



Town of Bolton  
3045 Theodore Roosevelt Highway  
Bolton VT 05676

Planning Commission Hybrid Public Hearing/Meeting Minutes  
April 21, 2022

Board members present: Steve Barner, Chair, Adam Beaudry (virtual) Kaelyn Modrak, Vice Chair (virtual), Evan DesLauriers (virtual)

Board members absent: None

Also present: Spencer Nowak, Celia Savoie (virtual), Ernest Levesque (virtual), Allyson Bartlett (virtual), Jon Ignatowski, ZA (virtual), John Tschernenko, Linda Baker (virtual), Sharon Murray, Rebecca Duke (virtual), Andrew Pond, Paula Gervia, Ike Sampo (virtual), Juliette Juillerat (virtual), Taylor Newton, CCRPC (virtual), Christine Geiler (virtual), "Samsung," (unidentified caller virtual)

Acting Clerk: Amy Grover

1. **Call to order:** The hearing/meeting was called to order at 6:31 p.m. by the Chair, Steve Barner, with a quorum of 4 members present.

2. **Additions or Deletions to the Agenda:**

- Additions: None.
- Deletions: None.

3. **Public Comment** (not related to agenda items): None.

4. **Planning Commission Hearing on Amendments to the 2017 Bolton Town Plan.**

The following is a compilation of public comment and discussion, it is not a transcription.

Steve Barner noted the Planning Commission's proposed amendments to the Town Plan included the Bolton Valley Master Plan, the land use map, the Energy Plan, and changes to steep slopes language.

Sharon Murray noted:

- Her extensive experience and history with respect to the Town Plan and BLUDRs, the information she had sent and would be sending via email, her appreciation to all for the well vetted Bolton Valley Master Plan and Energy Plan, she would be happy to work further with the group.
- Concern about language regarding steep slopes, the 33%, local review, and interpretation by ACT 250 that the town supported development on steep slopes up to 33%; the Town Plan is what effects ACT 250, the language is critical.
- The history of environmental court litigation, and the long-standing concern of the town with respect to development of steep slopes including emergency access and stormwater management.
- The current regulations are based on a 25% nationally recognized and legally defensible standard.
- This significant change in development would require review by a municipal engineer which Bolton does not have.

- A map should be provided which shows steep slopes up to 33%.
  - Steve Barner noted the change to 33% simply allowed for minor changes in the BLUDRs as a result of specific issues that have come before with ZA and DRB to develop properties, and to provide opportunities for development in ways that would not create negative impacts.
  - Jon Ignatowski noted the hearing was only for Town Plan Amendments, it was a two-part process, with the amendments to the BLUDRs next. The steep slope change came from within the DRB (on which two engineers serve) realizing that the impacts of denied past/recently applications due to steep slopes which were not causing erosion or storm water issues. The impetus behind the change was to realign the regulations with current science and understanding of steep slopes, the factors which cause slope instability, to provide better definition/s, and to protect the top/bottom of steep slopes with buffers.

Jon Ignatowski noted:

- An overview of all the changes to the Town Plan: Incorporating the Bolton Valley Master Plan, updating the land use map, adopting the energy plan, and steep slopes.
- The most dramatic zoning changes at Bolton Valley were the reduction of minimum lot sizes from 2 acres to ¼ acre in the Resort Residential to allow for more density.
- Section 12.8 could be misconstrued as allowing dwelling units, he was uncomfortable with 12.8, which could be confusing in the future. “Objective 12.8: The development of new dwelling units, either through conversion or new construction, shall not be located very steep slopes equal to or in excess of 33%.”
- The intent was to not allow development of dwelling units on slopes of 25% - 33%.
- This was an attempt to try to match the language in the Town Plan and BLUDRs and to allow for the disturbance of 50 square feet.
  - Sharon Murray stated the Town Plan already had language for considering exemptions, the town needed to update exemptions and waivers, draft improved site development standards, not apply standards town wide, that as written this Town Plan language applies more to specific zoning standards, and that she encouraged the PC to leave the Town Plan language the way it was, she did not recommend including the proposed steep slopes language.
  - Jon Ignatowski added that it was more valuable to have that number be 25% than to allow a landowner to get a zoning permit for 50 square feet of disturbance.

Brief group discussion on whether the proposed language/intent of/perception of, was opening the town to more development on steep slopes, exceptions vs. rule, waivers, allowing for permitting vs. conditional use review, further define steep slopes in the BLUDRs definitions, 2.8 needed to be clarified.

Steve Barner noted:

- The PC had always approached balancing the geography of the town with landowner’s ability to develop their property, the goals were to find balance.
  - Sharon Murray stated that Bolton was generous in with the regulations at 25%, 20% was common.

