

**BOLTON AD HOC ZONING COMMITTEE**  
**UNAPPROVED MINUTES**  
**November 1, 2006**

**In attendance:**

**David M. Sunshine**  
**Sarah F. Chapman**  
**John Devine**  
**Tony Barbagallo**  
**Larry Williams**

**Bob Fries**  
**Rod Pingree**  
**Jen Andrews**  
**Linda Baker**  
**Margot Pender**

**Leslie Pelch**  
**John Wakefield**

**Meeting was called to order at 6:05 pm**

- David M. Sunshine - The meeting opens with introduction. David requests if anyone feels there are any issues regarding conflicts of interests on behalf of David M. Sunshine be addressed at this time. Ground rules are established regarding order of meeting.
- Linda Baker - Would like to establish a time to stop.
- David M. Sunshine - Would like to end the meeting no later than to 8:00pm. We will have Larry Williams present his concerns first.
- Larry Williams - Begins to discuss Redstone's position. Concerned zoning regulations are becoming too restrictive. Redstone would like to have more input in the zoning regulations. Mentions the initial issues stated when Redstone began negotiations regarding the sale of an 850 acre subdivision and the complication of 25% slopes or greater being raised as an issue. The 850 acre sale was unduly restrictive. Redstone brought forth their concerns at that time.
- Larry Williams – Reads and reviews some of the zoning regulations and does not feel that zoning regulations are fair to landowners at higher elevations.
- Linda Baker - Would like everyone to state their problems rather than to move on to specifics.
- Bob Fries - Comments on Okemo Ski area in Ludlow and how they stay away from fragile areas. Stratton Ski Area has regulations placed on building lots on greater elevations and makes adjustment in high elevation roadways by placing switchback roads. Stratton Ski Area does not allow building on lands with slope greater than 25% and would like to see Bolton have more flexibility.
- David M. Sunshine – Does Bolton prohibit building lots with slopes greater 25%?
- John Devine – Yes.
- Larry Williams - The 850 acre lot buyer could only place house on one spot in this development according to the regulations. He feels the bigger issue is that this is a problem with 25% slope restriction.
- John Devine - Speaking on behalf of the Select Board. Would like to be fair and revisit the zoning issue. However, Select Board is concerned about water run off and does not want to increase costs to the Town from water run off. Select Board

would also like to remain fair to the rest of the Town and would like to be able to make same allowances for everyone.

- Margot Pender – States that she is a member of the Development Review Board for Bolton and was on the Advisory Committee that re-wrote the Zoning Regulations and By-Laws. Mentioned concerns with development occurring in areas that require roads that are capable of becoming muddy and problematic in high elevations. She further states that the Town does not intend to take over any more maintenance of new roads. Thus the roads will be privately owned and the new homeowners will be living on dangerous roads at high elevations that are privately maintained.
- Linda Baker – States that she is the Planning Commission chairperson – Would like to know where 25% slope came to be? She reviews her materials and research regarding the general consensus of other towns. She has researched the matter regarding slopes and has difficulty with regulations. She has handouts regarding her research of different slopes, which included correspondence she forwarded to various town officials and State of Vermont organizations.
- Tony Barbagallo - Asks if Linda Baker requested any information from Storm Water Division.
- Linda Baker – Nothing from Storm Water Division specifically.
- Linda Baker - Continues to discuss her conversations with various towns and state organizations. She wants to understand why 25% slope is the number that most restrictions are based on. She has provided handouts for everyone which demonstrates her research.
- David M. Sunshine - Requests Linda Baker to state her concerns prior to handing out her documents.
- Linda Baker – Reviews her research with more particulars. She found no towns that allow construction on a 25% slope. The Planning Committee's original suggestion was a 20% slope. Planning commission moved the amount to 25%. In her research, she found the main problem, wasn't always water run off, but infiltration. Reduction of the tree canopy is an issue as with higher altitudes there is less foliage and how developments at top of the mountain may interfere with systems at the bottom of the mountain.
- Linda Baker – States her concerns due to the lack of master plan from Redstone and Bolton Valley.
- John Devine – Asks Linda Baker who in her research requested a master plan?
- Linda Baker – A real estate developer that she spoke with, stated that they (Redstone and Bolton Valley) should have a plan. Act 250 also requires a master plan prior to approval and the Zoning Administrator from Warren suggested the same thing.
- David M. Sunshine – Does Bolton require a master plan?
- Linda Baker – Bolton does not require a master plan
- Linda Baker - Also spoke with Kim Greenwood who was formerly with Stormwater Division of Water Quality. Kim Greenwood assisted with permitting in Stratton. Kim Greenwood told Linda Baker that Stratton Ski Area has zero construction above 25% slope. Ski areas need to be careful to stay away from impaired bodies of water. If this happens, State is very hard on permitting when

