



# Town of Bolton Development Review Board

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

Catamount/Bolton Land, LLC  
Final Subdivision Approval/"Lot 5" Boundary Adjustments  
Application #2012-16-SD  
July 5, 2013

**Bolton Town Clerk's Office  
Received For Record**

July 23 2013 A.D.  
at 11 o'clock 45 minutes P.M.  
Recorded in Book 86 Page 624-634  
Attest: Amy Grover

Asst. Town Clerk  
AG

### Applicant

Catamount/Bolton Land, LLC  
210 College Street, Suite 201  
Burlington, VT 05401

### Application

(Application materials on file at the Bolton Town Office, procedural history attached.)

The applicant has requested final subdivision review and approval for boundary adjustments to an existing 300± acre lot ("Lot 5") as required to: 1) Increase the acreage of the adjoining (Growald) parcel to the south by 6.2 acres to 1,010 acres, per a warranty deed conveyed by the applicant to the owner, as recorded in the Town of Bolton land records on November 21, 2005; and to 2) adjust the boundary line between the subject property and the adjoining parcel to the north, owned by Mountain Operations and Development, LLC (Bolton Valley Resort) for purposes of conveying Lot 5 to Automotive Services International (the 4x4 Center). The acreage of Lot 5 as surveyed, after adjustments, will be 302.4± acres, with 1,147.2± feet of frontage along the Bolton Valley Access Road, at the "S-Curve" where the road crosses Joiner Brook. The subject parcel (Tax Map ID #7-3003277) is adjacent to and currently accessed from the Timberline Base Lodge on the Bolton Valley Access Road. It is located in the Resort Residential, Forest and Conservation Districts.

The parcel in question represents a large block of unfragmented forestland that includes 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 wetlands, an uncommon natural community, an uncommon vascular plant, significant wildlife habitat (upland, riparian, bear/beechn stands, Bicknell Thrush), a mapped fluvial erosion hazard area along Joiner Brook, and public water supply wells and 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. No additional development is proposed at this time.

Lot 5 is also crossed by a nonexclusive 60-foot easement to the Growald property, as conveyed by the applicant in November 2005 and indicated on the preliminary plat. This includes, within the easement area, an existing bridge that spans Goose Pond Brook. This easement and crossing have not been approved by the DRB for purposes of highway access or development, and no access approval for these purposes has been requested as part of application. Mountain Operations and Development will retain easements for the use of existing ski trails ("ski easement area") and to operate, maintain, repair and replace all water supply and wastewater disposal infrastructure on the lot, including the Timberline Well and Backup Well Site #2 serving the Bolton/Catamount water system. The 4x4 Center will continue to access to the Bolton Valley Access Road and trails, parking areas and facilities on adjoining Mountain Operations and Development land to the north as necessary for continued operation under its existing agreement with the Bolton Valley Resort.

This application for a boundary adjustment has been reviewed by the Bolton Development Review Board as a minor subdivision amendment under applicable zoning district (Article II), general (Article III) and subdivision standards (Article 7) of the Bolton Land Use and Development Regulations as amended through July 19, 2010 and in effect at the time of application, and previous conditions of subdivision approval pertaining to this parcel. The DRB's procedural history and relevant findings are attached.

**Decision = Final Subdivision Approval for "Lot 5" Boundary Adjustments:**

- Denied  
 Approved  
 **Approved with Conditions:**

The Bolton Development Review Board hereby approves requested boundary adjustments for "Lot 5" currently owned by Catamount Bolton LLC, (Tax Map ID #7-3003277), as shown on the preliminary plat "Plat Showing Lot #5" dated April 22, 2013 (rev), subject to the following conditions of subdivision approval:

