TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT# 7431

SUBJECT PROPERTY 14 Barrows Road, Stowe, VT (#06-024.000)

PROPERTY OWNER 1:
PreVail Holdings, LLC
14 Barrows Road
Stowe, VT 05672

PROPERTY OWNER 2:
The Extra Mill LLC
656 Luce Hill Road, Apt #3
Stowe, VT 05672

APPLICATION

The property owners/Applicant, PreVail Holdings LLC and The Extra Mile LLC (herein referred to as the "Applicant"), requests approval to change the use of two (2) detached lodging cottages to single-family dwellings. The subject parcel, consisting of ±2.58 acres and located at 14 Barrows Road (#06-024.000), is in the Rural Residential 2 (RR2) Zoning District. The property is served by Barrows and Luce Hill Roads, both town highways maintained by the Town of Stowe. The cottages are located on the same parcel as a historic farmhouse, constructed c. 1845 and converted to an inn around 1945. The historic farmhouse currently contains eight (8) lodging units and a sixty (60) seat restaurant. The two (2) cottage buildings were constructed in the 1950s and have been continuously used in association with the Ten Acres Lodge- a nonconforming use in the RR2 district. The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective January 31, 2024) for the purpose of Nonconforming Uses and Nonconforming Structures review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A development application was filed by the Property Owners/Applicant on July 1, 2024. The application was determined to be incomplete and was returned to the Applicant with a request for additional information necessary to meet the minimum submittal requirements. Following submittal of additional information, the application was then accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for November 5, 2024 and warned by the Zoning Administrator in accordance with Section 2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on October 17, 2024.

The public hearing to consider the application convened on November 5, 2024 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. DRB Member Peter Roberts recused himself and did not participate in the review. Members who participated in the review included: Drew Clymer, Tom Hand, David Kelly, Patricia Gabel, Will Ardolino, and Michael Diender. The DRB continued the hearing to a time and date certain of December 3, 2024 in order to obtain additional information from the Applicant. On December 3, 2024, the DRB re-opened the continued hearing. Members who participated in the continued review included: Drew Clymer, Tom Hand, David Kelly, and Michael Diender. Patricia Gabel and Will Ardolino will review the hearing record to continue to participate in the decision-making. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division.

The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, Mumley Engineering, Inc., 46 Hutchins Sreet, Morrisville, VT 05661
2. Mark Fucile & Linda Hunter, 656 Luce Hill Road Apt. #3, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 07/01/2024;
2. Project narrative from Mumley Engineering, Inc., dated 07/12/2024;
3. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 12/03/2024;
4. 10 Acres Lodge, Cottages Floorplans, prepared by Mumley Engineering, Inc., dated 08/13/2024;
5. Zoning/subdivision files on record in the Town of Stowe Department of Planning & Zoning.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for Nonconforming Uses and Nonconforming Structures approval was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Dimensional Requirements

1. **Zoning District.** The subject parcel is located in the Rural Residential 2 (RR2) Zoning District as shown on the Official Town of Stowe Zoning Map.

2. **Lot Area, Lot Width.** No change to lot area or lot width is proposed under this application. In 1985 the Zoning Board of Adjustment (ZBA) approved the demolition of the 'Hill House' and construction of a replacement building to contain eight (8) lodging units. Recognizing the pre-existing nonconforming use nature of the property, the ZBA approved the application with the condition that the two (2) parcels (then under common ownership) become one (1), remain under one (1) ownership, and operated as one (1) entity. The Applicant at the time appeared to address this condition to the satisfaction of the Zoning Administrator at the time by submitting a quit claim deed with language that the two (2) parcels cannot be subdivided from the other. Therefore, the DRB evaluates the property as a combined -±6.58 acres, rather than a single parcel of land containing ±2.58 acres as originally presented in the application.

3. **Setbacks.** Required minimum district setbacks in RR2 are front sixty (60') feet, side fifty (50') feet and rear fifty (50') feet. The proposed change of use will not alter any of the existing setbacks, some of which do not conform to current Regulations.

4. **Maximum Building Coverage.** There is no maximum building coverage requirement in the RR2 Zoning District. Does not apply.

5. **Use.** The parcel contains a pre-existing lodging facility and restaurant use. Associated with the lodging facility are two (2) detached lodging cottages. *'Hotel, Lodging Facility, Motel'* is a prohibited use in the RR2 zoning district. However, as noted above, the existing lodging facility pre-dates the adoption of the Regulations and is therefore considered a lawful pre-existing nonconforming use. The Applicant proposes to convert the two (2) detached cottages from lodging facility uses to individual single-family dwellings. *Dwelling Unit, Single-Family* uses are permitted uses in the RR2 zoning district.

6. **Density.** The RR2 district requires a density of one (1) single family dwelling unit or duplex per two (2) acres. Commercial uses do not require density under the Regulations. The combined property as a whole contans ±6.58 acres. The Applicant proposes to convert the two (2) detached lodging units to two (2) single family dwellings which requires four (4) acres. When evaluating the other existing uses on the property, based on an approved zoning permit from 2012, the Hill House is approved to contain two 2-bedroom dwelling units, replacing four (4) of the eight (8) previously approved lodging units. A duplex in the RR2 district requires two (2) acres. The additional nonconforming lodging and restaurant uses do not require density. The application, as proposed, meets the current requirements for density.