this happens. Stratton is having problems with storm water. Kim Greenwood would be concerned that a small construction company would not be as qualified to avoid impaired bodies of water as a larger construction company that deals with issue frequently would. Kim Greenwood would suggest limits to a 15-20% slope.

- David M. Sunshine - Requests Linda to state her concerns.
- Linda Baker – States that she assisted with the revisions to the regulations.
- Leslie Pelch – States that she also assisted with the revisions to the regulations.
- Linda Baker – Upon her discussions with the various government agencies she felt that Bolton’s zoning regulations were reasonable. She continues to review her hand out materials regarding various departments she forwarded correspondence to. Also states that another thing to keep in mind is the different types of soil. Other possible problems are potential land slides, impervious soils, different types of soil, concerns regarding fire department getting trucks to these building lots.
- David M. Sunshine – Requests Linda Baker to distribute her handouts and for everyone to review them for next week.
- Bob Fries - Would also like to distribute handouts as he also reviewed a project from Stratton. Town of Ludlow does not have any percentage, just regulates the protection of fragile areas. Stratton Ski Area has a regulation regarding a 25% slope.
- Larry Williams – Would like to form a procedure for dealing with the 25% slope rather than prohibit construction.
- David M. Sunshine - Suggests we continue to go around the table and hear peoples’ positions, then move to a debate situation.
- Leslie Pelch – States that she is a Representative of the Chittenden County Regional Planning Commission. Her initial reaction, feels like it is a good process to establish regulations and that she participated in the public meetings. She felt the process was fair. She asked from the other members if something has changed since the regulations were made that caused the meeting.
- Rod Pingree – Member of the Planning Commission in Bolton – His concerns are erosion and flooding. Aware of issues of rain and run off effects may have on soil. Bolton Valley is relatively a bowl and water running into Joiner Brook. He has concerns regarding new development and the change in topography. Also would like to know who will be responsible for adverse situations ie: erosion, wash outs, etc..
- Jenn Andrews – Member of the Planning Commission – Also concerned about water run off. Does not feel that the slope percentage is something of concern to Redstone. However, she is concerned about length of meandering roads which encourages run off to Joiner Brook. Review of studies that reflect that development always causes costs to Town. Town of Bolton needs to be sensitive to tax payers for the cost these development cause.
- David M. Sunshine – Is the Notch Road greater than 15 % slope?
- Linda Baker – The steepest part of Notch Road is 25% ?
- Jenn Andrews – Asks if a master plan has been prepared for Bolton Valley. In the presentations made earlier to the Town, there seemed to be large parcels of land

- that will be for sale for homes. She raised concerns about not hearing about cluster developments and that no allowances have been made for animal corridors regarding adapting our environment for them
- Tony Barbagallo – States that he is new to the process as he was recently appointed to the Chittenden County Solid Waste District. Chittenden County Solid Waste District owns some property that Redstone is a renting. He does not feel that the tenancy is affecting his judgment in anyway. He feels that 25% slope is a good maximum. However, also feels that you can develop on a case by case basis. It seems that a master plan would be an Act 250 requirement and he would like to see a master plan. Also felt that the process establishing the Zoning Regulations was a good one. He would not like to see a more public process be implemented. He would like to see the ski area stay viable, but does not feel that it is necessary to move forward with more real estate development on the mountain. Regarding surface run off, he understands that a study is being planned on Joiner Brook and is concerned about storm water run off.
  - David M. Sunshine – Pleased with the technical knowledge of the group and its ability to offer a range of input. He believes that zoning regulations are a living document and should be able to change. He would like to urge everyone that changes can be made. Larry Williams and Bob Fries are not considering roadways in their developments over 15%, but would like flexibility to cross slopes over 25%.
  - Larry Williams - That is true. He understands peoples' concerns of water run off. His concerns are that Bolton feels the rules are the rules, but would like to see Bolton work with them. Is a road crossing a slope a development? Redstone and Bolton Valley not planning on placing houses on 25% slopes.
  - David M. Sunshine – States that his impression is that the issues that everyone has spoken to are water run off, slopes, infiltration, etc.
  - Linda Baker – Loves Bolton. Does not want to move and would like the Ski area to stay viable. One point , the Select Board would like to see is a master plan for review.
  - Larry Williams – At his last meeting with select board, he suggested he would prepare a master plan. He would like to present a master plan.
  - Linda Baker – Are you working on Master Plan?
  - Larry Williams – Yes, we are working on it
  - David M. Sunshine – Everyone is concerned about master plans, but when one is presented most people expect everyone to stick with the master plan. He feels that a better master plan is an overview rather than specifics. Perhaps, a mylar with an overlay to give everyone an impression of what Redstone and Bolton Valley have in mind.
  - Larry Williams – Already had a plan like that. He would be willing to sit down with the Town's consultant.
  - Bob Fries – One concern with master plans is they usually require cumulative impacts.
  - David M. Sunshine – Perhaps master plan is not a good title.
  - Larry Williams – Would like to present a master plan.

