



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

Development Review Board Minutes

Special Meeting of May 7, 2013
(rescheduled from April 23, 2013)

Location: Bolton Town Office

DRB Members Present

Sharon Murray (Chair), Mike Rainville, Susan Vita, Margot Pender, Michael Hauser
Charmaine Godin (Alternate), Jennifer Andrews (Alternate)

DRB Members Absent

None

Staff Present:

Miron Malboeuf, Zoning Administrator
David Punia, DRB Clerk

Also present: Larry Williams, Jeremy Farkas, Justin Willis, Claudine Safar, Dori Barton, Dean Grover,
Jeff Parsons, Michael Hopwood, John Devine, Bernie Chenette

Warned Agenda:

1. **Public Comment** – Opportunity for public comment.
2. **Public Hearings** – ****Note: Participation in the hearing process is required in order to appeal a decision of the Development Review Board.**
 - **John Devine/ Minor Subdivision (2013-01-SD)** – Application to subdivide a 58 ± acre parcel into three lots including a 54-acre retained lot and two additional 2-acre residential lots. The parcel (ID# 1-0044387) is located at 4387 Notch Road in the Conservation, Rural I, Rural II and Forest Districts.
 - **Automotive Services International (d/b/a Bolton Valley Off-Road Driver Training School)/Erosion and Stormwater Management Plan** – Review of revised 4x4 School Master Plan for Erosion Prevention, Sediment Control and Stormwater Management, submitted February 27, 2013 under the terms of the stipulation agreement with the Town of Bolton (Dkt No. 6-1-10 Vtec). The plan incorporates parcels owned by Catamount/Bolton Land and Mountain Operations & Development (ID#s 7-3003227, 7-3004250), located 3227 and 4302 Bolton Valley Access Road in the Resort Residential, Resort Village, Forest and Conservation Districts.
 - **Catamount/Bolton Land, LLC, and Mountain Operations and Development/Subdivision Amendment (2012-16-SD)** – Application to amend the boundaries of a previously approved parcel ("Lot 5"). The purpose of this amendment is to (1) increase the acreage of the adjoining (Growald) parcel to 1,010 acres per a contractual agreement and to (2) correct the boundary between the subject property and the property owned by Mountain Operations and Development, LLC ("MOD"), as approved in 2003, for purposes of conveyance. The subject parcel is located at 3227 and 4302 Bolton Valley Access Road (ID#s 7-3003227, 7-3004250, 9-3002300) in the Resort Residential, Forest and Conservation Districts.

3 . **Zoning Administrator Report** – Permits issued, pending applications, status reports.

4 . **Meeting Minutes** –December 18th, 2012, January 22nd, 2013, February 22nd, March 12, 2013, March 26th, 2013

5 . **Other Business** – Report on meetings with Selectboard, Planning Commission; May meeting schedule

6 . **Public Meeting Adjournment**

Deliberative Session – as needed to discuss applications before the DRB.

Call to order

Chair Sharon Murray called the meeting to order at 6:32PM with a quorum of DRB members present. The Chair noted that this meeting was rescheduled from April 23, 2013, due to the lack of a quorum. Ms. Murray apologized to the applicants for the inconvenience.

Acceptance of Agenda

Ms. Murray asked if there were any additions or changes to the agenda. Ms. Murray requested the addition of an agenda item regarding additional information received from the Green Mountain Club. The Board will consider whether to reopen a closed hearing pertaining to the pedestrian bridge over the Winooski River.

Item 1: Public Comment

Ms. Murray opened the floor for public comment. No comments were received.

Item 2a: Public Hearing: • John Devine/ Minor Subdivision (2013-01-SD)

Application to subdivide a 58 ± acre parcel into three lots including a 54-acre retained lot and two additional 2-acre residential lots. The parcel (ID# 1-0044387) is located at 4387 Notch Road in the Conservation, Rural I, Rural II and Forest Districts.