7. **Height.** The maximum building height in RR2 is twenty-eight (28') feet. There are no changes proposed to existing building heights.

Conclusion: Based upon the above findings, the DRB concludes the proposal meets applicable dimensional requirements for the RR2 district.

Section 3.9(1) – Nonconforming Uses.

8. Per Section 3.9(1)(A), 'No nonconforming use may be changed, except to a conforming use or, with the approval of the DRB, to another nonconforming use which is found to meet the conditional use requirements of these regulations.'

9. The lodging facility use, including the two (2) detached lodging units and the restaurant are existing nonconforming uses. Single-family dwelling units are permitted in the RR2 zoning district.

10. Per Section 3.9(1)(B), 'No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.'

11. A condition of the zoning permit will prohibit the converted single-family dwelling units from changing back into a nonconforming use.

12. The remaining nonconforming use standards are not applicable.

Conclusion: Based upon the above findings, and as conditioned, the DRB concludes the proposal meets the requirements of Section 3.9(1) – Nonconforming Uses.

Section 3.9(2) – Nonconforming Structures:

13. The only nonconforming structures on the property are the existing lodging facility/restaurant building and two (2) sheds. The application proposes no changes to any of these buildings. The two (2) cottage structures proposed to be converted to single-family dwelling units are conforming with regard to setback and height requirements. The application proposes no changes to these two (2) structures.

Conclusion: Based upon the above finding, the DRB concludes the proposal meets the requirements of Section 3.9(2) – Nonconforming Structures.

Misc.:

14. Single-family dwellings are considered permitted uses under the Regulations. Therefore, site plan and conditional use reviews do not apply.

Conclusion: Based on the above finding, the DRB concludes that site plan and conditional use reviews are not applicable.

DECISION

The DRB hereby approves the Applicant's request to convert two (2) existing, detached lodging units into two (2) individual single-family dwellings as outlined in the application dated July 1, 2024, and supplemental materials, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:

    a. Town of Stowe Development Application, dated 07/01/2024;
    b. Project narrative from Mumley Engineering, Inc., dated 07/12/2024;
    c. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 12/03/2024;
    d. 10 Acres Lodge, Cottages Floorplans, prepared by Mumley Engineering, Inc., dated 08/13/2024.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Prior to the issuance of the zoning permit, the Applicant shall submit to the Zoning Administrator the following:
    a. A full boundary survey documenting the property as one (1) parcel. The boundary survey shall be signed by the Chair or other authorized representative of the DRB and recorded with the Stowe Town Clerk. Two paper copies of said survey shall also be filed with the Zoning Administrator.
4. The converted single-family dwellings shall not convert back into a nonconforming use.
5. A Certificate of Occupancy must be obtained from the Zoning Administrator following the change of use but prior to occupancy and use.
6. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, David Kelly, Patricia Gabel, Michael Diender, and Will Ardolino.
Voting to deny: none

Dated at Stowe, Vermont this the 4th day of June 2025 ~~2024~~

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT: 7488

SUBJECT PROPERTY: 0 & 1146 Elmore Mountain Road (09-033.000 & 09-033.010)

PROPERTY OWNERS:
James Schoff, Susan Bonn Waschak, Elizabeth Schoff Garrett
1308 Timberly Lane
Mclean, VA 22102

John & Alissa Kissell
78 Oxbow Road
Wayland, MA 01788-1009

Applicant:
John D. Grenier, PE
PO Box 445
Waterbury, VT 05676

APPLICATION

The Applicant, John D. Grenier, PE, on behalf of property owners James Schoff, Susan Bonn Waschak, Elizabeth Schoff Garrett, and John & Alissa Kissell (herein referred to as the "Applicant"), requests combined preliminary and final subdivision review of a 2-lot subdivision and lot line adjustment. As proposed, the existing ±73.4-acre property will be subdivided into two (2) lots: Lot A being ±69.2 acres and Lot B being ±5.08 acres. An existing ±0.9 acre parcel, located in Morrisville, will be merged into Lot A. This parcel lies on the same side of Elmore Mountain Road and has the same ownership as the 'parent' parcel but happens to lie across the Morrisville town line. Also involved is a lot line adjustment with the subject parcel and 1146 Elmore Mountain Road, which will widen 1146 Elmore Mountain Road property by approximately two (2') feet.

Proposed Lots A & B are undeveloped but are intended for future residential development. Lot B is proposed to gain access from Elmore Mountain Road via a fifty (50') foot right-of-way (ROW) through 1146 Elmore Mountain Road. Project S-93-13, approved by the Stowe Planning Commission on 07/13/1993, subdivided 5.1 acres out of the 'parent' parcel (now addressed as 1146 Elmore Mountain Road). The project is within the Rural Residential 5 (RR5) zoning district. The application was reviewed by the Development Review Board (DRB) under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of combined preliminary and final subdivision review and lot line adjustment. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

An application for final subdivision and lot line adjustment review was filed by Applicant John D. Grenier, PE on October 8, 2024. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for December 3, 2024 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on November 14, 2024.

