

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

Planning Commission Meeting Minutes

April 30, 2008

Bolton Town Office

Planning Commission members present: Linda Baker, Chair, Jim Bralich, Jen Andrews, Rodney Pingree

Planning Commission members absent: Steve Barner

Also Present: Wendy Farrell, Samantha Tilton, CCRPC

Clerk: Amy Grover

Agenda

1. Public Comment
 2. Review of Bolton Valley's ACT 250 applications
 3. Review of potential amendments to the Bolton Land Use and Development Regulations
 4. Minutes ~ April 7, 2008
 5. Other communications/mail
 6. Any other business
 7. Adjournment
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Call to Order

Linda Baker, Chair, called the meeting to order at 6:10 p.m.

Agenda Item #1 ~ Public Comment

Linda Baker opened the floor to public comment. Wendy Farrell noted she was interested in listening to and providing comments with respect to the PC review of Bolton Valley's ACT 250 Master Plan Application, and as a "mountain resident" was interested in the potential development at Bolton Valley outlined in the application.

Agenda Item #2 ~ Review of Bolton Valley's ACT 250 applications

It was noted that Bolton Valley had submitted two applications for ACT 250 review; Application #4C0436-26A, for an Expansion of the 4 x 4 Training School, and Application # 4C0436-33, for a Master Plan for the Ski Resort. It was noted that the Planning Commission and the Select Board have statutory party status for both applications.

Wendy Farrell noted that the applications are combined on the ACT 250 database online, and that one can only find the master plan application by looking up the 4 x 4 training school application. Wendy questioned why the applications were not listed separately.

The group reviewed Bolton Valley's ACT 250 Application #4C0436-26A, for the Expansion of the 4 x 4 Training School. No other comments or questions were added to the list generated at the 4/7/08 meeting. Samantha Tilton noted that the responses were in need of further fleshing out, and will work toward adding commentary and compiling the information in the form of a letter for submittal to the District #4 Environmental Commission.

The group reviewed Bolton Valley's ACT 250 Application # 4C0436-33, for a Master Plan for the Ski Resort. Areas of question and comments included:

Section 1. Project Narrative

- Page 3. "In addition to pursuing continued improvement of resort operations it is critical to the continued viability of the resort to realize the benefits of well planned real estate development on the mountain." Verification of evidence that well planned real estate development is in place, i.e. a comprehensive, detailed master plan, is critical.
- Page 4. Noted: the expansion of the trail network for mountain biking and off-road driving school are mentioned, as well as development of backcountry yurts. The need to apply for local/town permits was noted, as well as continuing concern around the issue of steep slope development.
- Page 5. Development project numbers range from 190 – 380 total. This does not include any numbers for additional residential development along "Broadway" and at Timberline, nor does it include the new conference/retreat facility. It was noted that the range in numbers allows for a 100% increase. The numbers are too vague in allowing all possible options to be kept open.

Section 2. Application Cover Sheet

- Page 1. It was noted that Robert Cooper and Mitch Fleisher are named as having significant interests in the property, each with a 25% interest.
- Page 2. Project Description. 6. It was noted that the PC took exception to the document being labeled as a Master Plan due to the vagueness throughout.
- Page 2. Project Description. 7. It was noted that the Master Plan is a ten year plan.
- Page 2. Other Information. 11. Why is Bolton Valley not concurrently applying for any other permits? Will they be applying as projects are undertaken? It was noted that expansion of the water system (drilling of 2 wells) has been initiated.
- Page 2. Other Information. 12. With regard to local approval; why has the "none needed" box been checked? Clarification of this response is needed from Bolton Valley. Is it because Bolton Valley will apply for needed local approval individually as projects are undertaken? The PC wants it to be very clear that local approval IS needed for ANY development.

- Page 3. Other Information. 13. Are there any “ACT 250 master permits applicable to this project?” The box has not been checked, there needs to be verification of this; that there are not any ACT 250 master permits applicable to this project.

Section 6. Schedule B. Response to the 10 Criteria and Subcriteria

CRITERION 1) AIR POLLUTION

- a) The hours of construction are limited to 6 am – 7 pm Monday through Saturday. 6 am on a Saturday is considered excessive by the group.
- c) Parking spaces. Total numbers and location of parking spaces need to be clarified. Is there a reason that spaces are limited to 999; does 1000 spaces trigger some type of additional review?
- d) Dust control. Does the application of calcium chloride result in any type of issues with groundwater contamination and/or runoff contamination?
- e) The hours of construction are limited to 6 am – 7 pm Monday through Saturday. 6 am on a Saturday is considered excessive by the group. The application states that “Individual projects in close proximity to existing residential areas involving extended use of machinery will be reviewed in greater detail prior to the commencement of construction.” Who has the authority and/or input in reviewing the extended use of machinery?

