

TOWN OF POMFRET  
ZONING BOARD OF ADJUSTMENT

DRAFT Minutes of Hearing  
November 9, 2017

MEMBERS PRESIDING: Alan Blackmer (Chair), Shaun Pickett, Michael Reese, Loie Havill

OTHERS PRESENT: Leigh Pops (Abutter), Tim Reiter (Mountain Manager of Suicide Six), Nick Mahood, Gary Thulander (President of Woodstock Resort Corp), Craig Jewett (Otter Creek Engineering), Bob Crean, Emily Grube (Pomfret Selectboard), John Moore (Planning Commission), Orson St. John (Planning Commission), Jim Havill, Karen Hewitt (Zoning Administrator)

A hearing was convened to consider the following:

**Application #ZP17-25** by Woodstock Resort Corp to construct new mountain biking trails for seasonal use. The project also includes a request to have an event tent site which would be accessed by the public via the existing chair lift and accessed for event setup purposes via private drive south of the ski area. Events will be for up to 140 people once a month (May through October) between the hours of 8:00 a.m. and 11:00 p.m. (Parcel #0210).

HEARING:

The hearing was opened at 6:05 PM by chair Alan Blackmer. Michael Reese spoke about a potential conflict of interest and that he had recused himself from the Selectboard. It was deemed that there was no conflict of interest. Leigh Pops and Hank Paine (by written request) were granted status as interested persons as abutters of Suicide Six. Orson St. John, Leigh Pops, Tim Reiter, Nick Mahood, Gary Thulander, Craig Jewett, Emily Grube, and John Moore were sworn in. The hearing was recorded.

Craig Jewett spoke about the permit being a two-part project. First part is for the creation of recreational mountain biking trails on Suicide Six during mountain bike season which would be from May to October, 7 days a week. The trails would be 4 feet wide. They are designed and laid out to be intertwined and utilize the existing ski trails on Suicide Six. Riders would use the lift (Quad) to access the top. It would not overlap the ski season and the trails use would be further restricted on weather conditions so as not to destroy the trails if adverse weather was present.

Tim Reiter spoke regarding the trails and that some smaller trees (saplings) would need to be cut, no clear cutting, using native soil, low impact on the environment, conservation was important, trails would flow with the natural aspect of the terrain, deer winter areas were identified by Vermont Fish and Wildlife so trails were rerouted away from them. A map of the trails was passed around.

Craig Jewett spoke about a trail management plan that was in place. A general permit for Erosion Control was obtained from the State of Vermont. Tim Reiter stated that the map was slightly changed to remove an entire trail that was going through a class 2 wetland at the lower left of the presented map. Michael Reese requested larger colored copies of the new version of the trail map to review.

Nick Mahood spoke about logging that had been done 2 years ago as part of the land's current use status. He predicted that approximately 100 people a week would be using the trails. They would be operating at first for 3 days a week. Tim Reiter interjected and said that it would be 10:00am to 5:00pm Friday through Sunday and eventually would build to 7 days a week. Season's passes that are purchased would give a rider access at any time. Gary Thulander spoke about employees being on duty during operational hours to monitor access.

Alan Blackmer asked if there were any 2-way trails (riders can go both up and down). One trail will be designed for 2-way access.

Shaun Pickett asked if people can come to use the trails at any time. Tim Reiter replied that people would come at their leisure but during business hours staff will be on duty. Shaun Pickett also asked if people can bike at night with head lamps and if it would be restricted. Season pass holders using the trails at night could potentially be a nuisance. Tim Reiter replied that it wouldn't be too much of a nuisance as hikers use the property all the time at all hours. Shaun Pickett asked about mountain bike popularity. Nick Mahood replied that not that popular.

Alan asked about safety measures. Tim Reiter answered that Fri-Sat-Sun during operational hours that helpers (like ski patrol during ski season) would be on duty if an accident should occur. The ski season Uphill pass has a lengthy policy about risks and safety measures that would be applied to the Mountain Bike season pass. Parking lot would be open at all times much like it is currently.

Gary Thulander spoke that the bike trails are about 6 ½ miles total. The lift would be used for scenic rides as well. That the new Quad is designed for ride back down the mountain use as the old chair lift was not. Average winter season is 340-350 people per day that use the mountain. Estimated during the summer on average it would be 45-50 people per day.

Michael Reese asked about Uphill pass liability laws. Tim Reiter stated that a sweep process would be done on days of operation. Gary Thulander spoke about being conscious of safety issues. That trained individuals would be on site such as the same concept of the ski season.

Leigh Pops spoke about living on the Gully that there has been increased traffic, increased bikers and since the sale of Gilbert Hill that ATV's have now started using Gully road as access to the VAST trails. Tim Reiter replied that he has noticed that ATV use is more prevalent.

Michael Reese asked if Gully and Austin road would be used to access tent site. Austin Road only was the reply. Michael asked if trails would be on the Gully and Austin Road, the response was that no there wasn't.

Shaun Pickett asked if people would be contained in trails only. The response was that the trails were physically constructed with defined paths. Off trail would be monitored. Nick Mahood

spoke that personally as a Mountain Biker, that you would want to stay in and ride the trails as off trails are not enjoyable.