The public hearing to consider the application convened on December 3, 2024 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. Mary Black recused herself from the review. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Andrew Volansky, David Kelly, Scot Baraw,

Michael Diender, and Lynn Altadonna. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PARTIES/PARTICIPANTS

The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Chris Austin, PO Box 445, Waterbury, VT 05676
2. John Kissell, 78 Oxbow Road, Wayland, MA 01778-1009
3. Elizabeth Schoff Garnett, 1308 Timberly Lane, Mclean, VA 22102

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 10/08/2024;
2. 2 Lot Subdivision Overall Plan - West, Sheet C-1, prepared by Grenier Engineering, PC, dated 11/06/2024.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact:

The Applicant's request for combined preliminary and final subdivision and lot line adjustment approval was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2- General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcel is located within the Rural Residential 5 (RR5) zoning district.

2. **Lot Area, Lot Width.** The minimum lot area in the RR5 district is five (5) acres; the minimum required lot width is three hundred (300') feet. The Applicant proposes a 2-lot subdivision as follows: Lot A being ±69.2 acres and Lot B being ±5.08 acres. Included in this project is a lot line adjustment between the 'parent' parcel and 1146 Elmore Mountain Road which will shift the east property line of 1146 Elmore Mountain Road approximately two (2') feet (to the east). The proposed lot widths are as follows: Lot A approximately ±2,200 feet, Lot B approximately ±602 feet, and 1146 Elmore Mountain Road approximately ±602 feet.

3. **Setbacks.** Setbacks within the RR5 district are as follows: front seventy (70') feet; side seventy-five (75') feet; rear seventy-five (75') feet. The setback lines are depicted on the plan.

4. **Use.** Lots A and B are undeveloped and there is no proposal to develop the lots under this application. One (1) family and two (2) family dwellings are permitted uses in the RR5 district.

5. **Density.** In the RR5 district, density is allowed at a rate of one (1) single-family or one (1) two-family dwelling per five (5) acres.

Conclusion: Based upon the above findings, the Board concludes the proposed subdivision conforms to the applicable dimensional requirements.

SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:

6. **Section 5.1(1) – Character of Land for Subdivision:**

   a. Lots A and B are both undeveloped. 1146 Elmore Mountain Road contains a single-family dwelling. No changes to the single-family dwelling are proposed.

   b. Neither lot is proposed to be developed at this time. Should development occur in the future on either lot, it is expected that it would be served by individual on-site wastewater and potable water services.

   c. The proposed lots sit amongst other similarly sized rural residential lots.

   Conclusion: Based on the above finding, the Board concludes the proposal conforms to Section 5.1(1), Character of Land for Subdivision.

7. **Section 5.1(2) – Natural and Scenic Features:**

   a. The ANR Natural Resources Atlas shows there to be prime agriculture land in the eastern portion of Lot A.

   b. There are no wetlands, water bodies or ground water resources; farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas that will be impacted by this project.

   Conclusion: Based on the above finding, the Board concludes the proposal conforms to Section 5.1(2), Natural and Scenic Features.

8. **Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities:**

   a. According to the ANR Natural Resources Atlas, the proposed subdivision does not contain any significant natural communities. The western portion of Lot A is within a deer wintering area, and a Level 9 (out of 10) priority habitat block exists in the forested areas of Lot A. Proposed Lot B is almost entirely within the field portions of the parent parcel. No development is proposed under this permit.

   b. The Applicant testified that this subdivision and lot line adjustment will have no impact on wildlife habitat.

   Conclusion: Based on the above findings, the Board concludes the proposal will not impact any identified significant Wildlife Habitat and Natural Communities.

9. **Section 5.1(4) – Historic Resources and Community Character:**

   a. The subject parcel is within a rural area.

b. The proposed subdivision will not adversely impact historic sites or the character of the Town.

Conclusion: Based on the above findings, the Board concludes the proposal is in conformance with Section 5.1(4), Historic Resources and Community Character.

10. **Section 5.1(5) – Reserved Strips:**

    a. No reserved strips are proposed. Not applicable.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision does not involve any reserved strips as noted under Section 5.1(5).

11. **Section 5.1(6) – Screening and Landscaping:**

    a. No new development is proposed at this time and no landscaping is proposed.

Conclusion: Based on the above findings, the Board concludes that Section 5.1(6), Screening and Landscaping, is not applicable.

12. **Section 5.1(7) – Pedestrian Access:**

    a. The project is in a rural area of town where pedestrian improvements are limited.

Conclusion: Based on the above findings, the Board concludes no pedestrian improvements are proposed or required to serve the proposal.

13. **Section 5.1(8) – Traffic:**

    a. The parent parcel is undeveloped, and there is no proposal to develop either Lot A or Lot B. Even considering two (2) dwellings in the future, unreasonable traffic congestion or unsafe conditions is not expected.

