

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

**Planning Commission Meeting Minutes**

June 2, 2008  
6 – 8 p.m.  
Bolton Town Office

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

Planning Commission members absent: None

Also Present: Samantha Tilton, CCRPC, Tony Barbagallo, CC

Clerk: Amy Grover

---

**Agenda**

1. Public Comment
  2. Joiner Brook Watershed, Phase 2 Stream Geomorphic Assessment, proposal selection
  3. Review of Bolton Valley's ACT 250 applications as needed.
  4. Review of potential amendments to the Bolton Land Use and Development Regulations
  5. Minutes ~ April 30, 2008
  6. Other communications/mail
  7. Any other business
  8. Adjournment
- 

**Call to Order**

Linda Baker, Chair, called the meeting to order at 6:00 p.m.

**Agenda Item #1 ~ Public Comment**

Linda Baker opened the floor to public comment. Tony Barbagallo noted he was attending the meeting on behalf of the Conservation Commission to help review the Joiner Brook Watershed Phase 2 Stream Geomorphic Assessment proposals and to provide the PC with the CC's comments regarding Bolton Valley's ACT 250 Master Plan application.

**Agenda Item #2 Joiner Brook Watershed, Phase 2 Stream Geomorphic Assessment, proposal selection**

Linda Baker moved that the meeting enter executive session to review the proposals for the Joiner Brook Watershed, Phase 2 Stream Geomorphic Assessment. It was noted that there were three responses to the RFP; Redstart Consulting, Corinth VT, Round River, Burlington VT, and Bear Creek, Middlesex VT, and that the PC will forward their comments regarding the 3 proposals to the Conservation Commission. Linda Baker

moved to exit executive session (6:30 p.m.) The group noted that it was understood that the Phase 2 Stream Geomorphic Assessment will provide current data, and that an extrapolation of what sustainable degree of development that Joiner Brook will/could be able to handle would be critical information.

**Agenda Item #3 ~ 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.

The group reviewed Bolton Valley's ACT 250 Application #4C0436-26A, for the Expansion of the 4 x 4 Training School, and the draft letter to be submitted prior to the ACT 250 hearing to the District Commission. Final comments are as follows, italics note changes to draft;

1. Application Cover Sheet, under "Other Information"

- Why is nothing checked for permits from ANR, especially under stormwater discharge permit and/or conditional use determination?
- *On May 28<sup>th</sup> the applicant applied for a Conditional Use permit. The meeting was recessed and will continue in June.*

2. Response to the 10 Criteria and Subcriteria

CRITERIA 1

- Criterion 1) b) RE: emissions/noxious odors/sources of noise
  - "Four wheel drive vehicles traveling at slow speeds over rough terrain will not generate noise or odors." This comment is debatable, especially for residents living in proximity to the proposed driving areas. It would seem that 4 x 4 vehicles would generate noise and could generate odors.
- Criterion 1) c) RE: dust control during construction
  - "Construction is limited to repairing and/or installing water bars on existing ski trails and logging roads. No dust will be generated." Bridge construction and culvert replacement are noted in Exhibit 3, #19 and #113, for the original application – have these been installed? It seems unlikely that no dust will be generated by this construction.
- Criterion 1A) a) RE: headwaters
  - Applicant has checked the yes box, that yes the project is in a headwaters area. Has the District Coordinator been contacted as required?
- Criterion 1B) c) RE: project site disturbance
  - "The project proposes to expand the existing 3.9 +/- mile trail network by 1.8+/- miles utilizing existing ski trails and logging roads." What constitutes an "existing logging road," specific locations need to be shown on the map and reviewed in the site visit to verify that the roads are pre-existing.
- Criterion 1B) e) Re: stormwater
  - "No additional stormwater flows will be created by the proposed project." This is a very broad generalization, and there is concern that more run off could be created in specific areas, impacting areas downslope. Erosion control measures need to be proactive, vs. reactive. This issue needs to be closely examined.

