



Town of Bolton
3045 Theodore Roosevelt Highway
Bolton, VT 05676

Bolton Development Review Board
Meeting Minutes
August 27, 2015
Bolton Town Office

DRB Members Present: Michael Rainville (Chair), Sharon Murray, John Devine, Steve Diglio

DRB Members Absent: Charmaine Godin, Margot Pender (Alternate)

Staff Present: Miron Malboeuf, Zoning Administrator, Sarah McShane, DRB Assistant

Others Present: Claudine Safar, Dean Grover, Deborah Shelby

Posted Agenda:

1. Public Comment
 2. Public Hearing: 2014-31-CU: Request for Reconsideration- Automotive Services International, Inc., d/b/a the 4x4 Center and Catamount/Bolton Land, LLC and Mountain Operations and Development, LLC (d/b/a Bolton Valley Resort) (Continued from site visit on August 20, 2015)
 3. Public Hearing: 2014-07-CU: Phillip N Harrington, Request for Conditional Use Review: Requests review for the conversion of an existing ROW over the Broadway Trail to his lot for the purpose of residential development (Continued from June 23, 2015)
 4. ZA Report
 5. Meeting Minutes
 6. Other Business
 7. Meeting Adjournment
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Call to Order

Mr. Rainville, Chair, called the meeting to order at 6:35pm with a quorum present.

1. Public Comment

Deborah Shelby, resident, was present to ask for clarification regarding her recent DRB decision regarding nonconforming structures. Mr. Diglio reiterated that the regulations allow nonconforming structures to be expanded up to 50%. Ms. Murray stated that given her circumstances, the Board allowed her to expand on top of the existing nonconforming. She also noted that it may be useful to discuss this section of the regulations with the Planning Commission. Ms. Shelby stated that the calculation regarding expanding nonconforming structures is too complex for a small town. Ms. Murray stated that the town's regulations are based on the volume of the nonconforming structure and that some town's simply address the footprint.

2. Public Hearing: 2014-31-CU: Automotive Services International, Inc., d/b/a the 4x4 Center and Catamount/Bolton Land, LLC and Mountain Operations and Development, LLC (d/b/a Bolton Valley Resort)

Mr. Rainville opened the hearing at 6:45 PM and provided an overview of the application. No ex parte communications or conflicts of interest were reported. He stated that the applicants have requested reconsideration of conditions listed in the DRB decision dated May 7, 2015. Mr. Rainville asked the applicant if they knew who constructed the ditch along the Bolton Valley Access road below the proposed driveway. Ms. Murray noted that the ditch runs beyond the town's right-of-

1 way. Mr. Rainville mentioned that he had hoped the Road Foreman would attend the hearing and
2 that the Board should discuss the cost of lining the ditch with the applicant. Ms. Murray noted that
3 the ditch was lined with fabric and stone which is uncommon for the town's road crew. Mr. Diglio
4 mentioned that the ditch may have been created in response to the construction of the parking lots
5 and that the town does not typically line ditches with fabric and stone.

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7 Mr. Grover stated that the well was recently upgraded but he did not know when it was originally
8 constructed.

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10 Mr. Rainville asked the Board to discuss the approved vegetation plan. Mr. Diglio stated that there
11 was a misunderstanding about the required vegetation type around the winter skid pad. He felt the
12 area should be replanted with native plants, not simply grass. The Board and the Applicant agreed
13 that it would be beneficial to use live stakes and native plants with conservation mix.

14
15 Members reviewed the two proposed trails on extremely steep slopes. Mr. Grover told the Board
16 that the trails are existing and are in stable condition. He stated that stormwater will be diverted
17 and will not run over the top of the two trails. Mr. Diglio stated that as long as the trails are
18 properly vegetated they should remain stable. Mr. Diglio asked if all the 2:1 trails will be matted.
19 Mr. Grover confirmed that they will be matted.

20
21 Mr. Malboeuf stated that the trails should be required to be decommissioned if the 4 x 4 Center
22 abandons the operation and asked if anyone was concerned about the speed the vehicles travel.
23 Ms. Safar mentioned that the Stipulation Agreement discusses the provision of decommissioning
24 trails. Mr. Grover said that the water bars and other improvements prevent vehicles from obtaining
25 fast speeds. Mr. Grover mentioned that the Erosion Control Plan also discusses decommissioning
26 trails.

27
28 Mr. Diglio mentioned that the Applicant should also identify and include a means of preventing
29 debris from clogging the pipes and culverts.

30
31 Ms. Safar mentioned that they had recently submitted the Act 250 permit.

