

Agenda Summary
December 23, 2024

Agenda Item No. C-1

Other Business – Manager’s Report

2024 Ethics and Conflicts of Interest Changes: Enclosed is a summary of and [VLCT’s web page on new State ethics](#) rules, which states in part, “Act 171 became law on June 10, 2024...Municipal officers subject to the statewide Municipal Code of Ethics may request ethics guidance from the Executive Director as it relates to that person’s duties. Guidance is non-binding and confidential unless the recipient chooses to disclose it. 3 V.S.A. § 1225(a). The State Ethics Commission can be reached at 802-828-7187 or ethicscommission@vermont.gov.”

Short-Term Rental Registry Launch Date: Staff anticipate launching the STR Registry in mid-late February 2025. The anticipated launch date was previously the first week of January 2025. This is due to multiple factors, including key Town staff anticipating being out on FMLA leave in January/early February, and final fine-tuning of the online registration system. We will tentatively plan to follow up with the Selectboard on approving the final STR Registration form at the first meeting in February (2/12/25). The STR Ordinance goes into effect May 1, 2025.

Act 250 Notices:

A permit amendment was issued which authorizes subdivision of a previously approved 33 +/- acre lot formerly known as Lot 4 into two lots: Lot 4, of 27+/- acres, and Lot 4A, of 5.2+/- acres. This permit amendment also approves a building zone for Lot 4 and a modification of a previously approved building zone on Lot 4A; however, this permit amendment does not authorize any construction of improvements. The project is located off Luce Hill Road in Stowe, Vermont at 0 Poppi Bear Lane (Springer-Miller).

<https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=5L0755-9,5L0775-11>

VTrans has received payment of the transportation impact fee in the amount of \$2,313 as required in condition #31 for the Land Use Permit 5L1033-12 Maxwell Properties, LLC - Stowe. The transportation impact fee was established pursuant to Act 145 of 2014 (10 V.S.A., Chapter 151, Subchapter 5: Transportation Impact Fees) and represents the applicant’s proportional cost share of the VT-100 and West Hill Road capital project in Stowe, Vermont (Project number STPG SGNL(52)).

Minutes: Enclosed are the following minutes:

- Development Review Board – December 3
- Planning Commission – December 2
- Recreation Commission – December 4

Recommendation: No action is necessary. This time is set aside to ask questions of a general nature and for the public to be heard on any issue not on the regular agenda that does not require Selectboard action and is of a non-personnel nature.



Vermont League
of Cities & Towns



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Ethics and Conflicts of Interest

2024 Ethics and Conflicts of Interest Changes: The Statewide Municipal Code of Ethics - Act 171

Act 171 became law on June 10, 2024 and drastically changes the ethical regulatory landscape for municipalities. It removes municipal authority to enact conflict of interest prohibitions tailored to address the specific needs, concerns, size, and values of their municipalities and replaces that authority with a new, top-down, one size fits all, statewide Municipal Code of Ethics.

Deadlines:

All provisions of Act 171 take effect January 1, 2025 with two exceptions:

1. The repeal of existing municipal ethics statutes (24 V.S.A. §§ 1984 and 2291(20)) took effect upon passage June 10, 2024.
2. New ethics training requirements take effect September 30, 2025

New Contact for Guidance and Advisory Opinions: Vermont State Ethics Commission

Since the legislature gave the State Ethics Commission the authority to provide guidance and advice (including advisory opinions) to municipalities, we are directing all municipal officers to contact the States Ethics Commission regarding any ethics questions they may have.

Guidance

Municipal officers subject to the statewide Municipal Code of Ethics may request ethics guidance from the Executive Director as it relates to that person's duties. Guidance is non-binding and confidential unless the recipient chooses to disclose it. 3 V.S.A. § 1225(a). The State Ethics Commission can be reached at 802-828-7187 or ethicscommission@vermont.gov.

Advisory Opinions

Municipal officers subject to the statewide Code of Ethics may request an advisory opinion from the Executive Director regarding the requester's ongoing or prospective conduct.

Advisory opinions are in writing, do not contain any individual's personally identifying information, and are posted on the Commission's website within 30 days of issuance. In preparing an advisory opinion, the Executive Director may seek comment from parties interested in the subject under consideration. To request an advisory opinion, complete the request form on the State Ethics

Commission's website (see upper left) and return it to ethicscommission@vermont.gov.

New Municipal Ethics Requirements

Please review the following new ethics requirements carefully and direct questions and comments to the Vermont State Ethics Commission.

Municipal Ethics Code Posting



Municipalities must post the **Municipal Code of Ethics** on their websites or make such information available upon request if the municipality has no website. The posting must include the following:

1. A copy of the Municipal Code of Ethics. You can find Word and PDF versions of the Municipal Code of Ethics for download on the State of Vermont's Ethics Commission's Municipal Ethics (upper left)
2. Procedures adopted by the municipality for the investigation and enforcement of complaints that allege a municipal officer has violated the Municipal Code of Ethics
3. Any supplemental or additional ordinances, rules, and personnel policies regarding ethics adopted by a municipality.

Municipal Whistleblower Protection Required Posting



Staff & Officer Designees



Municipal Officer & Board Training



Records & Retention



Create Investigation & Enforcement Process



Additional Highlights of Act 171

Ethics Commission Authority & Whistleblower Protections

- Authorizes the Executive Director of the State Ethics Commission to provide advisory opinions and guidance, upon written request, to municipal officers related to governmental ethics.
- Requires the Executive Director of the State Ethics Commission to refer any ethics complaints received about municipal officers to the municipality's designated ethics liaison for investigation and enforcement by the municipality.
- Creates a new whistleblower protection for municipal employees that is nearly identical to that which protects state employees. See VLCT's sample Whistleblower Protection Posting.

Notes on Conflicts in Municipal Purchasing & Contracting

- Federal regulations require that real or apparent conflicts of interest which may arise in the context of municipal purchases and contracting are addressed.
- If the municipality does not already have a separate conflict of interest policy, it should be addressed in the body of a purchasing policy. See the VLCT Model Purchasing Policy.

Scroll down to see and access these and other VLCT resources. Links to other resources are also available in the upper left-hand corner of this page.

Disclaimer: This resource is only intended to provide information and it does **NOT** constitute legal advice. Readers with specific legal questions are encouraged to contact an attorney. The use or downloading of this resource does **NOT** create an attorney-client relationship and will not be treated in a confidential manner.

If you have additional questions please use the ask a question button to submit them.

Ask a Question

Resources



Vermont State Ethics Commission

Quick Summary: Municipal Code of Ethics for Municipal Officers

Parties subject to the Municipal Code of Ethics: The Municipal Code of Ethics applies to “municipal officers.” Municipal officers is defined as: members of municipal legislative bodies, members of municipal quasi-judicial bodies, advisory budget committee members, auditors, building inspectors, cemetery commissioners, chief administrative officers, tax collectors, department heads, first constables, listers, assessors, town clerks, treasurers, mayors, department heads, moderators, planning commission members, road commissioners, town or city managers, village or town trustees, trustees of public funds, and water commissioners.

Core provisions of the Municipal Code of Ethics:

The purpose of the proposed Municipal Code of Ethics is to set minimum, common statewide governmental ethics standards.

