



Town of Bolton  
3045 Theodore Roosevelt Highway  
Bolton, VT 05676

**Bolton Development Review Board**  
**Meeting Minutes**  
**July 23, 2015**  
**Bolton Town Office**

DRB Members Present: Michael Rainville (Chair), Sharon Murray, John Devine, Charmaine Godin  
DRB Members Absent: Steve Diglio, Margot Pender (Alternate)  
Staff Present: Miron Malboeuf, Zoning Administrator, Sarah McShane, DRB Assistant  
Others Present: Claudine Safar, Dean Grover, Mike Hopwood, Paul Growald, Darlene Autey, Brian Rawl, Jack Stand, Lisa Fuller, Jeff Tricou, Michael Thompson

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**Posted Agenda:**

1. Public Comment
  2. Public Hearing: 2014-31-CU: Request for Reconsideration- Automotive Services International, Inc., d/b/a the 4x4 Center and Catamount/Bolton Land, LLC and Mountain Operations and Development, LLC (d/b/a Bolton Valley Resort).
  3. Public Hearing: 2015-11.CU & 2015-11-ZP Michael Thompson & Lisa Fuller, 3251 Theodore Roosevelt Highway
  4. ZA Report
  5. Meeting Minutes
  6. Other Business
  7. Meeting Adjournment
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**Call to Order**

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

**1. Public Comment**

None

**2. Public Hearing: 2014-31-CU: Automotive Services International, Inc., d/b/a the 4x4 Center and Catamount/Bolton Land, LLC and Mountain Operations and Development, LLC (d/b/a Bolton Valley Resort)**

Mr. Rainville opened the hearing and provided an overview of the application. No ex parte communications or conflicts of interest were reported. He stated that the applicants have requested reconsideration of conditions listed in the DRB decision dated May 7, 2015.

Ms. Safar, representing the applicants, provided an overview of the request. She stated that the DRB should have received two memos; one dated July 21, 2015 regarding the updated square footage of the shop and one dated May 28, 2015 which outlined the applicants request for reconsideration.

Ms. Safar reviewed the first request as outlined on the memo dated May 28, 2015. She stated that the applicants would like clarification regarding the site clearing and disturbance areas and requested to update Exhibit 45A with a site plan that clearly indicates the limits of clearing and disturbance as prepared by Grover Engineering. Dean Grover provided an overview of the revisions

1 including a narrowed the driveway (18') and the limits of disturbance. He stated that the last  
2 revision date for Exhibit 45A is 7/23/2015. DRB members noted that the site plan will have to be  
3 revised to indicate the correct footprint of the shop building. Mr. Grover noted that the dimensions  
4 are correct on the plan, but the listed square footage would need to be revised.  
5

6 Ms. Safar read item #3 regarding vegetation on cut and fill slopes exceeding 33% and asked for  
7 clarification regarding the vegetation requirements for the area around the winter skid pad. She  
8 stated the applicants wanted to ensure that once the slope is stabilized it will not be required to be  
9 revegetated with the vegetation species indicated in Exhibit 38E. She stated that Exhibit 38E was  
10 not intended to indicate the vegetation plans for areas above 33% slope.  
11

12 Ms. Safar reviewed item #6. She stated that this condition requires the excavation and rock lining of  
13 250 ft of ditches outside of the project area, which is a large cost to her client. She requested for  
14 the DRB to reconsider this item. Mr. Grover showed board members where the requested  
15 improvements were located. He stated that the approved plans indicate where the ditch will be  
16 stone lined and armored. The applicants discussed the cost of the project and estimated it to be  
17 approximately \$13,000 for 250 ft of improved ditching. Mr. Grover requested that the applicants be  
18 allowed to improve portions of the ditch, approximately 120 feet, rather than be required to  
19 improve the entire length (250 ft). Ms. Murray asked if Mr. Grover could provide the DRB with  
20 stormwater calculations and the amount of increased of flow. Ms. Murray stated that the  
21 regulations require the board to document no increase in flow. Mr. Grover stated that they would  
22 be controlling the same amount of water however all of the water will ultimately drain into one  
23 outlet. Members and the applicants discussed the burden of requiring the 4 x 4 Center to improve  
24 that entire length and whether or not the town should be responsible for some of that cost. Of the  
25 required 250 ft of stone lined and armored ditching, the 4 x 4 Center will already be improving 120  
26 feet. Ms. Murray reviewed portions of the stormwater regulations. She stated that the board has to  
27 ensure that the downstream drainage can accommodate the estimated flow. Ms. Murray stated the  
28 stormwater flows are greater than the current ditch can accommodate and that an engineer  
29 estimated 250 ft based on the scope of the project. Ms. Safar stated that the entire burden should  
30 not be entirely the 4 x 4 Center's responsibility. Brian Rawl (Resident) provided comments on the  
31 project and stated that the mountain is eroding and the ditches haven't been maintained. He stated  
32 his concerns regarding the current stormwater situation in the area. Ms. Murray recommended that  
33 the board perform a site visit. An unnamed resident provided comments and asked how the  
34 stormwater calculations were estimated. He stated that in general there is a need to design for  
35 larger storm events. Mr. Grover provided an overview of the how the stormwater infrastructure  
36 was designed and the size storm event it was designed to accommodate.  
37

