



# Town of Bolton

## Development Review Board

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

In re: **Bolton Valley Resort Event Pavilion (The Ponds)**  
**Amended Conditional Use Approval/Year-Round Operation**

### Applicant:

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

### Project Description:

(See site plan, application materials on file at the Bolton Town Office)

Zoning District: Resort Residential

Use: Events Facility (The Ponds); located on 660+/- acre lot at the Bolton Valley Resort (ID# 6-3004250)

Access: Bolton Valley Access Road, across from the Timberline Base Area.

Capacity: 450 persons standing

Parking: limited on-site; shared off-site parking at Timberline Base Area, currently accessed by two marked pedestrian crossings (Bolton Valley Access Road).

Water/wastewater: private community systems

The Ponds events facility previously received conditional use approval from the Bolton DRB (10/19/2005) for facility construction and three-season use. This application requests amended conditional use approval to allow for year-round (winter) use of the facility for weddings and other scheduled events.

### Bolton Development Review Board Decision

(See attached findings and conclusions)

- Denied
- Approved
- Approved with Conditions:**

1. The applicant shall obtain a zoning permit from the Zoning Administrator prior to installing necessary improvements and commencing year-round use of the facility. 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 will be required.
2. Traffic circulation, access to and pedestrian crossings on the Bolton Valley Access Road between the Ponds and the Timberline Base Area parking area shall be managed and maintained by the resort for safe year-round use by both pedestrian and motorists. Accordingly, the applicant shall implement site circulation and safety recommendations as specified under initial conditions of approval, and as confirmed by Patricia Coburn, PE, Lamoreaux & Dickinson Consulting Engineers for winter operation of the facility (7/28/08 letter), including:
  - Year-round maintenance of the two marked pedestrian crosswalks as shown on the site plan, including snow removal as necessary to maintain cleared, ice-free crosswalks within the highway right-of-way outside of plowed travel ways, and cleared pedestrian walkways within the Timberline parking area, and along the access driveway to the Ponds.
  - The installation of five pole-mounted, pedestrian-scaled lighting fixtures, including four as shown on the site lighting plan for the Ponds (dated 8/28/08), and one additional fixture, to be located near the upper driveway entrance. Fixtures shall be downward cast "Post Fixtures" as shown in submittals (cut-sheet dated 8/27/08). Walkway lights shall be illuminated only during night-time hours of operation.

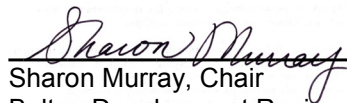
- Lowering of the speed limit on the Bolton Valley Access Road from 45 mph to 35 mph in the vicinity of the project, due to limited sight distance, with approval of the Bolton Select Board; or, in the interim, maintaining sign assemblies to be located 175 feet south of the facility exit crosswalk, and 175 feet north of the facility entrance crosswalk. These assemblies shall include pedestrian signs (W11-2), an advisory 35 mph placard and a flashing beacon light to be operated during scheduled events.
  - Pedestrian crossing signs (W11-2) with a down arrow placed at each crosswalk.
  - In-street pedestrian crossing signs (R1-6) placed in crosswalks during events.
  - A directional sign indicating “wedding pavilion drop-off left and parking right” placed at facility entrance, and a “do not enter” sign placed at the facility exit facing the Bolton Valley Road.
  - Scheduling events at the Ponds to avoid peak ski area periods, or employing certified traffic management personnel to direct and manage traffic at pedestrian crossings for events at the Ponds held during peak periods.
3. Parking at the Timber Line Base Area shall be managed and maintained year-round by the resort to accommodate existing and anticipated shared parking demand resulting from skiers and other guests using the Timberline Base Lodge, events at the Ponds, and employees, as described in the “Bolton Valley Resort Parking Analysis and Management Plan,” dated 8/27/08. This includes:
- Maintaining and managing vehicle parking at the Timberline Base Area, as shown on the site plan and Exhibit 1 of the parking study, to accommodate 295 vehicles, including 125 vehicles for scheduled events at the Ponds. Required parking areas shall not be used for snow storage.
  - In the event the parking area is paved, individual parking spaces and pedestrian walkways shall be clearly lined.
  - Shared parking will be managed to avoid conflicts by scheduling events at the facility to avoid overlaps, by using parking attendants to maximize on-site parking and direct motorists to overflow parking areas, and by shuttling skiers, guests and employees from off-site parking areas.
  - Cleared pedestrian paths shall be maintained across parking areas to access both the Timberline Base Lodge, and pedestrian crosswalks to the Ponds.
4. If a change in the direction of one-way travel (entrance, exit) at the Ponds is proposed, the applicant must contact the Bolton Road Foreman to see if an amended access permit is needed.
5. All other conditions of approval under the decision issued by the DRB on 10/19/2005 that are not amended by this decision shall remain in effect.
6. A certificate of occupancy shall be obtained from the Zoning Administrator prior to commencing year-round use of the facility, based on submitted documentation that all necessary permits have been obtained, and all required improvements have been installed in accordance with the above conditions of approval.

