



Town of Bolton  
3045 Theodore Roosevelt Highway  
Bolton, VT 05676

**Bolton Development Review Board**  
**Meeting Minutes**  
**March 24, 2015**  
**Bolton Town Office**

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

DRB Members Absent: Charmaine Godin, Margot Pender

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

Others Present: Benjamin Putnam, Dean Grover, Mike Hopwood, Claudine C. Safar, Esq., Chris Austin, Steve Utter.

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**Posted Agenda:**

1. Public Comment
  2. 2015 Organizational Meeting
  3. Public Hearing: Application 2014-24-SD | Joji Fillmore (Continued from February 24, 2015)
  4. 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) (Continued from February 24, 2015)
  5. Application 2014-07-CU: Phillip N Harrington (Continued from November 25, 2014)
  6. Application 2014-27-CU: Steven Utter
  6. ZA Report
  7. Meeting Minutes
  8. Other Business
  9. Meeting Adjournment
- 

**Call to Order**

Mr. Rainville, Chair, called the meeting to order at 6:43pm with a quorum present. Members agreed to adjust the agenda to review the minutes and ZA report to provide time for the applicants to arrive.

**1. Public Comment**

None.

**2. Meeting Minutes**

DRB members reviewed the minutes from February 24, 2015. Members recommended several corrections and additions. Staff will make the suggested corrections. Ms. Murray made the motion, seconded by Mr. Devine, to accept the minutes of the February 24, 2015 Development Review Board meeting as corrected. The motion passed unanimously, 3-0.

Mr. Diglio entered the meeting at 6:55 pm.

**3. Public Hearing: Joji Fillmore-(2014-24-SD) - continued from February 24, 2015**

Mr. Rainville reconvened the public hearing, continued from February 24, 2015. No ex parte communications or conflicts of interest were reported. Mr. Fillmore submitted a letter to the DRB requesting a 6 month extension. Benjamin Putnam spoke in response to the letter. He stated that the

1 DRB should not be concerned with the details of the agreement and that A.Johnson Company is working  
2 in good faith to work out an agreement with the applicant. Ms. Murray stated that the DRB could grant  
3 an extension but suggest that the applicant hire an attorney to represent him.

4  
5 DRB members reviewed the Streeter Plat to see if the DRB decision required a defined easement width.

6  
7 Ms. Murray made the motion to continue the DRB hearing, at the request of the applicant, to the  
8 September 22, 2015 meeting to be held at 6:30 pm at the Bolton Town Office. The motion was  
9 seconded by Mr. Devine and passed unanimously, 4-0. The hearing was continued at 7:10 pm.

10  
11 **4. Public Hearing:** Application 2014-07-CU: Phillip N Harrington (Continued from November 25, 2014)

12  
13 Mr. Rainville reconvened the public hearing, continued from November 25, 2014. No ex parte  
14 communications or conflicts of interest were reported.

15  
16 Mr. Malboeuf reported that Mr. Harrington had not responded to an email he sent regarding continuing  
17 the hearing.

18  
19 Mr. Devine made the motion to continue the DRB hearing to the April 28, 2015 meeting to be held at  
20 6:30 pm at the Bolton Town Office. The motion was seconded by Ms. Murray and passed unanimously,  
21 4-0. The hearing was continued at 7:15 pm.

22  
23 **5. Zoning Administrator's Report**

24  
25 Mr. Malboeuf reported that he was working with Mallow on a 2-lot PUD application on Leary Road. He  
26 stated that a proposed plat has been submitted with an email from McCain Consulting regarding  
27 wetlands. He also stated that there are notes from the sketch plan review meeting.

28  
29 Mr. Malboeuf stated that he is also working with Dave Hardy of the Green Mountain Club. They would  
30 like to revise their conditional use approval. He stated that they are also proposing to rehabilitate a  
31 historic structure which would need DRB approval.

32  
33 The Zoning Administrator's report ended at 7:25 pm.

34  
35 **6. Public Hearing: Automotive Services International, Inc. d/b/a the 4 x 4 Center and**  
36 **Catamount/Bolton Land, LLC and Mountain Operations and Development, LLC (d/b/a Bolton Valley**  
37 **Resort)-(2014-31-CU)-** continued from February 24, 2015

38  
39 Mr. Rainville reconvened the public hearing, continued from February 24, 2015. He asked if DRB  
40 members had any ex parte communications or conflicts of interest. Mr. Diglio reported that he spoke  
41 with the water systems operator and asked if he had seen or reviewed the application. No additional ex  
42 parte communications or conflicts of interest were reported.

43  
44 Ms. Safar provided the following exhibits to be entered in the public record:

- 45  
46
  - Exhibit 41A & B: Warranty Deed of Easement and Driveway Layout prepared by Grover Engineering (dwg.  
47 3 of 6) dated 2-24-2015

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- 1           • Exhibit 42: Memo from Monaghan Safar Ducham, Re: 4 x 4 Center Conditional Use application hearing  
2            memorandum, dated 3-24-2015

3  
4 Staff entered Exhibit 43 into the record:

- 5  
6           • Exhibit 43: Memo from David Whitney of EcoSolutions, Subject: 4 x 4 Center Driving School Site Plan  
7            Review, dated 3-20-2015

8  
9 Ms. Safar stated that the driveway should be reviewed under Section 5.3. She also stated that the road  
10 and infrastructure has been located, to the extent feasible, outside the buffer areas and the 200 ft well  
11 radius. She stated that unless the language is mandatory, it does not have a regulatory effect.