- Criterion 1B) e) RE: construction debris
  - The application states “The project will not generate any construction debris.” Is natural debris (stumps, earth) expected to be generated from the construction, and how will this be disposed of?
- Criterion 1E) a) RE: streambanks
  - Verification that “none of the proposed expansion trails are located close to a streambank.” The verification of the location of trails with respect to streambanks in both the original application and current application is needed. Will this verification be made during the site visit?
- Criterion 1E) b) RE: disturbance of stream bank
  - The verification that “the project will not disturb any stream beds” in both the original application and current application is needed; verification made during the site visit.
- Criterion 1F) a) RE: proximity to reservoir
  - The original application shows that the driving course appears to be proximity to both a snowmaking reservoir and drinking water reservoir, which is a concern to the Town. This issue needs to be revisited.
- Criterion 1F) b) RE: impacts to waters
  - Verification is needed that “no stream impacts are proposed.”

#### CRITERIA 4

- Criterion 4) a) RE: slope
  - “The project is located on existing ski trails and logging roads which have gentle to moderate slopes.” Specific definition of “gentle to moderate slopes” is needed, i.e. the % slope, especially for trails currently in use located above the midstation on the Wilderness Lift which appear to be quite steep.
- Criterion 4) c) RE: erosion control
  - The Bolton Planning Commission would like to review the logbook and photos from the existing ACT 250 permit, #4CO436-26, condition 12, to verify that erosion control measures are being followed and documented. The application states that “Trails will be checked after each day’s activity and before the start of a new session. All observations will be entered into a log book. Photographic documentation will be used for all rain events that trigger wet conditions.” How is this enforced?

#### CRITERIA 5

- Criterion 5) a) RE: access
  - The application notes that access is from the Timberline parking lot and the Bolton Valley Access Road. There are reports from residents stating that vehicles are using access points from Snowdrift Lane and Blackberry Lane without landowner permission, as well as access points from Snowflake Bentley Lift area. What access areas are approved in the original application? Are current access areas being utilized not permitted? Very specific areas used for access must be named and permitted.
- Criterion 5) c) RE: one way trips
  - “No additional one-way trips will be generated by the proposed project.” What does this identify/mean?

- Criterion 5) f) RE: town/state approval of access
  - The box in the application is marked yes that the “town or state has approved the project access.” From which entity was approval received, the town or the state? The applicant needs to provide documentation of that approval.

#### CRITERIA 8

- Criterion 8) a) RE: terrain
  - Specific definition of “generally moderate slopes” is needed; the location and the specific % of slope.
- Criterion 8A) a) RE: wildlife habitat
  - Only bear habitat is noted in the expansion application. Bicknell Thrush breeding habitat is included within the original project tract; the entire area above the midstation on the Wilderness Lift. Was the Bicknell Thrush breeding season addressed in the original application?

#### CRITERIA 9

- Criterion 9B) b) RE: earth disturbance
  - Application notes “project is limited to repairing and installing erosion control measures such as water bars.” Is it expected that any additional culverts will need to be installed or replaced, or additional bridges?
  - *Note that letters from concerned Bolton residents have been submitted to the District Commission.*

#### CRITERIA 10

- Criterion 10) a) RE: town plan
  - Conformity to the town plan. Application notes that “recreational use” conforms to the town plan. Application conformity to Section 3 Natural Resources is a concern and needs to be addressed by the applicant.
- Criterion 10) b) RE: local permits
  - Application notes “none needed.” The review of the application with respect to the Bolton Land Use and Development Regulations would seem to require at the minimum a site plan review by the DRB.

