



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
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Development Review Board Special Meeting Minutes

January 11, 2011
Bolton Town Office

DRB Members Present: Sharon Murray, Mike Hauser, Mike Rainville, Margot Pender, Jerry Chabot
DRB Members Absent: Charmaine Godin, Alternate
Staff: Miron Malboeuf, Zoning Administrator
Also present: Mike Hopwood and Thomas Walsh, Esq. representing Automotive Services International; Jeffrey Tricou, representing adjoining landowner Paul Growald.

Warned Agenda:

1. Public Comment – Opportunity for public comment.
 2. Public Hearing – Application # 2010-28-CU/Mountain Operations & Development LLC and Automotive Services International
 3. ZA Report – Permits, pending applications, appeals
 4. DRB Report, Photo for 2010 Town Report
 5. Meeting Minutes – 10/26/2010
 6. Other Business
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Call to Order

Sharon Murray, DRB Chair, called the meeting to order at 6:32 p.m. DRB members introduced themselves. The Chair noted for the record that a quorum of the DRB was present as necessary to hold the meeting and public hearing. No changes to the warned agenda were requested.

Public Comment

No public comments received.

Public Hearing: Application #2010-28-CU filed Mountain Operations & Development, LLC (Bolton Valley Resort) and Automotive Services International (4x4 School)

Sharon Murray, Chair, convened the hearing and read the hearing notice as warned. The applicants filed an application dated November 19, 2010 for conditional use review and approval to expand Automotive Service International's 4 x 4 school operations in the vicinity of the Timberline Base Lodge parking lot, to include the following improvements as described in the application:

1. Construction of a vehicle wash pad.
2. New connector trails and a turn around area east of the parking lot.
3. Alterations to portions of the Chute and Southern Dip Trails.
4. Replacement of the existing rock climbing feature.

5. Creation of a "winter demo" area within and adjacent to the previously approved winter warm-up area.
6. Construction of a second traction pit.

Ms. Murray noted that this application was warned as an amendment to a conditional use approval for the 4x4 School issued by the DRB on December 8, 2009, which was appealed by the applicants and has yet to be resolved. Specifically the two trails identified for improvement (#3) were denied by the DRB under the 2009 decision. As such, as recommended by the town's attorney, and as agreed to by the applicants, the DRB will conduct an "iterative review" of the application, reviewing those improvements not affected by the appeal. At the request of the applicants, the DRB agreed to review and issue an initial decision on improvement #5 – the creation of the winter demo area – as warned for tonight's hearing. She also stated that participation in the hearing process is required in order to appeal the decision of the DRB.

No DRB conflicts of interest or ex parte communications were reported.

Present and participating in the hearing:

Michael Hopwood, Automotive Services International,
Thomas Walsh Esq. of Walsh & Monaghan, LLC, representing Automotive Services International,
Jeffrey Tricou, representing adjoining landowner Paul Growald.

Ms. Murray asked that Mr. Tricou submit a letter from Mr. Growald authorizing his representation in these proceedings.

Messrs. Hopwood and Walsh presented their application, focusing on requested improvement #5 – the creation of a Winter Demo Area to demonstrate tire performance on ice and snow surfaces – as described in initial application materials, dated November 19, 2010, and subsequent exhibits filed on January 4, 2011 which were entered as part of the hearing record (see attached exhibits list). The following exhibits were highlighted for DRB consideration in relation to the demo area:

E-8/S-1 Excavation & Fill (11/9/10) prepared by J. Carroll, showing the location of excavation and fill areas (A,B,C,D) and proposed ditch and icing areas.

S-2 Siteplan & Profile Draft (12/1/10) prepared by Susanne M. Conklin, P.E., Conklin Engineering, showing section elevation profiles through proposed cut and fill areas.

According to Messrs. Hopwood and Walsh:

- The applicants initially proposed an ice demo area on a ponded area located off Broadway, which received limited approval by Act 250; but then worked with Agency of Natural Resources staff to identify a more acceptable site next to the Timberline parking area, as shown on Exhibit 8.
- This includes and is adjacent to the winter use area approved by the DRB in 2009. The demo area would extend this to the north (hatched area "A").
- Tree removal, excavation and fill are necessary to create a level surface for winter driving exercises, as shown on Exhibits 8 and S-1.
- No fill will be brought in from off site, or removed from the site.
- Drainage will be improved, extended and redirected around the parking area to feed into the same stormwater management system that serves the parking area.