1. The subdivision plat to be recorded in the land records of the Town of Bolton shall show and include the following information, in addition to that shown on the preliminary subdivision plat:
  - a. Surveyor, Vermont license number.
  - b. Lot lines, survey monuments and marker locations for lot boundaries as adjusted surveyed, mapped, and approved by the Development Review Board.
  - c. Zoning district boundary locations, and the minimum setback distances from road rights-of-way and property lines as required for each district (e.g., in a table).
  - d. Joiner Brook, its mapped tributaries (crossing the parcel south of the "S-Curve" on the Bolton Valley Access Road) and minimum setback distances from each as required under Section 3.17 of the Bolton Land Use and Development Regulations – to include a 100-foot setback from Joiner Brook and 50-foot setbacks from tributaries.
  - e. Amended plat notation (#12) to specifically reference Joiner Brook, Goose Pond Brook and mapped tributaries, and to state that "Trail development and stream crossings within the stream buffer shall require approval from the Bolton Development Review Board."
  - f. A plat notation to the effect that "Approvals from the Bolton Development Review Board and the Bolton Road Foreman are required for future development and use of the 'Easement to Lot A' as a driveway or development road."
  - g. A plat notation to the effect that "Development within designated public water supply Source Protection Areas (not shown) requires review and approval from the Bolton Development Review Board, in conformance with the adopted Source Protection Plan.
  - h. A plat notation to the effect that "No buildings or parking areas may be sited on the lot outside of a designated building envelope approved by the Bolton Development Review Board."
2. The following additional information shall be provided to the Zoning Administrator prior to recording the plat in the land records of the Town:
  - a. Draft easement language or other legal documentation sufficient to secure continued access to Lot 5 from the Bolton Valley Access Road via the Timberline Base Lodge parking area, and allows for shared use of the base lodge parking area following conveyance of the parcel.
3. The subdivision plat, as approved by the DRB, shall be submitted for recording in the land records of the Town of Bolton within 180 days of the date of this approval, or the approval shall expire and

reapplication for final subdivision approval shall be required. The applicant shall file the Mylar plat, signed by the Chair or other authorized representative of the Development Review Board, with the Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17, and provide two paper copies and one digital copy of the recorded plat, and one copy of all supporting documentation to the Zoning Administrator (see Section 6.6 of the regulations). The survey plat as recorded shall carry the following endorsement (Section 6.6):

*Approved by the Development Review Board of the Town of Bolton, Vermont, on the 5th day of July 2013, subject to all requirements and conditions of subdivision approval. Signed this \_\_ day of \_\_\_\_, 2013, by \_\_\_\_\_, DRB Chair.*

4. No changes, modifications or other revisions that alter the subdivision as approved, including the location of subdivision boundaries, lot lines, easements, or conditions of subdivision approval, shall be made without prior approval from the DRB. Any changes, modifications or revisions recorded without DRB approval shall be considered null and void.
5. Use of the 60-foot nonexclusive easement across Lot 5 as previously conveyed to the Growalds and as shown on the preliminary subdivision plat ("Easement to Lot A") is limited to logging and passive recreation, except as previously approved by the DRB for shared use by the 4x4 Center. This easement shall not be used to access the Bolton Valley Access Road as a driveway or development road to serve existing or future development on either lot (Lot 5, Lot A) without the approval of the Development Review Board and the Bolton Road Foreman per Section 3.2 or 7.6 of the Bolton Land Use and Development Regulations and the Bolton Town Highway Ordinance.
6. Except for existing and previously approved stream crossings, minimum setback distances and undisturbed, vegetated buffer areas shall be maintained along Joiner Brook, Goose Pond Brook, unnamed tributaries and wetlands located on the property in accordance with Section 3.17 of the Bolton Land Use and Development Regulations and prior conditions development approval.
7. The designation of a building envelope to accommodate the construction of buildings and parking areas on the lot, to be approved by the Bolton Development Review Board under Sections 7.2 and 7.3 of the regulations, and the associated designation of open space under Section 7.4, are deferred until such time as additional development is proposed.
8. Future development on Lot 5 within designated public water supply Source Protection Areas identified on the parcel, but not shown on the final subdivision plat, will require review and approval by the Bolton Development Review Board under Section 3.18 of the Bolton Land Use and Development Regulations.
9. Except as herein amended, all terms and conditions of previous subdivision and conditional use approvals issued by the Bolton Development Review Board pertaining to Lot 5 shall remain in full force and effect.
10. All other required state and municipal permits and approvals must be obtained prior to recording the subdivision plat in the land records of the Town of Bolton.
11. The conditions of this subdivision approval are binding upon and enforceable against the applicants as permittee and their successors. By acceptance of this approval, the permittees agree to allow authorized representatives of the Town of Bolton to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

