Plan and regulations.
21. The 2010 source protection plan identifies summer use of ski trails and roads within SPAs by the 4x4 Center as potential sources of contamination (PSOC) due to potential leaks of fuel, oils or lubricants from vehicles, but assigns this use a low risk based on existing trail locations in relation to drilled wells, and the minimal risk of releasing significant amounts of harmful substances. Vehicles pose a risk only if they overturn, or a hydraulic line is ruptured. Proposed vehicle and fuel storage areas, vehicle washing and maintenance, stormwater retention and snowmaking ponds, winter 4x4 trail use, and excavation and fill within the Source Protection Area is not addressed in the existing plan.
22. Under Section 3.15 of the regulations, development is prohibited within a 200 foot radius of a well or spring that serves a public water supply. Portions of the proposed driveway, overhead power line and existing trail network are located within the 200 foot radius of the drilled well (Zone 1) – areas where impacts of contamination would likely be immediate and certain, as well as within Zone 2, where there would be probable impacts if contamination did occur.
23. The regulations specifically prohibit *“operations, including home based businesses, which manufacture, use, process, store or dispose of hazardous materials or wastes in amounts that could threaten public water supplies, including but not limited to metal plating, chemical manufacturing, wood preserving, photographic processing, motor vehicle service, auto body repair, furniture stripping, and dry cleaning materials.”* The applicant has testified that only minor vehicle maintenance and repair and refueling will occur on site, within the enclosed shop building and wash pad area. Major repairs will be continue to be done off site.
24. The regulations also prohibit *“the storage of unregistered vehicles unless stored in an enclosed structure and parked on an impervious surface or drained of all fluids”* from designated Source Protection Areas. The applicant has asked for approval to store up to 22 unregistered vehicles on site – in the shop and wash pad area, parking lot, and in other designated locations near the winter exercise lane as shown on Exhibit 38A, 45A, and described in Exhibit 34. In accordance with the regulations, these areas must consist of impervious surfaces, or the vehicles must be drained of all fluids before being stored on site.

25. Section 3.15(B)(2) requires all floor drains to drain into holding tanks. The applicant has revised the plans for the wash pad and shop area to include holding tanks, as shown on Exhibit 45D. The proposed holding tanks are located on the concrete wash pad which is covered by an impervious deck and drained by a vane drain into one of the holding tanks.
28. The applicant has provided correspondence from Dennis Nealon of the Vermont Department of Environmental Conservation's Drinking Water and Groundwater Protection Division, dated 7-21-2014 (Exhibit 22A), that the proposed wastewater disposal system will not have an adverse impact on the public well.
29. Section 3.15(C)(3) prohibits the outdoor storage of salt, de-icing materials, snow dumps, pesticides or herbicides within designated source protection areas, as agreed to by the applicant.
30. The board's independent engineer review (Exhibit 43) provided the following recommendation:  
*Specific details are required for the waterproofing method that will be used for each pond to ensure that the collected stormwater is hydrologically separated from the SPA groundwater. It is strongly recommended that any groundwater recharge practices occur after stormwater treatment to minimize the potential for introducing salt and fertilizer compounds. The water proofing is also related to the concerns listed in the previous comment;*
31. During the hearing the applicant testified that the fleet vehicles will be refueled off-site during spring, summer and fall months, and on-site during winter months. The applicant also provided testimony during the hearing that they would not apply salt to the driveway.

### **Surface Water & Wetlands (Section 3.17)**

**Conclusion:** Based on the following findings, the DRB concludes that proposed driveway and trail system will result in limited adverse impacts to Class III wetland with minimal functional value located within the project area, but will not encroach within required surface water setback and buffer areas established under the regulations and prior conditions of approval. Proposed trails will include additional stream crossings; sections of trail that follow an existing logging road will also encroach within the required setback and buffer area along Goose Pond Brook, which may result in additional erosion and stream sedimentation. The applicant is therefore required by the state to monitor the water quality of Goose Pond Brook to assess impacts to water quality.