Conclusion: Based on the above findings, the Board concludes the proposal will not create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways.

14. **Section 5.1(9) – Municipal Facilities:**

    a. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

    b. No Municipal Department review forms were returned, indicating that the proposed development will not have any adverse impact on existing or planned community facilities and services.

Conclusion: Based on the above findings, the Board concludes the proposal will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

15. **Section 5.1(10) – Lot Configuration:**

    a. The proposed lots are of regular shape.

Conclusion: Based on the above findings, the Board concludes the proposed lot configuration is of regular shape and conforms with Section 5.1(10).

16. **Section 5.1(11) – Building Zone:**

    a. The subdivision plan shows applicable setback lines per the RR5 Zoning District. The setback lines on Lot B are also labeled as the building zone.

    b. The Applicant testified that there is no anticipated development on Lot A at this time. For the purposes of this application, Lot A is considered a deferred lot with no plans for development at this time.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision provides adequate building sites, where applicable, for the proposed subdivision.

17. **Section 5.1(12) – Fire Protection Facilities**:

    a. No Fire Department comments were received.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision conforms to Section 5.1(12).

18. **Section 5.1(13) – Disclosure of Subsequent Development Plans:**

    a. Lot B identifies a building zone to support a future residence. While the setback lines are shown on the subdivision plan for Lot A, for the purposes of this application, Lot A is considered a deferred lot with no plans for development at this time.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision conforms to Section5.1(13).

19. **Section 5.1(14) – Private Enforcement Mechanisms:**

    a. On-site wastewater and potable water services are expected to serve both lots, should future development occur in the future.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision conforms to Section 5.1(14).

20. **Section 5.2 – Prominent Hillsides and Ridgelines:** Does not apply.

21. **Section 5.3 – Open Space and Cluster Development:** Does not apply.

22. **Section 5.5 – Utilities and Stormwater Management:**

    a. There are no plans to develop either lot at this time. Should future development occur it will be subject to the regulations in effect at the time of a complete application submittal, which can include erosion control and stormwater management plans.

Conclusion: Does not apply.

DECISION

The DRB hereby approves the Applicant's request for combined preliminary and final subdivision and lot line adjustment approval (Project 7488) as described in the application dated 10/08/2024 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, include:

   a) Town of Stowe Development Application, dated 10/08/2024;
   b) 2 Lot Subdivision Overall Plan - West, Sheet C-1, prepared by Grenier Engineering, PC, dated 11/06/2024.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale, and no street or utility construction shall be started until a subdivision plat, prepared in accordance with the requirements of the regulations, has been approved as per these regulations, and has been recorded in the office of the Stowe Town Clerk.
4. Pursuant to 24 VSA Chapter 117, the subdivision survey plat/lot line adjustment shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations and shall include the following notation:

   a. *This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office.*

5. The Applicant shall file the final survey plat, amended herein, signed by the Chair or other authorized representative of the Development Review Board, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
6. Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors.
7. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his or her successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, David Kelly, Andrew Volansky, Michael Diender, Scot Baraw and Lynn Altadonna.

Voting to deny: None

Dated at Stowe, Vermont this the 4th day of Jan 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT# 7464

SUBJECT PROPERTY 721 Birch Hill Road, Stowe, VT (#07-126.010)

PROPERTY OWNER
Richard Gibbs
721 Birch Hill Road
Stowe, VT 05672

APPLICANT
Volansky Studio
135 Luce Hill Road
Stowe, VT 05672

APPLICATION

The Applicant, Volansky Studio, on behalf of property owner Rick Gibbs (herein referred to as the "Applicant"), requests Ridgeline Hillside Overlay District (RHOD) review to construct a detached garage and related site improvements to serve as an accessory to the existing single-family dwelling. The subject parcel(s) consists of ±27.03 acres (Tax Map # 07-126.010) and are located within the Rural Residential 3 (RR3) zoning district, the RHOD, and the Source Protection Overlay District. The application has been reviewed by the Development Review Board (DRB) under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective January 31, 2024) for the purpose of RHOD review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

An application for RHOD review was filed by Applicant Volansky Studio on August 29, 2024. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for November 5, 2024 and warned by the Zoning Administrator in accordance with Section 2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on October 17, 2024.

The public hearing to consider the application convened on November 5, 2024 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. DRB Member Andrew Volansky recused himself from the review given his professional involvement with the project. Members who participated in the review included: Drew Clymer, Tom Hand, David Kelly, Peter Roberts, Patricia Gabel, Michael Diender, and Will Ardolino. The DRB continued the hearing to a time and date certain of December 3, 2024 in order to obtain additional information from the Applicant. On December 3, 2024, the DRB re-opened the continued hearing. Members who participated in the December 3rd continued review included: Drew Clymer, Tom Hand, David Kelly, and Michael Diender[1]. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision

INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

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[1] DRB Members Peter Roberts, Will Ardolino, and Patricia Gabel did not attend the December 3rd hearing however will review the video recording and meeting minutes, per the DRB Rules of Procedure, to participate in the decision-making.

