



**Town of Bolton**  
3045 Theodore Roosevelt Highway  
Bolton VT 05676  
802-434-5075

**Development Review Board  
Meeting Minutes**

January 25, 2011  
Bolton Town Office

DRB Members Present: Sharon Murray, Mike Hauser, Mike Rainville, Jerry Chabot  
DRB Members Absent: Margot Pender, Charmaine Godin (Alternate)  
Staff: Miron Malboeuf, Zoning Administrator  
Also present: Lisa Friedman, Appellant; Mike Hopwood and Thomas Walsh, Esq. representing Automotive Services International; Susan Vita.

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**Warned Agenda:**

1. Public Comment – Opportunity for public comment.
  2. Public Hearings –  
Appeal #2010-07-AP/ Lisa Friedman (continued from 10/26/2010)  
Application # 2010-28-CU/Mountain Operations & Development LLC and Automotive Services International (continued from 1/11/2011)
  3. ZA Report – Permits, pending applications, appeals
  4. DRB Report, Photo for 2010 Town Report
  5. Meeting Minutes – 10/26/2010, 1/1/11
  6. Other Business
  7. Adjournment
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**Call to Order**

Sharon Murray, DRB Chair, called the meeting to order at 6:44 p.m. DRB members introduced themselves. The Chair noted for the record that a quorum of the DRB was present for the meeting and scheduled public hearings. No changes to the warned agenda were requested.

**Public Comment**

Mr. Walsh noted that he was unable to obtain a copy of the meeting agenda from the town office, or from the Bolton web site. Ms. Murray noted that the agenda had been e-mailed to the town office for posting, but not to the web site. In the future, she agreed to forward agendas for posting on the web site, which is maintained by a volunteer, not town staff. She also agreed to check the site to make sure DRB information is current.

**Public Hearings:**

The Chair noted that participation in the hearing process was required in order to appeal any decision of the DRB.

**Appeal #2010-07-AP/ Lisa Friedman (continued from 10/26/2010).** Ms. Murray, Chair, reconvened the previously noticed hearing, continued at the appellant's request from October 26, 2011, to consider her appeal of a Zoning Administrator determination that the two undeveloped, nonconforming lots she purchased in a previously approved subdivision on Stone Hill Road (Lots #5, #6) were automatically merged under the Bolton regulations at the time of purchase. No conflicts of interest or ex parte communications were noted. Ms. Friedman reported that she was still considering her options to address the situation under her title insurance, and asked the DRB to continue the hearing. Mike Rainville made the motion to continue the hearing to February 22nd, 2011, 6:30 pm at the Bolton Town Office at the appellant's request. Seconded by Jerry Chabot. All in favor, motion carried.

**Application #2010-28-CU filed Mountain Operations & Development, LLC (Bolton Valley Resort) and Automotive Services International (4x4 School).** Ms. Murray, Chair, reconvened the previously noticed hearing, continued from January 11, 2011, concerning the applicants' request 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 again that this application had been warned as an amendment to a conditional use approval for the 4x4 School issued by the DRB on December 8, 2009, which was subsequently appealed by the applicants. 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 is conducting an "iterative review" of the application, reviewing those improvements not affected by the appeal. The DRB adjourned the hearing on #5 (winter demo area) on January 11th and will issue a separate decision on this improvement. Mr. Walsh reported that the appeal affecting #3 (trail improvements) had yet to be resolved. As such it was agreed to postpone consideration of these improvements, and review only improvements #1, #2, #4 and #6 as listed above and described in the application.

No conflicts of interest or ex parte communications were noted. Ms. Murray asked Mr. Malboeuf whether Jeffrey Tricou, representing adjoiner Paul Growald, had submitted anything in writing regarding his representation, as requested. Mr. Miron noted that he had not. Mr. Walsh indicated that they had since discussed their application with Mr. Growald, and he no longer had any concerns.

At the request of the DRB, the applicants submitted additional information in support of their application, dated January 21, 2011, including the following:

- Transmittal letter – including information regarding applicable zoning districts, a discussion of anticipated water bar locations (not mapped), and source protection area information.
- Revised Exhibit #7 – showing more clearly the three requested trails under #2 (Upper Traverse, Twice Traverse, Thrice Traverse) and associated slope analyses for each.
- Revised Exhibit #9 – showing trails existing trails and trail names.
- SS-1 – a typical waterbar cross section.
- SS-2 – Timberline Area Summer Usage, Rock Climb Replacement & Chute alteration", prepared by J. Carroll, dated 1/20/11, including inset photos of sample enhanced waterbars.

Mr. Walsh noted that, based on conversations with Mike Bernadine, Bolton Valley's water system contact, there have been no updates or revisions to their Source Protection Area plan, last revised April 28, 2006, as submitted with the application. Mr. Malboeuf distributed copies of the "General Water Systems Map" for Bolton Valley Resort that had been filed with the town as part of the resort's water system upgrade. The map, prepared by VHB Pioneer, dated June 16, 2010, shows the location of two public wells, associated SPAs, and a proposed pumphouse in the vicinity of Timberline base area, which includes the project area. Ms. Murray asked that Mr. Malboeuf confirm the current status of the well and SPA locations as shown on the map.