31. Mapped surface water in the vicinity of the project includes Goose Pond Brook and intermittent streams, as show on town maps and indicated on Exhibits 1, 3, 10, 11A, 12B and 31.
32. Under the BLUDR, a minimum 100-foot setback and 50-ft undisturbed vegetated buffer is required along Goose Pond Brook; and a 50-foot setback and 25-foot buffer is required along all other naturally occurring surface waters, including intermittent streams, as measured horizontally from top of bank (or top of slope if no bank is discernable). This includes any surface waters identified from maps or exhibits or through site investigation.
33. Required surface water setbacks and buffer areas are not indicated on any exhibits, but from scaled measurements (Exhibit 31) it appears that areas of disturbance, except for planned stream crossings, are generally outside of required surface water setbacks. However sections of proposed trail following an existing logging road along Goose Pond Brook will encroach within the required setback and buffer, which may result in additional erosion and sedimentation. The applicant is therefore required by the state to independently assess and monitor the water quality of Goose Pond Brook , to identify any

adverse impacts to the brook resulting from trail development, use and maintenance within the riparian buffer.

34. The total number of proposed number stream crossings associated with trail development has increased from 16 under the EPSC master plan previously approved by the DRB to 19, which will result in an additional 108 square feet of stream disturbance. According to applicant testimony, this is due in part to proposed trail relocations in the vicinity of Goose Pond Brook, as required by the state to limit adverse impacts to critical bear habitat within the project area (Exhibit 11A). Arrowwood Environmental has provided a memo (Exhibit 33) indicating the steps taken to minimize or mitigate stream crossings and other impacts to stream courses during the design of the project. Stream crossings (fords) will be installed and maintained as specified in the EPSC master plan previously approved by the DRB.

35. Wetlands are shown within the vicinity of the project area as identified on Exhibit 31. The project area contains Class 3 wetlands. These wetlands were evaluated by Arrow-wood Environmental (Exhibit 32) and determined to have no significant function.

36. Portions of the driveway, which drain away from the wetland, encroach within a mapped wetland buffer.

37. The "Ravine Trail" to include the installation of a culvert, will also encroach on a Class 3 wetland, but has been designed to improve wetland conditions.

**General Conditional Use Standards (Article V, Section 5.4)**

**Conclusion:** The proposed shop and associated improvements will not have an undue adverse effect on the capacity of existing or planned community services and facilities, the character of the area, traffic on roads and highways in the vicinity, bylaws in effect, or the use of renewable energy resources if the proposed mitigation strategies are implemented and maintained.

**Capacity of existing or planned community services and facilities:**

38. The proposed shop and associated improvements will not require any additional community facilities or services. The shop will be served by an onsite wastewater system and drilled onsite well.

39. The applicant provided written statements that the Bolton Fire Chief and Richmond Rescue will be able to serve the proposed expansions of the 4 x 4 Center (Exhibits 8 & 36).

40. The proposed expansions and associated improvements are within the Source Protection Area for Bolton Valley Resort's public community water supply system (WSID #5051). Potential adverse impacts to the Source Protection Area are portions are the increase in impervious surfaces and vegetation clearing.

41. The stormwater ponds, parking area, shop, wash pad, and wastewater disposal system are all potential contaminants to the Source Protection Area.

42. During the hearing, the board heard testimony that salt will not be used as ice control or in maintenance of the driveway.

43. The applicant is proposing the following mitigation strategies to lessen any potential impacts to the Source Protection Area; a 2,000 gallon concrete tank to collect vehicle wash water; 1,000 gallon holding tank for shop floor drain; associated spill kits; and mandatory procedures for delivery of fuels.

**The character of the area:**

44. The purpose of the Resort Residential district is to allow for moderate densities of coordinated, well-planned recreational, lodging and residential development in the immediate vicinity of the resort village, in an area that is served by centralized infrastructure and utilities, in a manner that reinforces the function of Bolton Valley as a compact resort village and protects significant natural features, ridgelines and environmentally sensitive areas.
45. The existing and proposed use of the area is outdoor recreation. As such, no changes to the character of the area are proposed.
46. The proposed shop and associated improvements are located within an existing area of the Bolton Valley Resort used by the 4 x 4 Center. This includes a previously approved trail network in the vicinity of the Timberline parking area. As such, the proposed expansions and improvements are in keeping with the current use and character of the area.