The group reviewed Bolton Valley’s ACT 250 Application # 4C0436-33, for a Master Plan for the Ski Resort, and reviewed the CC’s comments provided by Tony Barbagallo. The PC noted how helpful it was to have Tony in attendance and that his input was greatly appreciated. The CC’s comments are as follows;

#### **Bolton Valley Master Plan – Bolton Conservation Commission comments**

##### **General**

1. The BV Master Plan is very general, which is probably appropriate for this stage of development. It asserts that appropriate assessments and precautions will be undertaken for each phase of the plan. However, given its general nature, it lacks the specificity that would lead one to feel comfortable that such assessments and precautions will, indeed, be adequate. The Conservation Commission will review specifics and have input as BV requests permits for each phase.

2. For each phase of development which expands the envelope of the existing developed areas, comprehensive impact assessments need to be completed for headwaters, water quality, sensitive ecological areas, and wildlife habitat, The Conservation Commission will be specifically assessing how impacts in these areas have been avoided and/or mitigated. For example, the Commission would much prefer to have

high density development as compared to a proliferation of single family homes. The planned area for wilderness camps would seem to be more similar to single family homes than to the preferred cluster residential development.

**Criterion 1B) Waste Disposal, Sub-Criterion i:**

The Bridge and Culvert Assessment, completed at the request of VT DEC, identifies 25 opportunities for water quality enhancement at Bolton Valley. A prioritized schedule for the completion of these repairs and enhancements should be provided.

**Criteria 1B(h-i):**

As the permit requests a listing of structures anticipated in this project, it seems an estimate of the projected impervious surface could be given. An overall examination of impervious surface should be conducted either initially or cumulatively as projects are permitted.

**Criterion 4) Soil Erosion:**

A Phase 2 Geomorphic Assessment of Joiner Brook is scheduled to be completed by the Town of Bolton in April 2009. The results of that study should be taken into consideration and potential impacts identified as the Study becomes available and specific projects are proposed.

**Criterion 8A) Wildlife and Endangered Species:**

The Chittenden County Uplands Conservation Project is extensively involved in coordinating the conservation of wildlife corridors in this area. CCUCP should be contacted and provided an opportunity to provide input.

**Criterion 8A(a):**

Criterion 8A(a) suggests consideration of species reliant on riparian/aquatic habitat. How will such habitat be taken into account with the potential stream “modifications” suggested in Criterion 1E? This should be addressed with individual development projects impacting the Joiner Brook watershed.

**Criterion 8A(b):**

The Master Plan suggests that Phase 1 development will be in close proximity to the base area and for this reason “no significant habitat should exist in these areas.” However, the “detached residential” development which is part of Phase 1 has significant wildlife and endangered species habitat. The construction of roads and houses through this area would significantly change the character of the area and would represent a much greater impact on wildlife than the existing network of cross country ski trails that cross this area. The master plan suggests that development constraints will be addressed prior to the design phase of buildings and that mitigation could be accomplished in the form of a conservation area to be formed to replace habitat lost from the development. Because of the difficulty of replacing critical habitat lost to development spread over a large area, such as that envisioned by the Phase 1 Detached Residential area, greater effort should be made to concentrate growth near existing development clusters.

**Criteria 8(iii):**

What about the impact on scenic vistas from the Long Trail?

**Criteria 8(ix):**

Will new landscaping plantings emphasize the use of native vegetation?

**Criteria 8(h):**

Will new landscaping plantings emphasize the use of native vegetation?

**Criterion 9K Public Investments:**

The application indicates that a significant buffer is provided between the project and the Long Trail. The setback from the Catamount Trail is not mentioned. Neither trail is identified on the map. More detail should be provided on the buffering of these trails.

**Criterion 9L) Rural Growth Areas:**

While the majority of the proposed development is clustered around the resort core, the development of the Phase 1 detached residential area likely provides significant opportunity for cluster development. It is unclear what the wilderness cabin component of the application consists of or how it differs from typical single unit residential development. This item should be further addressed and additional information provided as specific projects are proposed.