- A 120 ft x 15 ft trough, fed by a culvert, will be constructed in the southern part of the drainage ditch. This will be used to provide an ice breaking zone. The trough will be re-vegetated.
- Temporary fencing will be used to keep skiers out of the demo area.

In response to questions from the DRB, Messrs. Hopwood and Walsh testified that:

- The area to be cleared of vegetation is roughly 0.4 acres. Existing vegetation consists of second growth trees and shrubs – much of the area was previously disturbed during the construction of the parking area. No natural communities of significance were identified.
- Though specific slope calculations were not provided, no initial slopes or finished grades, as shown on S-2 elevations, will exceed 25%.
- No blasting is required.
- They would like to begin work as soon as possible. Erosion control will be provided as described for winter construction under Section 3.2 of the "Vermont Standards and Specifications for Erosion Prevention and Sediment Control," for preparing an EPSC plan (Exhibit S-9).
- Permanent slope stabilization measures (e.g., along the fill slope next to the parking area) are not specified in the application, but as-builts can be provided, inspected and certified by the project engineer. In the absence of a stabilization plan, Mr. Chabot recommended that a letter of acceptance from the engineer be required as a condition of approval.
- No grading or excavation will take place below the seasonal water table.
- The existing culverts carry intermittent flow, parking area runoff – will be extended as part of the project.
- Any excess fill will remain on site and get graded in.
- There are no wetlands in the project area.
- The operation will continue to consist of 4 to 6 classes per year, with up to 18 persons and up to 6 vehicles per class. These improvements are intended to supplement rather than add to or expand existing operations. There will be no change in the hours of operation (8 to 5).

Mr. Malboeuf checked and reported that this particular improvement is located in the Resort Residential District. It was not determined during the hearing if the project area is located in the designated source protection area, though a copy of the original source protection area plan was submitted as part of the application.

Mr. Tricou, representing Mr. Growald, asked whether there would be any change in the direction of runoff from the site, especially onto the adjoining property. The applicants testified that there would be no change in the direction of flow, except to direct it around the parking area, and that stormwater runoff would be managed on site.

Ms. Murray asked if there were any other questions for the applicants. There being none, Margott Pender motioned to adjourn the hearing on improvement #5; seconded by Michael Hauser. Motion carried. Findings and a written decision on improvement #5 will be issued within 45 days of the date of adjournment. The DRB agreed to try to issue a decision as soon as possible. Ms. Murray noted that, under the circumstances, the town attorney has agreed to review the draft decision.

Mike Rainville then motioned to continue the hearing on the remaining requested improvements, in part pending the outcome of the appeal, to the DRB's next regular meeting date, scheduled for Wednesday, January 25th, 2011, 6:30 pm at the Bolton Town Office. Motion seconded by Jerry Chabot. All in favor, motion carried.

Zoning Administrator's Report

Mr. Malboeuf reported that the state had notified the town of their intent to subdivide the Preston-LaFreniere Farm, to convey 10 acres with the house. Ms. Murray noted that this would likely require a zoning change, given the 20-acre minimum lot size in that district. If the house fronting Duxbury Road was rezoned they could then subdivide a 2-acre lot. She suggested that they contact the Planning Commission and Selectboard to initiate redistricting. DRB members asked whether the town had been notified of the farm structure that had been constructed recently on the Preston property. Mr. Malboeuf indicated that they had not, but he was looking into it.

Mr. Malboeuf reported that he was also working with the landowner of a nonconforming camp in the Bolton portion of Sharkeyville Rd. There was a question whether this was a Class 4 road – it should be identified on the town highway and tax maps. Ms. Pender also noted that Class 4 roads were listed in the town plan.

Ms. Murray also asked Mr. Malboeuf to meet with the Bolton Fire Department to determine what if any permits and approvals would be needed for proposed fire station renovations, as described in the Bolton Gazette.

2010 Town Report

DRB members approved the draft 2010 DRB Report for inclusion in the town report, and had a picture taken.

Minutes

In the absence of the DRB Clerk and draft minutes for the 10/26/10 meeting, action on minutes was tabled until the next regular meeting of the DRB.

Meeting Adjournment

Margot Pender made the motion to adjourn the meeting at 8:05 pm, seconded by Michael Hauser. All were in favor, motion carried.

These minutes are unofficial until accepted.

These minutes were read and accepted by the Development Review Board on January 25, 2011.

Sharon Murray
DRB Chair