38 Ms. Safar reviewed item #8. She asked the board for clarification and whether or not the applicant  
39 simply needs to file the items with the Zoning Administrator or if the Zoning Administrator has the  
40 authority to review and accept them. She requested for the board to clarify the ambiguity. Ms.  
41 Murray agreed that it is unclear whether or not the requested items simply need to be filed or if  
42 they have to meet a standard. Members discussed rewording the condition to give the board the  
43 authority and not the Zoning Administrator. Ms. Safar suggested that the condition should read, 'as  
44 approved by the Town Engineer.'  
45

46 Ms. Safar read item #11. She requested that the last clause regarding the onsite storage of  
47 unregistered vehicles be amended. The applicants stated that the 4 x 4 Center vehicles are all  
48 inspected but are not registered. Ms. Safar and Mr. Hopwood stated that all of the vehicles are new

1 and do not pose an environmental risk. They recommended using the word 'uninspected' instead of  
2 'unregistered'. Ms. Murray stated that unregistered vehicles can be onsite they just need to be  
3 stored in an enclosed structure. Mr. Hopwood stated that all of the vehicles are registered with  
4 dealer plates and that they are only technically registered when the dealer plate is on the vehicle.  
5 He also stated that most of the time the vehicles are only on the road when they are refueling or  
6 need an inspection. Mr. Rainville stated that the intent of the regulations is to prevent vehicles from  
7 leaking fluids and posing environmental risk.

8  
9 Ms. Safar read item # 23 and stated her concerns with the language regarding body and engine  
10 work. She would like the board to clarify the intent of the condition to prevent any potential  
11 violations. Ms. Safar suggested that the condition be revised to restrict vehicle repair work to inside  
12 of the shop. Ms. Murray stated that it is important to limit maintenance activities since it is in the  
13 source protection area. The board and the applicant had lengthy discussion regarding what type of  
14 maintenance should be allowed and the definition of 'heavy' and 'light' maintenance. Ms. Safar  
15 stated that all major work is performed in South Burlington. The applicants suggested not allowing  
16 customer repair. Mr. Hopwood asked for the condition to be revised to not allow 'heavy' repair.  
17 Mr. Grover stated that the shop has been engineered to mitigate any accidents with a floor drain  
18 and holding tank. Ms. Murray read the regulations regarding vehicle maintenance and repair in the  
19 source protection area. The board discussed how the applicant defines 'heavy' and 'light'  
20 maintenance. Ms. Murray noted that the board could require that all vehicle maintenance take  
21 place inside of the shop. Mr. Hopwood suggested 'light' repair be allowed outside of the shop. The  
22 board discussed how fluid changes would normally be considered 'light' repair however they should  
23 be done in the shop where there are mitigation measures in place to contain accidents. The Board  
24 and the applicants concurred that adding the word 'major' in front of engine and body work would  
25 alleviate the concerns. Ms. Godin recommended that it include transmission work.

26  
27 Ms. Safar read item #34 regarding unregistered vehicles and impervious surfaces. The board  
28 discussed how all vehicles should be required to be registered under the fleet dealer registration.  
29 Mr. Grover suggested rather than installing additional impervious surfaces for parking the fleet, to  
30 allow the installation of a liner slightly below the ground surface, similar to those used in landfills, to  
31 collect any leaking or spilled fluids. He suggested the condition be amended to allow the installation  
32 of 30 mil hdpe liner below the ground surface (installed in an engineered manner) with soil placed  
33 on top of the liner in areas where parking and storage of vehicles will occur. Brian Rawl, resident,  
34 had concerns regarding the regular maintenance of removing contaminated soils. Ms. Safar  
35 highlighted a recent water quality analysis of Joiner Brook and Goose Pond Brook and referenced  
36 the excellent results.

37  
38 Ms. Safar read item #36 regarding the two denied trails on cut and fill slope. She asked the board to  
39 reconsider the denial. Mr. Grover noted that the existing trails are on fill and the proposed trails will  
40 have a finished grade of roughly 50%. He also stated that stormwater will not be running down  
41 those trails since it will be collected and detained above the slope. Ms. Murray noted that the two  
42 trails were not on the plans that were reviewed by the independent engineer and the board's  
43 concern was not just the slope but also the height of the trails. Mr. Rainville asked Mr. Grover to  
44 provide a summary of the proposal with additional details of how the trails will be constructed.

45  
46 Ms. Safar reviewed item #48 and asked for it to be revised. She mentioned that the permitting  
47 process could take longer than expected. The applicants requested for the condition to be revised  
48 to indicate that all work will be completed within 2 ½ years after completing the Act 250 process.