Summary of Sections (in order of substance):

1. **Recusal and disclosure for conflicts of interest:** Municipal officers faced with a conflict of interest, or the appearance of a conflict of interest, shall publicly recuse themselves from the matter in question. A public recusal can be accomplished by informing a supervisor or other relevant party, or by making a statement during a public meeting. If the municipal officer believes they may proceed with the matter despite the conflict, they must disclose the nature of the conflict and the reason for the non-recusal in writing.¹ If a municipal official first becomes aware of a potential conflict during a public

¹ Reasons why a municipal officer may proceed with the matter include: the matter is de minimis in nature; the municipal officer’s action on the matter is ministerial or clerical; the action will not benefit the municipal officer any more than others who are generally affected by the outcome of the matter; the conflict is amorphous, intangible, or speculative; or, the matter cannot be legally or practically delegated to another person.

meeting and decides to proceed, the written non-recusal statement may be filed after the meeting. Confidential information need not be disclosed.

2. No directing others to act unethically: Municipal officers cannot direct others to do what they cannot ethically do themselves.
3. No participation after recusal due to a conflict: Once a municipal officer recuses because of a conflict, that recusal is full and complete.
4. Avoiding appearance of unethical conduct: Municipal officers should reasonably try to avoid even the appearance of ethical impropriety.
5. No improper preferential treatment: Municipal officers should not show any favoritism or prejudice to anyone in carrying out municipal work, unless permitted by law and written policy or rule.
6. No using municipal position for improper personal or financial gain: Municipal officers may not use their positions for improper personal gain.
7. No using municipal information for improper financial gain: Municipal officers may not use nonpublic information for improper personal gain.
8. No using municipal resources for improper financial gain: Municipal officers must use municipal equipment and resources only for their intended public purpose, unless expressly permitted by law or written policy or rule.
9. Limitations on gifts to municipal officers: Municipal officers may not solicit or accept gifts when the intent of the gift is to influence the municipal officer's official actions.
10. No making unauthorized commitments on behalf of the municipality: Municipal officers may not make any commitments for the municipality, or any of its resources, unless authorized to do so.
11. No benefitting from contracts: Municipal officers cannot personally benefit from municipal contracts executed as part of their official duties, unless the benefit is no greater than that of others generally affected by the contract, the contract is an employment contract with the municipality, the contract is valued at less than \$2,000 or the contract is awarded through an open and public process of competitive bidding.

Other Provisions:

Ethics training and education: Requires Municipal Code of Ethics training for members of legislative bodies or quasi-judicial bodies, or a chief administrative officer, mayor, town or city manager. The municipal officer and the municipality are responsible for tracking and enforcing the training requirement in accordance with the municipality's own policies and procedures.

Ethics liaison officers: Requires municipalities to designate an ethics liaison, who is an existing municipal employee or selectboard member, to serve as the point of contact for communications with the Ethics Commission. Ethics liaisons also receive ethics complaints referred by the Ethics Commission.

Ethics complaints: Requires municipalities to establish rules and procedures for the receipt and investigation of ethics complaints. Municipalities must keep a record of complaints received, and the disposition of the complaints.

Supplemental ethics policies: The Municipal Code of Ethics sets minimum, common statewide standards. The bill allows municipalities to adopt ethics policies that supplement or exceed the requirements of the Municipal Code of Ethics.

Role of the Ethics Commission:

Allows the Commission to provide the following services:

- Advice: Upon request, provide confidential ethics advice to municipal officers regarding the officer's own conduct as it relates to the Municipal Code of Ethics.
- Complaints: Accept confidential complaints from any source, review complaints for sufficiency, and refer complaints to the municipality's designated representative for further action by the municipality in accordance with the municipality's own policies and procedures. The Ethics Commission does not prosecute or enforce complaints against municipal officers.
- Training: The Commission will develop, approve, and provide free training to municipal officers on the Municipal Code of Ethics.
 - If municipalities do not want to use the Commission's free training resources, they may provide training on the Municipal Code of Ethics themselves. However, the portions of the training that are specific to the Municipal Code of Ethics needs to be approved in advance by the Ethics Commission to ensure accuracy and consistency.

In light of the new role of the Ethics Commission with respect to municipalities, the Commission's membership will expand from five members to seven: the two new members must be former municipal officials, appointed by the Speaker of the House and the Senate Committee on Committees.

Exhibit List

Application #	5L0755-9,5L0775-11
Applicant(s)	John & Tina Springer-Miller
Landowner(s)	Same as applicant
Project Town(s)	Stowe



No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
000	3/18/24	000 Exhibit List	Applicant
001	3/18/24	001 Act 250 Application; and cover letter (if provided)	Applicant
002	3/18/24	002 Authorization/Signature form	Applicant
003	3/18/24	003 WW permit application receipt	Applicant
004	3/18/24	004 Site Plan	Applicant
005	3/18/24	005 Septic Details	Applicant
006	4/25/24	006 ANR Comments and COS	ANR
007	4/25/24	007 Party Status Request Covered Bridge HOA Phase 1	Abutter
008	4/25/24	008 Party Status Request Covered Bridge HOA Phase 2	Abutter
009	4/25/24	009 Party Status Request Covered Bridge HOA Phase 3	Abutter
010	4/25/24	010 Party Status Request Covered Bridge HOA Phase 4	Abutter
011	5/7/24	011 ANR Comments and COS	ANR
012	5/4/24	012 ANR Comments and COS	ANR
013	5/31/24	013 Applicant Request for Extension 5-31-24	Applicant
014	5/31/24	014 Covered Bridge HOAs Request for Extension 5-31-24	Abutter
015	6/14/24	015 HOAs Supplemental Response	Abutter
016	6/14/24	016 HOAs Supplemental Resonse Exhibits 5L0775-7	Abutter
017	6/28/24	017 Applicant REsponse to MOD	Applicant
018	6/28/24	018 Stackpole and French Memo- Access ROW's	Applicant
019	6/28/24	019 DRB Decision 1-22-24	Applicant
020	6/28/24	020 (2024.06.28) Lot 4 Subdivision and Boundary Line Adjustment Survey	Applicant
021	7/9/24	021 HOAs Request for Additional Time	Abutter
022	8/9/24	022 ANR Comments and COS 8-9-24	ANR
023	8/27/24	023 Applicant Request to Proceed 8-23-24	Applicant
024	9/9/24	024 HOAs Letter to District Commission 9.9.2024	Abutter
025	9/12/24	025 Applicant Response to HOAs Letter 9-12-24	Applicant
026	10/10/24	026 ANR Comments and COS 10.10.24	ANR
027	10/18/24	027 ANR Request for Extension 10.18.24	ANR
028	11/12/24	028 ANR Comments 11.08.24	ANR
029	11/19/24	029 (2024.11.13) LOT 4 DEER WINTERING EASEMENT	Applicant
030	11/19/24	030 WW-5-9465 Permit	Applicant
031		031	
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041		041	
042		042	



MEMORANDUM OF DECISION AND ORDER

Denying Requests for Hearing and Rule 34(E) Threshold Showing

State of Vermont
Natural Resources Board
District 5 Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201
[phone] 802-476-0185
<https://nrb.vermont.gov/>

John & Tina Springer-Miller
P.O. Box 1262
Stowe, VT 05672

CASE NUMBER:
5L0755-9,5L0775-11

LAW/REGULATIONS INVOLVED:
10 V.S.A. §§ 6001-6111 (Act 250)
Act 250 Rules 34(E) and 51

I. Summary

On March 18, 2024, John and Tina Springer-Miller (“Applicants”) filed application 5L0755-9, 5L0775-11 for a project generally described as subdivision of a previously approved 33 +/- acre lot into Lot 4 of 27 +/- acres and Lot 4A of 5.2 +/- acres; establishment of a building zone on Lot 4; and modification of a previously approved building zone on Lot 4A (the “Project”). The Project is located off Luce Hill Road in Stowe, Vermont at 0 Poppi Bear Lane. The District 5 Environmental Commission (“Commission”) issued public notice of the application and a proposed permit amendment for the Project on April 3, 2024.