CRITERION 1A) HEADWATERS

- a) Yes, the project is located in a headwater area. This is of very significant concern to the group. Consensus is that the current application is much too vague with respect to numbers, density, and location to sufficiently address concerns to current and future; erosion, redeposition of eroded materials downslope, stormwater, flooding, road washouts, and source protection areas.
- It was noted that a private consultant, Pioneer Environmental Services delineated individual watersheds.
- It was noted that a grant agreement between the State of Vermont, Department of Environmental Conservation, Division of Water Quality and the town of Bolton will provide for a Phase 2 Stream Geomorphic Assessment of Joiner Brook to be completed by April 2009 to provide additional data. The project overview is as follows:

“Flooding and erosion hazards along Joiner Brook, a tributary of the Winooski River in the Town of Bolton, have long been a concern to the Town. In response to past flooding events, proposals by Bolton Valley to expand ski and residential development in the upper reaches of the watershed, and the impacts that this development may have on the brook, town infrastructure, and downstream areas, including the Smilie Elementary School and homes located at the bottom of the drainage, the Town has sought out fluvial geomorphic planning information to help guide town planning efforts. This grant will allow the Grantee to conduct a Phase 2 Stream Geomorphic Assessment (SGA) of Joiner Brook and map the Fluvial Erosion Hazard (FEH) zone to identify those areas prone to erosion due to fluvial processes and to help guide river corridor management actions within the community.”

CRITERION 1B) WASTE DISPOSAL

- c) It was noted that additional capacity for the water and waste water treatment system are under state permitting jurisdiction.
- h) The response that “The approximate acreage of impervious surface is difficult to estimate at this time as no specific building plans are in place” is too vague. Specific information regarding the amount of impervious surface is needed.
- k) Noted that a general permit for stormwater runoff from construction sites is needed.
- l) Has Bolton Valley sought the District Commission’s approval to provide evidence and testimony instead of the permit as needed?
- p) RE; construction debris. Who is responsible for implementing, maintaining and evaluating/reviewing the “Construction Site Waste Management Reduction Plan,” and is this plan mandatory?

CRITERION 1C) WATER CONSERVATION

- b) Expansion of snowmaking capacity – specifics of additional storage, ponds, and withdrawals are needed.

CRITERION 1D) FLOODWAYS

- The application states that “current planning does not anticipate that any individual projects will be located within floodway fringes.” This is not sufficiently addressed. Despite not being in a designated “floodway fringe,” there is potential for increased erosion and runoff, and critical impact downslope.

CRITERION 1E) STREAMS

- a) As there are numerous streams, drainage ways and wetlands on or adjacent to the project site, the information provided on the application is much too vague with respect to the impact of development on those streams, drainage ways and wetlands. Outlining specific areas of development is needed. With respect to “stream modifications” only being requested when “necessary,” who makes that determination? What is “necessary?”
- Again, it was noted that a grant agreement between the State of Vermont, Department of Environmental Conservation, Division of Water Quality and the town of Bolton will provide for a Phase 2 Stream Geomorphic Assessment of Joiner Brook to be completed by April 2009 to provide additional data.

CRITERION 4) SOIL EROSION

- a) “Due to the large size of the project area, there are few property boundaries located down slope that will be affected by soil erosion from any of the projects associated with this Master Plan.” It was noted that the entire Joiner Brook drainage area to the Winooski River could be impacted by soil erosion from projects, not just abutting properties. Not taken into effect; the “domino effect” of the redeposition of eroded soils downslope. Again, it was noted that a grant agreement between the State of Vermont, Department of Environmental Conservation, Division of Water Quality and the town of Bolton will provide for a

Phase 2 Stream Geomorphic Assessment of Joiner Brook to be completed by April 2009 to provide additional data.

- b) “Due to the steep slopes and shallow soils, soil erosion will be closely examined during all phases of construction for each of the proposed projects.” Who will monitor soil erosion, what does this look like, and who is responsible?
- c) Permanent erosion control measures noted are too vague. The PC would like to see a proactive vs. a reactive approach including oversight, a maintenance schedule, and who is responsible. This must extend beyond the construction phase, as measures are permanent. What does this look like in an approved master plan?
- e) Who will be responsible for the daily inspection of erosion control measures, and how will this be documented? On the “smaller projects,” who will be responsible for; “control measures may be inspected as needed or as precipitation dictates.”
- f) “Due to the location of the projects involved with this Master Plan, dangerous or unhealthy situations will not occur for adjoining property owners.” How can this statement be verified? There is concern regarding this very large generalization.

