



Town of Bolton  
3045 Theodore Roosevelt Highway  
Bolton, VT 05676

**Bolton Development Review Board**  
**Meeting Minutes**  
**January 27, 2015**  
**Bolton Town Office**

DRB Members Present: Michael Rainville (Chair), Sharon Murray, Stephen Diglio, Margot Pender, John Devine (Alternate)

DRB Members Absent: Charmaine Godin

Staff Present: Miron Malboeuf, Zoning Administrator, Sarah McShane, DRB Assistant

Others Present: Maureen Matthews, Alain Cohen, Richard Dunn, Chris Haggerty, Brit Haselton, Lexie Haselton, Larry Williams, Dean Grover, Mike Hopwood, Dori Barton, Claudine C. Safar, Esq., Scott Moreau

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**Posted Agenda:**

1. Public Comment
  2. Public Hearing: Application 2014-24-SD | Joji Fillmore – continued from November 25, 2014.
  3. Public Hearing: Application 2014-07-CU | Philip Harrington – continued from November 25, 2014.
  4. Public Hearing: Application 2014-32-SD.SP | Alexandra and Britton Haselton.
  5. Public Hearing: Application 2014-31-CU | Automotive Services International, Inc. d/b/a the 4 x 4 Center and Catamount/Bolton Land, LLC and Mountain Operations and Development, LLC (d/b/a Bolton Valley Resort)
  6. ZA Report
  7. Meeting Minutes
  8. Other Business
  9. Meeting Adjournment
- 

**Call to Order**

Mr. Rainville, Chair, called the meeting to order at 6:35 pm with a quorum present, including John Devine, Alternate.

**1. Public Comment**

None.

**2. Public Hearing: Joji Fillmore-(2014-24-SD) - continued from November 25, 2014**

Mr. Rainville reconvened the public hearing, continued from November 25, 2014. No ex parte communications or conflicts of interest were reported. Maureen Matthews (abutter) stated that she did not want the right-of-way expanded beyond what is recorded in the deed and that she would like guidance interpreting the town regulations. She was asked to contact staff regarding applicable regulations. Ms. Murray noted that the DRB had requested all additional items be filed by the January 15 deadline. Mr. Malboeuf stated that Joji Fillmore sent an e-mail message requesting an extension and that he would file the plat when all parties came to an agreement regarding access and the proposed management agreement.

Ms. Murray made the motion to continue the DRB hearing to the February 24, 2015 meeting to be held at 6:30 pm at the Bolton Town Office. The motion was seconded by Ms. Pender and passed unanimously, 5-0.

1  
2 **3. Public Hearing: Phillip Harrington–(2014-05-CU)** – continued from November 25, 2014  
3

4 Mr. Rainville reconvened the public hearing, continued from November 25, 2014. Mr. Malboeuf  
5 reported that the applicant requested that the hearing be continued. No ex parte communications or  
6 conflicts of interest were reported.  
7

8 Mr. Diglio made the motion to continue the hearing to the March 24, 2015 meeting to be held at 6:30  
9 pm at the Bolton Town Office. The motion was seconded by Mr. Devine and passed unanimously, 5-0.  
10

11 **4. Public Hearing: Alexandra and Britton Haselton–(2014-32-SD)**  
12

13 Mr. Rainville opened the public hearing at 6:47 PM. Mr. Rainville stated that the proposed subdivision  
14 involves subdividing an existing 80 acre parcel (tax ID 8- 0041182) on the Notch Road into two lots- Lot 2  
15 (66 acres) and Lot 3 (14 acres), each with a building envelope for construction of a single family home.  
16 Mr. Rainville stated that he had received an email from Mr. Haselton with a question regarding the  
17 survey requirements. Mr. Diglio stated that he had discussed the regulations with the applicant's  
18 surveyor Chris Haggerty. No other conflicts of interest or ex parte communications were reported.  
19