On April 25, 2024 and in subsequent filings, the Covered Bridge Highlands Condominium Association, Inc. (Phase I), Covered Bridge Phase II Homeowners Association, Covered Bridge Phase III Homeowners Association, and Wildewood Homeowners Association, Inc. (Phase IV) (collectively, the “HOAs”) filed petitions for party status and hearing requests on the Project application. In their filings, the HOAs state they oppose the Project, request that the Applicants make a “threshold showing” pursuant to Act 250 Rule 34(E) that Applicants are entitled to seek an amended permit, and request party status and a hearing based on impacts under Act 250 Criteria 1, 5, 8, and 10.

As explained below, the Commission denies the HOAs’ requests for a hearing and for an Act 250 Rule 34(E) threshold showing.

II. Procedural History

Public notice of the Project application and a proposed permit amendment were issued on April 3, 2024 pursuant to Act 250 Rule 51, Minor Application Procedures. Condition 7 of the proposed permit amendment states, “This permit amendment does not authorize any construction of improvements or vegetation clearing preparatory to construction.”

On April 25, 2024, the Agency of Natural Resources (“ANR”) submitted comments about Project impacts under Criterion 8(A) and a request to extend the comment period. Exhibit 006. Also on April 25, 2024, the HOAs submitted petitions for party status and hearing requests, including a request for an Act 250 Rule 34(E) threshold showing. Exhibits 007, 008, 009, and 010.

On May 7, 2024, ANR requested an extension of the comment period to allow for further discussion with the Applicants. Exhibit 011.

On May 14, 2024, the Commission authorized an extension of the comment period, directed the Applicants to submit certain information on or before May 31, 2024, and granted the HOAs the option of submitting certain information on or before May 31, 2024.

On May 24, 2024, ANR requested an extension to submit comments with the Commission to within 10 days of ANR's receipt of certain information from the Applicants. Exhibit 012.

On May 31, 2024, the Applicants requested an extension to file the information requested by the Commission. Exhibit 013. Also on May 31, 2024, the HOAs requested a two-week extension to file the information the Commission granted them the option of submitting. Exhibit 014.

On June 3, 2024, the Commission granted the extensions requested by ANR, the Applicants, and the HOAs.

On June 14, 2024, the HOAs submitted excerpts from permit amendments and application exhibits that they contend bar the Project. In this same filing, the HOAs reiterate their requests for a hearing and Act Rule 34(E) threshold showing and request opportunity to comment on information to be submitted by the Applicants. Exhibits 015 and 016.

On June 28, 2024, the Applicants submitted the information requested by the Commission, including information on access rights to the Applicants' lands, a copy of a decision by the Development Review Board of the Town of Stowe approving the Project, and a draft plat depicting Lot 4, Lot 4A, surrounding lots, various rights-of-way, and other information. Exhibits 018, 019, and 020.

On July 8, 2024, the HOAs requested an extension to July 24, 2024 to comment on the information submitted by the Applicants on June 28, 2024. Exhibit 021. The Commission granted this extension. The HOAs did not comment by July 24, 2024.

On August 9, 2024, ANR submitted comments and a request for further extension of the comment period. Exhibit 022.

On August 27, 2024, the Applicants submitted a request that the Commission proceed processing their application as a minor application with no hearing, noting that a mitigation agreement with ANR should be completed in the near future. Exhibit 023.

On August 29, 2024, the Commission approved ANR's August 9, 2024 request for an extension.

On September 9, 2024, the HOAs submitted comments stating that burdens to their neighborhood and concerns regarding the use of easements and a private road for the Project have not been resolved. In these same comments, the HOAs state they are "merely asking the District Commission to determine whether the existing permit may be amended under Rule 34(E)...". Exhibit 024 at 2. The HOAs neither reiterate nor explicitly withdraw their previously filed hearing requests.

On September 12, 2024, the Applicants replied to the HOAs' September 9, 2024 comments. Exhibit 025.

On October 10 and 18, 2024, ANR provided status reports regarding the mitigation agreement and requested another extension of the comment period. Exhibits 026 and 027. The Commission granted this extension on October 28, 2024.

On November 8, 2024, ANR submitted comments, including a request for a permit condition, regarding the mitigation agreement. Exhibit 028. ANR represents that the Applicants consent to its requested permit condition.

On November 19, 2024, the Applicants submitted Wastewater System and Potable Water Supply Permit WW-5-9465 and a site plan that keys to the mitigation agreement. Exhibits 029 and 030.

No comments were received from the Applicants, ANR, or HOAs after November 19, 2024.

III. Relevant Permit History

The Project would subdivide existing Lot 4, which was first approved as a residential lot in Land Use Permit Amendment 5L0775-7 ("5L0775-7"). 5L0775-7 also approved subdivision of Lots 1, 3, and 5, with Lot 5 being the site of a third phase of a condominium development commenced in 1984. Finding 1 of Findings of Fact 5L0775-7.

Plans approved by 5L0775-7 show a future house site on Lot 4. At the time, the Commission understood the future residence on Lot 4 would be accessed off Brook Road and an existing road serving other phases of the condominium development and dispose sanitary waste through a permitted, partially constructed wastewater system shared with other condominium units. Findings 5 and 24 of Findings of Fact 5L0775-7.

Land Use Permit Amendment 5L0775-9 ("5L0775-9") approved modifications to the condominium development permitted in 5L0775-7, including a new Phase IV of the condominium development. Exhibit 003 of 5L0775-9. An overall site plan approved in 5L0775-9 shows a future driveway, right-of-way, and wastewater disposal facilities extending onto Lot 4 from Phase IV. Exhibit 017 of 5L0775-9.

Land Use Permit Administrative Amendment 5L0755-7A ("5L0755-7A") authorized a boundary line adjustment between Lots 3 and 4, incorporated Wastewater System and Potable Water Supply Permit WW-5-8557, and acknowledged the presence of a conservation easement on Lots 3 and 4 to protect a deer wintering area. The site plan filed with the application for 5L0755-7A depicts the same building zone on Lot 4 as the building zone depicted in the overall site plan approved in 5L0775-9.

IV. Changes to Lot 4 Proposed by the Project

The Project would change Lot 4 in three primary ways: (a) Lot 4 would be subdivided into two lots such that the previously approved building zone on Lot 4 would now be on so-called Lot 4A; (b) the previously approved building zone would be modified to fit Lot 4A's boundaries; and (c) a new building zone would be established on Lot 4 for future residential development.¹ The modified and new building zones would not be in the previously established deer yard conservation easement. Exhibits 004 and 005.

¹ Building zone designation is a requirement of the Town of Stowe's Zoning and Subdivision Regulations. Exhibit 019.

