

MINUTES FROM THE SELECT BOARD MEETING ON JULY 10, 2006

Board members present were RJ Vallie, Dave Johnson, Pat Mallow and John Devine. Also present was Town Clerk Deborah LaRivière and Town Attorney Robert Fletcher. The meeting was called to order at 5pm.

*Fletcher explained to the Board that due to the disbursement of the VCDP funds by the Town, the Town is a lien holder against Redstone Corporation. Redstone recently completed a sub-division and sold a parcel of land. In order to be able to complete the sale, the Town must sign off as a lien holder on the particular piece being sold. Dave motioned: "To approve the partial release of the mortgage against Mountain Operations and Redstone Corporation and to issue a UCC on the sugar house and to authorize John to sign the paperwork associated with these two transactions." RJ seconded. There was no further discussion, all were in favor, motion passed. Fletcher also brought the Board up to speed on the Priority Agreement that needs to be signed. A Priority Agreement shows the order of succession in a repayment plan. The Town has a fourth mortgage after VEDA, the Small Business Association and VEDA. Fletcher is still working on some of the particulars of this agreement so it is not ready for signing at this time. John motioned: "To approve execution of the Priority Agreement, substantially in the form presented, when ready." Dave seconded. There was no other discussion, all were in favor, motion passed.

At this point Robert Fletcher left the meeting.

*Dave motioned: "To approve the minutes from the June 19 meeting." John seconded. There was no discussion, all were in favor, motion passed.

*Road Foreman Eric Andrews will be meeting with Gene Armstrong and Bill Atwood this week to get a cost for the repairs on the Notch Road. He will bring these and this will be discussed at the July 17 meeting.

*John motioned: "To approve the Special Events permit for the Pow Wow at Bolton Valley." Seconded by Dave. There was no discussion, all were in favor, motion passed.

*Dave motioned: "To approve the contract with the Visiting Nurse Association for 2006-07." John seconded. There was no discussion, all were in favor, motion passed.

*RJ spoke to the Board regarding his conversation with Richmond Police Chief Joe Miller. He informed the Board that the CUSI (Chittenden Unit for Special Investigations) now handles some of the investigative work for the state police. At this time, RJ hasn't received all the information he requested concerning CUSI, so this issue was tabled until a future meeting. John motioned: "To appoint RJ Vallie as the Bolton representative to the Vermont State Police special citizen's task force." Dave seconded. There was no discussion, all were in favor, motion passed.

*At this time the Select Board welcomed members of the Planning Commission and Development Review Board as well as other interested parties to discuss the current zoning regulations. Present for this discussion were the following: Bob Fries President of Mountain Operations, Larry Williams President of Redstone, John Wakefield Redstone's permit specialist, Engineer Bernie Chenette and his client Jeff Garfield, Town Zoning Administrator Dick Ward, Development Review Board members Jerry Chabot, Sharon Murray and Margot Pender, Planning Commission members Jim Bralisch, Linda Baker, Steve Barner and Rodney Pingree. John Devine read through an agenda and the floor was opened up to Larry Williams to make a brief statement.

Williams: Some Vermont Towns have a special relationship with the ski areas within their towns and some do not. I'd like to think that we could have that with the Town of Bolton. What we'd like to hear from the town is 'How can we help Bolton Valley?' I feel the town is reluctant to help and that Burnt Rock (the consulting firm that wrote the zoning regs) has an agenda and the zoning regulations are way to strict with. I'd like the Town to take a step back and review what's in place.

Murray: The zoning regs do offer higher building densities at lower percentage slopes.

Baker: Originally, we had written no building above 20% slopes, but made the change to 25% to satisfy Redstone. I spoke with several towns today that have ski areas and when they talk about 'ski area exemptions' they're not talking about exemptions for buildings, they're talking about exemptions for 'ski area stuff' such as lifts and trails. I don't feel our regs are off-base after surveying other ski area towns.

Williams: Many towns look at ski areas as separate entities and write regs to that effect. The 25% limits building on many lots. When you have an 840A lot and can build on only one small spot, there's something wrong with that. I don't feel like the town listened to us.

Murray: (in her capacity as a Burnt Rock consultant)

I don't feel the town has a 'no build' mentality. We were concerned with storm-water run-off and erosion when we decided on the 25% issue. We did research and felt this was a fair cut-off point. We did give exemptions for ski lifts and trails and we also allowed for a transfer of density clause to allow more building on land with physical limitations.