1  
2 Ms. Safar reviewed item #51 and stated there may be slight changes in the field during construction  
3 and would like to ensure that if they submit as-built drawings that slightly deviate from the original  
4 plan that it will not violate the terms of approval. Ms. Murray noted that item #53 in the DRB's  
5 decision allows for minor revisions to be reviewed administratively by the Zoning Administrator.  
6

7 Ms. Murray asked if the board wanted to schedule a site visit and noted the only substantial change  
8 is to amend the rock lined ditch requirement. Ms. Murray made a motion to continue the hearing to  
9 August 20<sup>th</sup> at 6:30 PM at the 4 x 4 Center for the purposes of conducting a site visit. The motion  
10 passed unanimously. The application is continued to August 20 at 6:30 PM at the 4 x 4 Center for  
11 the purpose of conducting a site visit. Mr. Grover will attend on behalf of the applicant. The hearing  
12 ended at 8:00 PM.  
13

14 **Public Hearing: 2015-11-CU & 2015-11-ZP Michael Thompson & Lisa Fuller, Flood Hazard Overlay**  
15 **Determination, Pole Barn**  
16

17 Mr. Rainville opened the hearing and provided an overview of the application. Mr. Rainville asked if any  
18 members of the board had any conflict of interest or ex parte communications. Ms. Murray noted that  
19 the application was discussed with the Selectboard regarding permit fees however she recused herself  
20 from the Selectboard vote. Mr. Rainville stated that the applicants have requested a determination that  
21 it can be considered an accessory structure under the flood hazard regulations.  
22

23 Ms. Fuller stated that she would like to construct a barn for her horses and it will not be used for human  
24 habitation. Mr. Thompson stated that the barn will be 20' x 20' or 400 sf with three doors. Mr.  
25 Thompson also stated that there will vacant space between the bottom of the walls and the ground  
26 surface. Ms. Fuller stated that she had provided an updated drawing. Mr. Devine asked what the base  
27 flood elevation is. Mr. Thompson said the entire structure will be below the base flood elevation.  
28 Members discussed flood proofing measures and how baffles will allow flood water to run through the  
29 structure. Members discussed the calculation for the required openings. The regulations require "a  
30 minimum of two openings having a total net area of not less than one square inch for every square foot  
31 of enclosed area subject to flooding." Members reviewed the dimension of the proposed barn and  
32 stated that the openings need to be sufficient to relieve the pressure on the wall. Mr. Thompson said  
33 there will be approximately 6" from the ground surface to the bottom of each wall. Members agreed  
34 the applicant would be required to demonstrate 960 square inches of open space in order to allow free  
35 flow of water (and at least two openings) given the size of the structure.  
36

37 Ms. Murray noted that accessory structures do not have to be elevated, but are required to be designed  
38 to have minimum resistance, be firmly anchored, for the electricity to either be elevated or flood-  
39 proofed. The applicant stated that the entire structure will be below base flood elevation so if they did  
40 decide to have electricity in the structure it would need to be flood proofed. The applicant noted that  
41 the siding will be rough lumber and the structure will have nine poles.  
42

43 The applicant inquired about the process of obtaining access for a second curb cut to be used for  
44 agricultural and haying purposes. Ms. Murray suggested contact VTrans District 5 in Essex.  
45

46 Mr. Rainville asked for further questions. Ms. Murray stated that the board has 45 days to issue a  
47 decision. Mr. Rainville said the board will try to get it out as soon as possible.  
48

1 Ms. Godin made a motion to close the hearing, Ms. Murray seconded. The motion passed unanimously.  
2 The hearing ended at 8:35 PM.

3  
4 **3. Zoning Administrator's Report**

5  
6 Mr. Malboeuf provided the Zoning Administrator's report. He stated that he is working with the  
7 property owner at 1864 Theodore Roosevelt Highway and that portions of the existing dwelling/porch  
8 are within the front State of VT right-of-way. He also stated that he is working with another property  
9 owner on the Access Road that would like to expand a rear entrance closer to the Joiner Brook.

10  
11 **4. Meeting Minutes**

12  
13 DRB members reviewed the minutes from June 23, 2015. Ms. Murray made the motion, seconded by  
14 Ms. Godin, to accept the minutes of the June 23, 2015 Development Review Board meeting as  
15 submitted. The motion passed unanimously. Mr. Devine abstained since he did not attend the meeting.

16  
17 **5. Other Business**

18  
19 None

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21 **9. Meeting Adjournment**

22  
23 Ms. Murray made the motion, seconded by Ms. Godin, to adjourn the meeting. Motion carried  
24 unanimously. The meeting adjourned at approximately 9:00 pm.

25  
26 The next meeting of the DRB will be held on Thursday, August 20, 2015, 6:30 pm at the 4 x 4 Center for  
27 the purposes of conducting a site visit. The regular DRB meeting will be held on August 27, 2015 at the  
28 Bolton Town Office at 6:30 PM.

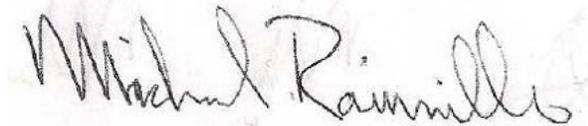
29  
30 Respectfully submitted,

31  
32 Sarah McShane  
33 Bolton DRB Assistant

34  
35 *\*\*These minutes are unofficial until formally accepted by the DRB.\*\**

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36  
37 These minutes were read and accepted by the Development Review Board on August 27, 2015.

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40 Michael Rainville, DRB Chair