32
33 Ms. Murray mentioned that the Board needs to determine who owns and maintains the ditch near
34 the proposed driveway. The DRB's decision requires the 4 x 4 Center to stone-line the ditch. The
35 Board and the Applicant discussed cost sharing. Ms. Murray stated that the town will likely be
36 responsible for maintaining the ditch so it is reasonable to require that the 4 x 4 Center bear the
37 cost of lining it. Ms. Safar stated that the 4 x 4 Center will need to discuss the matter further with
38 Bolton Valley and at this time the Applicant is not agreeing to the condition to be solely responsible
39 for the cost of lining the ditch.

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41 Ms. Murray made a motion to close the hearing, seconded by Mr. Diglio. The motion passed
42 unanimously, 4-0. The DRB will issue a written decision within 45 days.

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45 **3. Public Hearing: 2014-07-CU: Phillip N Harrington (Continued June 23rd, 2015) Request for**
46 **Conditional Use Review: requests review for the conversion of an existing ROW over the Broadway**
47 **Trail to his lot for the purpose of residential development.**

1 Mr. Rainville opened the hearing and provided an overview of the application. Mr. Malboeuf stated
2 that Mr. Harrington was not able to attend the hearing however had submitted a revised site plan.
3 Mr. Malboeuf also noted that a shared maintenance agreement had not been reached between the
4 Applicant and the other interested property owners. Ms. Murray stated that it's important for the
5 Board to remember that the shared maintenance agreement not only protects the current property
6 owner, but any future property owner. Members discussed maintaining private roads and shared
7 maintenance agreements.
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9 Mr. Diglio made a motion, seconded by Ms. Murray, to continue the hearing to September 24, 2015
10 at 6:30 PM at the Bolton Town Office. The motion passed unanimously, 4-0.
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12 **4. Zoning Administrator's Report**

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14 Mr. Malboeuf stated that he is working with one property on the Bolton Valley Access Road. He told
15 the Board that the applicant would like to construct a deck on the rear of the structure; however the
16 entire structure is within the Joiner Brook riparian buffer and is nonconforming. He stated that the
17 proposed deck would be constructed closer to the brook and within the setback.
18

19 The Board discussed expanding nonconforming structures and asked Mr. Malboeuf to review the
20 buffer/setback requirements for fluvial erosion hazard areas. Mr. Malboeuf stated that he
21 measured the setback/buffer on the state ANR atlas as 100 feet from the top of the bank. Ms.
22 Murray mentioned that the buffer should be re-established for any allowed encroachments. She
23 also stated that the 100 foot setback is the fluvial erosion hazard area and that nonconforming
24 structures can only be enlarged if no reasonable alternative exists.
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26 **5. Meeting Minutes**

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28 Members reviewed the minutes from July 23, 2015 and from the site visit held on August 20, 2015.
29 Ms. Murray made a motion to accept the minutes from July 23, 2015 and August 20, 2015
30 Development Review Board meeting and site visit as submitted. Mr. Devine seconded. The motion
31 passed unanimously, 4-0.
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33 **6. Other Business**

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35 Members reviewed the draft Fuller-Thompson. Ms. Murray reviewed her recent edits and
36 mentioned that she also included additional information on flood protection measures.
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38 Members discussed Ms. Shelby's concerns regarding nonconforming structures and the regulations
39 pertaining to increasing the degree of nonconformance.
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41 Mr. Malbouef updated the Board regarding the Joji Fillmore application and the right-of-way
42 agreement.
43

44 Ms. Murray stated that the Planning Commission has scheduled a kick-off meeting for the Town Plan
45 update. She mentioned that if the DRB would like to see any changes in the regulations it would be
46 an appropriate time to discuss them with the Planning Commission so they can be incorporated into
47 the Town Plan. She stated that the Planning Commission will be addressing the question of where

1 the town should grow and whether or not it should allow development on steep slopes and in the
2 floodplain.

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4 **7. Meeting Adjournment**

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6 Ms. Murray made the motion, seconded by Mr. Devine, to adjourn the meeting. Motion carried
7 unanimously. The meeting adjourned at approximately 8:15 pm.

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9 The next regular DRB meeting will be held on September 24, 2015 at the Bolton Town Office at
10 6:30 PM.

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14 Respectfully submitted,

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16 Sarah McShane
17 Bolton DRB Assistant

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19 ***These minutes are unofficial until formally accepted by the DRB.***
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21 These minutes were read and accepted by the Development Review Board on October 22,
22 2015.

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26 Michael Rainville, DRB Chair
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