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

Jen Andrews – Absent  
Charmaine Godin – Yea  
Sharon Murray – Yea

Michael Rainville – Yea  
Margot Pender – Yea

**Dated at Bolton, Vermont this 5th day of July, 2013.**

**For the Development Review Board:**

  
Sharon Murray, Chair

**NOTICE:**

1. In accordance with 24 V.S.A. §4449(e), the applicant is 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. This decision may be appealed to the Environmental Division of the Vermont Superior Court by an interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. §4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

## Review Process

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

**Sketch Plan Review.** An initial request for pre-application sketch plan review was submitted by the applicant on May 15, 2012 and considered at a regular meeting of the Bolton Development Review Board (DRB) held on May 22, 2012. It was determined that, because the parcel to be conveyed involved a lot that had been created subsequent to a 3-lot subdivision previously approved by the DRB, and was also subject to other prior DRB approvals for the 4 x4 Center, the application for a boundary adjustment would qualify as a subdivision amendment requiring major subdivision review under Section 5.1(C) of the town's current regulations. At this meeting the DRB requested that the applicant identify and address previous conditions of approval applicable to the parcel, including conditions with regard to steep slopes, wellhead protection areas, required setbacks and buffers from Joiner and Goose Pond Brooks and tributaries, and Bicknell Thrush and other wildlife habitat on the property. The applicant was also asked to formalize all accesses to the parcel from the road, the Timberline Base Lodge, and the Growald parcel. Given the nature of land subdivision and development under previous DRB approvals, the DRB voted at this meeting not to waive preliminary subdivision review and approval.

The applicants in January 2013 again requested clarification from the DRB regarding the status of the parcel for purposes of subdivision review, noting that the request was only for boundary adjustments, as needed to convey the parcel, and that no other development was being proposed. This request was considered at the January 22, 2013 meeting of the DRB. The Zoning Administrator provided a copy of the letter and supporting documentation received from the applicant's attorney, Jeremy Farkas, Esq., dated December 14, 2012, confirming that the lot, recorded in the land records on October 21, 2004, was the result in part of a 3-lot subdivision approved by the DRB on July 23, 2003 under the town's previous subdivision regulations. Lot #5 includes portions of lots (Option Areas #1, #2) created as part of the 3-lot subdivision approved by the Bolton Development Review Board (DRB). Two of the three lots created were then conveyed as a single parcel to Catamount /Bolton Land LLC. Lot 5 was then established through the re-subdivision of this lot into two lots in 2004, as approved by the state. This subdivision was classified by the former Zoning Administrator as a minor, 2-lot subdivision that did not require DRB review under the town's previous regulations. The adjoining lot (Lot A), was conveyed to the Growalds with a 60-foot access easement under warranty deed in 2005. This lot, as subsequently surveyed, did not meet the acreage specified in the warranty deed. The southern boundary adjustment, as shown on the preliminary plat submitted for sketch plan review reflects the applicant's intent to convey 6.2 additional acres to the Growalds as specified in the deed, and to clarify the boundary between Lot 5 and the adjoining parcel currently owned by Mountain Operations and Development.

The DRB at that meeting agreed that, as a boundary adjustment, the application would instead be reviewed as a minor subdivision amendment under Section 6.1(C) of the current regulations, but that the review would address Sections 7.1 through 7.3 of the regulations, including but not limited to 7.3 (A), (B) and (D) pertaining to resource identification and protection.

**Final Subdivision Review.** A complete application for final subdivision review and approval of requested boundary adjustments was referred to the DRB by the Zoning Administrator on April 2, 2013. A public hearing was scheduled for April 23, 2013, and warned in accordance with Section 9.8 of the Bolton Land Use & Development Regulations (BLUDRs), and 24 V.S.A. § 4464. Due to the lack of a quorum that evening, the hearing was rescheduled and noticed for special meeting of the DRB on May 7, 2013.