The Applicants represent that no construction is proposed. Exhibit 001 at 4. The Applicants also represent that access to Lot 4A would be consistent with previous approvals (via Brook Road and private roads in the adjoining condominium development) and that access to Lot 4 would be from Poppi Bear Lane. *Ibid.* Poppi Bear Lane is reached from Luce Hill Road; thus, access to Lot 4 would not be through the condominium development overseen by the HOAs.

The Applicants would also remove a boundary line shared with Lot 1 in the northeast portion of the Project tract. Lot 1 is owned by the Applicants. Exhibit 004.

V. Regulations Involved

Act 250 Rule 51, which governs minor applications, states:

“(D) Upon receipt of a request for a hearing, the District Commission shall determine whether or not substantive issues have been raised under the criteria and shall convene a hearing if it determines that substantive issues have been raised.”

Act 250 Rule 34(E) directs how District Commissions must review amendment applications that would amend a permit condition included to resolve an issue critical to the issuance of the permit (a “critical condition”). A permit condition is a critical condition if the Project would not comply with one or more Act 250 criteria without it. If the applicant does not propose to amend a critical condition, a District Commission’s inquiry under Rule 34(E) ends, and it may consider the amendment application on its merits. If the applicant proposes to amend a critical condition, a District Commission must apply the flexibility-finality balancing test set forth in subsection (3) of Act Rule 34(E).

VI. Conclusions

A. Requests for Hearing

The HOAs request party status and a hearing because they will be adversely affected by the Project under Act 250 Criteria 1, 5, 8, and 10. Regarding Criterion 1, the HOAs offer “particulates and noise” as their substantive issue. Regarding Criterion 5, the HOAs state that any additional impacts to Brook Road are unacceptable and will overburden their dirt road, which was not built for heavy construction vehicles. For Criterion 8, the HOAs state they will view and hear noise from the Project. Under Criterion 10, the HOAs merely state, “town plan.” Exhibits 07, 08, 09, and 010.

The evidentiary burden is on the party requesting the hearing to show that a substantive issue exists.²

When offered the chance to elaborate on their issues, the HOAs responded in general terms and with broad reference to concerns raised in 5L0775-7; they did not speak to how the specific changes proposed by the Project would adversely affect them under the criteria they named. Exhibit 015.

The proposed permit amendment authorizes no construction or pre-development site clearing. The Applicants would need a permit amendment for construction on new Lot 4, at which point

² See *In re RCC Atlantic, Inc.*, No. 163-7-08 Vtec, Decision on Multiple Motions at 8 (Vt. Super. Ct. Envtl. Div. May 9, 2008) (Durkin, J.).

more information would be provided concerning noise, any necessary dust suppression, erosion control, and aesthetic impacts associated with construction on new Lot 4. Insofar as the proposed modification to the previously approved building zone on Lot 4A relates to Criteria 1 and 8, the Commission determines the impacts of the modification are minor and similar to those reviewed and approved in 5L0775-7. For these reasons, the Commission finds the HOAs' issues under Criteria 1 and 8 not substantive.

The only access change associated with the Project concerns new Lot 4, which would be accessed from Luce Hill Road and Poppi Bear Lane. Lot 4A's access via Brook Road and roads in the condominium development overseen by the HOAs would be unchanged from what was approved in 5L0775-7. Therefore, the Commission does not find that a substantive issue has been raised by the HOAs under Criterion 5.

Regarding Criterion 10, mentioning the town plan without any explanation of how a project conforms or does not conform to it is insufficient for this Commission to find a substantive issue has been raised under Criterion 10.

Finally, in their last filing, the HOAs say their remaining concern is not jurisdictionally within the purview of the Commission and that their sole legal issue is the analysis required under Act 250 Rule 34(E). Exhibit 024.

For the above reasons, the Commission determines the HOAs have failed to raise any substantive issues under the Act 250 criteria that warrant a hearing on the Project.

B. Requests for Rule 34(E) Threshold Showing

Regarding the request of the HOAs to have the Applicants make a threshold showing under Act 250 Rule 34(E), the Commission determines no such showing is necessary. The Commission considered whether the Project would require amendment of any critical condition when it reviewed the application. Had the Commission determined a critical condition would require amendment, it would have requested a showing from the Applicants as to why flexibility should outweigh finality.

None of the conditions from 5L0775-7 offered by the HOAs are critical conditions. Most offered are boilerplate.³ Some contemplate that changes, including further subdivision, may be permitted with a permit amendment. The findings from 5L0775-7 excerpted by the HOAs merely describe what the project approved in 5L0775-7 entails. They do not evince a prohibition on further subdivision by the Commission or a commitment on the part of the applicants to never further subdivide Lot 4 or to limit it to just one residence. Conditions and findings that may be critical in 5L0775-7 pertaining to stream buffers and the permanent protection of 26 acres of deer wintering area would be undisturbed by the Project.

For these reasons, the Commission denies the request of the HOAs to make the Applicants provide a threshold showing under Act 250 Rule 34(E). No critical condition requires amendment because of the Project.

³ "[A] condition is not a critical condition solely by virtue of being imposed by the District Commission." The Scott Farm Act 250, No. 148-11-17 Vtec, Decision on Motion at 6 (Vt. Super. Ct. Envtl. Div. August 6, 2018) (Walsh, T.).

VII. Decision and Order

For the reasons set forth herein, the Commission denies the HOAs requests for hearing and for the Applicants to make a threshold showing pursuant to Act 250 Rule 34(E). Land Use Permit Amendment 5L0755-9,5L0775-11 will be issued with the changes requested by ANR, as consented to by the Applicants. The HOAs will have the opportunity to participate in any future non-administrative amendment applications concerning the Project.

If any party has any questions regarding this Memorandum of Decision, please contact District Coordinator Kevin Anderson at (802) 522-6074 or kevin.anderson@vermont.gov.

Dated this December 16, 2024.

By /s/ Jeremy Reed
Jeremy Reed, Vice Chair
District 5 Commission

Commissioners participating in this decision: Gary Nolan, Patrick Ripley.

Any party, or person denied party status, may file within 15 days from the date of a decision of the District Commission one and only one motion to alter with respect to the decision, pursuant to Act 250 Rule 31(A). Under Rule 31(A), no party, or person denied party status, may file a motion to alter a District Commission decision concerning or resulting from a motion to alter. Per Rule 31(A)(3), the running of the time for filing a notice of appeal is terminated as to all parties by a timely motion to alter.

Any person aggrieved by an act or decision of a District Commission or District Coordinator, or any party by right, may appeal to the Environmental Division of Vermont Superior Court within 30 days of the act or decision pursuant to 10 V.S.A. § 8504. Such appeals are governed by Rule 5 of the Vermont Rules for Environmental Court Proceedings. The appellant must file a notice of appeal with the clerk of the court and pay any fee required under 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. The Natural Resources Board's copy may be sent to NRB.Legal@vermont.gov and/or 10 Baldwin Street, Montpelier, VT 05633-3201.