20 Chris Haggerty provided an overview of the application. The applicants are proposing a two lot  
21 subdivision to include a 14 acre parcel (Lot 3) and a 66 acre parcel (Lot 2), representing a re-subdivision  
22 of the Miriam Thomas and Green Mountain Club subdivision approved by the DRB in 2014. The GMC  
23 portion of the subdivision has since been transferred to the state, but the GMC retains a previously  
24 approved trail access easement over the lower portion of the lot. Mr. and Ms. Haselton stated that the  
25 location of the driveway serving Lot 3, had been revised to avoid slopes over 25%. The revised driveway  
26 crosses an intermittent stream. Ms. Haselton provided additional exhibits including a letter from Ian S.  
27 MacKenzie P.E. dated 1-27-2015, and several GIS maps created by Ms. Haselton with details of the  
28 stream crossing. The applicants stated that aside from the building envelope on Lot 2 the rest of the  
29 parcel will remain forested. Ms. Murray stated that, under the regulations stream crossings should be  
30 perpendicular to the stream and have a stabilized buffer. Ms. Haselton agreed that their intent was to  
31 minimize any impacts to the stream.  
32

33 The applicants stated that that they would have the Bolton Fire Chief and Road Foreman review the  
34 relocated driveway. Ms. Murray asked what types of erosion control practices will be used. Projects on  
35 15% slopes need to follow best management practices for soil erosion. Mr. Diglio stated that their  
36 driveways plans should at minimum follow the Vermont Agency of Natural Resource's [Low Risk Site  
37 Handbook for Erosion Prevention and Sediment Control.](#)  
38

39 The Board discussed proposed building envelopes. Ms. Murray stated that the plans indicated the  
40 building envelopes as "typical" and that a standard condition of approval is for the building envelopes to  
41 be pinned on the ground as shown on the plat. She also stated that the plat must include a notation  
42 that all principal and accessory structures and parking areas must be located within the building  
43 envelope.  
44

45 Members discussed the status of obtaining water and wastewater permits. Ms. Haselton provided the  
46 board with septic design plans prepared by Vermont Contours Inc. (Sheets 1 of 3, 2 of 3, and 3 of 3  
47 dated 1-12-15). She stated that their septic application was prepared but has not been submitted to the  
48 state yet. Members discussed the process and timing of obtaining a septic permit. Ms. Murray stated

1 that at this stage the applicants just needed to document that they have capacity on both lots. State  
2 permits would have to be obtained prior to the issuance of zoning permits.

3  
4 Alain Cohen and Richard Dunn introduced themselves to the applicants as future neighbors. Richard  
5 Dunn stated that he was interested in what the recreation easement included and that he was weary of  
6 four wheelers on the property. The applicants stated that there will be no four wheelers on the  
7 property, and are no longer proposing a recreation easement on the retained portion of the lot. Mr.  
8 Rainville noted again that the GMC and state have a trail access easement, to access the Long Trail. Ms.  
9 Haselton noted that this follows an old logging road.

10  
11 Mr. Haggerty stated that majority of the area was previously surveyed by a licensed surveyor, prior to  
12 the Thomas subdivision. As such the applicants are requesting that the DRB waive the boundary survey  
13 requirement along the existing boundary. Mr. Haselton stated that the property pins and boundaries  
14 are well marked. Board members agreed to waive the requirement of a boundary survey.

15  
16 Ms. Murray asked whether the 66-acre lot would be enrolled in current use as a forest parcel. Mr.  
17 Haselton responded that this was their intent. Ms. Murray asked whether the acreage of the second  
18 residential lot (14 acres) could be reduced. Mr. Haselton noted that the lot had been configured to  
19 meet the minimum district lot size requirement of 10 acres, and to accommodate a building envelope  
20 that excluded steep slopes.

21  
22 Ms. Murray asked if there were any historic features on the property as referenced under the  
23 regulations. Ms. Haselton stated that there is an old camp of questionable historic value, a cellar hole  
24 and some stone walls, as shown on the plat. She stated that she had heard through word of mouth that  
25 the cellar hole may have been an old school. Mr. Haggerty noted that a portion of the lot was identified  
26 in the land records as a former "school lot" – and the town had deeded its rights. The applicants  
27 indicated that there were no plans to disturb the cellar hole or walls.

28  
29 Mr. Rainville asked if the board had any additional comments or questions. There being none, Mr. Diglio  
30 made a motion, seconded by Ms. Pender to close the hearing. The motion unanimously passed, 5-0.  
31 Mr. Rainville stated that the board will render a written decision within 45 days. The hearing ended at  
32 7:25 PM.