12  
13 Mr. Diglio stated that he has practical concerns and that he understands that there may not be any  
14 feasible alternatives to relocating the driveway based on the location of the curb cut, however other  
15 features are concerning and could be feasibly relocated.

16  
17 Mr. Grover provided Exhibit 44: Memo from Grover Engineering, Re: Responses to EcoSolutions Review  
18 Comments for the 4 x 4 Center Plans, dated 3-24-2015.

19  
20 Mr. Grover reviewed the contents of the memo. He reported that the septic system and leach field  
21 were resized for five employees and that he had discussed the stormwater ponds with Dennis Nealon.  
22 He reported that Mr. Nealon was okay with the lower stormwater pond and the lower berm being  
23 located within 200 ft radius of the well. Mr. Diglio stated his concerns with the stormwater  
24 infrastructure being located on steep slopes and the chance of failure. Mr. Grover discussed stormwater  
25 approaches and how some stormwater approaches may not be appropriate in a rural environment. Mr.  
26 Diglio stated that trying to reduce the size of the stormwater pond has merit since this area is prone to  
27 flash flooding. He also stated his concerns with berms on unstable slopes.

28  
29 Mr. Grover stated that the total impervious surfaces of the driveway, shop, and hospitality pad trigger  
30 the need for a state stormwater permit, since the total disturbance area will exceed one acre. Ms. Safar  
31 stated that they are required to contact ANR prior to filing future phases to determine whether or not a  
32 stormwater permit will be required. Mr. Grover stated that the stormwater pond was oversized to treat  
33 water coming from the adjacent development. Ms. Murray stated her concern with the location of the  
34 stormwater ponds in relation to the town right-of-way. Mr. Grover stated that if the pond failed it  
35 would go toward Goose Pond Brook and would not impact the road. DRB members stated how several  
36 culverts on the Access Road have washed out in past events and have damaged the entire road. Mr.  
37 Diglio stated that water travels extremely fast in the area. Ms. Murray stated that the area is very prone  
38 to flash flooding. Mr. Hopwood stated that he felt the stormwater improvements will improve the  
39 current drainage situation. Mr. Grover stated that the improvements can be properly constructed with  
40 oversight. Ms. Murray inquired about the maximum height of the stormwater ponds. Mr. Grover  
41 answered that the maximum depth will be 7'.

42  
43 Mr. Rainville stated that one outstanding item is the letter from the systems operator- Dennis Savaille.  
44 Mr. Grover stated that his office has reached out to the operator but has not received written approval.  
45 He stated the well is very well protected.

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1 Ms. Murray asked about the traction circle. Mr. Hopwood stated that it is still being considered but is  
2 not a priority. Ms. Murray asked if Mr. Grover could provide the stormwater run-off calculations. Mr.  
3 Grover indicated that he could provide the information.

4  
5 Mr. Grover's updated drawings were entered in the records as Exhibits 45 A-F (6 drawings).

- 6
- 7 • Exhibit 45A: Site Plan (Sheet 1 of 6), The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-  
8 12-2014, last revised 3-20-2015
- 9 • Exhibit 45B: Stormwater & Utilities (Sheet 2 of 6), The 4 x 4 Driving School, prepared by Grover  
10 Engineering, dated 9-12-2014, last revised 3-20-2015
- 11 • Exhibit 45C: Driveway Layout (Sheet 3 of 6), The 4 x 4 Driving School, prepared by Grover Engineering,  
12 dated 9-12-2014, last revised 3-20-2015
- 13 • Exhibit 45D: Shop Layout (Sheet 4 of 6), The 4 x 4 Driving School, prepared by Grover Engineering, dated  
14 9-12-2014, last revised 3-20-2015
- 15 • Exhibit 45E: Details (Sheet 5 of 6) , The 4 x 4 Driving School, prepared by Grover Engineering, dated 9-12-  
16 2014, last revised 3-20-2015
- 17 • Exhibit 45F: Planting Details (Sheet 6 of 6), The 4 x 4 Driving School, prepared by Grover Engineering,  
18 dated 9-12-2014, last revised 3-20-2015
- 19

20 Ms. Murray inquired about the new trails. Mr. Grover answered that the trails are existing and that  
21 under the proposal, one would be removed and two would be retained. Ms. Murray stated her  
22 concerns with the trails located on fill. Mr. Grover stated that the trails will have to be constructed  
23 correctly and rock will have to be added to prevent rutting. He also stated that they will need  
24 maintenance to prevent water from spilling over. Mr. Hopwood stated that they haven't had problems  
25 with existing similar trails which are presumed to be located on fill. Both Mr. Hopwood and Mr. Grover  
26 mentioned that some of the existing trails are located on what is believed to be fill from the  
27 construction of the Timberline parking lots.