Ms. Murray stated that in order to appeal a decision of the board, a person must participate in the hearing either verbally or in writing.

Ms. Murray asked if any DRB members had a conflict of interest or *ex parte* communications regarding the case at hand. None were offered.

A packet was distributed and a draft plat was shown. Elements highlighted on the plat included:

- Setbacks,
- Buffer zones
- Building envelopes
- Clearing zones

The applicant is awaiting an opinion from Fire Chief Michael Gervais regarding emergency vehicle access to the properties. It was suggested that this be a condition of approval.

A letter was included in the packet from Dennis Nealon of the Vermont Water Supply Division regarding a source protection plan. The DRB will need to make a finding on source protection.

Additional contours and setbacks were requested. Buildings, building envelopes are entirely within the Rural 1 District.

The Board asked that the stream buffers be extended beyond the building envelope along the length of the stream.

An identified natural area should be shown on the plat.

Clearing limits should be confined to building envelopes, as is typically required for large lots.

(Vermont Electric Coop) VELCO right of way approval was obtained. They have already done work beyond the clearing limits.

There are no steep slopes. A small section of Woods Road is to be graded. A letter from Chief Gervais was requested.

Parking areas should be included within the building envelopes.

The building envelope for Lot 1 should be included, pending the above discussion.

Shared access deed language should be provided.

There was a brief discussion about showing the waffle ball field.

Mr. Rainville moved to close the hearing pending additional information. Ms. Pender seconded. The motion did not carry.

Ms. Vita moved for a continuation of the hearing on 5/28/2013, 6:30 pm at the Bolton Town Office, pending additional information from the applicants. The motion was seconded by Ms. Pender. The motion carried unanimously.

Item 2b: Public Hearing – Automotive Services International (d/b/a Bolton Valley Off-Road Driver Training School)/Erosion and Stormwater Management Plan.

Review of revised 4x4 School Master Plan for Erosion Prevention, Sediment Control and Stormwater Management, submitted February 27, 2013 under the terms of the stipulation agreement with the Town of Bolton (Dkt No. 6-1-10 Vtec). The plan incorporates parcels owed by Catamount/Bolton Land and Mountain Operations & Development (ID#s 7-3003227, 7-3004250), located 3227 and 4302 Bolton Valley Access Road in the Resort Residential, Resort Village, Forest and Conservation Districts.

Ms. Murray reiterated that in order to appeal a decision of the board, a person must participate in the hearing either verbally or in writing.

Ms. Murray asked the Board for disclosures of conflicts of interest or *ex parte* communications pertinent to the case at hand.

Ms. Murray indicated that the hearing was for the purpose of reviewing the erosion and storm water management aspects of the proposed development under the terms of the stipulation agreement. The Master Plan is not being examined in the hearing. The Board had requested an

independent review, pending a decision by the Town Select Board regarding how such a review would be funded.

An information packet was distributed, and Ms. Safar shared a detailed Powerpoint presentation about the project, including erosion control measures. She clarified that the 4X4 Center is a driver training school and not an entertainment project.

Project elements related to the current as well as future phases of the project were described.

The applicant requested that trail access be determined not by dates, as currently written, but by conditions on the site.

Mr. Grover addressed the erosion protection and stormwater control (EPSC) plan. He specifically focused on Section 5. He noted that the engineering drawings are works in progress, and that details will be filled in as the project proceeds.

There was some discussion as to what constitutes impervious surfaces on the trails, since there are areas of exposed bedrock on some trails.

A list of tools and protocols will be applied to EPSC. The DRB requested this information.

Trail widths are as previously presented. Canopies will be maintained, cleared to a height suitable for the vehicles using the trails.

The most current (2006) acceptable management practices (AMP) for logging and erosion control should be applied, rather than the 1987 rules cited.

There was a review of the setback requirements of Section 3.17. The Board asked that 100-foot setbacks be shown, and that local regulations be cited.