**Traffic on roads and highways in the vicinity:**

47. The proposed shop and associated improvements will be accessed via driveway off from the Bolton Valley Access Road. There is no proposed increase in the level or intensity of use, as such, no increased traffic on the Bolton Valley Access Road is anticipated.
48. The Bolton Selectboard has reviewed and approved the curb cut on Bolton Valley Access Road.
49. The approved curb cut did not meet the minimum sight distances as required by Standard B71.
50. The board previously approved no more than six vehicles per class.

**Bylaws in effect:**

51. The proposed shop and associated improvements must meet all applicable municipal bylaws in effect, including the town's highway ordinance.

**The use of renewable energy resources:**

52. The proposed shop will be required to be constructed in accordance with the Vermont Commercial Building Energy Standards.
53. The property is enrolled in the state's Use Value Appraisal (Current Use) program.

**Conformance with the Town Plan.**

54. The proposed shop and associated improvements generally conform to the purpose, uses, and associated goals, objectives of the Bolton Town Plan for the districts in which it is located. The current Bolton Town Plan, as readopted in 2011, contains the following goals and polices that apply to this parcel:
- Maintain, restore and conserve habitats and natural communities that support rare, threatened and endangered species; and manage rare and irreplaceable natural areas in Bolton so as to minimize the adverse effects of development.
  - Ensure that permits issued for development near sensitive areas, such as steep slopes, high elevations, wetlands, scenic vistas and wildlife habitats, contain conditions assuring conformance to the goals set forth in this plan.
  - Encourage a diverse and varied economy based on, but not limited to, agricultural, commercial, forestry and recreational businesses.
  - Emphasize the protection of the scenic and recreational quality of the mountains, forests and other natural resources as a priority in Bolton.
  - Emphasize businesses which will increase the tax base, but which will not pollute the environment or overburden the school system and other Town services.

**Zoning District & Use Standards.**

55. The proposed expansions and associated improvements identified on the provided Exhibits are primarily located in the Resort Residential zoning district (Table 2.3).
56. The proposed expansions and associated improvements meet the lot and building coverages for the zoning district in which they are located as indicated on Exhibit 34.

**Performance Standards.**

57. Use of the proposed shop and associated improvements are subject to applicable performance standards under Section 3.12 of the BLUDRs. Under normal use, as proposed, the expansions will not result in excessive noise, vibration, glare, dust or pollutants, as measured at the property line.

**Legal Documentation**

58. The applicant has provided a draft deed for emergency access easement (Exhibit 41A) to be recorded in the Bolton land records.

**General Site Plan Review Standards.**

Based on the following findings, the DRB concludes that proposed 4 x 4 Center improvements, if developed, managed and maintained as required under the regulations and associated conditions of approval, will conform to applicable site plan review standards under Section 5.3 of the regulations.

**Site Features.**

59. Site features identified by the applicant in areas to be developed include a delineated source protection area as regulated under Section 3.15; steep (15+% ) and very steep (>25%) slopes as

defined and regulated under Section 3.16 and the stipulation agreement; surface waters, wetlands and associated setback and buffer areas as regulated under Section 3.17; and critical wildlife habitat, including necessary bear and Bicknell Thrush habitat (above 2,800 feet in elevation) as defined by the state and addressed under prior conditions of approval.

60. 4x4 Center development identified in the Erosion Prevention and Sediment Control (EPSC) Master Plan as previously approved by the DRB that is located on steep or very steep slopes must be developed in conformance with the plan, as required under the stipulation agreement as amended.

