

## Recreation Overlay District Bylaw

### A. TITLE

This bylaw shall be known as the Recreation Overlay District Bylaw of the Town of Bolton (“ROD Bylaw”). This bylaw is in addition to other districts already established through the Town of Bolton Zoning Ordinances.

### B. PURPOSE

The purpose of the ROD is to protect local ecosystems and address safety concerns by minimizing the disruption of vulnerable areas and preserving and protecting existing and potential ecosystems while allowing recreational activities to be conducted. It is the intent of the Town of Bolton to accomplish this through the adoption of this ROD. The ROD allows for appropriate land use regulations, in addition to those currently imposed by existing zoning districts or other state and federal regulations. It is intended that public education and cooperation will complement this effort.

The ROD is shall apply to all new recreational construction, reconstruction, or expansion of existing trails, and new or expanded uses within the Resort Village and Resort Residential zoning districts as defined in the *2005 Bolton Land Use and Zoning Regulations*. Applicable activities/uses allowed in a portion of one of the underlying zoning districts that fall within the ROD must additionally comply with the requirements of this district (e.g. steep slopes, surface waters, SPAs, etc.). Uses prohibited in the underlying zoning districts shall not be permitted in the ROD.

### C. SPATIAL DEFINITION

The ROD boundaries are defined as all lands within the Resort Village and Resort Residential zoning districts as mapped by the Town of Bolton in the *2005 Bolton Land Use and Zoning Regulations*.

1. If the location of the ROD boundary in relation to a particular parcel is in doubt and the application already requires conditional use approval because of the requirements of the underlying zone, the Town Zoning Administrative, interpreting the municipal zoning bylaw literally, shall inform the applicant whether he/she believes the project is located within the ROD. If the project would not need conditional use approval based on the requirements of the underlying district, the Zoning Administrative Officer may still determine, based on the official map, that such project is located within the ROD. Such decision may be appealed to the Bolton Development Review Board.
2. The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the district should be located with respect to their individual parcel(s) of land. If the owner(s) request that the Town of Bolton determine more accurately the

boundaries of the district with respect to individual parcels of land, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist and charge the owner(s) for the cost of the investigation.

#### **D. PROCEDURES OF APPLICATION, REVIEW, AND APPROVAL**

1. The applicant shall collect baseline resource information for use in planning the trail system expansion. Information shall be collected and presented in a narrative and mapped form, with mapping done at a scale of **XXX** for project planning, design, and environmental review. An applicant shall consider and, where appropriate, information should include:
  - Wildlife resource inventory;
  - Base map, including topography and existing and proposed trails;
  - Soil type, characteristics, erodibility, outcrops, slope, finished grades, boulders and watertable depth;
  - Erosion control plan;
  - Access points, including emergency access for rescue situations;
  - Special habitats, both aquatic and terrestrial;
  - Vegetative cover;
  - Location of streams, wetlands, springs, ponds, and drainageways that carry snowmelt and stormwater runoff;
  - Existing and proposed setbacks and buffers from surface waters, wetlands, and wildlife habitat;
  - Definition of the type of use of trail network;
  - Logging history and identification of logging roads;
  - Parking location.
2. Any recreational development on slopes of 15% or more shall be required to be considered for conditional use review under steep slope provisions, and require the submission of a stormwater management and erosion control plan.
3. If a planned facility or use is approved as part of a master plan, it may be developed through a zoning permit.
4. The Applicant shall present to the Bolton Planning Commission an application as described in Section D1 and sets up a site visit with no less than two Planning Commission members.
5. The Applicant and the Bolton Planning Commission will determine if there are any necessary changes to the application before the Planning Commission makes a preliminary decision on if the guidelines of the ROD have been met.

#### **E. USE GUIDELINES**

1. Allowed recreational uses:
  - Permitted with site plan review:
    - Alpine ski trails
    - Nordic ski trails
    - Hiking Trails
  - Conditional with off-site impact review:
    - Mountain biking
    - Zip lines
    - 4X4 Trails

## **F. DEFINITIONS**