28  
29 Mr. Grover reviewed Sheet 4 (Exhibit 45D). He reported that they prepared a spill protection plan with  
30 an eight step procedure. He stated that the catch basins will be lined. Mr. Grover stated that the  
31 irrigation pond will have to be cleaned if it accumulates debris.

32  
33 Ms. Murray asked about the decommissioning protocol for trails and if any existing trails are to be  
34 decommissioned? Mr. Grover stated that he thought it was discussed in the Master Plan for Soil  
35 Erosion. Mr. Hopwood stated that the only trails that are being lost are ones that will be built over. He  
36 stated that the shop will be built on top of existing trails. Ms. Murray stated that there is a conservation  
37 easement area for habitat that isn't indicated on the plans. The DRB and applicants discussed the  
38 number of trails and stream crossings. Mr. Hopwood stated that some of the locations of the trails have  
39 been revised since the Master Plan at the recommendation and guidance of ANR. He stated that the  
40 concept and protocol haven't changed since the Master Plan. Ms. Safar added that the Master Plan  
41 created protocols to prevent soil erosion on steep slopes. Discussion ensued regarding whether or not  
42 the new or revised trails need to be reviewed under Section 3.17. Ms. Safar stated that ANR had a team  
43 of scientist that required them to revise the location of the trail(s) to avoid bear habitat. Mr. Hopwood  
44 reviewed the changes to the trail system. Ms. Safar argued that the riparian setbacks do not apply to  
45 these trails since they are not considered impervious surfaces.

1 Mr. Diglio asked if the applicants were able to obtain the current Source Protection Plan. He also stated  
2 that the board would like to see comments from the licensed systems operator. Mr. Grover requested  
3 that the board condition the approval on the receipt of favorable comments from the licensed systems  
4 operator.

5  
6 The DRB reviewed the 2010 zoning regulations as it applies to unpaved recreational paths within 100  
7 feet of surface waters. The regulations state that it would need to be reviewed as a conditional use.  
8 Ms. Safar argued that the setbacks do not apply. She stated that ambiguities in land use regulations are  
9 construed in favor of the applicant.

10  
11 Mr. Rainville asked the board if they needed any additional information.

12  
13 At 8:50 pm Mr. Devine made the motion to close the DRB hearing. The motion was seconded by Ms.  
14 Murray and passed unanimously, 4-0. The hearing closed at 8:50 pm. The DRB will provide the  
15 applicant with a written decision within 45 days.

16  
17 **7. Public Hearing: Application 2014-27-CU Utter**

18  
19 Mr. Rainville opened the public hearing and asked if DRB members had any ex parte communications or  
20 conflicts of interest. No ex parte communications or conflicts of interest were reported. Chris Austin  
21 introduced himself as the consultant for the applicant, Steve Utter. Mr. Austin provided an overview of  
22 the application. He stated that there is an existing 792 sf mobile home on the property that has been in  
23 place since 1983. He reported that the applicant has a state approved in-ground septic system and that  
24 the water is drawn from a spring. The property owner has an easement to gain water from the stream.  
25 He stated that the applicant would like to remove the mobile home and replace it with a new  
26 nonconforming dwelling. The new dwelling will extend 4' closer to the road.

27  
28 Ms. Murray stated that a policy was established to allow front setback encroachment as it does not  
29 encroach within the road right-of-way. She also stated that the total noncompliance is based on square  
30 footage, not a horizontal measurement. Mr. Austin stated that the existing non-conformity is more than  
31 the proposed dwelling. He stated that the project will reduce the nonconformity by 210 square feet but  
32 increase the total dwelling space by 32 square feet. Ms. Murray reported that the board would need to  
33 make findings under the conditional use standards. She stated that Conditional Use standards also  
34 trigger site plan review. Mr. Austin indicated that there is space for a total of two parking spaces. Mr.  
35 Diglio asked if the roof run-off would create erosional problems. Mr. Austin indicated that he did not  
36 believe so. Mr. Austin provided the board with a memo from Grenier Engineering dated 3-9-2015.

37  
38 At 9:15 pm Ms. Murray made the motion to close the DRB hearing. The motion was seconded by Mr.  
39 Diglio and passed unanimously, 4-0. The hearing closed at 9:15 pm. The DRB will provide the applicant  
40 with a written decision within 45 days.

41  
42 **8. Other Business**

43  
44 The DRB organizational meeting will be held at a later date.

45  
46 **9. Meeting Adjournment**

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1 Mr. Diglio made the motion, seconded by Mr. Devine, to adjourn the meeting. Motion carried  
2 unanimously, 4-0. The meeting adjourned at 9:20 pm.

3  
4 The next regular meeting of the DRB will be held on Tuesday, April 28, 2015, 6:30 pm at the Bolton Town  
5 Office.

6  
7 Respectfully submitted,

8  
9 Sarah McShane  
10 Bolton DRB Assistant

11  
12 *\*\*These minutes are unofficial until formally accepted by the DRB.*  
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14  
15 These minutes were read and accepted by the Development Review Board on April 28, 2015.  
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Michael Rainville, DRB Chair  
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