- Margot Pender – She stated that Bolton Valley in their plans were focusing most of the plans on the village area and lands around it. She is surprised this has turned into a major issue of 25% slopes. Did something change?
- Bob Fries – The 850 acres parcel that almost did not sell has raised issues.
- Larry Williams – He is concerned that the process was too one sided and was told that if they wanted changes they could always come back and he would like to come back with a master plan.
- Margot Pender – Wondered if Bolton Valley is more interested in real estate development than enhancements & upgrades to the Ski Area.
- Larry Williams – Can only move forward in real estate.
- Bob Fries – Vacation Homes
- David M. Sunshine – Condos were Bolton Valley's bed base, but condos turned into full time residencies.
- Rod Pingree – If you show in the plan multiple units, whether they are ever built, they still need to be considered into the development outcome, as any development is an impact. We need to look at the big picture.
- Linda Baker – You can build any place, but what happens is with these plans, it is very expensive so the water may permeate the soil. Construction is the worst time for these streams to become impaired.
- David M. Sunshine – That is why there are General Construction Permits.
- Larry Williams – Would agree that building in higher elevations is more destructive. If Bolton is going to have more development it has to be in higher elevations.
- David M. Sunshine – Very little in Bolton is flat. Any development in Bolton will be difficult.
- Rod Pingree – Why is it so bad in Bolton Valley?
- Leslie Pelch – States that she thinks that it is a good idea to prepare a master plan. Why meet now until a master plan is prepared. That way there is a plan to respond to.
- Larry Williams – He agrees with preparing a master plan.
- Linda Baker – It started with 850 acre parcel. That the buyer wanted to forest it and develop it. When Bolton Valley sold the land they told the Town it was going to have a hunting cabin on it.
- Bob Fries – Why should the buyer of the 850 acre parcel have to prepare a master plan regarding what he wants to do on his land.
- Linda Baker – We just want to know what he is going to do with the land.
- Larry Williams – States that he was concerned about presenting plans and did not receive a set of standard requirements.
- Linda Baker – Expresses difficulties with meetings and reviewing plans in the past.
- David M. Sunshine – Would like to move back on point and not rehash other meetings
- Leslie Pelch – Would like to know why we should continue meetings until we have received a master plan?