Note, there are certain limitations on the right to appeal, including on interlocutory appeals. See, e.g., 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5. There shall be no appeal from a District Commission decision when the Commission has issued a permit and no hearing was requested or held, or no motion to alter was filed following the issuance of an administrative amendment. 10 V.S.A. § 8504(k)(1). If a District Commission issues a partial decision under 10 V.S.A. § 6086(b), any appeal of that decision must be taken with 30 days of the date of that decision. 10 V.S.A. § 8504(k)(3). For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

The foregoing statements regarding motions to alter and appeals are intended for informational purposes only. They neither supplant nor augment any rights or obligations provided for by law nor do they constitute a complete statement of the rights or obligations of any person or party.



LAND USE PERMIT AMENDMENT

State of Vermont
Natural Resources Board
District 5 Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201
<https://nrb.vermont.gov/>

[phone] 802-476-0185

CASE NO: 5L0755-9,5L0775-11

LAW/REGULATIONS INVOLVED
10 V.S.A. §§ 6001 – 6111 (Act 250)

John & Tina Springer-Miller
P.O. Box 1262
Stowe, VT 05672

The District 5 Environmental Commission hereby issues Land Use Permit Amendment 5L0755-9,5L0775-11 pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 266, Pages 56 through 58, of the land records of the Town of Stowe, Vermont as subject of a deed to John & Tina Springer-Miller.

This permit amendment specifically authorizes subdivision of a previously approved 33 +/- acre lot formerly known as Lot 4 into two lots: Lot 4, of 27+/- acres, and Lot 4A, of 5.2+/- acres. This permit amendment also approves a building zone for Lot 4 and a modification of a previously approved building zone on Lot 4A; however, this permit amendment does not authorize any construction of improvements. The project is located off Luce Hill Road in Stowe, Vermont at 0 Poppi Bear Lane.

Jurisdiction attaches because the project constitutes a material change to a permitted subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

The Permittees and their assigns and successors in interest are obligated by this permit amendment to complete, operate, and maintain the project as approved by the District Commission (the "Commission") in accordance with the following conditions.

1. The project shall be completed, operated, and maintained in accordance with: (a) the conditions of this permit amendment and (b) the permit application, plans, and exhibits on file with the Commission and other material representations. In the event of any conflict, the terms and conditions of this permit amendment shall supersede the approved plans and exhibits.

The approved plans are:

Sheet C-3 - "Lot 4A Site Plan," dated 10/25/2023 (Exhibit 004);

Sheet C-2 - "Lot 4 Septic System Details," dated 10/25/2023 (Exhibit 005); and

Sheet C2 - "Deer Wintering Area Mitigation Easement," dated 11/13/2024 (Exhibit 029).

2. All conditions of Land Use Permits 5L0755 and 5L0775 and amendments are in full force and effect except as further amended herein.
3. The Permittees shall comply with Wastewater System and Potable Water Supply Permit WW-5-9465, issued on April 18, 2024 by the Drinking Water and Groundwater Protection Division of the Department of Environmental Conservation, Agency of Natural Resources. Any nonmaterial

changes to WW-5-9465 shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.

4. Representatives of the State of Vermont shall have access to the property covered by this permit amendment, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit amendment.
5. A copy of this permit amendment and plans shall be on the site at all times throughout the construction process.
6. No change shall be made to the design, operation, or use of this project without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit amendment is not required.
7. This permit amendment does not authorize any construction of improvements or vegetation clearing preparatory to construction.
8. No further subdivision, alteration, and/or development on the tracts of land approved herein shall be permitted without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
9. Pursuant to 10 V.S.A. § 8005(c), the Commission or the Natural Resources Board may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit amendment.
10. The conditions of this permit amendment and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittees and their successors and assigns.
11. The Permittees shall not cause, permit, or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittees from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
12. The Permittees shall maintain undisturbed, naturally vegetated riparian zones along all streams on Lots 4 and 4A, as depicted and labeled on Exhibit 004. Except for the single intermittent stream labelled on Exhibit 004, which shall have a 25-foot-wide undisturbed riparian zone on either side of the stream (as depicted), undisturbed riparian zones shall begin at the water's edge at base flow conditions and shall further extend 50 feet measured inland from, perpendicular to, and horizontally from top of bank. The term "undisturbed" means that there shall be no activities that may cause or contribute to ground or vegetation disturbance or soil compaction, including but not limited to: construction; earth-moving activities; storage of materials; tree trimming or canopy removal; tree, shrub, or groundcover removal; plowing; disposal of snow; grazing; or mowing.
13. To mitigate adverse effects to the deer wintering area on the project tract, the Permittees, by April 1, 2025, shall either:
 - a. execute a conservation easement with the Vermont Fish and Wildlife Department that protects 7.2 acres of deer wintering area as depicted in Exhibit 029, and execute a trail easement with Stowe Land Trust ("SLT"), as identified in Exhibit 029, for SLT and its successors, assigns, designated trail managers and maintainers to construct and maintain a new multi-use recreational trail consisting of a double track surface for use by the general public between November 1 and April 30 of each year. SLT may convey a shared legal interest in the trail easement to the Catamount Trail Association; or
 - b. execute a conservation easement with the Vermont Fish and Wildlife Department that protects 8.2 acres of deer wintering area as depicted in Exhibit 029.

Permittees shall provide the Commission with a copy of the executed easement(s) by May 1, 2025. No trail may be constructed without a permit amendment issued by the Commission.

14. The Permittees shall provide each prospective purchaser of any interest in this project a copy of the approved plot plan, Wastewater System and Potable Water Supply Permit, and this Land Use Permit Amendment before any written contract of sale is entered into.
15. The Permittees shall reference the requirements and conditions imposed by this Land Use Permit Amendment in all deeds of conveyance and leases.
16. Pursuant to 10 V.S.A. § 6090(b)(1), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittees have not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).
17. The subdivision approved herein shall be completed in accordance with the approved plans by December 16, 2027, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.

Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated this December 16, 2024.

By /s/ Jeremy Reed
Jeremy Reed, Vice Chair
District 5 Commission

Members participating in this decision: Gary Nolan, Patrick Ripley.

Any party, or person denied party status, may file within 15 days from the date of a decision of the District Commission one and only one motion to alter with respect to the decision, pursuant to Act 250 Rule 31(A). Under Rule 31(A), no party, or person denied party status, may file a motion to alter a District Commission decision concerning or resulting from a motion to alter. Per Rule 31(A)(3), the running of the time for filing a notice of appeal is terminated as to all parties by a timely motion to alter.

Any person aggrieved by an act or decision of a District Commission or District Coordinator, or any party by right, may appeal to the Environmental Division of Vermont Superior Court within 30 days of the act or decision pursuant to 10 V.S.A. § 8504. Such appeals are governed by Rule 5 of the Vermont Rules for Environmental Court Proceedings. The appellant must file a notice of appeal with the clerk of the court and pay any fee required under 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. The Natural Resources Board's copy may be sent to NRB.Legal@vermont.gov and/or 10 Baldwin Street, Montpelier, VT 05633-3201.

Note, there are certain limitations on the right to appeal, including on interlocutory appeals. See, e.g., 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5. There shall be no appeal from a District Commission decision when the Commission has issued a permit and no hearing was requested or held, or no motion to alter was filed following the issuance of an administrative amendment. 10 V.S.A. § 8504(k)(1). If a District Commission issues a partial decision under 10 V.S.A. § 6086(b), any appeal of that decision must be taken with 30 days of the date of that decision. 10 V.S.A. § 8504(k)(3). For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

The foregoing statements regarding motions to alter and appeals are intended for informational purposes only. They neither supplant nor augment any rights or obligations provided for by law nor do they constitute a complete statement of the rights or obligations of any person or party.

