



# Town of Bolton Development Review Board

Bolton Town Office  
3045 Theodore Roosevelt Highway  
Waterbury, VT 05676  
802-434-5075

Benjamin Spound & Krysta Harris (Applicant)  
Doug Neede (Property Owner)  
Conditional Use Review  
Application #2017-08-DRB  
April 18, 2017

## **Applicant**

Krysta Harris & Benjamin Spound  
4010 Bolton Valley Access Rd.  
Bolton Valley , VT 05477

**Property:** 4010 Bolton Valley Access Rd., Bolton, VT

## **Application**

(Application materials on file at the Bolton Town Office)

The Applicants request conditional use approval to construct an accessory structure (geodesic dome) under Section 5.4 of the Bolton Land Use and Development Regulations. The geodesic dome will be used for additional space to hold special events and workshops. The parcel is located at 4010 Bolton Valley Access Road (#04-3004010) in the Resort Residential district and is owned by Doug Neede.

The application has been reviewed by the Bolton Development Review Board (DRB) as a conditional use under the Bolton Land Use and Development Regulations (BLUDRs) as amended, effective August 9, 2010, applicable zoning district criteria (Table 2.3), site plan criteria (Section 5.3), conditional use review standards (Section 5.4), and mixed use provisions (Section 4.4).

The Development Review Board's procedural history and relevant findings are attached.

## **Decision –Conditional Use Approval**

- Denied**
- Approved**
- Approved with Conditions:**

The Bolton Development Review Board hereby approves the construction of an 804 SF geodesic dome as an accessory structure to the Lotus Lodge Inn, located at 4010 Bolton Valley Access Rd (Tax ID #8-0040605), as shown on the provided site plan for use, in conjunction with the inn, as a mixed use lodging, restaurant and events facility. The accessory geodesic dome is specifically approved to accommodate scheduled events, subject to the following conditions of approval:

1. The Applicant must obtain a zoning permit from the Zoning Administrator prior to beginning site work and construction. In the event that a zoning permit has not been obtained within one year of the date of this decision, DRB approval shall expire and reapplication shall be required.
2. Prior to the issuance of a zoning permit, the Applicant shall file with the Zoning Administrator a copy of the State of Vermont Building and Electrical Permit.

3. The geodesic dome must be located as shown on the Site Plan submitted with the application dated 2/25/17 & 2/28/17. Conditional use approval shall be required for any change in size, location or use of the accessory structure as approved by the DRB.
4. The Applicant shall maintain emergency fire lane in front of the existing building and proposed geodesic dome. Vehicular parking is prohibited at all times within this area.
5. The geodesic dome shall not be used for overnight occupancy by guests of the lodge or staff.
6. Special events held on the property shall not exceed the property's onsite parking capacity of 40 parking spaces. In the event that the parking capacity is expected to be exceeded, the permittee shall provide notice to the Zoning Administrator along with evidence that Bolton Valley Resort agrees to provide off-site overflow parking.
7. The Applicant shall plant a row of cedar trees or other type of vegetative screening along the boundary between the adjacent property at 3970 Bolton Valley Access Road to screen the parking lot and geodesic dome. The vegetative screening shall be maintained by the permittee and property owner. The use of native species is recommended.
8. All other required state and municipal permits and approvals must be obtained prior to the start of construction.
9. A certificate of occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that it has been constructed as approved by the Development Review Board, as required under Section 9.4 of the BLUDR.
10. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this permit, the permittee agrees to allow authorized representatives of the Town of Bolton to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

**Approved with conditions (3-0) by the Bolton Development Review Board:**

Stephen Diglio–Yea  
Sharon Murray – Yea  
Adam Miller – Yea

**Dated at Bolton, Vermont this 18th day of April, 2017.**

**For the Development Review Board:**



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Stephen Diglio, Chair



7. Photographs of existing lot, no date.

The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

## **Findings & Conclusions**

The Applicant's request for conditional use approval was reviewed by the Bolton Development Review Board (DRB) for conformance with applicable requirements of the Bolton Land Use and Development Regulations (BLUDR) in effect as of January 5, 2005, and amended through August 9, 2010, including the following:

- Table 2.3 -Resort Residential District
- Section 3.5 - Height Requirements
- Section 3.6 - Lot, Yard, & Setback Regulations
- Section 3.11 - Parking, Loading & Service Areas
- Section 4.14 – Mixed Use
- Section 5.3 – Site Plan Review Standards
- Section 5.4 – Conditional Use Standards

DRB findings and conclusions under each of these are presented as follows.