The public hearing to consider the application was convened on May 7, 2013, 6:30 pm at the Bolton Town Office with a quorum of the DRB present. No conflicts of interest or ex parte communications

were noted. The following persons attended and participated in the hearing process and may be afforded status as interested persons with rights to appeal this decision:

- Larry Williams, Catamount/Bolton Land LLC, Applicant  
210 College Street, Suite 201, Burlington, VT 05401
- Bernard X. Chennette, PE, Chennette Associates, PC, representing the applicant  
69 Plateau Drive, Barre, VT 05641,
- Jeremy Farkas, Esq., Murphy, Sullivan Kronk, representing the applicant.  
PO Box 4483, Burlington, VT 05406-4485

In addition to the application form, the following materials were submitted in support of the application:

1. "Bolton Valley Timberline South Parcel " (site map), prepared by J. Carroll, dated 3/9/12, generally showing the location of the parcel and Growald easement in relation to the Timberline Base Area, the Resort Base Area and the adjoining Growald parcel to the south.
2. "Plat Showing Lot 5" prepared by Little River Survey Company, dated January 18, 2013 (as revised through April 22, 2013, showing Lot 5 in relation to other holdings (Lots 1-5, Lot A).
3. Bolton Tax Map, dated 2010, showing the location of the existing parcel in relation to adjoining parcels, rights-of-way and zoning districts.
4. Warranty Deed, recorded in the Bolton Land Records on November 21, 2005, between Catamount/Bolton Land LLC (Grantor) and Paul and Eileen Growald (Grantees) conveying the adjoining parcel (1,010 acres) and a nonexclusive 60-foot wide easement to access the Bolton Valley Access Road.
5. Letter from Bernard Chennette, dated January 24, 2013 regarding natural resource information requested by the Development Review Board.
6. Letter from Bernard Chennette, dated January 30, 2013 including supplemental resource information, as requested by the DRB.
7. "4x4 Center, Natural Resources: Map 6" dated, July 2012, prepared by Arrowwood Environmental.

The Bolton DRB also referenced the Bolton Resource Map, posted at the Town Office, during the hearing process and in its subsequent deliberations.

The public hearing was adjourned that evening; however, because draft minutes weren't clear in this regard, the Zoning Administrator warned a continuance of the hearing for the next regular meeting of the DRB. At the request of the applicant's attorney, the status of the hearing as adjourned was clarified based on the DRB Clerk's review of the hearing tape. At the request of the Zoning Administrator and DRB, the applicant then granted in writing a two-week extension of the 45-day period for the DRB to issue a written decision.

## **Findings & Conclusions**

The applicant's request for boundary adjustment subdivision approval has been reviewed by the Bolton Development Review Board (DRB) for conformance with applicable subdivision review standards under the Bolton Land Use and Development Regulations (BLUDR) in effect at the time of application, and under previous conditions of subdivision approval issued by the DRB on July 22, 2003. DRB findings and conclusions under each of these standards are presented as follows.

### **Section 7.2 General Standards**

**Conclusion:** Based on the following findings, proposed boundary adjustments will not affect the land's existing development suitability. They generally conform to applicable policies of the Bolton Town Plan

currently in effect, and the desired settlement patterns for the zoning districts in which the lot (Lot 5) is located.