1. Andrew Volansky, Volansky Studio, 135 Luce Hill Road, Stowe, VT 05672
2. Tyler Mumley, Mumley Engineering Inc., 46 Hutchins Street, Morrisville, VT 05661
3. Rick Gibbs, 721 Birch Hill Road, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application; dated 08/29/2024;
2. Project Narrative from Tyler Mumley, Mumley Engineering, Inc., dated 08/30/2024;
3. Light Fixture spec sheets (no date);
4. Site Plan 'Richard & Bethany Gibbs', sheet C-1, prepared by Mumley Engineering, Inc., revision date 11/22/2024;
5. EC Site Plan, sheet C2-01, prepared by Mumley Engineering, Inc., dated 05/19/2014;
6. Cover Sheet, sheet A0.1, prepared by Volansky Studio, dated 08/28/2024;
7. Pre-Existing Site Conditions, sheet A1.0, prepared by Volansky Studio, dated 06/24/2024;
8. Curren Pre-Existing Site Conditions, sheet A1.1, prepared by Volansky Studio, dated 06/24/2024;
9. Proposed Building Site, sheet A1.2, prepared by Volansky Studio, dated 06/24/2024;
10. Floor Plan, sheet A2.1, prepared by Volansky Studio, dated 08/28/2024;
11. North Elevation, sheet A3.1, prepared by Volansky Studio, dated 08/28/2024;
12. East/West Elevation, sheet A3.2, prepared by Volansky Studio, dated 08/28/2024;
13. Tree Clearing Analysis, dated 11/21/2024;
14. Project 4546 DRB decision, dated 03/13/2012;
15. Project 4687 DRB decision, dated 12/26/2012.

PROCEDURAL HISTORY

The subject parcel, Lot 5 of the Cabral 2004 Family Trust subdivision, was originally approved on March 13, 2012. The subdivision established clearing limits on Lot 5 for a driveway and a small marketing area. A boundary line adjustment, approved on March 26, 2012 (Project 4571), increased the lot size to its current dimensions. Subsequently, Project 4687, approved on December 26, 2012, amended the original subdivision's clearing limits.

On December 26, 2012, the Board approved Project 4974 for the construction of a new single-family dwelling within the amended clearing limits, determining that the project would have "no or very limited public vantage points." Later, on September 4, 2018, the Board approved Project 5858 for the construction of a detached garage, finding that the garage "will not negatively impact public vantage points and will have no or very limited visibility from identified public vantage points."

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for RHOD approval was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts

- Section 6- Uses, Dimensional Requirements and Density
- Section 9- Ridgeline and Hillside Overlay District (RHOD)

Section 2.16 Flexibility and Finality in the Permitting Process (Stowe Club Test):.

1. In order to determine if it is appropriate under the circumstances to allow an amendment of a permit or approval, the DRB must evaluate any application that proposes an amendment of a final approval and assess the competing policies of flexibility and finality in the permitting process.

2. An amendment is considered a request to modify the project plans, exhibits, and /or representations by the Applicant that lead to the decision and which have been incorporated into the approval through a specific or general condition. For the purpose of this section, conditions include all stated conditions in a decision and elements of a recorded plat or plan.

3. The final subdivision approved on March 13, 2012 (Project 4546) established specific clearing limits on the subject property -Lot 5. From the decision of Project 4546:

> 10. **Section 5.1(5) – Screening and Landscaping:** Limits of clearing are proposed for each buildable lot. The limits of clearing will screen any development from adjacent parcels.
>
> **Conclusion:** No additional landscaping or screening is required.

4. The clearing limit amendment approved December 26, 2012 (Project 4687) altered clearing limits established by the 2012 subdivision (Project 4546). However, those altered clearing limits did not amend the clearing limits around the proposed garage. The proposed garage is still within an area intended to remain forested.

5. The Applicant submitted aerial photographs predating the 2012 subdivision, showing that the area surrounding the proposed garage had already been cleared prior to the establishment of the clearing limits approved under Project 4546. Additionally, the Applicant testified that the area has been maintained as a cleared space since at least 2006, well before the 2012 subdivision approval.

6. Project 4546 was approved by the DRB on March 13, 2012 and received finality on April 12, 2012. The application to construct the proposed garage will alter the clearing limits approved under Project 4546.

7. *In balancing the competing policies of flexibility and finality three kinds of changes justify altering a condition of a permit or approval*:

   A. *Changes in factual or regulatory circumstances beyond the control of a permittee; or*

   B. *Changes in the construction or operation of the permittee's project, not reasonably foreseeable at the time the permit was issued; or*

   C. Changes in technology.

8. Section 2.16(A) & (C) are not applicable.

9. The subdivision approved under Project 4546 established specific clearing limits. However, the Applicant testified that these limits did not encompass an already cleared area surrounding the proposed garage site. The Applicant also referenced aerial photographs indicating that the site had

been cleared as early as 2006, several years prior to the 2012 subdivision that established the clearing limits.

