



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 #2020-08-CU
August 21, 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 a 640 sq. ft. outdoor pool & associated pool deck & dining patio (4,175 sq. ft.) adjacent to existing Sports Center building at 4302 Bolton Valley Access Rd. The parcel is located at 4302 Bolton Valley Access Road (tax map #4-4180126) in the Resort Village district.

The application has been reviewed by the Bolton Development Review Board (DRB) as a proposed 'Recreation/Outdoor' conditional use under the Bolton Land Use and Development Regulations (BLUDRs) as amended, effective January 7, 2019, applicable zoning district criteria (Table 2.2), parking, loading & service areas (Sec. 3.11), steep slopes (Sec. 3.16), and surface waters & wetlands (Sec. 3.17), and conditional use criteria (Sec. 5.4)

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 a 640 sq. ft. outdoor pool & associated pool deck & dining patio (total of 4,175 sq. ft.) adjacent to existing Sports Center building at 4302 Bolton Valley Access Rd., 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 two years of the date of this decision, DRB approval shall expire and reapplication shall be required.
2. No trees on the down slope to the west of the Sports Center building shall be cut or damaged during construction.

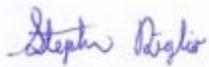
3. A designated handicap accessible parking space and loading zone shall be located adjacent to the main entrance of the Sports Center building, marked with appropriate signage. The Applicant shall maintain an emergency fire lane in front of the existing Sports Center building. Non-handicap vehicular parking shall be prohibited at all times within this area, marked by appropriate signage.
4. The outdoor pool, pool deck and dining patio must be located and constructed as shown on the Site Plan submitted with the application.
5. 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. All other required state and municipal permits and approvals must be obtained prior to the start of construction.
6. 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.
7. 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 (4-0) by the Bolton Development Review Board:

Stephen Diglio— Yes John Devine - Yes
Adam Beaudry— Yes Adam Miller – Yes

Dated at Bolton, Vermont this 18th day of August, 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 March 4, 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 scheduled for March 26, 2020 and warned in accordance with Section 9.8(D)(1) of the regulations and 24 V.S.A. § 4464.

Due to scheduling conflicts, the public hearing to consider the application was actually convened on April 23, 2020, 6:30 PM as a virtual/online meeting with a quorum of the DRB present. No ex parte communications 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

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

1. Application to the Development Review Board (2020-08-CU), received 3/4/2020;
2. Site Plan depicting layout of proposed pool and deck, 3/4/2020;
3. Project Narrative, 3/4/2020;
4. Tax map and orthophoto with parcel highlighted, 3/4/2020
5. ANR map depicting elevation contours in project vicinity, 3/4/2020;

The DRB adjourned the hearing that evening, following the submission of testimony and evidence. (Note: the DRB's decision was delayed due to imposition of Gov. Scott's emergency order re: the Covid-19 pandemic. This order, and Act 92 as signed into law, suspended normal municipal procedures and permitting deadlines to allow towns sufficient time to process applications and decisions remotely.)

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 2.2 -Resort Village 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 2.2, Resort Village 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 Village District in which it is located.

1. **Lot Area.** The existing 1.47-acre lot exceeds the district minimum lot area of .5 acres.
2. **Frontage.** The existing lot, having approximately 200 feet of frontage along Sports Club Drive 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 outdoor pool and deck is located outside of the required minimum 15-foot setback from the road right-of-way. Sections of the pool deck may be within 10-foot setbacks from side and rear property lines of this narrowly drawn tax parcel. However, these encroachments are into a larger parcel of ±705 acres in common ownership by the applicant, with no dwellings within 100 ft of the added outdoor pool & deck area. The proposed deck and pool does not exceed the dimensions of nearly identical facilities previously on this land which this project would replace.
4. **Building and Lot Coverage.** Maximum building and lot coverages in this district are 50% and 75% respectively. The existing improvements and impervious surfaces total approximately 24,375 ft² or 38%. The total proposed improvements and impervious surfaces total approximately 29,690 ft² or 46%. Thus, this application conforms to district rules.
5. **Use.** The existing Sports Center building hosts a variety of allowed conditional uses in the Resort Village District, including a Nordic Ski Center with equipment rentals, an Indoor Pool, an indoor skate park, and a snack bar. Proposed outdoor pool would be compatible with these existing recreational uses. As there is more than one existing and proposed principal use on the property, the project is consistent with use standards as described in Sec. E.6 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, consisting of several hundred spaces of shared parking with the main ski resort area adjacent to and behind the Sports Center building, is sufficient to accommodate, in combination, minimum shared parking requirements for existing uses, employees and the proposed use.

6. The applicants have agreed to maintain a cleared fire lane in front of the Sports Center for on-grade handicap customer vehicle parking and loading, and for emergency vehicle access.

Mixed Use (Section 4.14)

Conclusion: Based on the following findings, the Board concludes that the existing Sports Center uses and proposed Outdoor Pool and deck 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 Village District is an established mixed use, as defined under the current regulations. As proposed, the outdoor pool and deck would be complementary to the current indoor and outdoor recreational uses of the facility.
8. The addition of an outdoor pool and deck to the existing mixed use of this facility is considered as outdoor recreation, also a conditional use within the Resort Village district.
9. Per above findings, the uses in combination meet all applicable standards for the Resort Village District. 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.

10. The proposed outdoor pool and deck 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.
11. 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.
12. The parcel is served by an existing commercial curb cut on Sports Club Drive. No changes to the curb cut have been proposed.
13. The existing parking spaces will serve the current and proposed mixed uses on the property.
14. 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 emergency vehicle access (fire lane), and for the required designated handicap vehicle parking and loading spaces.
15. Applicant has not proposed landscape plantings to screen this project. However, a safety fence will enclose the outdoor pool deck, and a path consisting of paver stones will provide pedestrian access from the pool doors to parking located at the front of the Sports Center building.

16. No additional outdoor lighting was specified in this application, as outdoor pool use will be primarily during daylight hours.

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.

17. The proposed outdoor pool and deck will be connected to the Catamount Bolton Water and Sewer system. No additional restrooms are planned to be added to the Sports Center. Thus, added use from pool and deck users will have a modest additional burden on system capacity.
18. 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.

19. The application is for the construction of an accessory outdoor recreation facility, allowed as a conditional use in the Resort Village District, the purpose of which is to facilitate “coordinated, well planned, higher density development, including a mix of recreational, commercial, and multi-family residential uses within a compact village setting, in a manner that supports the development of the ski resort as a year-round destination while protecting significant natural features and environmentally sensitive areas.” (Table 2.2, Resort Village purpose)
20. The project will be constructed on a previously developed lot, with minimal impacts to neighboring properties.

Traffic on roads and highways in the vicinity.

21. As an additional recreational amenity for guests at the Bolton Valley Resort and current residents, 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.

22. 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.

23. 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.