CERTIFICATE OF SERVICE

I hereby certify that I, Lori Grenier, Natural Resources Board Technician, District 5 Environmental Commission, sent a copy of the foregoing **LAND USE PERMIT AND MEMORANDUM OF DECISION AND ORDER 5L0755-9,5L0775-11** by U.S. Mail, postage prepaid, on this December 16, 2024, to the following individuals without email addresses and by electronic mail, to the following individuals with email addresses:

Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes.

John & Tina Springer-Miller
PO Box 1262
Stowe, VT 05672
jspringerm@aol.com
tspringerm@gmail.com

Stowe Town Clerk
Penny A. Davis
PO Box 730
Stowe, VT 05672
townclerk@stowevt.gov

Grenier Engineering, PC
Attn: Chris Austin
PO Box 445
Waterbury, VT 05676
chris@grenierengineering.com

Covered Bridge Phase II Homeowners Assoc.
C/O Stackpole and French
PO Box 819
Stowe, VT 05672

Stowe Selectboard
PO Box 730
Stowe, VT 05672
wfricke@stowevt.gov

Covered Bridge Highlands Condo Assoc.
Post Office Box 914
Stowe, VT 05672

Stowe Planning Commission
PO Box 730
Stowe, VT 05672
smcshane@stowevt.gov

Covered Bridge Phase III Homeowners Assoc.
Post Office Box 3689
Stowe, VT 05672

Lamoille County Planning Commission
PO Box 1637
Morrisville, VT 05661
Seth@lpcvt.org
georgeana@lpcvt.org

Wildewood Homeowners Association, Inc.
Post Office Box 790
Burlington, VT 05402

Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901
Jennifer.mojo@vermont.gov
anr.act250@vermont.gov

L. Brooke Dingleline
Valsangiacomo Detora & McQuesten
lbrooke@vdmllaw.com

/s/ Lori Grenier
Natural Resources Board Technician
802-476-0185
Act250.Montpelier@vermont.gov

FOR INFORMATION ONLY

Attn: Jeremy Reed, Gary Nolan, Patrick Ripley
District 5 Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201
Act250.Montpelier@vermont.gov
Act250.Agenda@vermont.gov

State of Vermont
Division of Policy, Planning and
Intermodal Development
Barre City Place, 219 N. Main St.
Barre, VT 05641
www.vtrans.vermont.gov

Agency of Transportation

[phone] 802-522-4901
[fax] 800-253-0191

December 18, 2024

Susan Baird
District Coordinator
10 Baldwin Street
Montpelier, Vermont 05633

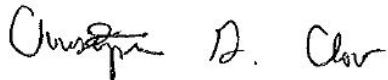
Re: 5L1033-12 Maxwell Properties, LLC - Stowe

Dear Ms. Baird:

This letter acknowledges that VTrans has received payment of the transportation impact fee in the amount of \$2,313 as required in condition #31 for the above referenced Land Use Permit. The transportation impact fee was established pursuant to Act 145 of 2014 (10 V.S.A., Chapter 151, Subchapter 5: Transportation Impact Fees) and represents the applicant's proportional cost share of the VT-100 and West Hill Road capital project in Stowe, Vermont (Project number STPG SGNL(52)).

Please contact me at 802-522-4901 or christopher.clow@vermont.gov with any questions.

Sincerely,



Christopher G. Clow, PE
Transportation Engineer

cc: COS, VTrans CFO

CERTIFICATE OF SERVICE #5L1033-12

I, Christopher Clow, of the Agency of Transportation hereby certify that on December 18, 2024, I sent a receipt letter to the District #5 Environmental Commission concerning the applicant, Maxwell Properties, LLC., 5L1033-12, by U.S. Mail, postage prepaid or by email to the following:

Maxwell Properties, LLC.
63 Sylvan Ridge
Richmond, VT 05477
kylemaxwell31@gmail.com

Grenier Engineering, PC
Attn: Chris Austin
PO Box 445
Waterbury, VT 05676
chris@grenierengineering.com

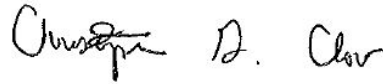
Stowe Selectboard
PO Box 730
Stowe, VT 05672
aearle@stowevt.gov

Stowe Planning Commission
PO Box 730
Stowe, VT 05672
smcshane@stowevt.gov

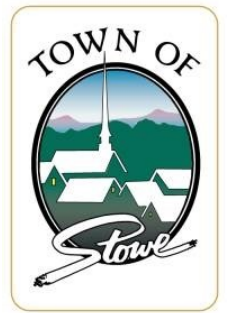
Lamoille County Planning Commission
PO Box 1637
Morrisville, VT 05661
seth@lcpvvt.org
georgeana@lcpvvt.org

Agency of Natural Resources
One National Life Drive, Davis 2
Montpelier, VT 05602-3901
ANR.Act250@vermont.gov

Dated at Montpelier, Vermont this 18th day of
December 2024.



Christopher G. Clow, PE
Vermont Agency of Transportation



**Town of Stowe
Development Review Board
Meeting Minutes – December 3, 2024**

A regular meeting of the Development Review Board was held on Tuesday, December 3, 2024, starting at approximately 5:00 pm. The meeting was held at the Stowe Town Office with remote participation using the “Zoom” application.

Members Present: Drew Clymer, Mary Black, Tom Hand, Andrew Volansky, David Kelly, Alternate Lynn Altadonna, Alternate Scot Baraw, and Alternate Michael Diender- present via zoom.

Staff Present: Sarah McShane- Planning and Zoning Director, Kayla Hedberg- Planning & Zoning Assistant

Others Present in Person: [See sign-in attendance sheet]

Meeting Chair Clymer called the meeting to order at approximately 5:00pm.

Project #: Project #:7431(Cont. from 11/05)

Owner: Extra Mile LLC

Tax Parcel #:06-024.000

Location: 14 Barrows Rd

Project: Convert two lodging cottages to single family dwellings

Zoning: RR2/5

Participating DRB Members: D. Clymer, T. Hand, M. Black, A. Volansky, D. Kelly, L. Altadonna and M. Diender. P. Gabel and W. Ardolino will review the recording.

D. Clymer re-opened the continued hearing for Project 7431. T. Mumley, L. Hunter and M. Fucile were present and were sworn in by D. Clymer at approximately 5:02 pm.

T. Mumley discussed that the need to connect water and sewer does not apply to this project given a number of complications. He also mentioned that the project's density requirement was met, allowing the two lodging cottages to become residential dwelling units. T. Mumley referred to the prior Zoning Board of Adjustment's (ZBA) decision that recognized the non-conforming use of the properties as an inn and a restaurant operating as lodging and required the two properties to be retained as one.

T. Mumley proposed a full boundary survey that would be recorded to document the property as one parcel.

D. Clymer asked for public comments and questions.

D. Kelly motioned to close the hearing, seconded by L. Altadonna. The motion passed 5-0-2.

D. Clymer, T. Hand, D. Kelly, M. Diender and L. Altadonna voting in the affirmative. M. Black and A. Volansky abstaining.