Conclusion: Section 2.16 requires the DRB to evaluate any application proposing an amendment to a final approval by balancing the competing policies of flexibility and finality. The key question is whether the amendment sought by the Applicant necessitates a Stowe Club analysis under Section 2.16. To determine this, the DRB must consider whether the amendment involves altering a condition that was originally included to address a critical issue. If so, the DRB must apply the Stowe Club analysis when reviewing the proposed amendment. If not, the DRB may proceed with reviewing the application based solely on its merits. The area surrounding the proposed garage was cleared prior to the establishment of clearing limits under the Cabral 2004 Family Trust subdivision (Project 4546). Nothing within the hearing record leads the DRB to conclude the established clearing limits were necessary to resolve a critical issue or concern. Therefore, based upon the above findings, the DRB concludes that the previously approved clearing limits in this area of the project were not intended or required to resolve a critical issue; the Stowe Club Analysis is not applicable. The DRB can continue review of the application on its merits.

Dimensional Requirements

1. **Zoning District.** The subject parcel is located within the Rural Residential 3 (RR3) zoning district and the RHOD. Portions of the parcel, but not the proposed garage location, are also within the Source Protection Overlay District.

2. **Lot Area, Lot Width.** The subject parcel(s) consists of ±27.03 acres. No changes to lot area or lot width are proposed.

3. **Setbacks.** Required minimum district setbacks for the RR3 district are front seventy (70'), side sixty (60') and rear sixty (60'). The proposal encroaches into the side yard and does not meet the required setback. However, the Applicant proposes to adjust the lot line so that the garage will meet the minimum sixty (60') foot side yard setback. A lot line adjustment will be required prior to the issuance of a zoning permit.

4. **Use.** The Applicant proposes to construct an accessory garage structure. Accessory structures are permitted uses in the RR3 district.

5. **Density.** The RR3 district allows single-family and two-family dwellings at a density of one (1) per three (3) acres. The subject parcel is ±27.03 acres and contains a single-family dwelling.

6. **Height.** The maximum building height in RR3 is 28' feet. The regulations define building height as the "*Vertical distance measured from the average elevation of the proposed finished grade at the front or rear of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the highest ridge and its contiguous eave for other types of roofs. On sloping sites the height will be measured on the uphill side.*" The elevation plans indicate a garage building height of 20' 11".

Conclusion: Based upon the above findings and as conditioned, the DRB concludes the proposal meets applicable dimensional requirements for the RR3 district.

Section 9 – Ridgeline and Hillside Overlay District.

Under the provisions of the Regulations, the application was reviewed under the applicable provisions of Section 9. The Zoning Administrator referred the application to the DRB upon determining that the project was not eligible for an exemption under Section 9.4(2).

Standard (1) General Requirements:

a) The Applicant proposes to construct a detached garage.

b) The garage will be served by a driveway extension off the driveway providing access to a pump house on the adjoining parcel.

c) The parcel is entirely encumbered by the RHOD district. The Applicant also owns the abutting property, Lot 2 of the Cabral 2004 Family Trust subdivision, which contains the nearby pump house.

Conclusion: Based upon the above findings, the DRB concludes that the proposal has been designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town.

Standard (2) Designation of Vantage Points:

a) The regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties.

b) The application includes view photographs from three (3) public vantage points toward the property- Stowe Hollow Road, Taber Hill Road, and Edson Hill Road.

c) The narrative prepared by Mumley Engineering, Inc., states that *'the proposed building will be situated in an existing cleared area with access from an existing driveway to the pump house. Existing surrounding trees will provide complete screening of the proposed building from any public vantage points.'*

d) Photographs depict the proposed building site, which has already been cleared, and surrounding trees to remain that will provide adequate screening of the structure. The application includes view analyses from three (3) vantage points: Stowe Hollow Road, Taber Hill Road, and Edson Hill Road. Additionally, the Applicant has provided aerial photos showing the cleared area from 2006, 2008, 2009, 2011, 2012, 2015, 2018, and 2021.

Conclusion: Based upon the above findings, the DRB concludes the proposed building is not likely to be visible from public vantage points. As such, there will be no undue adverse impacts as a result of the project.

Standard (1.1)

a) The Applicant proposes to construct a detached garage and related improvements.

b) As shown in the images and plans provided, the area for the garage has already been cleared.

c) There are no mapped streams, ponds, or other similar watercourses in and around the subject property.

d) The application notes that grading, land disturbance and new impervious surfaces will be less than ½ acre.

e) The Applicant testified that peak stormwater discharge from the site after development will not exceed pre-development levels for a two (2) year/twenty-four (24) hour storm event.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 1.1.

Standard (2)

a) No future forest management and timber harvesting are proposed under this application. Does not apply.

Conclusion: Based on the above finding, the DRB concludes that Standard 2 does not apply to the project.

Standard (3)

a) The proposal involves the construction of a detached garage.

b) According to photographs provided, the site for the proposed garage has already been cleared.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 3.

Standard (4)

a) As noted above, there are no streams or watercourses identified on the subject parcel.

b) According to the ANR Natural Resources Atlas, the project area is within a deer-wintering area, and a medium level habitat block (Level 5 out of 10).

c) The Applicant testified that the garage site has been cleared for many years and no new clearing is proposed, which will result in no impacts to the deer wintering area and habitat block.

d) The garage site is in a gently sloping area of the property. No steep slopes are identified.

e) Development of the property is not expected to adversely impact wildlife habitat.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 4.