Proposed improvements were then considered in the order presented in the application. Messrs. Walsh and Hopwood described the proposed vehicle wash pad (Improvement #2), referring to Exhibits 1 through 6 of the application ("Timberline Wash Pad" and associated correspondence to and from DEC, Stormwater Management Section), and S-8 (VTDEC Practice Regarding Wastewater Discharges from Vehicle Washing, 2009). They propose to pressure wash six to eight vehicles, twice per week, using up to 1,000 gallons of water from the well serving the Timberline Lodge and the Ponds, following the state's required vehicle washing practices. The wash area, located in the warm-up area below the parking lots as shown on the exhibit, will consist of a 41' x 25' concrete pad surrounded by crushed stone on all four sides. Approximately 150 yards of fill will be used to level the pad area. Discharge will be directed via a culvert into the surrounding vegetated area. Wash water will not be discharged into the permitted stormwater system. In response to questions from the DRB they stated that:

- Existing grades were not surveyed, but the wash area is relatively flat.
- The fill will be clean fill, brought in from offsite. It does not include fill from onsite grading and excavation for the proposed winter demo area.
- The pad includes a separation basin that will be regularly cleaned out.
- The overflow from the separation basin will be directed through the new culvert, as shown, into surrounding vegetation.
- They will be using soap.
- There are no wetlands or surface waters in the vicinity.

Ms. Murray noted that the wash pad, as shown on the exhibit submitted with the application, was in a different location than that described in the correspondence to the Stormwater Management Section – that it appeared to have been relocated from the lower parking area, as reviewed by the state, to the warmup area as shown in the application. This is closer to both the well head and a tributary to Joiner Brook (Goose Pond drainage) which are not identified on the exhibits. The wash area would have to be located outside of required well isolation distances and surface water setbacks. She asked that the applicants provide documentation from the state that the relocated site is acceptable under the terms

of their permits. The location in relation to required setbacks and isolation distances also needed to be determined. Mr. Walsh noted that the wash pad had received Act 250 approval, but agreed to provide requested documentation.

According to the applicants, three new connector trails totaling 0.852 miles and a turnaround are proposed (Improvement #2), as shown on Exhibits 7, S-5, and Revised Ex. 7. Exhibit 7, as revised, also shows trail slopes based on elevation measurements taken at 100 meter intervals. The traverses, as proposed, will generally follow existing logging roads to limit further clearing, between existing ski trails and the "Goose Pond Trail" (roadbed), at elevations between 1800 and 2300 feet. There are no significant wildlife habitat areas or other mapped natural features of note. The proposed turn around area, located on the Goose Pond road (Ex. 7 revised), will also be used as a staging area for the storage of materials used in the construction of waterbars. New trails would be subject to the same hours of operation and conditions of approval as previously approved trails.

Ms. Murray noted that the erosion control plan narrative submitted with the current application (dated 9/22/04) predates the erosion control plan submitted with their prior application as approved by the DRB (dated 2008). Mr. Chabot noted that existing slopes exceed 15% only along one section of the Upper Traverse. Mr. Walsh noted that the exhibits do not show the locations of proposed waterbars – Scott Moreau of Green Leaf Forestry has identified the need for waterbars in 31 possible locations, but they would like the flexibility to install them where needed, rather than where mapped – and to relocate them as needed, without further DRB approval. Trails and waterbars will be inspected daily and annually. Mr. Chabot suggested that the DRB could require that as-built locations, as certified by an engineer, be filed with the town. Ms. Murray added that the DRB could also reserve the right to review them, in the event of a problem, and allow for administrative approval of waterbar and trail relocations within defined trail corridors. Mr. Walsh suggested that these could be addressed under a stormwater management master plan, if agreed to under the appeal settlement.

According to the applicants, the current rock climb feature is located within a easement owned by Mr. Growald, the adjoining property owner. The replacement rock climb area (Improvement #4), as shown on Exhibit 9, is proposed and will be constructed only in the event that Mr. Growald decides to re-establish use of his right-of-way. The proposed location is on an existing trail as shown on the exhibit. It would be similar in size and design to the current area approved by the DRB – approximately 90' long and 16' wide, composed largely of large rocks on a bed of crushed stone. Stormwater will drain into existing waterbars and ditches.

They also propose developing a second traction pit (Improvement #6) for summer use on an existing trail near the northeast edge of the obstacle area, as shown on Exhibit S-1. This would involve rototilling and wetting a section of the existing trail. A new culvert (not shown) will be installed to provide access to the pit across the winter ditch. Stormwater will be managed through existing drainage and check dams, which are cleaned out regularly.

There being no other discussion, Mike Hauser motioned to close this portion of the hearing pertaining to described improvements, pending receipt of requested information from the applicant. Seconded by Jerry Chabot. All in favor, motion carried. Jerry Chabot then motioned to continue the hearing on the remainder of the application (Improvement #3) to February 22nd, 2011, 6:30 pm at the Bolton Town Office, pending settlement of the appeal. Seconded by Mike Hauser. All in favor, motion carried.

**ZA Report**

Mr. Malboeuf reported that an application for development within the flood hazard area may be filed – he referred the property owner to Floodplain management for information. He also noted that a two-lot subdivision on the Access Road may be coming before the DRB in the near future.

**Meeting Minutes**

Mike Rainville moved to approve the minutes of the January 11th, 2011 as presented. Seconded by Michael Hauser. All in favor, motion carried. Action on the October meeting minutes was postponed until February, pending review of a draft from DRB Clerk Charmaine Godin.

**Other Business**

Susan Vita introduced herself as a former member of the DRB who is interested in serving once again as an alternate. DRB members present welcomed her interest, and will support her appointment by the Select Board. She was encouraged to attend and participate in upcoming meetings.

**Meeting Adjournment**

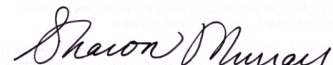
Jerry Chabot made the motion to adjourn the meeting at 8:20 pm, seconded by Michael Hauser. All in favor, motion carried.

Sharon Murray  
Acting Clerk

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*These minutes are unofficial until accepted.*

These minutes were read and accepted by the Development Review Board on February 22, 2011.

  
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Sharon Murray, DRB Chair