There was a discussion regarding Mr. Moreau's credentials under the stipulation agreement. Mr. Dean agreed to provide a statement certifying that the plan meets EPSC guidelines.

The requirement for an independent review, as addressed in the stipulation agreement, was addressed at length. Under the stipulation agreement, the DRB is bound to obtain an independent review before requiring any changes to the EPSC plan. The Select Board was asked to determine how such a study would be funded. The Select Board passed a policy the night before the meeting. There was discussion about the timeline for the approval process.

The Select Board policy was distributed to the DRB for review. The Applicant objected to the policy.

Ms. Murray asked about reclamation protocols, should the Center close. Ms. Safar pointed to language in the stipulation agreement that covers steep slopes.

Ms. Pender moved for a continuation of the hearing to May 28 at 6:30 PM, pending further information about the independent technical review. Ms. Vita seconded. The motion carried. Mr. Rainville called for reopening the hearing to accept the EPSC plan relevant to the steep slope provisions and Section 3.16 without an independent review, with conditions to be specified in the written decision as written (no technical review). Ms. Andrews seconded. After additional discussion about an independent review, additional safeguards covered in future phases and in the stipulation agreement, the motion carried, with Ms. Murray dissenting.

Ms. Pender moved to close the hearing. Ms. Andrews seconded, and the motion carried 4-1, with Ms. Murray dissenting.

Item 2c: Plat Review: Catamount/Bolton Land, LLC, and Mountain Operations and Development/Subdivision Amendment (2012-16-SD)

Application to amend the boundaries of a previously approved parcel ("Lot 5"). The purpose of this amendment is to (1) increase the acreage of the adjoining (Growald) parcel to 1,010 acres per a contractual agreement and to (2) correct the boundary between the subject property and the property owned by Mountain Operations and Development, LLC ("MOD"), as approved in 2003, for purposes of conveyance. The subject parcel is located at 3227 and 4302 Bolton Valley Access Road (ID#'s 7-3003227, 7-3004250, 9-3002300) in the Resort Residential, Forest and Conservation Districts.

Ms. Murray asked the Board for disclosures of conflicts of interest or *ex parte* communications pertinent to the case at hand.

Mr. Chenette reviewed the information previously requested by the DRB. The Growald deed was examined. Natural resource materials were submitted.

The Board requested the following be shown or referenced on the plat:

- Deed language and easements for the ski area.
- Steam buffers and 100 foot setbacks from Goose Pond and Joiner Brooks.
- An uncommon community near Goose Pond, a Bicknell Thrush habitat
- Steep slopes
- Date of the application.
- Reference to Zoning Districts, including right of way setbacks to road and property lines (e.g., in a table).
- Reference (or show) zoning district lines.

A motion was made by Ms. Pender to close the hearing. The motion was seconded by Ms. Vita, and carried unanimously.

Item 3: Zoning Administrator's Report.

In consideration of the hour, Mr. Malbeouf's report was tabled until the next meeting.

Item 4: Acceptance of Minutes

The review and acceptance of minutes was tabled until the next DRB meeting.

Item 5: Other Business: Green Mountain Club pedestrian bridge

The Board discussed whether or not to reopen the hearing to consider additional information received from the Green Mountain Club. The issue of whether the information provided represents a substantive change that requires reopening the hearing will be publicly noticed for the next DRB meeting.

Adjournment

Mr. Rainville moved for adjournment, Ms. Vita seconded, the motion carried, and the meeting was adjourned at 9:27 PM.

The next regular meeting of the DRB will be held at the Bolton Town Office on Tuesday May 28, 2013 at 6:30 p.m.

Respectfully submitted,

David Punia
Clerk, Bolton Development Review Board

These minutes are unofficial until accepted.

These minutes were read and accepted by the Development Review Board as amended on June 25, 2013.


Sharon Murray, DRB Chair