33  
34 **5. Public Hearing: Automotive Services International, Inc. d/b/a the 4 x 4 Center and**  
35 **Catamount/Bolton Land, LLC and Mountain Operations and Development, LLC (d/b/a Bolton Valley**  
36 **Resort)-( 2014-31-CU)**

37  
38 Mr. Rainville opened the public hearing at 7:30 PM. Mr. Rainville stated that Automotive Services  
39 International, Inc., d/b/a the 4x4 Center and Catamount/Bolton Land, LLC and Mountain Operations and  
40 Development, LLC (d/b/a Bolton Valley Resort), filed an application for conditional use approval of  
41 expansions to the 4x4 Center Driver Training Facility located on roads and trails on lands at and adjacent  
42 to the Bolton Valley Ski Resort off the Bolton Valley Access Road.

43  
44 Mr. Rainville stated that he works at Bolton Valley Resort one day a week and Mr. Diglio stated that his  
45 wife also works for Bolton Valley Resort and that they live near there. No other conflicts of interest or  
46 ex parte communications were reported.

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1 Dori Barton (Arrow-wood Environmental Consulting), Dean Grover (Engineer), Mike Hopwood ( 4 x 4  
2 business owner), Larry Williams (Bolton Valley Resort), Scott Moreau (Forester), and Claudine C. Safar,  
3 Esq. (representing the 4 x 4 school) were present to provide an overview and answer questions  
4 regarding the application. Ms. Safar began by stating that the application addresses the conditional use  
5 review standards and the requirements of the four zoning districts that the project encompasses. She  
6 stated that the project has been reviewed under Section 5.3 and 5.4 of the Bolton zoning regulations  
7 and that she felt the project was in compliant with the regulations and would not have any undue  
8 adverse impact on the community services or the character of the area.  
9

10 Ms. Murray asked to review each of the exhibits and how they were related to the project. She also  
11 stated that the DRB needs to know which trails are new and which ones have already been reviewed  
12 and approved. Ms. Safar stated that the narrative references all of the exhibits. Ms. Safar stated that  
13 Arrow-wood Environmental created a map of the previously approved trails as presented in Exhibit 1.  
14 Ms. Murray stated that the map indicated Act 250 approved trails and that the board would need to see  
15 a map of the proposed new trails and the trails that had been previously approved by the DRB. Mr.  
16 Hopwood stated that the proposed trails have not been approved by the DRB. Ms. Safar stated that  
17 Exhibit 10 indicated the proposed trails. Dori Barton of Arrow-wood Environmental provided a large  
18 map of the permitted and proposed trail network. This map was added to the record as Exhibit 31. (The  
19 Settlement Agreement dated 1-12-2015 provided by Ms. Safar was entered as Exhibit 30).  
20

21 Board members reviewed the provided site plan. Ms. Safar stated that Exhibit 2A indicates the location  
22 of the proposed shop. Mr. Grover provided an overview of the site plan and indicated the locations of  
23 existing and proposed improvements. Members discussed stormwater runoff. Mr. Grover stated that  
24 accepted best management practices for washing cars will be used. Mr. Diglio noted his concerns  
25 regarding a potential "hotspot" within the Source Protection Area, represented by the  
26 drainage/infiltration area serving the proposed garage and wash pad, and the fact that the mound  
27 system for the garage was located within the 2-year travel zone.  
28

29 Ms. Murray asked how the garage would be used. Mr. Hopwood stated that the garage will be used for  
30 changing tires, keeping vehicles warm, securing equipment at night and will not be used for heavy repair  
31 of vehicles. Mr. Grover stated that there will be no floor drain.  
32

33 Ms. Safar stated that Helen Carr had reviewed the project for stormwater issues. Mr. Grover stated that  
34 they will be required to obtain a state stormwater permit. They have not obtained the permit at this  
35 time, but Helen Carr agreed to the layout. Mr. Diglio stated that it should receive additional review  
36 since it is within a Source Protection Area. Ms. Murray stated that the driveway, shop, and stormwater  
37 ponds are all within the Source Protection Area. Ms. Murray also stated that the Source Protection Area  
38 plan was out of date and that typically the board requires a letter from the certified system operator.  
39 Mr. Williams stated Mr. Banister is the licensed system operator. Ms. Murray asked if they will be  
40 applying salt to the driveway. Mr. Hopwood stated that they will not be applying salt and the driveway  
41 will likely be gravel. Mr. Williams asked for the date of the Source Protection Area plan. Ms. Murray  
42 answered June 28, 2010, noting that the plan is supposed to be updated every three years.  
43