1. **Development Suitability.** Lot 5 includes steep (15+%) and very steep (>25%) forested slopes, shallow till soils, Class A headwaters, wetlands, riparian corridors along Joiner and Goose Pond Brooks and associated tributaries, and a fluvial erosion hazard area along Joiner Brook, as determined from the Bolton Natural Resources Map, available studies and application filings. These areas are generally unsuitable for development.
2. The lot also includes significant natural resources, as indicated on the Bolton Natural Resource Map and in application filings, to include important upland and riparian wildlife habitat (beech stands, hermit thrush nesting areas and riparian habitat connectivity), an uncommon natural community and an uncommon plant species as determined from the Bolton Natural Resources Map and application filings. The current extent and status of these resources was not determined in the field in association with proposed boundary adjustments.
3. The lot also includes public water supply wells for the water system serving Bolton Valley, as shown the preliminary subdivision plat. Associated source protection areas are not shown on the plat.
4. The applicant, and the 4x4 center under separate agreement, have developed and maintained a trail network on the lot, as previously approved by the DRB and state for managed commercial outdoor recreational use in association with the ski area. No changes are proposed to the existing or intended use of the parcel.
5. No additional development is proposed. Proposed boundary adjustments will have no effect on the development suitability of the parcel, previously approved uses or prior conditions of subdivision and development approval. As such, the applicant has declined at this time to identify areas on the lot to be conveyed to be excluded from subsequent development.
6. **Bolton Town Plan.** The current Bolton Town Plan, as readopted in 2011, contains the following goals and polices under Section 3.2 (Natural Resources) 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.
  - Protect vital wildlife corridors from development that would interrupt movement of deer, bear, moose and other species within necessary habitat areas.
  - Identify and manage pollution, flooding and fluvial erosion hazards along rivers and streams, especially Duck Brook and Joiner Brook.
  - Protect sensitive habitat and water resources with strict regulations governing land at elevations above 1500 feet, and especially above 2500 feet.
  - Reduce flood hazard and repetitive road and driveway washout, through strict regulations governing development on steep slopes (15% slope) and prohibiting development on slopes of 25% or more, and through investigation of the impact of stormwater runoff on flood hazards.

8. No additional development is proposed. Proposed boundary adjustments will have no effect on resources identified for consideration and protection in the Bolton Town Plan. As such, the applicant has declined at this time to identify areas on the subject lot to be protected or excluded from subsequent development as referenced in the Bolton Town Plan.
9. **Bolton Regulations.** No change in use or additional development has been proposed. As such no information has been provided by the applicant with regard to other town regulations, including other requirements under the Bolton Land Use and Development Regulations or town ordinances that may apply to the subsequent development of the lot, e.g., with regard to access and driveways, steep slopes, wetlands and surface waters, and source protection areas.
10. **District Settlement Patterns.** The majority of Lot 5 is located within the Forest and Conservation Districts; a small portion near the access road (below 1500 feet in elevation) is located within the Resort Residential District, as shown on the Bolton Tax Map.
11. The total lot area of 302.4± acres, as shown on the preliminary plat, is consistent with requirements for lots in the Forest and Conservation Districts to "preserve existing forest resources and environmentally sensitive upland areas, including watersheds, critical wildlife habitat and corridors, and to maintain traditional land uses including forestry and outdoor recreation."
12. Proposed boundary adjustments to Lot 5, as shown on the preliminary plat, will not substantively affect existing lot configurations or dimensions, or result in further fragmentation of productive forestlands and critical wildlife habitat.
13. The parcel is currently enrolled in the Use Value Appraisal Program and is managed under a forest management plan approved by the state. Boundary adjustments will not reduce the total acreage of the parcel, nor affect the land's eligibility for program enrollment.
14. **Lot Layout.** Zoning district boundaries are not shown or referenced on the draft subdivision plat; however as shown on the Bolton Tax Map, Lot 5 is located in the Resort Residential, Forest and Conservation Districts (Tables 2.3, 2.6, 2.7) which have the following minimum district dimensional standards:

	<b>Resort Residential</b>	<b>Forest (&gt; 1500' msl)</b>	<b>Conservation (&gt;2,500' msl)</b>
Lot Area	2.0 acres	25 acres	25 acres
Road Frontage	100 feet	NA	NA
Lot Width	NA	1000 feet	NA
Setback/Front	15 feet	NA	NA
Setback/Rear	25 feet	NA	NA
Setback/Side	25 feet	NA	NA

7. Lot 5, as surveyed and shown on the preliminary plat – "Plat Showing Lot 5" dated April 22, 2013 (rev)– is 302.4± acres in area, excluding the 6.2 acres to be transferred to the Growalds per their warranty deed. Lot frontage along the Bolton Valley Access Road, as indicated on the preliminary plat (for L18, L19, L20, L21), and excluding the frontage to be transferred to Growalds, measures 1,147.2 feet. As such the reconfigured lot meets applicable minimum dimensional requirements for each of the above zoning districts.