Linda Baker stated:

- She had talked at length with Jon Ignatowski, she had years of experience on the PC and had completed considerable amounts of research on steep slopes all over the U.S., and there was never a 33% development allowance anywhere, 25% was the limit.
- Remove the 33%.
- Concerns regarding post construction guarantees and lack of enforcement, not definable.
- Folks don't always consider how delicate the water situation can be, and how development impacts others, including downslope.

John Tschernenko noted:

- He resided at the headwaters of the Bolton Valley drainage, adjacent to the ski area.
- Soil is leaving properties every time it rains due to the runoff from Bolton Valley Resort's (BVR) trail development, and he had concerns with additional development above his property, i.e., condos/hotel.
- Development of slopes over 25% is not conducive to soil health.
- There are areas of large landslides/hillside collapse along Joiner Brook at the "S curve" which circles back to development of steep slopes, and no one paying attention.
- There is lack of control, oversight, and no accountability.
  - Sharon Murray noted there were stormwater concerns regarding a previous Bolton Valley Master Plan, and that the 4X4 center had addressed erosion with stormwater ponds.

Ernest Levesque noted:

- Concern regarding the erosion in the Bolton Valley area, where trees were visibly held up by rocks, and erosion issues are not being addressed.
  - Linda Baker noted she appreciated the new perspective that there were similar issues up at Bolton Valley as there were down in the valley and noted her continued concerns with Smilie School's proximity to Joiner Brook.

Taylor Newton noted:

- The town had received a Municipal Planning Grant to develop a master plan for BVR, and there was consensus reached between BVR and the town on how to approach new development at BVR, how to simplify the permit process, and ensure continued environmental quality.

Group discussion, review and comparison of the land use maps and re-zoning, uses which have remained the same, matching lot sizes to what exists presently.

Sharon Murray noted:

- Concern about Bicknell Thrush habitat and conservation/high priority areas, an existing conservation easement, and what protections were built in.
- That the Preston Lafreniere homestead is in private, not state ownership, and whether that parcel should be removed from conservation district.
- The Ethan Tapper parcel had added a conservation easement.
  - Jon Ignatowski noted the Tapper parcel does have a permanent conservation easement with the right to build a home.
- Concern around the amount of re-zoning around the "S curve," and the history of massive erosion there.

Taylor Newton noted:

- CCRPC was not involved in the BVR Master Plan process, the map reached community consensus, the underlying rules/any existing natural resource rules had not changed, and he could not provide answers to some questions due to CCRPC's lack of involvement in that Master Plan process.
- CCRPC was brought in to translate the baseline zoning into regulations.
  - Sharon Murray noted there were long standing concerns with designations.

Brief group discussion on procedures/action steps:

- Whether the PC wanted to amend the current Town Plan draft or vote to pass as presented.
- Whether the PC should have just taken testimony and not engaged in conversation.
- The goal of the PC to provide a role for the public in the process and to engage in conversation.
- When sending the Town Plan amendments on to the BSB, the BSB will have up to one year to hold their Town Plan amendment hearing.

Steve Barner asked if there were any final public comments.

- Jon Ignatowski made a formal recommendation to the PC to not send the Town Plan amendments as presented on to the BSB, further amendments were needed, in particular, the removal of the 33%, a minor change.
  - Group consensus to use the May PC meeting to draft further Town Plan amendments.

Adam Beaudry made the motion "to close the public hearing on the Town Plan amendments." Kaelyn Modrak seconded. There was no further discussion. All were in favor and the motion passed (4-0).

5. **BLUDRS:** The group completed review of the language regarding campers on private property. Discussion included:
- Inequity in the types of properties upon which camper storage is allowed, and the number of campers allowed.
  - Campers are not "landable" and therefore not open to regulation, with the exception of under NFIP in the flood plain.
  - Distinguishing camper storage from campgrounds.
  - The 180-day restriction on use of campers.

Next steps: the PC will use the May 10, 2022, meeting to:

1. Draft edits to the Town Plan amendments, complete, and formally approve to send on to the BSB for their review/hearing.
2. Review /finalize the BLUDRs amendments (not the public hearing), set the BLUDRs hearing date.

Kaelyn Modrak noted her appreciation to the community for their input on the Town Plan, that the community was welcome at any PC meeting, and encouraged folks to consider joining the PC and effect change now and, in the future, as the PC was actively seeking new members.

6. **Adjournment:** Kaelyn Modrak made the motion “to adjourn the meeting.” Adam Beaudry seconded. There was no further discussion. All were in favor and the motion passed (4-0) at 8:30 p.m.

Attest: Amy Grover, Acting Clerk

*Minutes are unofficial until approved. These minutes were read and approved by the Bolton Planning Commission on: June 14, 2022.*