44 Board members discussed the driveway. Mr. Grover noted that the driveway grade is 15% or less, and  
45 that the drainage ditch to the north will be stone lined. Mr. Diglio indicated, based on his initial  
46 measurements, it may exceed 15% in one section. Ms. Murray asked if the Fire Department had  
47 reviewed the driveway. Ms. Safar stated that Exhibit 8 contains a letter from Richmond Rescue. Ms.  
48 Murray noted that it would also have to be reviewed by the Bolton Fire Chief. Mr. Grover provided an

1 overview of the proposed culvert and ditches. Mr. Diglio stated his concerns with water being directed  
2 into a 90 degree turn. Mr. Grover stated that it could be engineered to correctly direct the water.  
3 Members discussed the 2:1 fill slope to support the garage and parking area, and associated  
4 landscaping. Mr. Grover stated that there will be multiple spruce trees planted for screening and grass  
5 will be used for erosion control. Mr. Diglio and Ms. Murray stated that spruce trees are often not the  
6 best option for erosion control—especially on slopes this steep. They asked if it would be possible to  
7 mix the vegetation, e.g., to include shrubs and additional ground cover, especially since white spruce are  
8 disease prone.

9  
10 Members discussed whether or not the garage met the required setbacks for the zoning district. Mr.  
11 Grover stated that it is 30 feet from the property line. Members looked up the setback requirements for  
12 Resort Residential District, noting that the required setback is 25 ft.

13  
14 Members discussed the number of parking spaces and estimated vehicle trips. Mr. Grover indicated  
15 that he could provide that information. The board requested that the applicant provide a written  
16 description of the estimated number of daily vehicle trips and the number of parking spaces that will be  
17 needed for the business and visitors. Ms. Murray stated that the regulations require that there be  
18 adequate parking on-site. Mr. Hopwood asked if the garage could be included as available parking, since  
19 the intent was to use it to store vehicles inside. He and Ms. Safar noted that they would also like to be  
20 able to store vehicles outside. Ms. Safar suggested that approval be conditioned to state that adequate  
21 parking spaces must be provided on-site or to have a parking agreement with the resort. The DRB  
22 discussed the fact that under the stipulation agreement, the access and parking easement required by  
23 the DRB as a condition of approval had been vacated. As such the center does not have secure, long-  
24 term access to parking at the resort.

25  
26 Mr. Rainville asked if the applicants were proposing any signage. Mr. Hopwood indicated that they are  
27 not proposing any signs at this time.

28  
29 Ms. Murray asked if the proposal met the setback requirements for Joiner Brook. Ms. Barton indicated  
30 the location of the Joiner Brook in relation to the project area. Mr. Grover indicated that it was at least  
31 800 feet away.

32  
33 Members discussed the details on the ditching and how one of the retention ponds may drain into the  
34 town right-of-way. Ms. Murray requested that the applicant provide additional details regarding the  
35 drainage system in this area (driveway, stormwater ponds in relation to the road right-of-way) to be  
36 reviewed by the road foreman and town engineer.

37  
38 Members discussed wetlands. Ms. Barton provided an overview of the project, noting that some small  
39 Class 3 wetlands had been identified, and stated that she had worked closely with Alan Quackenbush at  
40 the Agency of Natural Resources to design the trail layout so it would have no adverse impacts. She  
41 stated that the project provided wetland buffers that ANR felt were adequate for the resources. She  
42 stated that they are smaller wetlands with little function or value. Ms. Murray stated that the DRB  
43 typically requires buffers for Class 3 wetlands unless it is documented that they have no function or  
44 value – noting that some are in fact vernal pools. Ms. Barton confirmed that this was not the case. She  
45 noted that she had also worked with John Austin of the Vermont Department of Fish and Wildlife to  
46 minimize the impact of proposed trails on wildlife habitat, including critical bear habitat. Ms. Safar  
47 noted date restrictions on trail use within these areas to avoid impacts.

