

Town of Bolton
3045 Theodore Roosevelt Highway
Bolton VT 05676
802-434-5075

Development Review Board Meeting Minutes

February 25, 2009

Development Review Board members present: Sharon Murray, Chair, Michael Hauser, Michael Rainville

Development Review Board members absent: Jerry Chabot, Margot Pender

Clerk: Amy Grover, Acting

Also present: Miron Malboeuf, ZA, Larry Williams, applicant, Chris Doyle, resident

Location: Bolton Town Office

Agenda

1. Public Comments – Opportunity for public comment.
 2. Public Hearings:
Reconsideration – The Ponds, Conditions of Approval.
Conditional Use Review – ORV Driving School. Notice: This meeting has been cancelled and will be rescheduled and rewarned pending the submission of a complete application
 3. ZA Report
 4. Meeting Minutes – 6/25/08, 9/24/08, 10/22/08, 12/17/08
 5. Other Business
 6. Deliberative Session
 7. Meeting Adjournment
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Call to Order

Ms. Murray Chair, called the meeting to order at 6:07 p.m, with a quorum of the board present.. Ms. Murray reviewed the agenda items; there were no requested changes to the agenda. Ms. Murray noted that the public hearing for the Off-Road Vehicle Driving School at Bolton Valley Resort, had been previously cancelled and would be rescheduled and rewarned pending the submission of a complete application.

Board members and attendees introduced themselves.

Agenda Item #1 ~ Public Comment

Ms. Murray opened the floor for public comment.

Mr. Doyle noted that he had attended previous meetings that had been held with respect to Bolton Valley's water system, and had come to the meeting this evening because as a four-year resident of the mountain, he had an interest in what was happening at Bolton Valley. Mr. Doyle stated that he was all for reducing the barriers to Bolton Valley to run a profitable and sustaining business, and that his impression was that the town imposed a lot of rules and regulations to wade through and to understand. Mr. Doyle added that he would like to see the DRB act as a facilitator rather than a limiter, and help to allow

Bolton Valley to succeed and grow. Mr. Doyle noted that he felt that the condition of approval for The Ponds; striping of paved parking lots, would be an onerous expense, and that this was an additional expense that the town shouldn't force Bolton Valley to do. Mr. Doyle stated that Mr. Williams had his heart and soul in Bolton Valley, and he didn't want to see another good owner run off of the property.

Ms. Murray stated that the DRB's function, for better or for worse, is to administer the regulations that the town adopted, on behalf of the town. The DRB functions as a quasi-judicial board, somewhat as a court, which can be difficult; balancing common sense with the town's regulations. Ms. Murray noted that she encouraged applicants and interested persons to take a look at the regulations as those are the rules under which the DRB functions. Ms. Murray added that the Planning Commission writes the regulations and has the ability to recommend changes to them.

Mr. Rainville added that the DRB is comprised of a mixture of folks; professionals, lay people, such as himself, and business owners, and that the process can be confusing; understanding the regulations, decisions, conditions, and Environmental Court.

Mr. Rainville and Ms. Murray both noted that there are currently two openings for DRB alternates, and that Mr. Doyle could follow up with Mr. Malboeuf, ZA, should he have an interest in serving as a DRB member.

Agenda Item #2 ~ Public Hearing: Reconsideration – The Ponds, Conditions of Approval

Ms. Murray noted that the meeting was convened to consider the request of Mountain Operations and Development LLC (dba Bolton Valley Resort) for reconsideration of the conditions of approval, as amended by the DRB on November 6, 2008, for year-round use of "The Ponds" Events Facility, with shared parking at the Timberline base area. The applicant requests reconsideration of Paragraph 2, Condition 3, which states: "*In the event the parking area is paved, individual parking spaces and pedestrian walkways shall be clearly lined.*" This request for reconsideration will be considered under DRB findings related to parking, site layout and circulation requirements under the regulations. The property (Parcel ID #6-3004250) is located at 3223 Bolton Valley Access Road in the RR District.

There were no reported conflicts of interest or ex parte communications involving the members present. No one had contacted the DRB prior to the meeting seeking interested person status. Ms. Murray noted that interested parties, including adjoiners, who participated in the hearing retained the right to appeal the decision of the board to environmental court.