- David M. Sunshine – Other than roads crossing 25% slopes, what else are you trying to do?
- Larry Williams – Agrees with master plan.
- David M. Sunshine – How far away is Redstone and Bolton Valley in having a master plan prepared?
- Larry Williams – About a month or two. Does not believe there is a huge time crunch.
- Bob Fries – Is anyone concerned about consequences of changing the zoning for Bolton Valley?
- David M. Sunshine – The Select board is concerned about that.
- Larry Williams – Believes that some areas have specific regulations for ski areas and there are ways around it. He begins to read from Town Plan. Another thing needed in the Town plan is whether Bolton Valley should have an exit on the interstate. He then begins to read from Zoning Regulations regarding the Forest district. The Forest District is over 1500' above sea level, preamble of Zoning Regulations. For Forest District, makes it difficult to do anything. Regarding exit (page 11, Section 3 under transportation on Town plan).
- David M. Sunshine – Criteria 10 on Act 250 looks at Town plan
- Larry Williams – Thinking that the ski area be listed as natural resource. Mountain is a sensitive area. Does that mean you can't do anything there? Also has strict water regulations.
- David M. Sunshine – When was the town plan prepared?
- Larry Williams – February
- David M. Sunshine – So Bolton is In the middle of redoing town plan to comply with state regulations..
- Larry Williams – Another concerns is that the Zoning regulations do not allow for the service of certain areas with municipal sewer system. The forest district preamble, could prevent the mountain from doing anything. Driveways, limit on length of deadend roads.
- Leslie Pelch – Drive ways count as deadend roads?
- Larry Williams – No not driveways. Also concerned about the impact of outdoor lighting. Setbacks on streets and brooks. For example, Redstone and Bolton Valley has constructed the wedding facility and would like to build honeymoon tree house. Would not be able to with the set backs. Water supply is another issue.
- Rod Pingree – Do you own the water system?
- Larry Williams – separate entity, but we own it.
- David M. Sunshine – Are you discussing a document that is still being worked on?
- Larry Williams – no the Zoning Regulations. I would like to make a list of things in the Zoning Regulations that would prevent us from development.
- Rod Pingree – Feels better about other issues than the 25% slope issue.
- Larry Williams – Would like to develop the area and be allowed to cross the 25% slope, that we can still develop.
- Rod Pingree – Until we have a master plan, may we recess the meetings.

- David M. Sunshine – I am here to open communication and may not be able to move forward without a master plan. As there is more on the table than just the slope question.
- Linda Baker – What 6.5 acres was set aside?
- Bob Fries – Underneath the points antenna.
- Linda Baker – Would you please provide us with a map regarding that.
- David M. Sunshine – Is that what you would like to do? Wait for a master plan? How comfortable is Bolton Valley waiting for a master plan?
- Bob Fries – I'm okay, but would like it to be a living document. Would also ask everyone to look at it with an open mind.
- Linda Baker – The town is working on the Town Plan and would also like to see something from Bolton Valley and Redstone before the town plan is done.
- Larry Williams – What is your timing on the plan?
- Linda Baker – Not too far off.
- Bob Fries – One concern with Town Plan is the exit off the interstate.
- Margot Pender – Personally I am for the exit but that it is not part of the long range transportation plans for Chittenden County.
- John Devine – Select Board has always supported it.
- Bob Fries – Would like a statement in the town plan for an exit.
- Linda Baker – Reads from town plan regarding exit.
- David M. Sunshine – Advises Larry Williams that it would be good to present a list of concerns regarding Town Plan.
- Larry Williams – There are scenarios where exits may be privately funded. Not sure if it is unrealistic.
- Bob Fries – Just would like the exit mentioned in the plan.
- Linda Baker – When you put together your master plan, please put together engineer reports.
- Larry Williams – Tony, did you mention a study regarding Joiner Brook?
- Tony Barbagallo - It is more a plan than a study.
- Linda Baker – Mentions concerns about Joiner Brook and the Winooski Water Shed and would like to see it mentioned in the Master Plan.
- Leslie Pelch – Does Bolton Valley feel they should include owners in the master plan?
- Bob Fries – Believes we would have to do that any for Act 250 application.
- Larry Williams – Would like to present a methodology and strategy for dealing with that.
- Tony Barbagallo – Management plan would like to be included with master plan.
- Larry Williams – The resort would not be responsible for all the roads forever, but have private road associations.
- Rod Pingree – Are you talking about driveways or road slopes being 25% slope.
- Larry Williams – Either roads or driveways crossing 25% slopes. Believe it is possible to improve conditions in Bolton Valley.
- David M. Sunshine – We have fifteen minutes left. Consensus is to wait until the master plan has been somewhat formulated for further meetings.
- Larry Williams – The hope would be to have a first draft.

- David M. Sunshine – Master plan will be a work in progress. In the mean time you should work with Bolton on the town plan and provide comments as soon as possible.
- Rod Pingree – Consider on placing roads on 25% to access less than 25% slopes for building, please consider building envelopes as absorbency needs to be considered with water run off.
- Linda Baker – Please do not believe that creating a pond to absorb water run off will not alter the water shed below the development.
- David M. Sunshine – Any other thoughts prior to conclusion. We will forward minutes soon so they will be available to review.

Meeting was adjourned at 7:45pm.