Shaun Pickett mentioned that the eliminated trail is a field which is back yards of some abutters. Gary Thulander replied that they would be happy to rope off or put signage as necessary.

Gary Thulander spoke about having bike racks on the chairlifts and that they hope to be one of only 6 ski resorts in Vermont that offer mountain biking. Tim Reiter listed the others as being Killington, Burke, Okemo, Sugarbush, Mt. Snow.

John Moore asked if the base lodge would be open during operational hours. Gary replied that they have renovated the interior of the ski runner lodge for bike use to offer food, beverages (alcoholic a possibility but undecided).

Michael Reese asked if EMT's will be present during operational hours. Tim Reiter replied that Mountain Patrol will be on site. It is a State requirement that patrol is on duty if the chair lift is operating. Michael mentioned using the ski runner lodge is a change in use to the Suicide Six Ski Runner Building.

Orson St. John read the Pomfret Zoning Statute that states "CONFORMING USE": single, one-family or two-family residence, agricultural buildings, home business. "NON-CONFORMING USE": uses other than conforming uses.

Shaun Pickett asked if anyone with a Season Pass can use it at any time of night. Nick Mahood replied that it is unrealistic for anyone to ride at night considering the safety issues. Gary Thulander stated that they can restrict usage at night if they needed to, but most will come during the day to ride the trails.

Alan Blackmer spoke that if successful would they be open for more than the three days? Craig Jewett replied that the permit that was filed was for to be operational for 7 days a week. That the 3 days was just to start out operations with possibly more.

Second part is for the event tent at the top of the mountain.

Gary Thulander spoke about having a function site at the top of Suicide Six Mountain between May through October. The site area would be a 70ft x 140ft flat area where tables/chairs would be set up. The function (event) tent is 40 ft. x 100 ft. with a height of 24 ft. There would be another smaller tent within the flat area dimensions for the food preparers/servers/etc. Maximum capacity of the large tent is 140 people. Would be a vista and an opportunity to show people the views, chair lift rides up and down to the event. To service the tent site if function requires one would be to have a tent truck go up Austin Road, across a chipped wood pathway at the upper part of the Easy Mile. Tent would be set up in the morning then removed the next day. Only one event/function per month for the 6 months May-October period. Weather back up plan would be to use the Base Lodge. Some guest functions such as a wedding, etc. may be a cocktail party at the top with the function at the Base Lodge. Lighting at the tent site would be Bistro lights. Any additional lighting such as safety lights would be directional down lighting. Plans are to keep it as natural as possible for the Ridgeline. Functions such as weddings or a group visit to the hotel could be either day or night. Guests who are elderly, handicapped or a unable to ride the Chair

lift would be transported to the event/function site at the top via Austin Road. They would/could inform residents of any events that would happen as they do in Woodstock for the outside functions at the Woodstock Inn Resort by mailing a schedule of events to all the abutting properties.

Alan Blackmer asked if anyone else wanted to speak regarding the tent site. Tim Reiter said the Quad would be utilized and that it was ADA Compliant. Gary Thulander spoke about when they updated the chair lift from the old one to the new Quad that it has the capability to travel down. No additional lighting will be on the Quad. Would be offering scenic chair rides, such as during foliage season, or to have a picnic at the top of the mountain. People can either ride back down or hike down. Tim Reiter mentioned that the State Tramway Code requires the speed of the chair to be at ¼ speed of what is used during ski season.

Shaun Pickett inquired about what the estimate of foliage/scenic rides. Gary Thulander and Tim Reiter both estimated that average would be about 25 scenic rides per week. Low impact.

Craig Jewett spoke that the tent site was not correct on the map. Orson St. John asked if they could provide an amended layout. Craig Jewett stated that the Act 250 Commission asked for an updated plan.

Alan Blackmer spoke about Emergency services/Austin Road access to tent site would be difficult.

Emily Grube spoke about the Selectboard's concerns about traffic and safety. That they asked for the Act 250 hearing so that neighbors had a chance to weigh in on the new plans. A safety concern about mountain biking and the Town of Pomfret absorbing the costs for non-reimbursable ambulance calls and uncollectable bills. If operations during the May-October months become larger than expected that unanticipated traffic issues could be revisited and subsequently resolved.

John Moore commented that to clarify that it would be 6 functions total, some with and some without tent. Questioned whether Longfield's driveway can be used as it is now for an Emergency vehicle such as fire truck or ambulance could make it.

Craig Jewett spoke about any emergency would be the same protocol as during ski season. Mountain Patrol triaging patient then transporting down to the base lodge for retrieval by ambulance depending the extent of the injury. Not intending to use Austin Road as primary access for emergency vehicles. Austin Road will only be used as access for setting up the tent/tables/chairs and for caterers to transport the food to the tent site.

Alan Blackmer commented what if emergency at tent event at 10pm. Tim Reiter responded that could use lift as transport and State Tramway regulations require people on site to evacuate/emergency/etc. Craig Jewett commented that Act 250 Commission asked for a defined plan of protocol for emergency.