CRITERION 6) EDUCATIONAL SERVICES

- a) “The phase 1 residential projects described in this master plan application are designed and targeted for second home buyers. It is most likely that the proposed units will add few, if any students to the local school system.” It was noted that the homes can be “targeted” as second homes, but unless deed restrictions are put in place there is no guarantee that the homes will be second homes, and these residential projects could greatly impact the local school system.
- a) Why are new beginner areas and additional glade trails mentioned under educational services and not elsewhere with more specific information? Obviously beginner areas and gladed trails will not impact educational services.

CRITERION 8) SCENIC BEAUTY, HISTORIC SITES, AND NATURAL AREAS

- a) “This development is not expected to create visual impacts.” This is too vague, and especially needs to address visual impacts to ridgelines.
- b) ii) The hours of construction may be limited to 6 am – 7 pm Monday through Saturday. Again, 6 am on a Saturday is considered excessive by the group.
- b) iii) Development on ridgelines is not addressed, too vague.
- b) v) No new specific parking areas are designated within the Master Plan, yet it appears in Criterion 1) c) that 249 new parking spaces will be created. Total numbers and location of parking spaces need to be clarified.
- b) vii) Lighting plans are vague, no specifics provided.
- j) The group would like verification through a report from ANR that the project/s will have no significant impact on designated rare or irreplaceable natural or fragile areas on or near the project site/s.

CRITERION 9A) IMPACT ON GROWTH

- a) The impact of attracting year round residents to the residential development may be much greater than Bolton Valley anticipates. Again, unless restricted by deed, assumptions of seasonal ownership should not be made. The group feels that the application is again, much too vague, and has grossly underestimated the growth of residents per year (10 to 30 new units per year results in 3 – 8 residents per year). What formula was used to reach this 3 – 8 residents per year estimation? The group would like to see expert objective testimony regarding projected residential growth and how it could impact the school census.
- d) 4) With respect to education ~ Although capacity might exist at Smilie School for additional students generated by the project, no mention is made of needed increases in staff which could greatly increase and impact the school budget. When assessing revenue generated vs. costs, it is critical to take school costs into account. With respect to highway maintenance, “incremental increases” may be downplaying the impact that the additional traffic the project could generate, and the resulting needed increased maintenance of the Bolton Valley Access Road.

CRITERION 10) LOCAL AND REGIONAL PLANS

- b) The application fails to address any CCRPC Regional Plan issues, especially with respect to the natural resources section.

Section 8. C) Master Plan Water Resources Map

- The water resource map needs to identify Source Protection Areas (SPAs) for all public water supply sources.

Agenda Item #3 ~ Review (continued) of possible amendments to the Bolton Land Use and Development Regulations

Tabled until the next meeting due to time constraints.

Agenda Item #4 – Minutes April 7, 2008 Meeting

Jen Andrews made a motion to accept the minutes of April 7, 2008. Rodney Pingree seconded the motion. All were in favor, motion carried.

Agenda Item #5 - Other communications/mail

Jen Andrews will attend the DRB hearing scheduled for May 28, 2008 as the PC/DRB liaison. Linda Baker will contact ZA Miron Malboeuf for clarification of the DRB agenda on that date.

Agenda Item #6 ~ Any other business

Amy Grover will contact Peter Keibel (Natural Resources Board District #4 Coordinator) regarding the date differences on Bolton Valley’s original 4X4 training school application – 6/21/04 from papers filed with the town and accepted by John Devine, Select Board Chair for the PC, and 2/25/05 from the ACT 250 database, available online.

Amy will submit copies of the two letters the PC received from William and Elaine Miles and Howard Douglas regarding Bolton Valley's ACT 250 Master Plan Application to Peter Keibel. The PC asked that:

- The location of the Douglas and Miles properties is included with the letters, i.e. highlighted on a copy of the tax map.
- The Douglas and Miles properties are taken into consideration when the ACT 250 Application site visit is held especially with respect to steep slope development and erosion control.
- Letters are retained on file with these minutes as public comment on the Master Plan Application.

Samantha Tilton will check to see if she can legally represent the PC at Bolton Valley's ACT 250 hearings.

The next meeting of the PC will be held on Monday, June 2, 2008, 6 – 8 p.m. at the Town Office.

Agenda Item #7 – Adjournment

The meeting was adjourned at 8:50p.m.

Amy Grover
Clerk, Planning Commission

These minutes are unofficial until accepted.

These minutes were read and accepted by the Planning Commission on

_____, 2008

Linda Baker, Chair