### **Zoning District Standards (Table 2.3 Resort Residential District)**

**Conclusion:** Based on the following findings, the DRB has determined that the proposed development, as shown on site plan submitted as part of the application, meets the dimensional, use and supplemental standards of the Resort Residential District in which they are located.

1. **Lot Area.** The existing 2-acre lot meets the current minimum district lot area requirement of 2 acres.
2. **Frontage.** The existing lot, having approximately 450 feet of frontage along the Bolton Valley Access Road as shown on the site plan and referenced in the application, meets the current minimum district road frontage requirement of 100 feet.
3. **Setbacks.** The proposed building site is shown on the Site Plan and is located outside of the required minimum 15-foot setback from the road-right-of-way, and required 25-foot setbacks from side and rear property lines.
4. **Building and Lot Coverage.** The existing improvements and impervious surfaces total approximately 17,330 ft<sup>2</sup> or 19.9%. The total proposed improvements and impervious surfaces total approximately 18,134 ft<sup>2</sup> or 20.8%. The maximum building and lot coverages in this district are 40% and 65% respectively.
5. **Use.** The existing Lotus Lodge contains 15 guest rooms and a restaurant that is open to the public. As such, it is classified as a mixed use lodging and restaurant facility under the regulations, which are conditional uses in the Resort Residential District. The proposed geodesic dome will be used in conjunction with the inn, as an Events Facility to hold special events and workshops, also a conditional use in this district. Since there is more than one existing and

proposed principal use on the property, the application was reviewed as a mixed use under Section 4.14.

**Parking, Loading & Service Areas (Section 3.11)**

**Conclusion:** Based on the following findings, the DRB has determined that existing onsite parking, consisting of 40 spaces, is sufficient to accommodate, in combination, minimum shared parking requirements for existing lodging and restaurant uses, employees and the proposed use for scheduled events requiring advanced registration. Occasional overflow parking will be accommodated through an agreement with Bolton Valley Resort for use of their parking facilities.

6. During the hearing, the Applicant provided testimony that the existing parking lot can accommodate a minimum of 40 parking spaces measuring 9' x 18'.
7. The Applicant provided testimony during the hearing that the restaurants contains 12 seats which requires three parking spaces; the Lodge contains 15 guest rooms which requires 15 parking spaces plus five for employees; and the geodesic dome will require four parking spaces. The existing and proposed uses will require a minimum of 27 parking spaces.
8. During the hearing the Applicants testified that they have an informal agreement to use the Bolton Valley Resort parking area when needed for overflow parking.
9. The applicants have agreed to maintain a cleared fire lane in front of the inn and accessory for emergency access.

**Mixed Use (Section 4.14)**

**Conclusion:** Based on the following findings, the Board concludes that the existing Lotus Lodge (inn and restaurant) and proposed events facility (geodesic dome), as indicated on the provided application materials and discussed during the hearing, is considered a mixed use pursuant to Section 4.14 and meets the applicable general standards under Article III.

10. The subject property is located within the Resort Residential District and currently contains two principal uses; an existing inn and restaurant. As such it is an established mixed use, as defined under the current regulations. As proposed the accessory structure will be used as an events facility, to also accommodate scheduled events.
11. An inn, defined as *"A type of commercial lodging facility consisting of a building or group of buildings containing a maximum of 24 guest rooms for occupancy and use by transients on a short-term basis (less than one month on average), and may include common dining, meeting, event, recreation and service facilities for the use of guests (see Section 4.6). Dining, meeting, event, and recreation facilities open to the general public may be allowed as a mixed use, subject to review as a mixed use, in zoning districts in which all such uses are allowed,"* is a conditional use within the Resort Residential district.
12. An events facility, defined as *"A designated outdoor site or facility used for the hosting of special events, including fairs, festivals, exhibits, and concerts, and associated temporary or permanent access, parking, food, sanitation and waste management facilities. An events facility may include accessory structures for sanitary facilities, exhibit, and storage space,"* is a conditional use within the Resort Residential district (only in a PUD or a mixed use). Use as an events facility is proposed in association with an established mixed use.

