



Town of Bolton Development Review Board

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

Bolton Valley Resort (Applicant)
Conditional Use Review
Application #2020-30-CU
September 25, 2020

Applicant

Lindsay DesLauriers, President
Bolton Valley Resort
4302 Bolton Valley Access Rd.
Bolton Valley, VT 05477

Property: 4302 Bolton Valley Access Rd., Bolton, VT

Application

(Application materials on file at the Bolton Town Office)

The Applicants request conditional use approval under Section 5.4 of the Bolton Land Use and Development Regulations to construct an approximately 3000 square foot, two-story addition to the existing Timberline Lodge on 4302 Bolton Valley Access Rd. The proposed addition will also include a 132 square foot balcony and a 248 square foot crushed gravel patio. The parcel is located at 4302 Bolton Valley Access Road (tax map #7-3004250) in the Resort Residential District.

The application has been reviewed by the Bolton Development Review Board (DRB) under the Bolton Land Use and Development Regulations (BLUDRs) as amended, effective January 7, 2019, applicable zoning district criteria (Table 2.3), outdoor lighting (Sec. 3.9), parking, loading & service areas (Sec. 3.11), steep slopes (Sec. 3.16), surface waters & wetlands (Sec. 3.17), Mixed Use (Sec. 4.14), Site Plan Review Standards (Sec. 5.3) and conditional use criteria (Sec. 5.4).

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

Decision – Conditional Use

- Denied
- Approved
- Approved with Conditions:

The DRB hereby approves the construction of an approximately 3000 square foot addition to the Timberline Lodge, which includes a 132 square foot balcony and a 248 square foot crushed gravel patio, at 4302 Bolton Valley Access Road, 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, this 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 all required state and municipal permits and approvals, including but not limited to an Act 250 Permit Amendment, Wastewater Systems and Potable Water Supply Permit Amendment, Stormwater Discharge Permit, and State of Vermont Building and Electrical permits.
3. ADA parking and an ADA access ramp to the building shall be incorporated into the final site plan.
4. All lighting fixtures installed, including but not limited to fixtures affixed to the deck and entrances, must conform to Section 3.9 (outdoor lighting) of the BLUDRS. This includes, but is not limited to, directing lighting fixtures downward and employing the use of timers, dimmers, and or sensors to reduce energy consumption and eliminate unnecessary lighting.
5. Improved stormwater management shall be provided to prevent water from traveling onto and across the driveway access. Uphill stormwater diversion around the lodge building is also highly recommended. Erosion prevention and sediment control measures shall be taken to mitigate slope disturbance and revegetate disturbed area, minimize ruts, prevent sediment discharges offsite, and soil disturbance caused by vehicles accessing the Lodge.
6. The addition, balcony, and patio must be located and constructed as shown on the site plan submitted with the application.
7. 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 BLUDRS.
8. 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 approval, the Applicant 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.

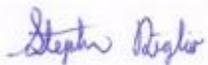
Approved (5-0) by the Bolton Development Review Board:

Stephen Diglio – yes
Rob Ricketty – yes
Adam Miller – yes

John Devine – yes
Adam Beaudry – yes

Dated at Bolton, Vermont this 25th day of September, 2020.

For the Development Review Board:



Stephen Diglio, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #4 (802-879-5676) to determine whether state permits are required.
2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a notice of appeal that specifies the basis for the request with the Secretary of the Development Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised on appeal have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.
3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.
4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke this permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Review Process

(Application materials, hearing notices, meeting minutes on file at the Bolton Town Office)

An application for conditional use review was filed by applicant Lindsay DesLauriers on behalf of Bolton Valley Resort (BVR) on June 29, 2020. The application was accepted as administratively complete by Bolton Zoning Administrator Larry Lewack, and referred to the Bolton Development Review Board for a public hearing. A public hearing of the DRB was convened on July 30, 2020 as a virtual/online meeting with a quorum of the DRB present, and warned in accordance with Section 9.8(D)(1) of the regulations and 24 V.S.A. § 4464. Stephen Diglio reported ex parte communications with BVR (communications and memorandum are filed with proceedings), but believed that he was able to act fairly, objectively, and in the public interest, disclosed the nature of the potential conflict of interest, and recorded the reasons why he was able to act in the matter fairly, objectively and in the public interest. No other ex parte communication or conflicts of interests were reported by DRB members. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

- Lindsay DesLauriers, BV Resort, 4302 Bolton Valley Access Rd., Bolton Valley, VT 05677
- Evan DesLauriers, BV Resort, 4302 Bolton Valley Access Rd., Bolton Valley, VT 05677

The following materials were submitted in support of the application and entered into the hearing record:

1. Conditional Use Hearing Request (2020-30-CU), received 6/29/2020;
2. Site Plan depicting existing conditions, erosion and sediment control details, the proposed addition, grading and drainage, existing hydrology, and utility details, received 6/29/2020;
3. Project Narrative, received 7/6/2020;
4. Application to the Development Review Board (2020-30-CU), received 7/28/2020

The DRB adjourned the hearing that evening, following the submission of testimony and evidence.