### **Site Layout & Design**

61. The proposed shop and associated improvements are located on Exhibits 1, 2A-2E, 3, 38A, 38D, 45A, and 45D (as revised). Proposed trail network improvements on Lot 5, and on the adjoining Bolton Valley parcel, are shown on Exhibit 31.
62. The current portion of the site to be developed, located within the Resort Residential District, is largely forested and undeveloped, except for previously approved trail improvements, but is located in the vicinity of and currently accessed from the Timberline Base Lodge parking area. This area has been used by the 4x4 Center for several years under a separate agreement with the resort (Exhibit 28). The proposed shop, wash pad and parking area to be constructed adjacent to the base lodge parking area are compatible with existing, adjoining uses.

### **Access**

63. The proposed shop and associated trail network will be accessed from the Bolton Valley Access Road via the proposed access and driveway shown on Exhibit 45A and detailed on Exhibit 45C.
64. Pedestrian access to the site is limited to the shop walkway connecting to the Timberline Base Lodge parking area.
65. The proposed driveway also crosses the "Growald Easement." This easement was previously approved by the DRB only for logging and passive recreation (2012-16-D). No change in the status of this easement, or shared use of the driveway access, has been requested.

### **Parking, Loading & Service Areas**

66. The applicant has provided a plan for onsite vehicle parking to include up eleven spaces for customers and employees, including one ADA handicapped parking space, in front of the shop; and additional outdoor parking for up to 22 unregistered vehicles in the vicinity of the winter exercise lane (Exhibits 34, 38A, 38B, and 38D). The shop and wash pad area may also be used for temporary parking.
67. According to applicant testimony, onsite parking has been designed to meet the needs of the 4x4 Center in the event that shared parking at the Timberline Base Lodge under the existing agreement with Bolton Valley Resort is no longer available. The parking lot in front of the shop will be accessed from the proposed driveway, and a second, gated emergency vehicle access to the base lodge parking lot.

68. The gravel parking lot in front of the shop is to be constructed on fill with a maximum finished grade of 2(H):1(V), to include a guardrail installed on the top of the slope, and landscaping as required for slope stabilization, and to screen the parking lot from the town highway (Exhibits 45D, 45F)

### **Landscaping & Screening**

69. The application includes landscaping and screening details, and a three-year landscaping plan for the proposed parking lot located in front of the shop and wash pad (Exhibit 45A). Listed plants include native and non-native species that have been selected based on site conditions (Exhibits 38F,45F).
70. Section 5.3(C)(6)(c) of the regulations requires that shade and street trees shall be a minimum, of 2.5" caliper (trunk diameter), measured at a height of five (5) feet, or, in the case of coniferous trees, be a minimum of eight (8) feet in height.
71. The applicant has requested that the DRB reduce the minimum required height for coniferous trees, as proposed for parking lot screening, from 8 feet to 6 feet to better support their establishment, growth and long-term survival. The DRB finds that 6 feet is acceptable in this context, but that this is not consistent with the 1-2' proposed tree height identified on Exhibit 38F, which conflicts with information provided during testimony.

### **Outdoor Lighting**

72. Outdoor lighting as proposed includes 3 downcast fixtures on the shop building, one pole mounted light near the winter exercise lane and one light mounted on the proposed hospitality shed. Proposed lighting fixtures are cut-off fixtures that will be cast downward to minimize glare as required by Section 3.9 of the BLUDR (Exhibit 19).
73. Outdoor lighting will be equipped with photoelectric sensors and timers to reduce energy consumption and eliminate unnecessary lighting (Exhibit 34).

### **Stormwater Management & Erosion Control**

74. Development specifically identified in the Erosion Prevention and Sediment Control (EPSC) Master Plan as previously approved by the DRB, must be developed and maintained in conformance with the master plan, as provided under the Stipulation Agreement.
75. Proposed trails and associated stream crossings are to be developed and maintained in conformance with protocols included in the EPSC Master Plan as previously approved by the DRB (Exhibit 13), under proposed use restrictions based on rainfall events, and under protocols for winter trail use and maintenance submitted during the hearing process (Exhibit 40).
76. The application includes site improvements, including bermed stormwater and snowmaking ponds and cut and fill slopes, which are not detailed in the EPSC Master Plan as approved by the DRB (Exhibit 13). The applicant's engineer has testified that because of steep slopes and soils, the site is classified as a Moderate Risk; and that state construction and stormwater permits will also be required.