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

Jerry Chabot – Yea  
Sharon Murray – Yea  
Michael Hauser – Yea

Margot Pender – Yea  
Michael Rainville – Yea

**Dated at Bolton, Vermont this 6th day of November, 2008.**

  
Sharon Murray, Chair  
Bolton Development Review Board

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an 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 Court Proceedings.

## **Review Process:**

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

An application from Mountain Operations and Development LLC (dba Bolton Valley Resort) for conditional use review, dated 2/27/08 was received by the Town of Bolton and referred to the Bolton Development Review Board (DRB).

A public hearing, warned in accordance with Section 9.8(D)(1) of the Bolton Land Use & Development Regulations and 24 V.S.A. §4464, was convened on 5/28/08, 7:00 pm at the Smilie Memorial School to consider the application, and was recessed to 6/25/08 at the Bolton Town Office pending the submission of additional information from the applicant. A letter requesting additional information was mailed to the applicant by certified mail on 6/6/08. At the request of the applicant the hearing was postponed and rewarned for 7/30/08. A letter from the applicant responding to the DRB's request for additional information was received on 7/9/08. The public hearing was then reconvened on 7/30/08, and recessed to 9/24/08 pending the submission of a parking management plan. Following the submission of all requested information, the hearing was formally adjourned on 9/24/08.

The following persons attended and participated in the hearing process:

- Larry Williams and Doug Nedde, Mountain Operations and Development LLC, applicants
- Walter and Patricia Duda, 127 Wentworth Road, Bolton Valley, VT
- David Parot, 127 Sports Club Drive #124, Bolton Valley, VT

The following materials were submitted in support of the application:

- Application form and project description, dated 2/27/08.
- Amended state wastewater system and potable water supply system permit, dated 4/5/07.
- Traffic analysis, Lamoureaux and Dickinson, dated 4/13/07.
- Site plan (from original application)
- Letter from Larry Williams, Mountain Operations, dated 7/9/08
- The Ponds, Bolton Valley Resort, Site Lighting Plan (8/28/08) and light fixture cut-sheet

## **Findings & Conclusions**

This request for amended 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, under Section 5.4 (Conditional Use Review). 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. No change is proposed for use of planned community services or facilities. The town is responsible for winter road maintenance within the Bolton Valley Access Road right-of-way (travel ways), and does not allow parking within the public right-of-way. No additional road maintenance requirements are anticipated as a result of winter use of the Ponds event facility.
2. The event facility is served by Mountain Operations' community water supply and wastewater disposal systems. The state issued an amended permit (WW-4-0056-13) dated 4/5/07 authorizing the banquet facility, with an occupancy of up to 450, to operate year-round. [Amended wastewater permit]. They are also starting to meter flows, which may increase system capacity.