Emily Grube stated it was unlikely Pomfret fire truck/emergency services would be able to make it to the tent site. Woodstock Ambulance wouldn't get there either and that an emergency plan is needed.

Gary Thulander asked to be allowed to come up with an emergency plan. John Moore commented to triage emergency to the lodge for ambulance retrieval. Gary Thulander agreed that would be a normal case and would submit an emergency plan.

Alan Blackmer asked if the Woodstock Resort Corp would have their own vehicle on tent site for emergencies. Gary Thulander stated that they would be happy to comply with any stipulations. Alan Blackmer asked if any more questions from the public. Leslie Pops replied with what would be the hours/time limits for the functions?

Gary Thulander responded with a question if there were any restrictions for times in Pomfret and that their current wedding contracts in Woodstock are to end music/functions at 10pm. They would be happy to comply with any stipulation.

Alan Blackmer asked about the sound at the top of the mountain from a function. Gary Thulander responded with in Woodstock the max is 72db. They did a self-test at the top of the mountain with a 300-Watt PA system. At the source of the sound it was rated as 95-100db which included the sound of the generator as no electricity is accessible at the top of the mountain. Around the corner at Longfield's it was 58db. At the base of Chair One (Quad) it was 75db. Right under the motor at the base it was 88db. In the parking lot no music was heard. The opening of the tent would face Longfield's house.

Craig Jewett said the key component of the tent is lower than the house to help mitigate sound level. Gary Thulander asked for a reprieve to move the tent site if client requests.

Alan Blackmer stated that only one abutter was at the meeting and then read a statement from Hank Paine who asked for status to appeal and then read statement of testimony for the record which is as such:

I am Hank Paine. I own the original Gully Lodge, the Gully barn and the 42 acres at the end of the Gully Road on the backside of Suicide Six. I am unable to attend the meeting on Thursday, November 9, 2017 but was informed by the Zoning Administrator that I could provide written testimony and maintain my right to appeal any decision made.

As the birthplace of Suicide Six and owner of the Gully run, I have always been totally supportive of Suicide Six's activities. I truly hope to be supportive of the proposed ones as well. The two biking events, however, that Suicide Six has already run have both created an unintended and increasingly significant problem in the Gully and on the Gully Road.

I am referring to the Overland biking events held in August of this year and 2016. This is a great event for Pomfret, Suicide Six, the Woodstock Inn and Woodstock in general. The route however, (which comes up the Gully Road, crosses over our land, and drops down to the finish line at the base lodge), has had the unintended consequence of introducing the Gully Road as the "back way" onto the ski trails and the top of Six. With several hundred of riders each year and state-wide coverage, a significant and increasing number of people now see the Gully as their access to and from Suicide Six in the spring, summer, and fall. They come up in their cars and use our Gully Run as the short cut to the top. They also come up from the base lodge, or down from the top, only to be met by cars that have come up the Gully Road to meet them. The big problem is that ATVs have now joined the fun.

Since 1935 my family has provided permission for Suicide Six to use the Gully run for winter skiing and I also authorized them to access the top with equipment during the summer to install the "Quad". I am sure it was an oversight, but I wasn't asked permission to use the Gully as part of the Overland Route and once I saw the increasing traffic, especially since this past August, it was too late.

I do not want to be too late this time particularly since this proposal envisions literally thousands of new bikers and hikers to the hill each year once the snow thaws out in spring. I strongly request that your Board's approval include an absolute, "bullet proof", requirement to protect the Gully and the Gully Road from yet more "unintended circumstances"

I thank you for your time and attention.

With Respect,

Hank Paine

The Gully

Gary Thulander spoke about that the Woodstock Resort Corp has signed a 3-year lease for the Gully Run and that the lease is for skiing only. Leigh Pops spoke about increase in foot traffic.

Tim Reiter commented that the Overland Race being a third party and that they rented Suicide Six for the event.

Michael Reese asked about bathrooms at the top. Porta-potties would be provided. How many trips on Austin Road? Gary Thulander commented he estimates 3-4 round trips for the caterer. 1-2 round trips for the tent truck.

Orson St. John asked if an event without a tent more than 140 people? Craig Jewett replied that Act 250 max is 140 for a function. Anything larger would be at the lodge or the hotel.

Michael Reese and Shaun Pickett would like a site visit to see the tent site. Site visit will be scheduled.

Michael Reese, Shaun Pickett and Loie Havill want a recess of the meeting until Act 250 outcome.

Craig Jewett commented that they have a December 1<sup>st</sup>, 2017 deadline to Act 250 Commission to submit the emergency protocol/evacuation plan, revised site plan, and the precise location of event tent site. All of which he will email to Karen Hewitt, the Zoning Administrator as well.

By unanimous vote, the ZBA recessed the hearing at 8:15 PM, to be reconvened on December 5th, 2017 at 5:00 PM.

These minutes approved at Pomfret, Vermont, this 14 day of November, 2017.

  
Alan Blackmer, Chair, Zoning Board of Adjustment