Standard (5)

a) The Applicant provided photographs of the site showing that the proposed garage area has already been cleared and graveled. The view analysis provided, along with photographs of the site, indicate that the garage should not be visible from public vantage points.

b) The Applicant testified that the existing development on the property cannot be seen from any off-site vantage points.

c) Photographs of the garage site show that trees remain stand taller than the proposed garage structure and will provide adequate screening.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 5.

Standard (6)

a) With the exception of existing residential development, the site and surrounding area are forested.

b) There are no agricultural fields or open meadows on the parcel. The proposal will not detract from the sense of order or harmony of the landscape patterns formed by forests.

c) The property sits among other similarly situated residential lots and does not detract from the sense of order or harmony of the landscape patterns formed by forests any more than existing development close to the project site.

Conclusion: Based upon the above findings, the DRB concludes that the proposal has been designed and sited in a manner that will not detract from the sense of order or harmony of the landscape patterns.

Standard (7)

a) Photographs provided show a surrounding tree canopy at an estimated height of forty-five (45') feet. The application indicates that surrounding trees will remain around the proposed garage. The garage, with a height of 20' 11", will be significantly lower than the surrounding tree canopy.

b) No additional clearing is proposed.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 7.

Standard (8)

a) Photographs indicate that the driveway will have a very moderate slope. The Applicant testified that the driveway slope will be significantly less than fifteen (15%).

b) The Fire Department did not provide written comments.

Conclusion: Based upon the above findings and as conditioned, the DRB concludes the proposal conforms to Standard 8.

Standard (9)

a) The site and aerial photographs indicate that the garage will not visually exceed surrounding tree heights.

b) Given the site elevation, retained treelines, and the height/design of the garage, visual impacts from vantage points are not anticipated.

Conclusion: Based upon the above findings, the DRB concludes the proposal has been designed in a manner that will not visually exceed the height of the land or tree line.

Standard (10)

a) The garage will have a gable roof with skylights running full length with earth-tone wood siding and metal roofing.

Conclusion: Based upon the above findings, the DRB concludes the proposal is in conformance with Standard 10 and has been designed to minimize visual impacts and complement the scenic quality of the surrounding landscape.

Standard (11)

a) The Applicant provided cut-sheets showing proposed outdoor light fixtures. The cut-sheets indicate dark sky compliancy.

b) The elevation plans depict and label the location of outdoor light fixtures.

c) The following light fixtures are proposed: recessed LED downlights under the entrance canopy and three (3) wall mounted fixtures next to the two (2) garage doors.

Conclusion: Based upon the above findings, the DRB concludes the proposed outdoor lighting is in conformance with Section 4.8 of the Regulations and has been designed to minimize impacts.

Standard (12)

a) No change to lot area is proposed under this application. Does not apply.

Conclusion: Based upon the above finding, the Board concludes that Standard 12 does not apply to the project.

DECISION

On a motion by Tom Hand, seconded by David Kelly, the DRB hereby approves the Applicant's request for RHOD approval to construct a detached garage as outlined in the application dated August 29, 2024, and supplemental materials, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:

    1. Town of Stowe Development Application; dated 08/29/2024;
    2. Project Narrative from Tyler Mumley, Mumley Engineering, Inc., dated 08/30/2024;
    3. Light Fixture spec sheets (no date);
    4. Site Plan 'Richard & Bethany Gibbs', sheet C-1, prepared by Mumley Engineering, Inc., revision date 11/22/2024;
    5. EC Site Plan, sheet C2-01, prepared by Mumley Engineering, Inc., dated 05/19/2014;
    6. Cover Sheet, sheet A0.1, prepared by Volansky Studio, dated 08/28/2024;
    7. Pre-Existing Site Conditions, sheet A1.0, prepared by Volansky Studio, dated 06/24/2024;
    8. Curren Pre-Existing Site Conditions, sheet A1.1, prepared by Volansky Studio, dated 06/24/2024;
    9. Proposed Building Site, sheet A1.2, prepared by Volansky Studio, dated 06/24/2024;
    10. Floor Plan, sheet A2.1, prepared by Volansky Studio, dated 08/28/2024;
    11. North Elevation, sheet A3.1, prepared by Volansky Studio, dated 08/28/2024;
    12. East/West Elevation, sheet A3.2, prepared by Volansky Studio, dated 08/28/2024;
    13. Tree Clearing Analysis, dated 11/21/2024;
    14. Project 4546 DRB decision, dated 03/13/2012;
    15. Project 4687 DRB decision, dated 12/26/2012.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.