Before the DRB that evening was only the reconsideration of conditions of approval of The Ponds, and that there could be no discussion of other items currently under review or pending, such as the appeal of the ORV Driving School. The DRB issued a decision on The Ponds four season use on 11/6/2008. A request for reconsideration of conditions was

submitted by Mr. Williams Williams, 11/25/08, which was within 30 days of the 11/6/2008 DRB decision. The DRB had requested more information from Mr. Williams that justified DRB reconsideration of the conditions of approval. In response:

- A request for reconsideration of the striping of paved lots was submitted by Mr. Williams on 1/7/2009.
- The public hearing, initially scheduled for 1/28/2009, was postponed until February due to inclement weather, with the consent of the appellant.

Mr. Williams stated that;

- The middle parking lot at Timberline was paved last spring – adding that just to be clear, there were three lots at Timberline, and only the middle one was paved.
- His main reason in asking for reconsideration that the lot be striped was so that the lot could be utilized for other uses other than parking, noting; skid tests, RV and camper shows and rallies.
- He preferred that there be no striping on the lot.
- Bolton Valley manages the lots more personally than with striping, by utilizing parking attendants to guide vehicles into spaces.
- This approach works as well, if not better than, striping.
- All of the resorts other lots are gravel, and are not striped.
- When Bolton Valley's parking plan was created, they did use the required size of a parking space to calculate capacity.
- Pedestrian walkways across the Bolton Valley Access Road were striped by the town.

Ms. Murray noted that it is a fairly standard condition that when a parking lot is paved, it be striped, noting that site plan standards have provisions for managing parking and pedestrian walkways through striping because of dimensional requirements and ADA requirements. Ms. Murray noted that the cost of striping is usually incidental to the cost of paving, and that the DRB did not require paving of the lot. Ms. Murray added that the Timberline parking lot is designated for a number of uses within Bolton Valley's parking plans. Mr. Rainville added that striping of a paved parking lot was a fairly normal expectation, and that designation of ADA spaces would more than likely be closer to the building/s and not in the middle, paved, parking lot. Ms. Murray asked Mr. Williams what the cost of striping the lot would be. Mr. Williams replied \$2500 every 5 years.

Ms. Murray asked if the ADA spaces were identified. Mr. Williams stated that Bolton Valley was working on that. Ms. Murray noted that requiring striping could be at the discretion of the DRB, but identification of handicapped spaces was an ADA requirement.

Mr. Rainville asked if pavement striping would be useful in the winter. Mr. Williams stated that snow on the paved lot does melt quicker than on the gravel lots. Mr. Doyle added that in the winter, the parking lot striping would be covered with dirt or covered with snow.

Mr. Williams noted that he did not understand why the striping requirement was added to the conditions of approval for the winter use of The Ponds facility, that improvements of the parking lots were not even discussed at that meeting. Ms. Murray stated that the striping requirement was added to the conditions of approval because Mr. Williams had mentioned that the parking lot might be paved, the point being that the parking lot spaces were related to the parking management plan and the evaluation of sufficient spaces for all of the parking uses.

Ms. Murray asked if Mr. Williams believed that striping of the lot would interfere with other events. Mr. Williams replied that Bolton Valley believed that it would, and that they wanted to keep the paved parking lot a multi-use surface. Mr. Williams added that the lot is no different than the other six parking lots, and that the striping condition seemed like micro-management by the town again. Ms. Murray noted that the parking management plan did not identify multi-use surfaces, and asked if that was something that Bolton Valley wanted to change. Mr. Williams replied, no, they were not coming back to the DRB again. Mr. Williams added that if the parking lot were in a more urban area, that of course they would stripe the lot, but since the parking lot was at Bolton Valley, their parking management with attendants was superior to using striping of the lot for parking management. Mr. Rainville stated that in his opinion, the striping of the lot was a non-issue; it wouldn't make a difference in the winter months, the times of heaviest parking needs and in the summer there was plenty of parking capacity, and asked why the group was even there. Mr. Williams stated those were his sentiments exactly.

Ms. Murray asked if the DRB was OK in setting this as a precedent to never require striping of a paved lot. Mr. Rainville answered no. Ms. Murray cautioned that the DRB must be careful in setting a precedent. Mr. Williams stated that the two precedents were that Bolton Valley manages their parking with staff direction, and that a condition of approval is Bolton Valley will manage their parking to avoid conflicts.

Mr. Hauser asked if the group was deliberating the issue then. Ms. Murray stated timing of the deliberation was up to the DRB.