77. An independent technical review of the application was performed by David Whitney of EcoSolutions at the request of the DRB, particularly for proposed site improvements within the vicinity of the public water supply well and town road right-of-way, which resulted in the following recommendations relating to stormwater management and erosion control, as forwarded to the applicant's engineer (Exhibit 43):

- *Additional detail is required to ensure that the earthen berms that are holding back stored water in the ponds are constructed appropriately to prevent leakage and potential collapse. See Attachment 1 for a sample earthen berm detail that has been developed by the US Army Corp of Engineers;*
- *Grading for overflows from the ponds are shown, however given the steepness of the proposed berm details should be provided on the type of stabilization that is proposed to ensure that the slope does not erode during extreme storm events;*
- *It may be possible to reduce the size of the stormwater pond by following the approach listed in Section 3 of the Vermont Stormwater Treatment Standards, or at a minimum separating the water quality treatment from the pond. Additional stormwater storage methods could be used on contour that achieve the same storage volume, but would not require such significant grading. These could include buried storage such as Brentwood Industries Storm Tanks or ACF Environmental matrix boxes.*

### **ATTACHMENT- EXHIBIT LIST:**

- **Exhibit 1:** Bolton 4 x 4 Center: Master Plan Existing and Proposed Trails map, prepared by A.Worthley, Arrowwood Environmental, dated 9-30-2014
- **Exhibit 2A:** Site Plan (Sheet 1 of 5), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014
- **Exhibit 2B:** Stormwater & Utilities (Sheet 2 of 5), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014
- **Exhibit 2C:** Driveway Layout (Sheet 3 of 5), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014
- **Exhibit 2D:** Shop Layout (Sheet 4 of 5), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014
- **Exhibit 2E:** Details (Sheet 5 of 5) , The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014
- **Exhibit 3:** Bolton 4 x 4 Center: Town of Bolton Existing and Proposed Trails: Warm-Up Area map, prepared by A.Worthley, Arrowwood Environmental, dated 9-24-2014
- **Exhibit 4:** Memo to Dennis Nealon from Zachary M. York of VHB Pioneer, dated 6-28-2010 and the Timberline Well Source Protection Plan, Catamount/Bolton Water and Sewer, LLC. Bolton Valley Resort-WSID #5051, dated June 28, 2010
- **Exhibit 5:** Plat Showing Lot 5, Bolton Valley, Land of Catamount/Bolton Land, LLC, prepared by Little River Survey Company, drawn by PSK, Job 12858, 1 of 1, dated Jan. 2013, last revised 1-18-2013
- **Exhibit 6:** Act 250 Municipal Impact Questionnaire, signed by Linda Baker, Bolton Planning Commission Chair, dated 6-10-13
- **Exhibit 7:** Letter to Courtney Butler, Esq., Monaghan Safar Ducham PLLC from Lt. James Whitcomb, State of Vermont, Department of Public Safety- Vermont State Police, no date
- **Exhibit 8:** Letter to Sharon Murray, Bolton DRB Chair, Re: 4 x 4 Training Center Improvements, from Michael Chiarella, Director of Operations, Richmond Rescue, Inc., dated 8-25-2014
- **Exhibit 9A:** Curb Cut Permit Application, Applicant- Catamount/Bolton Land LLC and Automotive Services International, dated 8-4-2014
- **Exhibit 9B:** Letter to Ronald Lafreniere, Chairman Bolton Selectboard, Re: Application for Highway Access (Curb Cut), from Dean A. Grover, Grover Engineering, dated 8-4-2014