Project #: 7464 (Cont. from 11/05)

Owner: Richard & Bethany Gibbs

Tax Parcel #:07-126.010

Location: 721 Birch Hill Rd

Project: Construct 2 car garage

Zoning: RR3/RHOD

Participating DRB Members: D. Clymer, T. Hand, D. Kelly, L. Altadonna, M. Black and M. Diender. P. Gabel and P. Roberts will review the recording.

D. Clymer re-opened the continued hearing for Project 7464. Representing the applicant were T. Mumley, A. Volansky, and R. Gibbs, present via Zoom, they were sworn in by D. Clymer at approximately 5:12pm.

T. Mumley discussed the boundary line between the two lots which was not initially shown on the plans. A proposed boundary line adjustment was suggested to ensure the proposed garage was outside the setbacks of the new property line. T. Mumley also mentioned that they would file a separate application for the boundary line adjustment. T. Mumley provided supporting aerial imagery dating back to 2006 regarding the existing clearing and previously approved clearing, verifying that the area in question had been cleared before the original RHOD approval.

T. Hand questioned whether there would be enough room to maneuver the equipment being stored in the garage.

R. Gibbs confirmed that there was enough room as small recreational vehicles and lawn equipment would be stored in that garage.

D. Clymer asked for public comments and questions.

T. Hand motioned to close the hearing, seconded by D. Kelly. The motion passed unanimously.

Project #: 7355 (re-open hearing)

Owner: Jameson Partners LLC 926 & 928 Pitt St LLC's & Donahue N & K

Tax Parcel #: 07-034.000

Location: 782 Mountain Rd

Project: Re-Open Hearing on Construction of a 48-unit, predominantly retirement rental housing, building and associated site improvements.

Zoning: HT/FHD

Participating DRB Members: D. Clymer, M. Black, A. Volansky, L. Altadonna, and M. Diender. P. Gabel and W. Ardolino will review the recording.

D. Clymer re-opened the continued hearing for Project 7355. Aaron Stewart was present via Zoom representing the applicant.

A. Stewart verified that modifications were made to improve setbacks, and an outdoor lighting photometric survey was completed. A. Stewart explained they are still waiting on parking calculations and the change of use related to the existing office facility in order to satisfy the

96 parking requirements. A. Stewart requested a continuance.

97
98 M. Black motioned to continue the hearing to a date and time certain of January 21, 2025, seconded
99 by M. Diender. The motion passed unanimously.

100
101 **Project #:7492**

102 **Owner: Thomas & Mary Allraum**

103 **Tax Parcel #:14-003.010**

104 **Location:1027 Spruce Peak**

105 **Project: Construct garage addition 2 story 2 bay w/ living space**

106 **Zoning: RR5/RHOD**

107
108 **Participating DRB Members: D. Clymer, T. Hand, M. Black, A. Volansky, D. Kelly, L. Altadonna,**
109 **and M. Diender.**

110
111 D. Clymer opened the hearing for Project 7492. Architect B. Hamor was present for the applicant
112 and sworn in by D. Clymer at approximately 5:30.

113
114 B. Hamor discussed that the property is not visible from any public vantage point, except for a brief
115 moment as one drives up the hill towards the Mount Mansfield Ski Academy parking lot. B. Hamor
116 described the proposed project as a two-car garage with living space above the garage, which
117 would be designed to relate architecturally to the existing structure. The lights will not be visible
118 from any public vantage point. B. Hamor presented several photographs to support the proposal
119 and emphasized that the property is not visible from any public vantage point.

120
121 T. Hand inquired about the visibility of the proposed garage from the ski slopes. B. Hamor stated
122 that it would not be any more so than what is already seen.

123
124 A. Volansky asked for clarification regarding the garage slab. B. Hamor discussed the elevations of
125 the proposed building, confirming that the proposed building height was slightly shorter than the
126 existing structure, after reviewing the Stie Plans A 2.00 and A 2.01 the garage slab elevation was
127 confirmed to be at 98'-6".

128
129 A. Volansky expressed concern about clear limits, and grading, he also suggested establishing an
130 existing and proposed tree line for the project and the need for erosion control measures due to the
131 steepness of the site. A. Volansky also requested the light fixtures be dark sky compliant.

132
133 D. Clymer asked for public comments and questions.

134
135 D. Kelly motioned to continue the hearing to a date and time certain of January 7, 2025, seconded
136 by M. Black. The motion passed unanimously.

137
138 **Project #:7488**

139 **Owner: J L Schoff & S B Waschak**

140 **Tax Parcel # :09-033.000**

141 **Location:0 Elmore Mountain Rd**

142 **Project: Two lot Subdivision including a boundary line adjustment with 1146 Elmore**
143 **Mountain Road**

Zoning: RR5

Participating DRB Members: D. Clymer, T. Hand, A. Volansky, D. Kelly, S. Baraw, M. Diender, and L. Altadonna.

D. Clymer opened the hearing for Project 7488. C. Austin, J. Kissell, and E. Schoff, present via zoom, were present for the applicant and sworn in by D. Clymer at approximately 5:53

C. Austin described the proposed 2-lot subdivision involving a 73-acre property at 1146 Elmore Mountain Road. The proposed project involves subdividing the neighboring parcel, resulting in a 69.2-acre lot (Lot A) and a 5.08-acre lot (Lot B). Lot B would be accessed via a 50-foot right of way across the 1146 parcel. The project includes a minor lot line adjustment between 1146 Elmore Mountain Road and the larger parcel at 0 Elmore Mountain Road, increasing the width of the Kissel parcel by 2 feet. C. Austin also mentioned a dimensional requirement to meet the zoning access requirement, which would allow for more than one driveway every 600 ft.

E. Schoff confirmed that the entire property was currently in use and that there was a contract for the sale of a portion of the land, which would remain in current use.

C. Austin also noted that Lot B was designed for possible future residential development, despite J. Kissell not having immediate plans to develop it.

D. Clymer inquired about subsequent development plans-what the future plans for development may be. C. Austin indicated that Lot B could consist of single-family homes and Lot A had potential for development. C. Austin clarified this was a general indication, that there were no proposed development plans at this time.

L. Altadonna inquired about electric coverage and running power lines since the property is bisected by Stowe and Morrisville.

E. Schoff confirmed that Morrisville Water and Light services their property.

D. Clymer asked for public comments and questions.

T. Hand motioned to close the hearing, seconded by L. Altadonna. The motion passed unanimously.

Other Business:

None.

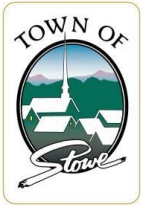
Approval of Minutes:

A. Volansky motioned to approve the meeting minutes from November 19, 2024. D. Clymer seconded the motion. The motion passed unanimously.

L. Altadonna motioned to adjourn, seconded by D. Clymer. The motion passed unanimously. The hearing adjourned at approximately 6:15 p.m.

Respectfully Submitted,

192 Kayla Hedberg
193 Planning and Zoning Assistant



TOWN OF STOWE PLANNING COMMISSION Meeting Minutes December 2, 2024

The Town of Stowe Planning Commission held a regular meeting on **Monday December 2, 2024**, starting at 5:30 p.m. The meeting was held at the Stowe Town Office with remote participation via Zoom. The meeting began at 5:30 pm. Members present included Brian Hamor, Mila Lonetto, Bob Davison, Chuck Ebel, Jill Anne, and John Muldoon. Municipal staff Sarah McShane was also present. Guests Beth Gadbois and Marina Meerburg also attended in-person; others (Elizabeth Bennedict) attending via Zoom.