Ms. Murray noted that the issue was more of a parking management and capacity, and that if the parking lot is used for other purposes it would reduce overall parking capacity. Ms. Murray added that specific to the parking study, there are issues of capacity in the winter, and that parking need would exceed capacity should that parking lot be designated as a multi-use surface. Mr. Williams stated during those peak winter times identified, Bolton Valley carefully manages parking with staff. Ms. Murray asked if the parking lot had other uses in the winter. Mr. Williams stated no, only in the summer. Ms. Murray noted that additional uses should be added as an addendum.

Ms. Murray asked Mr. Doyle if he had any comments on the discussion. Mr. Doyle stated that he wasn't sure he knew why the parking lot was paved, but if it were gravel, striping would not be required. Mr. Doyle added that if the striping was a hang up to the winter use of The Ponds, it was a very trivial matter. Ms. Murray noted that winter use of The Ponds had been approved; this was a condition of approval. Mr. Doyle stated that he

felt the town should be as friendly as possible to businesses and knock down barriers, and added that if Mr. Williams didn't want to stripe the lot, there was no law that said he had to stripe it, and that it should be his choice to stripe the lot or to draw circles on it if he wanted to.

Mr. Hauser questioned if the paved parking lot were excluded from overall parking capacity, would there still be ample parking at all times and for all uses without it. Ms. Murray stated that was not established.

Ms. Murray asked if there were any other comments or questions. There were none. Ms. Murray noted that the DRB would need to deliberate, and that a decision would be issued within the 45 day time requirement.

Agenda Item #3~ ZA Report

Mr. Malboeuf noted that:

- He had sent a letter dated 2/18/2009 by certified mail to Thomas Walsh and Liam Murphy stating that he had deemed the application for Conditional Use Review for expansion of the 4 x 4 center incomplete.
- Mr. Williams stated that the physical operation of the 4 x 4 center commenced in 2006, after the adoption of the current BLUDRs.
- Subsequently, the 4 x 4 center can not be considered a pre-existing nonconforming use, and that the entire 4 x 4 center and any expanded use must be reviewed under the current BLUDRs, which was stated in a letter sent 12/2008.
- Currently, there is one appeal pending (that no town permits are required for the 4 x 4 center), and potential for a second appeal (appeal of letter dated 2/18/2009).
- Appeals could be consolidated to move the process along.
- If the activity commences, that could be grounds to issue a zoning violation.
- Essentially, he is waiting for a complete application, and that Bolton Valley has the option of: 1. Submitting an application for the entire 4 x 4 center and expanded use, or 2. An appeal.
- He would keep the Select Board apprised of the timeline and the appeal process.

Agenda Item # 4 Meeting Minutes – 6/25/08, 9/24/08, 10/22/08, 12/17/08

Ms. Murray and Mr. Malboeuf noted that these minutes were still not available due to tape malfunctions and staffing issues. Mr. Malboeuf noted he would try to track down transcriptions and that Amy was going to try to transcribe the December minutes.

Agenda Item #5 ~ Any Other Business

It was noted that there are currently two openings for DRB alternates. Amy will send a notice to the Bolton Gazette for applicants.

Ms. Murray and Mr. Malboeuf noted the difficulty of using the Mountain Gazette for DRB warnings due to early deadlines needed for publication. Mr. Malboeuf suggested returning to using the Burlington Free Press with the applicant paying for the meeting notice.

The next regular meeting date is Wednesday, March 25, 2009.

Agenda Item # 6 Deliberative Session

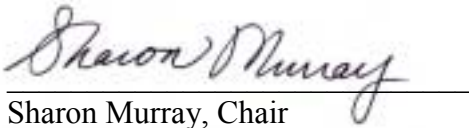
Mr. Hauser made the motion to enter deliberative session. Mr. Rainville seconded. Motion carried. Deliberative Session entered at 7:10 p.m. Mr. Rainville made the motion to exit deliberative session. Mr. Hauser seconded. Motion carried. Deliberative session exited at 7:50 p.m.

Agenda Item #7 ~ Meeting Adjournment

The meeting was adjourned at 7:55 p.m.

Amy Grover
Acting Clerk, Development Review Board
These minutes are unofficial until accepted.

These minutes were read and accepted by the Development Review Board on April 29, 2009.


Sharon Murray, Chair