**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 or adjoining properties.

3. The event facility is located in the Resort Residential District, an existing and planned resort area, and is consistent with the stated purposes and allowed uses within that district.
4. The facility is available for scheduled events seven days per week, generally from 8 AM to 12 AM, for most of the year (July 9th letter, hearing minutes), and is subject to related performance standards under Section 3.12 of the BLU&DR. As such, extending the use of the facility from seasonal to year-round will not affect the existing or planned character of the area or adjoining properties.

**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.

5. The traffic analysis submitted by the applicant, prepared by Lamoureux & Dickinson Consulting, (dated 4/13/08) identifies the existing design hour volume of the Bolton Access Road at 315 vehicles per hour, and estimates peak trip generation from the Ponds to be 150 vehicle trip ends per hour (for a 450 seat facility). A two-way, two-land rural highway capacity analysis of the Access Road indicates that it presently operates at a Level of Service C, and can accommodate up to 825 vehicles per hour (75% southbound, 25% northbound) before dropping to a LOS D. It concludes that sufficient road and intersection capacity exists year-round to accommodate this level of use.
6. A potential safety hazard identified by year-round residents of Bolton Valley who participated in the hearing (hearing minutes) included the need to brake and slow for pedestrians at crossing areas while going up the Bolton Valley Access Road, which in this area is steep and can be icy. The resort has agreed to maintain clear pedestrian crosswalks during winter months, and to hire certified traffic management personnel to manage pedestrian crossing areas during peak periods.

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

7. Applicable bylaws include the Bolton Land Use & Development Regulations (1/26/05) and the Bolton Motor Vehicle Ordinance (11/01/93).
8. Under the town's vehicle ordinance no parking is allowed within town highway rights-of-way. The resort will manage parking on-site in accordance with the "Bolton Valley Resort Parking Analysis & Management Plan" to avoid any parking within highway rights-of-way.
9. An amended highway access permit may be needed from the town to allow for a proposed change in the direction of one-way access (entrance, exit) at the Ponds, with regard to required site distances. It is the applicant's responsibility to contact the Town Road Foreman for any required permits. No change in the location of pedestrian crossings is proposed.

**The utilization of renewable energy resources.** No change is proposed with regard to the use of, or access to, the utilization of renewable energy resources.

10. The events facility was constructed for year-round use and meets minimum state energy efficiency requirements
11. The project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources [see original findings].

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

12. The project is located within an existing alpine ski area owned and operated by Bolton Valley Resort. This area includes ski lifts, trail networks, access roads and related facilities [Site Plan].
13. The site, as reviewed by the DRB, includes both the Ponds events facility, and the Timberline Base Area which is used for events facility parking. No change in the existing site layout and design of either facility, beyond identifying existing parking areas for shared use, has been proposed.

**Vehicular Access.** Vehicular access to and from the events facility, and intersections with the Bolton Valley Access Road, meet applicable town and state standards, and will not result in any hazard to vehicles, pedestrians or bicyclists on the site or adjoining roads.

14. No physical change in vehicular access to the facility, as previously approved by the DRB to include a one-way gravel loop access driveway for drop offs, and events facility parking at the Timberline Base area, has been proposed (site plan). Larry Williams, speaking on behalf of the resort, indicated that they may want to reverse the direction of the one-way access onto the Bolton Valley Access Road, and use the upper access as the entrance [hearing minutes]. This could require an amended highway access permit from the Town. It is up to the applicant to contact the Road Foreman to apply for and obtain necessary permits.
15. As noted above (#6) concerns were raised by joiners regarding the need for vehicles traveling up the Access Road to stop for pedestrians during peak periods, especially under icy road conditions (hearing minutes). The applicant has agreed to maintain crosswalks outside of travel ways maintained by the town, and to employ certified traffic control personnel to manage pedestrian crossings for events held during peak periods to ensure pedestrian and motorist safety improve safety and to avoid conflicts at crossing areas.
16. The resort will install pedestrian-scaled lighting along the Ponds access drive [Site Lighting Plan, cut sheet, 8/20/08], intended to improve visibility for night-time pedestrian use, especially during winter months. The DRB has determined that an additional light, not shown on the lighting plan, is needed near the upper access, to improve visibility near the access intersection.