- **Exhibit 9C:** Driveway Layout (DWG. No. 1 of 1), The 4 x 4 Driving School, prepared by Grover Engineering, dated 8-5-2014
- **Exhibit 9C:** (Clarification) Email from Dean Grover to Miron Malboeuf, Re: Driveway Entrance- Exhibit 9, dated 12-3-2014 10:40AM
- **Exhibit 9D:** Curb Cut Permit Application, Applicant- Catamount/Bolton Land LLC and Automotive Services International, dated 8-4-2014
- **Exhibit 10:** Bolton 4 x 4 Center: Bear Habitat and Trail Restrictions map, prepared by A.Worthley, Arrowwood Environmental, dated 9-25-2014
- **Exhibit 11A:** Bolton 4 x 4 Center: Bear Habitat and Trail Restrictions map, prepared by A.Worthley, Arrowwood Environmental, dated 9-25-2014
- **Exhibit 11B:** Agreed Upon Trail Seasonal Use Restrictions, no date
- **Exhibit 12A:** Letter to Mike Hopwood from Jeffrey Parsons, Arrowwood Environmental, Subject: Moose and Bicknell's Thrush Habitat at the Bolton 4 x 4 Proposed Expansion Area, dated 4-25-2013
- **Exhibit 12B:** Bolton 4 x 4 Center: Natural Resources: Map 6, prepared by A.Worthley, Arrowwood Environmental, dated 9-30-2014
- **Exhibit 13:** Master Plan for Erosion Prevention, Sediment Control (EPSC) and Stormwater Management, 4x4 Center, Bolton Vermont, prepared by Greenleaf Forestry, Scott E. Moreau and Addison Kasmarek, dated June 2012
- **Exhibit 14A:** Stipulation of Dismissal and Order, State of Vermont, Re: 4x4 Center, Off Road Driver Training School CU Application, Docket No. 6-1-10
- **Exhibit 14B:** Letter to Joseph F. Mclean, Esq., from Liam Murphy, Re: 4x4 Center Stipulation of Dismissal and Order, dated 2-7-2013 and Frist Amendment to Stipulation of Dismissal and Order, dated January 2013
- **Exhibit 15:** State of Vermont Natural Resources Board, District #4 Environmental Commission, Re: Catamount/Bolton Land LLC & Mountain Operations and Development LLC, and Automotive Services International, Application#4C0436-26J-1, Partial Findings of Fact, Conclusions of Law and Order, 10 V.S.A. §§6001-6093 (Act 250), dated 2-20-2014
- **Exhibit 16:** Site Location Map (DWG. No. 0 of 5), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014
- **Exhibit 17A:** Warranty Deed, recorded in Bolton Town Clerks Office, Book 59 Page 490-96, dated 9-25-2002
- **Exhibit 17B:** Warranty Deed, recorded in Bolton Town Clerks Office, Book 61 Page 32-35, dated 7-24-2003
- **Exhibit 17B:** Warranty Deed, recorded in Bolton Town Clerks Office, Book 62 Page 620-621, dated 12-1-2003
- **Exhibit 18:** Ratnik Industries, Water Hydrants, Model 200C, sample product
- **Exhibit 19:** Ruud Lighting Direct, 2" adjustable fitter rectangular parking/roadway flood, sample outdoor lighting
- **Exhibit 20:** Traverse Trail Pictures (11 photographs)
- **Exhibit 21:** Winter Exercise Lane (2 photographs)
- **Exhibit 22A:** Email from Dennis Nealon to Michael Mainer, Re: Bolton Valley Timberline Well-proposed wastewater system, dated 7-21-2015 at 2:31 PM.
- **Exhibit 22B:** Memo to Dennis Nealon from Michael Mainer (Grover Engineering) Re: Wastewater Disposal System Incursion into Bolton Valley Well SPA, dated 7-18-2014 (5 pages)
- **Exhibit 23:** Proposed construction schedule
- **Exhibit 24:** State of Vermont Superior Court Environmental Division, Docket No. 175-12-13, Re: Catamount/Bolton Land LLC Final SD Rev & Boundary, Stipulation and Order, dated August 2014
- **Exhibit 25:** List of property owners
- **Exhibit 26:** Stream Crossing (DWG No. 4 of 4), The 4 x 4 Driving School, prepared by Grover Engineering, dated 10-11-12
- **Exhibit 27:** Phase 2-Flood Chute Bypass (DWG No. 1 of 1), The 4 x 4 Driving School, prepared by Grover Engineering, dated 8-15-2013