13. Per above findings, the uses in combination meet all applicable standards for the Resort Residential District, including minimum lot, frontage and setback requirements, and maximum building and lot coverage requirements.
14. Per above findings, existing onsite access and parking are adequate to serve all existing and proposed uses.

**Site Plan Review (Section 5.3)**

**Conclusion:** Based on the following findings, the Board concludes that the proposed site layout and design are functional, safe, attractive, and consistent with the purpose and character of the Resort Residential District.

15. The proposed geodesic dome (accessory structure) will be constructed on a previously developed parcel. The project will not impact areas of steep or very steep slopes, surface waters, wetlands, and associated buffers or other wildlife habitat areas.
16. As noted in the application materials and described during the hearing, the proposed geodesic dome will be sited on a previously developed lot, oriented and scaled to facilitate pedestrian access.
17. The parcel is served by an existing commercial curb cut on Bolton Valley Access Road. No changes to the curb cut have been proposed.
18. A minimum of forty parking spaces are available on-site. The existing parking spaces will serve the mix of uses on the property including a 12 seat restaurant (4 spaces), 15 room lodge (15 spaces, plus 5 for employees), and a proposed 804 sf geodesic dome to be used as an events facility (4 spaces).
19. In accordance with Section 3.11, a loading and service space is required. The provided site plan does not indicate a location of a loading and service space, however the Board notes that the parcel contains sufficient space, if kept clear of vehicles, for loading and emergency vehicle access (fire lane).
20. During the hearing, the adjacent property owners requested that the proposed geodesic dome be partially screened with a row of cedar trees or other appropriate vegetation. The Applicant agreed to provide the vegetative screening between the neighboring properties.
21. No additional outdoor lighting is proposed. The Applicant provided testimony that the existing outdoor lighting will satisfy the needs for the geodesic dome.

**Conditional Use Review (Section 5.4)**

**Conclusion:** Based on the following findings, the Board concludes that the proposed geodesic dome (accessory structure), as indicated on the provided application materials and discussed during the hearing, if constructed as approved, will have no undue adverse effect on the capacity of existing and planned community services and facilities, the character of the area affected, traffic on Bolton Valley Access Road, bylaws currently in effect, or the use of renewable energy resources.

**The capacity of existing or planned community services or facilities.**

22. The proposed geodesic dome will not be served with potable water or waste water services. Existing inn facilities, connected to the Catamount Bolton Water and Sewer system, will be used.
23. The geodesic dome will be constructed in an area which allows adequate emergency vehicular access. An emergency lane will be maintained at all times.

**The character of the area affected.**

24. The application is for the construction of an accessory structure, allowed as a conditional use in the Resort Residential District, the purpose of which is to “allow for moderate densities of coordinated, well-planned recreational, lodging and residential development in the immediate vicinity of the resort village, in an area that is served by centralized infrastructure and utilities, in a manner that reinforces the function of Bolton Valley as a compact resort village and protects significant natural features and environmentally sensitive areas.”
25. The proposed geodesic dome will be constructed on a previously developed lot and has been designed to minimize impacts to neighboring properties.

**Traffic on roads and highways in the vicinity.**

26. The proposed geodesic dome will be used in connection with special events held at the Lotus Lodge, as limited based on the inn’s existing parking capacity. No significant increase in traffic general is anticipated. Traffic generated in association with special events will have no undue adverse effect on existing traffic on the Bolton Valley Access Road.

**Bylaws in effect.**

27. Applicable bylaws include the Bolton Land Use & Development Regulations. Events that generate more than 250 people will require permits under the town’s events ordinance. No other applicable local ordinances were identified. The Applicant is required to obtain a State Building & Electrical Permit from the VT Department of Fire Safety.

**The utilization of renewable energy resources.**

28. No change is proposed with regard to the use of, or access to, the utilization of renewable energy resources. The project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources. The parcel is currently developed.