

To: Housing Task Force
From: Charles Safford, Town Manager
Date: May 13, 2026
Re: Mayo Farm Homestead Zone



Per the Housing Task Force's inquiry into the Mayo Farm Homestead Zone as a potential site for housing.

Zoning Regulations and Density: Please see the current zoning and potential density that may be permissible as outlined by Sarah McShane, Stowe's Planning & Zoning Director:

The Homestead Zone of Mayo Farm is roughly three acres and located within the RR2 zoning district.

Table 6.3 Density Standards

Note: See Section 13.8 for Village-PUD density standards.

Zoning District	Single-Family & Tiny House & Two Family	Multi-Family ¹	Lodging Units ²
RR-1	1 per acre ³	3 units per acre	5 units per acre
RR-2	1 per 2 acres ³	1 unit per 2 acres	N/A
RR-3	1 per 3 acres ³	1 unit per 3 acres	N/A
RR-5	1 per 5 acres ³	1 unit per 5 acres	N/A

Given the allowed density of the underlying zoning district, in order to make any housing project viable in terms of density, municipal water and sewer would need to serve the project – which then would allow five dwelling units per acre. This increase of density is allowed per Act 47, which mandates five units per acre as a minimum residential density in areas served by water and sewer infrastructure.

One could also seek the Affordable Housing density bonus, however only properties served by water and sewer are eligible for the density bonus) or consider a Planned Residential Development (PRD) or Agricultural Planned Residential Development (AG-PRD). These forms of planned developments allow for modifications to the underlying dimensional requirements and the ability to utilize lands within the planned development towards increasing density. In return, the project would be required to incorporate designated open space.

3.14 Affordable Housing Density Bonus

- (1) Within any area served by municipal sewer and water infrastructure, an applicant seeking approval for an affordable housing development, including mixed-use developments, of which at least 20% of the units or a minimum of five units, whichever is greater, are affordable housing units, may increase the number of dwelling units as follows:
 - a. A density bonus of no more than an additional 40% beyond the maximum number of units allowed in the underlying zoning district. Applications seeking this density bonus shall be allowed to exceed maximum height limitations of the underlying zoning district by one floor. The bonus floor must either be subsurface parking

Water & Sewer: Below are issues and costs associated with bringing water and sewer to the site as outlined by Harry Shepard, Public Works Director/Town Engineer:

Water and Sewer end at our Weeks Hill Sewer PS next to Willies and all of Mayo Farm, including the Homestead Site, is not within our Sewer Service Area (See Enclosed Site Map). Any extension of the sewer service area requires an Act 250 amendment. Extension of water and sewer mains and a sewer pump station would be required.

VERY CONCEPTUAL Cost Estimate:

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| 1. Planning, Engineering, Permitting: | \$200K |
| 2. Water Distribution System Extension with river crossing: | \$500K |
| 3. Sewer Collection Extension with river crossing: | \$500K |
| 4. Sewer Pump Station (needs a home): | \$1.5M |

Total project cost – approx. \$3M

Mayo Farm Conservation Easement as outlined by Town Counsel: The Mayo Farm was acquired by the Town from the Friends of Stowe Conservation, D/B/A Stowe Land Trust (“SLT”) by Warranty Deed in 1989. By accepting the Warranty Deed from SLT the Town undertook and covenanted that the ownership would be guided by various reference documents. The Deed states in part “...the Town will maintain the lands herein conveyed primarily as open space and....will continue to use it primarily for agricultural purposes, and for conservation purposes.” To finance the purchase, the voters approved issuance of \$1.45M in general obligation bonds in September of 1989. The ballot states that the Mayo Farm was to be acquired to conserve it for “public purposes.” The Warranty Deed also cites 24 VSA 4506. The statute provides that “lands, rights, or other property acquired by a

municipality under this chapter shall not be “sold or diverted to uses other than conservation or recreation except after approval by affirmative vote of the voters at annual meeting.”

In 2003, a “Grant of Development Rights and Conservation Easement”) was executed by the Town in favor of SLT. Relevant legal authorities include 24 VSA 4506 and general principles pertaining to municipalities and their use of public funds. The Conservation Easement substantively restricts the Town’s use and disposition of the Mayo Farm property. It contains a three-pronged Statement of Purpose, it outlines permitted and prohibited uses of the property and provides SLT with various elements of control over the Town’s choices. Among the permitted uses are open green space, agriculture, dispersed unorganized public recreation, education and forestry, cemetery expansion, and parking and public buildings. Prohibited uses include sidewalks, driveways, roadways unless approved by SLT, billboards and signs, disturbance of the surface or topography, any sale, transfer, conveyance, subdivision, mortgage, or pledge thereof without SLT approval and voter approval at an annual meeting, and no manipulation or change to natural water courses, etc. The Conservation Easement has a duration of 25 years (originated August 12, 2003) and automatically renews on the same terms and conditions unless the Town acts to preclude its renewal. The Town may terminate the easement, modify the easement, or allow it to automatically renew.

If the Conservation Easement were to be terminated and the Deed not a consideration, the Town would be free to use the Mayo Farm for “public purposes.” For a particular use to be for a “public purpose”, the general public benefit must be the dominant interest served, with any private benefit being incidental. Traditional public uses include those capital improvements that are permitted under the Town’s Charter and Vermont law. Water systems, sewer systems, streets and sidewalks, parks, needed public buildings, etc., all fit the description. Whether a non-traditional use qualifies as a public or private (beyond the parameters discussed above) is fact dependent. Public housing can be a “public use” or serve a “public purpose” if general public benefit is the dominate interest. If the Town were inclined to pursue an affordable housing project, work would be required to ascertain whether the particular project and project structure is sufficiently “public.” But the Town is not automatically precluded from envisioning such a project should it wish to do so.