- **Exhibit 28:** Agreement, Automotive Services International and Mountain Operations and Development LLC and Catamount/Bolton Land, LLC, dated 10-14-2008 (4 pages)
- **Exhibit 29:** Email from Kevin Burke to Tom Walsh, Re: 4x4 Center and Bolton Mt. Resort, dated 11-15-2010 9:12AM
- **Exhibit 30:** Settlement Agreement dated 1-12-2015 (provided by Ms. Safar)
- **Exhibit 31:** Large map of the permitted and proposed trail network prepared by A.Worthley of Arrow-wood Environmental, dated 9-30-2014
- **Exhibit 32:** Memo to Mike Hopwood from Dori Barton and Jeff Parsons of Arrow-wood Environmental, Re: Natural Resource Review for the 4 x 4 Master Plan, dated 7-9-2012
- **Exhibit 33:** Memo from Arrow-wood Environmental to Bolton 4 x 4 Center and Bolton DRB Re: Stream Impact Minimization, dated 2-17-2015
- **Exhibit 34:** Memo from Grover Engineering- Responses to DRB Comments dated 2-24-2015
- **Exhibit 35:** Memo from Claudine Safar of Monaghan, Safar, Ducham to Bolton DRB, Re: The 4 x 4 Center Conditional Use Application, dated 2-24-2014 (typo)
- **Exhibit 36:** Memo from Mike Gervia to Bolton DRB, Re: The 4 x 4 Center Conditional Use Application, dated 2-24-2015
- **Exhibit 37:** Memo to Dennis Nealon, dated 2-23-2015
- **Exhibit 38A:** Site Plan (Sheet 1 of 6), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014, last revised 2-24-2015
- **Exhibit 38B:** Stormwater & Utilities (Sheet 2 of 6), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014, last revised 2-24-2015
- **Exhibit 38C:** Driveway Layout (Sheet 3 of 6), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014, last revised 2-24-2015
- **Exhibit 38D:** Shop Layout (Sheet 4 of 6), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014, last revised 2-24-2015
- **Exhibit 38E:** Details (Sheet 5 of 6) , The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014, last revised 2-24-2015
- **Exhibit 38F:** Planting Details (Sheet 6 of 6), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014, last revised 2-24-2015
- **Exhibit 39:** List of DRB Questions/Concerns provided to the applicant on 2-18-2015.
- **Exhibit 40:** Memo from Claudine C. Safar, Esq. to Miron Malboeuf, dated 2-25-2015, Re: The 4 x 4 Center Conditional Use Application and a copy of the Wet/Winter Conditions Protocols.
- **Exhibit 41A & B:** Warranty Deed of Easement and Driveway Layout prepared by Grover Engineering (dwg. 3 of 6) dated 2-24-2015
- **Exhibit 42:** Memo from Monaghan Safar Ducham, Re: 4 x 4 Center Conditional Use application hearing memorandum, dated 3-24-2015
- **Exhibit 43:** Memo from David Whitney of EcoSolutions, Subject: 4 x 4 Center Driving School Site Plan Review, dated 3-20-2015
- **Exhibit 44:** Memo from Grover Engineering, Re: Responses to EcoSolutions Review Comments for the 4 x 4 Center Plans, dated 3-24-2015
- **Exhibit 45A:** Site Plan (Sheet 1 of 6), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014, last revised 3-20-2015/ last revised 3-27-2015 (as corrected)
- **Exhibit 45B:** Stormwater & Utilities (Sheet 2 of 6), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014, last revised 3-20-2015/ last revised 3-27-2015 (as corrected)
- **Exhibit 45C:** Driveway Layout (Sheet 3 of 6), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014, last revised 3-20-2015
- **Exhibit 45D:** Shop Layout (Sheet 4 of 6), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014, last revised 3-20-2015
- **Exhibit 45E:** Details (Sheet 5 of 6) , The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014, last revised 3-20-2015
- **Exhibit 45F:** Planting Details (Sheet 6 of 6), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-2014, last revised 3-20-2015