Murray: (in her capacity as DRB member)

The DRB is trying to enforce the regulations as written. We have engineers on the board that take a close look at all proposals that come before us. I feel it's up to the Select Board and Planning Commission to work out the policy. However, we want the whole town to be treated equally.

Fries: The Towns of Stratton and Winhall are very flexible with their regs.

Murray: I don't feel we can be flexible. The DRB has to abide by the regs as written.

Pender: What exactly do you want from the town?

Williams: We want the town to be behind us.

Pender: The Town is behind you. It's very supportive. What do you want from zoning?

Williams: The density issues are fine. We want to be able to access land with driveways and roads over 25% slopes so we can get to that land. We'd like to see a separate district for the mountain area/ski district.

Murray: Warren has exemptions for incidental dwellings. The DRB would ask that the town be very clear if any changes are made.

Pingree: Other ski areas may have similar terrains but the way Bolton is, it's actually a bowl. This makes flooding and erosion an issue. We wrote the regs to protect the infrastructure, to protect the town and to be sure the means to maintain and repair are in place.

Williams: Our goal would be that the Town could come to Bolton Valley and discuss infrastructure problems.

Fries: Everything we do is looked at by Act 250. We are always held to a higher standard.

Devine: How does the phrase 'reasonable use of land' factor in?

Murray: That applies prior to a sub-division, on existing pieces of land.

Devine: Would Act 250 allow crossing 25% slopes to access land?

Williams: If the town allowed it. The entire resort is encumbered by Act 250, even sub-divisions.

Pender: I'm concerned that all these little steep private roads and driveways will create a nightmare for the town if we have a heavy rain and they wash-out onto town roads.

Barner: These regulations weren't written to keep land from being developed but to recognize the physical constraints of some of the places within Bolton. And the physical constraints are just that and we shouldn't be building on steep roads and slopes. That was the reasoning behind these regulations and I feel it's very sound reasoning. If it's not sound, let's examine the reason why and see if it should be changed.

Williams: We'd appreciate that.

Pingree: The volume of soil disturbed is also an issue.

Williams: How do we build all this into our discussions?

Devine: Every sentence of our current regs costs Bolton Valley money. There is no flexibility right now.

Williams: Our vision is to keep the road bare and develop further back, off the immediate roadway. Keep the houses set back.

Murray: If Redstone had a master plan and we knew what would happen we could look at this.

Williams: We are looking into other things, but are working on a master plan. Where is the town in its rewrite of the Town Plan?

Baker: We have a good working draft but no hearings planned yet.

Williams: I'd like to see a mention of Bolton Valley as something vital to the Town of Bolton in the Town plan. I'd also like to see a mention of the I-89 interchange.

Murray: Perhaps, minor sub-divisions of pre-existing lots should have a frontage waiver. That could be something to look at.

Baker: Act 250 is only a matter of being organized. When the town asks for something, you should already have it with the Act 250 paperwork.

Williams: It's not just a matter of copying Act 250 paperwork for the town and vice versa. It's time consuming and costly. It's overkill.

Murray: It's a policy issue.

Bralisch: Is the major issue a run-off issue?

Barner: It's a significant issue.

Bralisch: Can't the run-off be recaptured and re-used?

Williams: We'd love to work with the Town to collect run-off.

Chenette: My client and I presented an example of building on a slope but these regulations put a stop to that because of the restrictions. We had to go back and reformulate. There are erosion blankets that can be used to help stop run-off and for water retention.

Murray: There is still an issue of who maintains these driveways and private roads.

Devine: We'd like to see some type of master plan from Redstone before we do any re-zoning.

The discussion came to a close. Devine thanked all for coming and said all comments would be taken under advisement. All parties except the Select Board and Town Clerk left.

*The Board will discuss revisions on the personnel policy at the July 17 meeting.

*Warrants were signed.

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*The Board would like to review road specs. They would also like a letter drafted to the Planning Commission requesting that they look over the current Land Use and Development Regulations and look into the possibilities of an individual ski area district and whether or not the town should allow access to building lots across slopes greater than 25%.

There was no other business to be brought before this Board at this time. Pat motioned to end the meeting, seconded by RJ. The meeting ended at 8:15pm.

Attest:

Deborah LaRivière
Town Clerk

Minutes are unofficial until approved

*These minutes were read and approved by the Bolton Select Board on July 17, 2006.
_____ For the Board.*