Called to Order

The meeting was called to order by Chair B.Hamor at approximately 5:30 PM.

Adjustments to the Agenda & Public Comments on Non-Agenda Items

B.Hamor told the Commission he received notice of a recent application for the non-voting position on the Planning Commission. As Chair, B.Hamor was invited to meet the prospective non-voting Commission member.

Review Prior Meeting Minutes [11/18/2024]

C.Ebel motioned to approve the meeting minutes from November 18th. J.Muldoon seconded. The motion passed unanimously.

Continued Discussion: Town Plan Update: Economic Development

Members reviewed the current Economic Development Element of the existing Stowe Town Plan. Members broadly discussed the current state of economic development in Stowe including peak visitor seasons, where majority of commerce is happening in Stowe, where workers are commuting from, how short-term rentals and remote work have changed the dynamics, etc. J.Muldoon felt the Town Plan should communicate a clear identity – ski town, resort town, four-season town, etc. C.Ebel noted the existing plan does not address the significant retirement community that resides in Stowe. Members discussed ways to focus on the primary issues and streamline the plan and the importance of having a clear vision. Members discussed the current challenges facing Stowe schools and declining enrollment. Members discussed homestead properties and the differences among 2nd homeowners – some more invested in the community and local matters than others. Members reiterated prior ideas around impact fees, affordable and workforce housing, etc. Guests Beth Gadbois, Marina Meerburg, and Elizabeth Bennedict shared comments. J.Muldoon shared potential draft goal language: To support a well-diversified economy in service of Stowe’s vibrant year-round community and traditional New England village heritage. Members also briefly discussed sustainable tourism and ways to communicate local culture – what to expect when you visit Stowe. Members discussed ways to integrate the various ideas generated around housing, transportation, etc.

Community Engagement Project Update

Staff McShane provided an engagement project update. The Commission agreed to hold an evening Stowe 2050 community input meeting on December 16th instead of the regular meeting.

Updates/Correspondence/Other Business

M.Lonetto shared recommended language for zoning amendments related to allowing a second ADU. Members agreed to continue to pursue and refine. M.Lonetto can work with staff to present further amendments at a future meeting. Members briefly reviewed B.Davison's prepared comments and agreed to discuss them at the beginning on the next regular meeting.

Review Upcoming Meeting Schedule

Next PC Meeting Date- December 16, 2024.

The meeting adjourned at approximately 7:15 PM.

Respectfully submitted,
Sarah McShane, Planning & Zoning Director

Parking Lot Ideas/Topics for Further Discussion

Map of town-owned properties (done)

Review plans of adjacent communities and regional plan

~~Review zoning districts, purposes, overlay districts~~

Develop map showing residential development activity (in progress)

Develop map showing location of homestead properties

Review requested zoning amendment/ADU's for duplexes.

Stormwater Utility District – Bob's list of recommendations

Stowe Recreation Commission Meeting
Stowe Arena - Community Room
December 4, 2024
5:00pm

Members Present: Bill Scudder, Forrest Shinnars, Jared Annello, Brett Loomis, Lyn Goldsmith, Deb Drinkwater, Ryan Thibault, Matt Frazee.

Guests: Bob Davison, Ethan Carlson, Nick Donza

Forrest Shinnars calls meeting to order. Agenda Approved. November meeting minutes approved.

Waterbury SkatePark discussion rescheduled due to family emergency.

MOSCOW PLAYGROUND

A group of community members approached Matt Frazee about developing a playground at the Moscow Recreation Field.. Currently the only playground in town is in Memorial Park next to the school and it is closed to the public during school hours. There is a need for a playground in town that is open to the public during school hours.

There are problems with developing a second playground in Memorial Park due to flood plain issue, so Moscow is now being considered as a desirable location.

Ethan Carlson spoke on behalf of the playground, saying that the need is there, the flooding at this location is less severe than other possible locations, has a price tag that is not cost prohibitive, and that there was a well attended community picnic in the area which reflects the big support for the project among residents.

The proposed Moscow Playground would be:

- For kids ages 3-12
- Sited about the existing volleyball courts
- Built with equipment that certified by the manufacturer to withstand flooding up to 4 feet including the playground surfacing
- Elevated a bit above the streambank to reduce flood impact
- Enthusiastically welcomed by Moscow area residents.
- Away from congestion of Town and part of the revitalization of the Moscow area

Cost Estimate is 75K, for the prep work, fencing, play structure+installation, and surface. Likely \$2500 in annual costs to replace mulch and deal with silt from potential summer flooding.

Deb Drinkwater made a motion to support the Moscow Playground. Seconded by Forrest Shinnars. PASSED UNANIMOUSLY

REC PATH BENCHES AND PICNIC TABLES

Discussion of new policy for the Memorial Bench Program. Determined 4 options to change the policy:

- 1) Add funds into operating budget to continue program on an on-going basis
- 2) Make a capital request to replace all the benches and tables all at once
- 3) Add funds into operating budget and create a memorial plaque program to sell plaques and install
- 4) End the program and put up a memorial display at the start of the path for donors that would display names of loved ones for whom all the benches and tables are in honor.

Committee supported option 3 and has directed Matt Frazee to draft a new policy for review at next meeting that will include:

- Locations and number of needed benches and tables
- Purchase price of benches and tables (estimated at \$700 and \$1200 each)
- Purchase price of plaques
- Determine if plaque purchases will be enough to pay for the costs of the program; if not then would need a capital request or see if it fits into expanded operating budget
- Reach out to existing families
- Public posting that Bench/Table program is being abolished and replaced with new program that is more efficient
- Logistics of plaque program including online pay link and installation process

New Tables and Benches will be standardized and made of recycled plastic and stainless steel so there is no rot/minimal upkeep.

PICKLEBALL

Moving forward with replacing the existing courts and installing 8 new pickleball courts, with fencing. Prep work would be done in house, VT Tennis would do installation. Spring timeframe. Uses 175K existing capital budget allocation. Stowe Pickleball representative Bob Davison was in attendance and welcomes this commitment to quality recreational capabilities in Memorial Park.

MEMORIAL PARK PLAN

Selectboard member Nick Donza was in attendance to discuss moving forward on the Memorial Park Plan and encouraged the committee to make a timely recommendation to the Selectboard. Mr. Donza is committed to a long term solution that is much needed to address a variety of concerns about the current state of Memorial Park.

The committee voted to hold a special Rec Committee meeting on December 17, 2024 to identify an action plan.

Rec will discuss options to put the matter in front of Town voters

- Could ask SB to put on the Town Meeting Ballot, deadline would be end of January
- Could initiate local signature petition to get 5% of voters to put Memorial Park on the ballot

Rec will discuss

- Conceptual designs
- Amount needed for the next phase of planning
- Budget impact
- Wetland impact
 - Permitting questions and challenges
- Campaign to educate the public and gauge level of support for a potential 6M bond
- Understand the potential tax impact per capita so as to move on from the rejection of the public school bond
- Determine and draft a letter to the Selectboard with a specific request for support of a Memorial Park Plan

Deb Drinkwater will reach out to various parties who have been involved with Memorial Park planning and bring materials to the next meeting.

Meeting adjourned 6:30pm

NEXT MEETING TUESDAY DECEMBER 17, 2024 AT 5PM