8. **Building Envelope.** According to applicant testimony, the parcel is intended to be conveyed to the 4x4 Center for ongoing 4x4 center use and development, subject to subsequent review and approval by the DRB. No development is proposed at this time that would require the designation of building envelope. As such the applicant declined to designate a building envelope on the lot prior to conveyance. The DRB may therefore require the designation of a building envelope configured to meet applicable requirements under Sections 7. 2 and 7.3 in association with the review and approval of subsequent development on Lot 5.
9. **Survey Monuments.** Survey monuments are to be installed as shown on the preliminary plat ("Plat Showing Lot 5," dated April 22, 2013 rev) and as shown on the final plat.

### **Section 7.3 Protection of Natural & Cultural Resources**

**Conclusion:** Based on the following findings, proposed boundary adjustments will not adversely affect those natural and cultural resources identified on Lot 5 to date. Insufficient information has been provided to determine the impact of subsequent development on these resources; however no additional development is proposed as this time. The applicant has requested that these considerations be deferred until such time as additional development is proposed on Lot 5. As such, any subsequent development affecting these areas will be subject to review by the Bolton Development Review Board, based on the submission of more detailed natural and cultural resource inventory information.

10. **Resource Identification.** Environmentally sensitive areas identified on Lot 5 to date, from the Bolton Resource Map and other available maps, inventories and application materials, include: high elevation areas (>2,500 feet), steep (15+%) and very steep (>25%) slopes, wetlands, surface waters (including Class A headwaters) and associated riparian and fluvial erosion hazard areas (including Joiner Brook, Goose Brook and tributaries), significant wildlife habitat and biological areas (upland forests, beech stands, Bicknell Thrush habitat, riparian habitat and connections, and uncommon natural communities and plants). The parcel to be subdivided also includes largely unfragmented forestland that is suitable for sustainable timber and wildlife management.
11. **Surface Waters, Wetlands and Floodplains.** Lot 5 is located within the watershed of Joiner Brook which crosses the lot south of the "S-Curve" in the Bolton Valley Access Road—an area especially susceptible to flash flooding, fluvial erosion, and road washouts. Goose Pond Brook, a major tributary to Joiner Brook, follows the southern parcel boundary to its confluence with Joiner Brook which, with the proposed boundary adjustment, will be located on the Growald parcel.
12. Goose Pond Brook and an associated 100-foot setback, as required under Section 3.17 of the BLUDR, is shown on the preliminary subdivision plat, accompanied by a plat notation that no development is allowed within an undisturbed 50-foot buffer along the brook (#12). However Joiner Brook (where it crosses the parcel), an associated tributary and setbacks are not shown on the plat or referenced in the notes. Required DRB review for trails and stream crossings within buffer areas also is not noted. Any subsequent development in these areas will be subject to review by the Bolton Development Review Board under Section 3.17 of the BLUDR.
13. No wetlands or associated buffer zones are shown on the plat, but are generally indicated as identified in the field on "4x4 Center Natural Resources: Map 6" dated July 12, 2012, prepared by Arrowwood Environmental, submitted with the application. No boundary adjustments are proposed that would subdivide or impact identified wetland areas. Any subsequent development in the vicinity of identified wetlands will be subject to review by the Bolton Development Review Board under Section 3.17 of the BLUDR.