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 January 7, 2019, including the following:

- Table 2.3 -Resort Residential District
- 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 it is located.

1. **Lot Area.** The Timberline Lodge is located on a 704.7 acre lot that features four different zoning districts. The Timberline Lodge is located on roughly 105 contiguous acres in the Resort Residential District. This exceeds the district minimum lot area of 2.0 acres.
2. **Frontage.** The 105 contiguous acres in the Resort Residential district has approximately 1,500 feet of frontage along Bolton Valley Access Rd., meeting the current minimum district road frontage requirement of 100 feet.
3. **Setbacks.** The proposed Timberline Lodge addition is located outside of the required minimum 15-foot setback from the road right-of-way, and the required minimum 25-foot setback from property boundaries.
4. **Building and Lot Coverage.** Maximum building and lot coverages in this district are 40% and 65% respectively. The existing improvements and impervious surfaces on the 105 contiguous acres in the Resort Residential District totals approximately 130,151 ft² or 2.8%. The total proposed improvements and impervious surfaces on the lot total approximately 131,600 ft² or 2.9%. Thus, this application conforms to district rules.
5. **Use.** The existing Timberline Lodge building hosts a variety of allowed conditional uses in the Resort Residential District. The Lodge is used as a secondary base lodge and cafeteria during the ski season, and hosts conferences and casual events in the off-season. The proposed addition to the lodge would increase the capacity for current uses, while providing space for more formal events such as weddings. As there is more than one existing and proposed principal uses on the property, the project is consistent with use standards as described in E.6 of Table 2.3 and sec. 4.14.

Parking, Loading & Service Areas (Section 3.11)

Conclusion: Based on the following findings, the DRB has determined that existing parking serving this facility is sufficient to accommodate the minimum shared parking requirements for existing uses, employees and the proposed use.

6. The applicants have agreed to provide ADA compliant parking and ramp access to the Timberline Lodge and reduce rutting in driveways and parking areas.

Mixed Use (Section 4.14)

Conclusion: Based on the following findings, the Board concludes that the existing Timberline Lodge uses and new uses created by the proposed addition, 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.

7. The subject property is located within the Resort Residential District is an established mixed use, as defined under the current regulations. As proposed, the addition and subsequent uses would be complementary to the current indoor and outdoor uses of the facility.

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.

8. The proposed addition, balcony, and patio 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.
9. As noted in the application materials and described during the hearing, the project will be sited on a previously developed lot, oriented and scaled to facilitate pedestrian access.
10. The parcel is served by an existing commercial curb cut on Bolton Valley Access Rd. No changes to the curb cut have been proposed.
11. The existing parking spaces will serve the current and proposed mixed uses on the property.
12. Applicant has not proposed provisions for enhanced pedestrian and on-site vehicular circulation, aside from an ADA compliant path and ramp to the Lodge.
13. Applicant has not proposed landscape plantings to screen this project.
14. By meeting the outdoor lighting requirements stipulated in Section 3.9, the Applicant will be in compliance with the BLUDRs.
15. Applicant proposed new landscaping on the uphill area behind the building to prevent water from traveling across the driveway. The Applicant also mentioned that the resort will be evaluating all of their driveways and parking lots to generate strategies for minimizing ruts.

Conditional Use Review (Section 5.4)

Conclusion: Based on the following findings, the Board concludes that the proposed project, 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.

16. The proposed Lodge addition will be connected to the Catamount Bolton Water and Sewer system. One additional restroom is planned to be added to the Lodge. The addition will likely increase water consumption and wastewater discharge. Provided that the Applicant obtains certification from a State approved engineer assuring that existing water and wastewater systems can handle increased capacity, the addition and subsequent uses will have a modest additional burden on system capacity.
17. The project 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.

18. The application is for the construction of an addition to an existing mixed use structure in the Resort Residential District, the purpose of which is to facilitate “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. (Table 2.3, Resort Residential purpose)
19. The project will be constructed on a previously developed lot, with minimal impacts to neighboring properties.

Traffic on roads and highways in the vicinity.

20. While providing increased venue capacity, the project is unlikely to generate any significant increase in unique visits and traffic, except during the low-use warm weather months.

Bylaws in effect.

21. Applicable bylaws include the Bolton Land Use & Development Regulations. 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.

22. 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.