

Town of Bolton  
Development Review  
Board

2712 Theodore Roosevelt Highway  
Bolton VT 05676  
802-434-5075

**In re: Bolton Valley Resort Event Pavilion**

**Application:**

**Request for Conditional Use Approval**

Mountain Operations and Development, LLC (dba Bolton Valley Resort)  
Larry Williams, Agent  
4302 Bolton Valley Access Road  
Bolton Valley, VT 05477

**Project Description:**

(Application file, site plans on file in the Bolton Town Office)

660+/- parcel [Tax Map #6, Block 3004250] – Bolton Valley Ski Area

Zoning District: Resort Residential

Use: Events Facility

- Construct a 6,750 square foot building on a parcel of land across from the Timberline Base Lodge at Bolton Valley Resort.
- Construct a one-way gravel loop road for drop off.
- Install crosswalks across the Bolton Valley Access Road just north of the gravel loop road entrance, and north of the gravel loop road exit.
- Landscaping.

**Development Review Board Decision:**

(See attached findings and conclusions)

Denied

Approved

**Approved with Conditions:**

1. Implement the site circulation and safety recommendations as outlined by Patricia Coburn, P.E., Lamoureux & Dickinson Consulting Engineers, Inc., in a letter and information packet dated September 19, 2005.
2. Implement the landscaping plan specifications as prepared by the SE Group and presented to and approved by the DRB on September 21, 2005.
3. All other state and local permits received prior to the issuance of a zoning permit.

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

Jerry Chabot (Alternate) - Yea  
Mike Rainville (Vice Chair) - Yea  
Margot Pender - Yea

Signed: \_\_\_\_\_  
Mike Rainville, Vice Chair  
Bolton Development Review Board

Date: \_\_\_\_\_

In accordance with 24 V.S.A. §4471, this decision may be appealed to the Vermont Environmental Court within 30 days of the date of issuance by the applicant, or by any other interested person having participated in these proceedings. A notice of appeal must be filed with the court within the 30-day appeal period. Failure to appeal shall bind the applicant, and all interest persons affected by this decision.

## **Application Review Schedule:**

(Hearing notice, minutes on file at the Bolton Town Office)

An application for conditional use review from the applicant was received by the Town of Bolton on July 19, 2005 and referred to the Bolton Development Review Board (DRB).

The required public hearing was warned on July 31, 2005 in accordance with Section 9.8(D)(1) of the Bolton Land Use & Development Regulations and 24 V.S.A. §4464, by publication in the Burlington Free Press, posting on the property, at the Bolton Town Office, the Bolton Store, and the Jonesville Post Office, and by mailing the hearing notice and information regarding interested person status and hearing participation requirements to the 42 adjoining landowners.

The DRB public hearing was convened on August 17, 2005, 7:00 pm at Smilie School to consider the application, and was recessed pending the submission of additional information from the applicant. .

A letter of request for additional information from the Development Review Board was emailed and mailed to the applicant on August 24, 2005.

The public hearing was reconvened on September 21, 2005, 7:00 pm at Smilie School, and was formally adjourned following the receipt and review of the requested additional information from the applicant, and decision rendered by the DRB.

The written DRB decision was issued on October 19, 2005.

## **Findings & Conclusions**

This request for conditional use approval was reviewed by the Bolton Development Review Board for conformance with applicable provisions of the Bolton Land Use and Development Regulations (BLUDR), as adopted January 5, 2005, including Section 5.4 (Conditional Use Review) and, as related, Zoning District Table 2.3 (Resort Residential). Board findings and conclusions relating to each of the conditional use criteria are indicated as follows.

**The capacity of existing or planned community services or facilities.** The proposed project will have no undue adverse effect on municipal services and facilities.

1. According to information submitted by the applicant, the proposed project will be served by the Bolton Fire Department. The municipality does not provide police protection, rescue or solid waste disposal service. Richmond Rescue, the Vermont State Police, and private waste disposal companies provide these services. [Hearing Minutes]
2. The event facility would be served by Bolton Valley's water supply and wastewater system, with wastewater allocation from Timberline Lodge for 1250 gallons/day. [Hearing Minutes]

**The character of the area affected.** The proposed project is compatible with the existing and planned character of the area and will have no undue adverse effect on environmentally sensitive areas identified within the project area.

3. The proposed project is within the existing alpine ski area owned and operated by Bolton Valley Resort. This area includes existing ski lifts, trail networks, access roads and related facilities. [Site Maps]
4. The project will impact wetlands, a total under 5,000 square feet ~ 4100 square feet. [Hearing Minutes]
5. The proposed project lies within the Resort Residential District, and is consistent with the stated purposes and allowed uses within that district [Site Maps]:

Resort Residential District: "The Resort Residential District encompasses areas adjoining the Resort Village District and serves as the gateway to Bolton Valley Resort. The purpose of this district 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. Development in this district should occur in accordance with a comprehensive development plan that establishes a clear indication of the intended type and pattern of future development." [BLUDR, Table 2.3]

**Traffic on roads and highways in the vicinity.** The project will have no undue adverse effect on traffic or roads in the vicinity of the project.

6. According to the applicant, no increase in parking is proposed with this project. Parking for the event facility will be provided at the existing Timberline Lodge parking area. [Hearing Minutes].
7. According to the applicant, the event facility is a three-season structure, and as such, will not be in use when Timberline Lodge is open during the ski season. The project thereby is not expected to significantly increase the ski area's parking needs, or impact parking on high volume skier traffic days when sufficient parking is an issue. [Hearing Minutes].