14. **Rock Outcrops, Steep Slopes, Hillsides.** Known areas of steep and very steep slope, as indicated on the Bolton Resource Map and referenced in previous conditions of approval for development on the parcel, are not identified on the subdivision plat or in supporting documentation, given that no development is being proposed.
15. Any subsequent development in areas of steep or very steep slope is subject to review by the DRB under Section 3.16 of the BLUDR, or the terms of the Stipulation and Dismissal Order in Docket No. 6-1-10 VTec issued by the Environmental Division of Superior Court on June 15, 2011 as it continues to apply to 4x4 Center development on this parcel following conveyance.
16. **Historic and Cultural Resources.** No historic or cultural resources have been identified on the lot.
17. **Farmland.** No productive farmland or primary agricultural soils have been identified on the lot.
18. **Forestland.** Lot 5 constitutes a large block of largely undeveloped and un-fragmented forestland that is suitable for sustainable, long-term timber and wildlife management. The parcel is currently enrolled in the Use Value Appraisal Program as forestland, and is managed under a forest management plan approved by the state. Boundary adjustments will not reduce the total acreage of the parcel, nor affect the land's eligibility for program enrollment.

#### **Section 7.4 Open Space**

**Conclusion.** Given that the application is only for boundary adjustments to Lot 5 prior to and in support of its conveyance, no provision has been made by the applicant for the continued preservation of contiguous open space under the ownership and management of existing or future property owners. As such open space preservation under applicable standards of Sections 7.3 and 7.4 will remain a consideration for any future development on Lot 5 that requires review and approval by the DRB.

19. The application includes no information regarding the designation or preservation of open space, including natural features identified on Lot 5 under Section 7.3, given that no development is being proposed at this time.
20. As shown on the preliminary subdivision plat, proposed boundary adjustments will not affect the existing area, extent and overall configuration of open space on Lot 5 or contiguous open space on adjoining parcels.

#### **Section 7.6 (A) Access**

**Conclusion:** No new or additional access from the Bolton Valley Access Road is proposed to serve the Lot 5 at this time. Use of the existing easement or future access to the parcel for purposes of development is subject to the review and approval of the DRB and the Bolton Road Foreman.

15. Lot 5, to be conveyed, is currently accessed by the 4x4 Center from the Bolton Valley Access Road via the Timberline Base Lodge access (curb cut) and parking area, as previously approved by the DRB and the Town. According to applicant testimony, this access will be maintained under existing agreements with Mountain Operations and Development for use by the 4x4 Center. No additional easements or direct access onto the Bolton Valley Access Road from Lot 5 is proposed.
16. Lot 5 also includes a nonexclusive 60-foot wide easement, as conveyed to the Growalds in 2005 and shown on the preliminary plat. According to applicant testimony, this easement provides access

across Lot 5 from the Bolton Valley Access Road to the adjoining Growald parcel for logging and passive recreational use.

17. Given, per applicant testimony, that no additional development is proposed, no information specific to the physical condition or future use of the easement was provided by the applicant.
18. According to town records, this easement and the associated stream crossing within the easement area have not been reviewed or approved by the DRB or the Town for purposes of development on either parcel. DRB and Town approval will be required with regard to the specific location and future use of this easement as a driveway or development road on either lot under applicable provisions of the BLUDR (Sections 3.2, 7.6) and the town highway ordinance.

#### **Section 7.7 Facilities and Utilities**

**Conclusion:** Given the retention of easements by the applicant, public water supply systems and associated source protection areas located on the parcel to be conveyed will not be adversely affected by boundary adjustments or parcel conveyance. Any subsequent development within mapped Source Protection Areas will be subject to review by the Bolton Development Review Board under Section 3.18 of the BLUDR.

21. Lot 5 includes two public water supply wells serving the Catamount/ Bolton Water Supply (Timberline Well, Back Up Well Site #2) that are shown along with the 200-foot wellhead protection areas on the preliminary plat.
22. The source protection areas for these wells are not shown on the preliminary plat or in supporting application materials, since no additional development or change in the use or location of existing facilities is proposed.
23. Easements, as referenced on the plat, will be retained by Mountain Operations and Development as necessary to operate, maintain, repair, and replace the existing water supply (Note #9).
24. Any subsequent development within mapped Source Protection Areas will be subject to review by the Bolton Development Review Board under Section 3.18 of the BLUDR.