The group reviewed the draft letter to be submitted prior to the ACT 250 hearing to the District Commission. Final comments are as follows, italics note changes to draft;

*Bolton Planning Commission would like to highlight that it is supportive of Bolton Valley Resort and any efforts of the Resort to be sustainable and overall a successful business. There is a need for further collaboration and partnership to ensure that both the Resort and the Town can thrive in a healthy manner and support each other's goals.*

The Bolton Planning Commission has discussed and identified the following issues and questions concerning the application:

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/site 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 Bolton Planning Commission noted that the applicant would need to apply for local/town permits, 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. A site plan would be necessary to understand the location and amount of new units.

Section 2. Application Cover Sheet

- 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 Planning Commission.
- 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 Planning Commission. 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 Planning Commission. 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 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.”

*The Bolton Planning Commission would have to first see the results of these tests before making any further decisions about development that would affect Joiner Brook. In order to make projections concerning the specifics of development including the types, location, density, etc. on the existing conditions in order to determine what would be sustainable for Joiner Brook.*

#### CRITERION 1B) WASTE DISPOSAL

- *The Bridge and Culvert Assessment, completed at the request of VT DEC, identifies 25 opportunities for water quality enhancement at Bolton Valley. A prioritized schedule for the completion of these repairs and enhancements should be provided.*
- c) It was noted that additional capacity for the water and waste water treatment system are under state permitting jurisdiction. The Planning Commission would prefer to wait to hear the results of the permitting decision.
- *h-i) As the permit requests a listing of structures anticipated in this project, it seems an estimate of the projected impervious surface could be given. An overall examination of impervious surface should be conducted either initially or cumulatively as projects are permitted.*
- 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) The Planning Commission 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, location, 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, the Bolton Planning Commission would like to review the results of the tests regarding Joiner Brook before making any decisions.* 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 Planning Commission 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. *Please address impacts on scenic vistas and buffers from the Long Trail and Catamount Trails.*

- a) *How will riparian-aquatic habitat be taken into account with the potential stream “modifications” suggested in Criterion 1E? This should be addressed with individual development projects impacting the Joiner Brook watershed.*
- b) *The Master Plan suggests that Phase 1 development will be in close proximity to the base area and for this reason “no significant habitat should exist in these areas”. However, the “detached residential” development which is part of Phase 1 has significant wildlife and endangered species habits. The construction of roads and houses through this area would significantly change the character of the area and would represent a much greater impact on wildlife than the existing network of cross country ski trails that cross this area. The Master Plan suggests that development constraints will be addressed prior to the design phase of buildings and that mitigation could be accomplished in the form of a conservation area to be formed to replace habitat lost from the development. Due to the difficulty of replacing critical habitat lost to development spread over a large area, such as that envisioned by the Phase 1 Detached Residential area, greater effort should be made to concentrate growth near existing development clusters.*
- 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 Planning Commission.
- 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.
- h) *New landscaping plantings will emphasize the use of native vegetation.*
- j) The Planning Commission 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 Planning Commission 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 Planning Commission 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 #4 ~ Review (continued) of possible amendments to the Bolton Land Use and Development Regulations**

Tabled until the next meeting due to time constraints.

**Agenda Item #5 – Minutes April 30, 2008 Meeting**

Jen Andrews made a motion to accept the minutes of April 30, 2008. Rodney Pingree seconded the motion. All were in favor, motion carried.

**Agenda Item #6 - Other communications/mail**

The Select Board received a request for comments from CCRPC concerning a proposed amendment to the 2006 Chittenden County Regional Plan; new definition of “Substantial Regional Impact” (SRI), and had passed that request onto the PC. It was noted that the Bolton Valley ACT 250 Master Plan application had triggered the SRI. The SRI comment period is open until 7 /24/08, and the group will address this at the July 14, 2008 meeting.

**Agenda Item #7 ~ Any other business**

The next meeting of the PC will be held on Monday, July 14, 2008, 6 – 8 p.m. at the Town Office.

**Agenda Item #7 – Adjournment**

The meeting was adjourned at 8:20 p.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