**Bylaws in effect.** The project will have no undue adverse effect upon municipal bylaws and ordinances currently in effect.

8. Applicable bylaws include the Bolton Land Use & Development Regulations (1/26/05) and the Bolton Motor Vehicle Ordinance (11/01/93).

**The utilization of renewable energy resources.** The proposed project will have no undue adverse effect on the utilization of renewable energy resources.

9. The project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources. [Site Map]

**Site Layout & Design.** The location of proposed event facility is compatible with the setting and context.

10. The proposed project is within the existing alpine ski area owned and operated by Bolton Valley Resort. This area includes existing ski lifts, trail networks, access roads and related facilities [Site Plan]

**Vehicular Access.** Vehicular access to the event facility and intersections with roads meet applicable town and state standards, and shall not result in any hazard to vehicles, pedestrians or bicyclists on the site or adjoining roads.

11. The applicant has proposed the following for vehicular access: [August 19, and September 21, 2005 Hearing Minutes, letter from Patricia Coburn, P.E., Lamoureux & Dickinson Consulting Engineers, Inc.]:
  - Parking provided at Timberline Lodge.
  - A one way gravel loop road for drop offs.

**Parking, Loading & Service Areas.** On-site parking will be sufficient to accommodate parking needs associated with the proposed project.

12. The applicant has noted that the existing Timberline parking lot has the capacity of 235 parking spaces and can adequately serve the event facility. [File, July 19, 2005 letter]

**Site Circulation.** The applicant has proposed the following measures to mitigate associated site circulation and pedestrian safety issues [August 19, and September 21, 2005 Hearing Minutes, letter from Patricia Coburn, P.E., Lamoureux & Dickinson Consulting Engineers, Inc.]:

- Two marked crosswalks are located just north of the facility entrance and exit, with pole-mounted lighting.
- Lowering of the speed limit on the Bolton Valley Access Road from 45 mph to 35 mph in the vicinity of the project, due to limited sight distance. Ms. Coburn noted that changing the posted speed limit requires approval of the Select Board.
- In the interim, a sign assembly to be located 175 feet south of the facility exit crosswalk, and 175 feet north of the facility entrance crosswalk. The assembly should include pedestrian sign W11-2, an advisory 35 mph placard and a flashing beacon light to be operated during events.
- Pedestrian crossing sign W11-2 with a down arrow placed at each crosswalk.
- An in-street pedestrian crossing sign, R1-6 placed in crosswalks during events.
- A directional sign indicating “wedding pavilion drop-off left and parking right” placed at facility entrance.
- A “do not enter” sign placed at the facility exit facing the Bolton Valley Road.

**Landscaping & Screening.** Landscaping shall be designed to enhance the overall appearance of the site, to integrate new development into its natural surroundings, and to maintain compatibility with neighboring properties.

13. The applicant has proposed landscaping plan specifications as prepared by the SE Group. [Hearing Minutes]
14. The proposed plantings are native varieties, with a broad mix, and wetland based around the pond. [Hearing Minutes]
15. The applicant has proposed that an amphitheatre will be created on the 15% - 20% slope down to the pond with rustic log seating for events, with the addition of dock(s) on the pond. [Hearing Minutes]
16. The pond(s) will not be fenced for aesthetics, landscaping will augment what is there, screening of current snowmaking pump house, addition of boulders and trail(s) around the pond. [Hearing Minutes]
17. The applicant proposed that the value of the landscaping plan is at least 10% of the overall project cost. [Hearing Minutes]

**Outdoor Lighting.** Additional outdoor lighting, as needed to allow for safe site and pedestrian circulation.

18. The project includes the installation of additional lighting in the Timberline parking lot, lighting at the two pedestrian crosswalks, lighting along the gravel road, and additional aesthetic lighting around the pond. [Hearing Minutes]

**Stormwater Management & Erosion Control.** Stormwater management and erosion control shall be designed, installed and maintained in accordance with best management practices accepted by the state.

**Conformance with the Bolton Town Plan.** The proposed project conforms with the Bolton Town Plan, as most recently amended.

19. The proposed project conforms to the general language and applicable land use district descriptions (Resort Residential) contained in the Bolton Town Plan, as most recently amended

**Zoning District & Use Standards.** The proposed project complies with all dimensional, density and use standards for the districts in which it is located.

20. The proposed project is located within the Resort Residential District [Site Map; Bolton Zoning Map].
21. An events facility is allowed as a conditional use, in association with a planned unit development (PUD), in the Resort Residential District [BLUDR/Tables 2.3]

22. The Bolton Valley Ski Area predates municipal zoning and subdivision regulations and, as such, has not yet been reviewed as a planned unit development. It does, however, exist and function as a planned ski resort [see Site Plan]. Given that the proposed project involves no subdivision of land, it is the DRB's determination that the current application is not of sufficient scope or magnitude that would require separate PUD approval. Such approval, however, may be required in association with a future subdivision or expansion of the existing resort facility.
23. Within the Resort Residential District the maximum building coverage is 40%, and the event pavilion does not exceed this maximum. All other district dimensional requirements on the existing lot are also met. [Site Map]

**Performance Standards.** The project will not result in the creation of any dangerous, injurious, noxious or otherwise objectionable conditions which would adversely affect the reasonable use of adjoining properties.

24. As a conditional use, the project must meet the requirements of Section 3.12 (Performance Standards) of the Bolton Land Use & Development Regulations.

**Legal Documentation.** The applicant must also obtain state permits for this project.

25. The applicant had not yet submitted applications (Act 250, Wetlands) for the project to the appropriate state agency before the DRB hearing was convened. [Hearing Minutes]