1 Members discussed the proposed trail network and how it should minimize stream crossings, especially  
2 with regard to streams entering Goose Pond Brook. Mr. Hopwood stated that they had to compromise  
3 in order for the trails to have the smallest impact. Ms. Safar stated that the Settlement Agreement  
4 contains seasonal stipulations. Mr. Grover stated that they tried to take advantage of existing logging  
5 roads when possible. Ms. Murray stated her concern that the project needs to minimize the total  
6 number of stream crossings. Ms. Safar recommended that the board review pages 9-11 of the  
7 Settlement Agreement. Board members requested that the applicant provide a written statement  
8 regarding how the proposed trail network was designed to minimize the number of stream crossings.  
9 Ms. Murray stated that the DRB decision needs documentation to reference in its decision findings.

10  
11 Members discussed the possible need for designating a building envelope. Ms. Murray stated that the  
12 building envelope should include the parking area and future building locations. Members noted that a  
13 building envelope is not required in the Resort Residential District, but a designated building envelope  
14 may be beneficial to the applicant, given that future improvements within an approved envelope would  
15 not need to be reviewed by the DRB.

16  
17 Members discussed proposed snow making activities, including the water source for this. Mr. Grover  
18 stated that the stormwater ponds have been designed for additional capacity to be used for  
19 snowmaking and irrigation. Mr. Williams confirmed that the resort is under a water withdrawal limit for  
20 taking water from Joiner Brook. The 4x4 Center may use water from their snowmaking pond only when  
21 there's available capacity. He also reported that the new water system served by the Timberline well is  
22 at capacity. Mr. Hopwood noted that they are drilling their own water supply well for the garage. Mr.  
23 Diglio stated his concern that certain activities could contaminate the Bolton Valley water supply and  
24 that additional review should be required since it is in Zone 1 of the Source Protection Area. The  
25 applicants indicated that the waterlines for snow making would be buried.

26  
27 Members discussed outdoor lighting as proposed. Mr. Hopwood stated that the lighting will be  
28 downcast, using cut-off fixtures on sensors. Exhibit 2D, page 11 of the narrative, and Exhibit 19 provide  
29 additional information on lighting in relation to building elevations. Ms. Murray noted that typically  
30 outdoor lighting is allowed only during hours of operation.

31  
32 Members discussed continuing the hearing to the next meeting. Ms. Safar recommended that the  
33 board review the details listed in the Settlement Agreement. Ms. Murray mentioned that they should  
34 be prepared to submit winter protocols as required under prior DRB conditions of approval pertaining to  
35 the erosion prevention and sediment control plan. Ms. Safar recommended reviewing Exhibit A in the  
36 Settlement Agreement. Ms. Murray suggested that the board to meet in deliberative session to  
37 formulate a list of items for the applicants to submit prior to the next hearing. Ms. Pender made a  
38 motion, seconded by Mr. Diglio to continue the DRB hearing to February 24, 2015 at 6:30 at the Bolton  
39 Town Hall. The motion unanimously passed, 5-0.

40  
41 Ms. Safar stated that the application has been closely reviewed by numerous experts and that she  
42 appreciates the expedited review.

#### 43 44 **6. Zoning Administrator's Report**

45  
46 Mr. Malboeuf reported that he had received an application to replace a nonconforming structure with a  
47 new nonconforming structure. He stated that the new structure will increase the degree of

1 nonconformance, but only requires a waiver not a variance. Members felt that the agenda was too full  
2 to review the application in February, and asked that he schedule this for March.

3  
4 **7. Meeting Minutes**

5  
6 Ms. Murray made the motion, seconded by Ms. Pender, to accept the minutes of the November 25<sup>th</sup>  
7 Development Review Board meeting as presented. The motion passed unanimously, 5-0.

8  
9 **8. Other Business**

10  
11 The board discussed scheduling the deliberative session. Members agreed to meet on February 10<sup>th</sup> at  
12 6:00 PM at Town Office.

13  
14 **9. Meeting Adjournment**

15  
16 Ms. Murray made the motion, seconded by Mr. Devine, to adjourn the meeting. Motion carried  
17 unanimously, 5-0. The meeting adjourned at 9:50 pm.

18  
19 The next regular meeting of the DRB will be held on Tuesday, February 24, 2015, 6:30 pm at the Bolton  
20 Town Office.

21  
22 Respectfully submitted,

23  
24 Sarah McShane  
25 Bolton DRB Assistant

26  
27 *\*\*These minutes are unofficial until formally accepted by the DRB.*  
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29  
30 These minutes were read and accepted by the Development Review Board on February 24,  
31 2015.

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33 

34 \_\_\_\_\_  
Michael Rainville, DRB Chair