



# 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 #2021-09-DRB  
March 19, 2021

## 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 3,360 sq. ft. maintenance garage in an existing equipment storage area. 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) as a proposed 'Accessory Structure/Use (to a conditional use)' conditional use under the Bolton Land Use and Development Regulations (BLUDRs) as amended, effective January 7, 2019, including the following: applicable zoning district criteria (Table 2.3), outdoor lighting (Sec. 3.9), surface waters & wetlands (Sec. 3.17), site plan review (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 Approval

- Denied
- Approved
- Approved with Conditions:**

The Bolton Development Review Board hereby approves the construction of an approximately 3,360 sq. ft. maintenance garage in an existing equipment storage area 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.

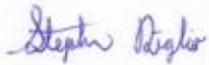
2. Prior to the issuance of a zoning permit, the Applicant shall file with the Zoning Administrator a copy of the State of Vermont Building and Electrical Permit. All other required state and municipal permits and approvals must be obtained prior to the start of construction.
3. The project shall not disturb lands within the fifty-foot buffer protecting the small stream immediately to the east of the project site.
4. All lighting fixtures installed 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. 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      Rob Ricketson – Yes  
Adam Beaudry— Yes      Adam Miller – Yes

**Dated at Bolton, Vermont this 19th day of March, 2021.**

**For the Development Review Board:**



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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 January 2, 2021. The application was accepted as administratively complete by Bolton Zoning Administrator Jon Ignatowski, and referred to the Bolton Development Review Board for a public hearing. A public hearing of the DRB was scheduled for February 25, 2021 and warned in accordance with Section 9.8(D)(1) of the regulations and 24 V.S.A. § 4464.

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 (2021-09-DRB), received 1/2/2021;
2. BV Garage Plans EPSC Details, 1/2/2021
3. Project Narrative, 1/26/2021;
4. Context Map, 2/10/2021
5. Site Plan depicting layout of proposed garage, 2/10/2021;
6. Image of proposed garage structure, 2/25/2021

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 3.9 – Outdoor Lighting
- Section 3.17 – Surface Waters and Wetlands
- 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 existing 83 contiguous acres of Resort Residential exceeds the district minimum lot area of 2 acres.
2. **Frontage.** The existing lot, having approximately 3,000 feet of road frontage, meets the current minimum district road frontage requirement of 100 feet.
3. **Setbacks.** The proposed garage conforms to the 15-foot minimum setback from the right-of-way and the 25-foot minimum setback from side and rear lot lines. Additionally, the proposed garage conforms to the 50-foot small stream setback.
4. **Building and Lot Coverage.** Maximum building and lot coverages in this district are 40% and 65% respectively. The combination of existing and proposed structures in the 83 contiguous acres of Resort Residential will result in a building coverage of .16%. The combination of existing and proposed lot coverage in the 83 contiguous acres of Resort Residential will result in a coverage of 2.3%. Thus, this application conforms to district rules.
5. **Use.** The proposed maintenance garage will be an Accessory Structure to the ski resort, which is an Outdoor Recreation Facility. Since Outdoor Recreation Facilities are a conditional use, accessory structures to this use must also be reviewed as a conditional use. The proposed maintenance garage is compatible with the existing principal use of the lot.

**Outdoor Lighting (Section 3.9)**

**Conclusion:** Based on the following findings, the DRB has determined that proposed outdoor lighting plan for the proposed maintenance garage conforms with the standards set forth in Section 3.9.

6. The applicants have agreed to direct lighting fixtures downward and employ the use of technologies that reduce energy consumption and eliminate unnecessary lighting.

**Surface Waters and Wetlands (Section 3.17)**

**Conclusion:** Based on the following findings, the Board concludes that the proposed maintenance garage will not encroach in the 50-foot buffer protecting the minor stream (a tributary to Joiner Brook) east of the project site.

7. The applicants have agreed to refrain from disturbing land within this buffer area.

**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 location and orientation of the maintenance garage and supporting infrastructure on the site is compatible with the proposed setting and context, as determined for zoning district objectives, existing site conditions and features, adjoining or facing structures in the vicinity, and other applicable provisions of Bolton's regulations, including density, setback, height and buffering requirements
9. The proposed maintenance garage will be constructed on an impervious surface in an existing storage area. The project will not impact areas of steep or very steep slopes, surface waters, wetlands, and associated buffers or other wildlife habitat areas.

10. The parcel is served by an existing commercial curb cut. No changes to the curb cut have been proposed.
11. The existing parking spaces will serve the current and proposed uses on the property.
12. The existing storage area is not visible to residential areas and other uses due to existing vegetation south of the proposed site. The proposed maintenance garage will also benefit from the existing landscaping on the site, and visual compatibility will be maintained.
13. The applicants have agreed that outdoor lighting on the proposed maintenance garage will conform to the standards of Section 3.9.
14. The proposed stormwater management and erosion control methods described in the submitted plans conform to best management practices.

**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.**

15. The proposed maintenance garage will not be connected to water or sewer.
16. 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.**

17. 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 facilitate “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.” (Table 2.3, Resort Residential purpose).
18. The project will be constructed on a previously developed lot, with minimal impacts to neighboring properties.

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

19. As an accessory structure that will primarily store equipment already on the proposed site, the project is unlikely to generate any significant increase in unique visits and traffic.

**Bylaws in effect.**

20. 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.**

21. 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.