**Parking, Loading & Service Areas.** On-site parking at the Timberline Base Lodge will be sufficient to accommodate parking demand associated with winter use of the events facility, for all but a few (10 to 12) peak skiing days per year, as identified in the "Bolton Valley Resort Parking Analysis and Management Plan" (8/27/08). During these periods, guests will be directed by employees to park in designated overflow parking areas as identified in the plan. The applicant has agreed to use employees and certified traffic management personnel to manage parking and traffic at pedestrian crossings during peak periods, and to maintain these areas for year-round use by both facilities.

17. As documented in the parking study, there are approximately 785 parking spaces at the resort, not including 200 overflow spaces used during periods of high use. There are approximately 295 parking spaces available at the Timberline Base Area, including 125 spaces for events facility parking (at maximum use). Shared parking will be managed to avoid conflicts by scheduling events at the facility to avoid overlaps, using parking attendants to maximize on-site parking, and by shuttling skiers and employees from remote parking areas (Parking Analysis & Management Plan).

**Site Circulation.** No change in the location of the two pedestrian crossings between the Ponds events facility and the Timberline Base area, across the Bolton Valley Access Road, has been proposed (Site Plan). Existing and proposed safety measures are adequate to ensure pedestrian and motorist safety.

18. Pedestrian site circulation and safety measures, as previously approved by the DRB, were reviewed by Patricia Coburn, PC of Lamoureux and Dickinson, as fully implemented, were determined to be adequate to ensure safe winter use [Letter, July 8, 2008]. These include the following:
  - 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. This requires approval of the Bolton 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 Access Road.

19. The resort also will maintain crosswalks for safe winter use, and employ certified traffic control personnel to manage pedestrian crossings for events held during peak periods to avoid conflicts at crossing areas and to ensure pedestrian and motorist safety.

**Landscaping & Screening.** No change in facility landscaping or screening, as previously approved by the DRB (SE Group Landscaping Plan), has been proposed.

**Outdoor Lighting.** Existing and proposed lighting will be adequate to ensure safe site and pedestrian circulation.

20. Outdoor lighting for safe site and pedestrian circulation previously required by the DRB as a condition of approval included the installation of additional lighting in the Timberline parking lot, lighting at the two pedestrian crosswalks, lighting along the gravel access drive, and aesthetic lighting around the pond. This lighting shall be installed as required under previous conditions of approval.

21. The resort also has agreed to install pedestrian-scaled lighting along the Ponds access driveway, as shown on the Site Lighting Plan (8/28/08) and light fixture cut-sheet. The DRB has determined that at least one additional light is needed along the driveway near the upper entrance to improve access visibility near the intersection with the Bolton Valley Access Road.

22. The access driveway and other outdoor areas will be illuminated only during hours of operation.

**Stormwater Management & Erosion Control.** No change in stormwater management and erosion control has been proposed.

**Conformance with the Bolton Town Plan.** The events facility was previously found by the DRB to conform to the Bolton Town Plan, as most recently amended.

**Zoning District & Use Standards.** The events facility was previously found by the DRB to comply with all dimensional, density and use standards for the district in which it is located (Resort Residential).

23. Events facilities are allowed as conditional uses within planned unit developments in the Resort Residential District with restrictions on seasons or hours of operation [Table 2.3, Bolton Zoning 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 facility, and use of the facility, must meet the requirements of Section 3.12 (Performance Standards) of the Bolton Land Use & Development Regulations.

**Legal Documentation.** The applicant must also obtain applicable amended state and municipal permits for this project.

25. The applicant has submitted documentation that amended Act 250 and state potable water supply and wastewater disposal permits to allow for year-round use of the facility have been obtained [amended state permits]. An amended highway access permit may be needed from the town to reverse the direction of one-way travel (entrance and exit points) to the Ponds. It is the responsibility of the resort to obtain all necessary permits.