3. Prior to the issuance of the zoning permit, an application for an approved lot line adjustment shall be obtained and recorded in the Stowe Land Records. The lot line adjustment shall adjust the lot line nearest to the proposed garage so that the side yard setback will conform.
4. The proposed garage shall be located within the existing cleared area. Additional clearing is not permitted under the approved zoning permit.
5. The installation of outdoor light fixtures is limited to those described and depicted within the application.
6. All outdoor lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property.
7. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-F) including:
    a. The amount of soil exposed at any one time must be kept to a minimum.
    b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e. Existing drainage patterns must not be altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
8. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that it has been constructed as approved by the DRB. Prior to the issuance of a Certificate of Occupancy the Applicant shall submit the following:
    a. A licensed engineer shall provide written certification that the site improvements have been constructed per the approved plans.
9. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, David Kelly, Peter Roberts, Patricia Gabel, Will Ardolino, and Michael Diender

Voting to deny: none

Dated at Stowe, Vermont this the 7th day of June 2024

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

PROJECT# 7256

Findings of Fact & Conclusions of Law [Re-Approval]

SUBJECT PROPERTY 330 Haul Road, Stowe, VT (#11-255.000)

PROPERTY OWNER
John & Tina Springer-Miller
PO Box 1262
Stowe, VT 05672

APPLICANT
John D. Grenier
Grenier Engineering, PC
PO Box 445
Waterbury, VT 05676

APPLICATION

The Applicant, John D. Grenier (herein referred to as the "Applicant"), requests re-approval to amend the previously approved Agricultural Planned Residential Development (AG-PRD) by subdividing previously approved Lot #4 (± 33.5 acres) into two (2) lots. As proposed, Lot #4 will be reduced in lot area to ±27.2 acres with a proposed building zone and Lot #4A will consist of ±5.2 acres with a modified (previously approved) building zone. Lot 4A also involves a boundary line adjustment between Lot 1 currently owned by John & Tina-Ross Springer Miller. Access serving Lot #4 will be via a fifty (50') foot right-of-way (ROW) across Lot #1 along the existing road connecting to Luce Hill Rd (recently renamed to Poppi Bear Lane – a privately owned and maintained road). Lot #4A will gain access connecting to Brook Road over the neighboring lots containing the Covered Bridge Condominiums and Wildewood development. Also proposed under this application is a boundary line adjustment which transfers ±0.9 acres from Lot #4 and to adjacent Lot #1. The project is within the Rural Residential 5 (RR5) zoning district and the Ridgeline Hillside Overlay District (RHOD). The application was reviewed by the Development Review Board (DRB) under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of final subdivision review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(*Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)*

The original application for final subdivision review was filed by Applicant John D. Grenier on September 1, 2023. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for December 5, 2023 and warned by the Zoning Administrator in accordance with Section 2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on November 16, 2023. The public hearing to consider the application convened on December 5, 2023 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Peter Roberts, and Patricia Gabel. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision. The DRB rendered a written decision on January 17, 2024 requiring the Applicant record in the Stowe Land Records the approved subdivision plat within 180 days – no later than July 15, 2024. Prior to the expiration, the Applicant requested a 90-day extension from the Zoning Administrator, per Section 3.5(1), extending the recording deadline to October 10, 2024. The Regulations afford the Zoning Administrator the authority to extend the recording deadline by 90 days when final local or state permits or approvals are still pending. The 90-day extended deadline to record the approved subdivision plat lapsed and the DRB approval subsequently expired. If a final subdivision plat has not been recorded within the required deadline, the regulations allow the Applicant to request re-approval by the DRB within 12 months from the date of the DRB decision. The DRB may re-approve the final plan for recording if the DRB finds there are no changes proposed from the previous approval and there have been no bylaw changes that would affect the previous approval.

The Applicant requested re-approval per Section 3.5(1). A public hearing of the DRB was scheduled for January 7, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on December 19, 2024. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, Peter Roberts, Patricia Gabel, Andrew Volansky, and Lynn Altadonna. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. John D. Grenier, Grenier Engineering, PO Box 445, Waterbury, VT 05676

THE RECORD

The following materials were submitted in support of the original application approved by the DRB on January 17, 2024 and entered into the hearing record:

1. Town of Stowe Development Application; dated 9/1/2023;
2. Overall Site Plan, Sheet OV-1, prepared by Grenier Engineering, PC, dated 10/20/2023;
3. Lot 4A Site Plan, Sheet C-3, prepared by Grenier Engineering, PC, dated 10/25/2023;
4. Boundary Line Adjustment Survey Between Lot 3 and Lot 4 – John & Tina Springer-Miller, Project #6528, Sheets 1 and 2, prepared by Grenier Engineering, PC, Approval date 7/15/2021;
5. Project #6971 – Agricultural PRD – Paul Percy Landmark Meadow, Sheet C-1, prepared by Mumley Engineering, Inc., dated 9/15/2022 (last revised 10/21/2022).

The following materials were submitted in support of the re-approval request of Project 7256, heard by the DRB on January 7, 2025, and entered into the hearing record:

6. Lot 4 Subdivision and Boundary Line Adjustment Survey between Lot 1 and Lot 4, John & Tina Springer-Miller, Sheet 1 of 2, dated June 2024;
7. Lot 4 Subdivision and Boundary Line Adjustment Survey between Lot 1 and Lot 4, John & Tina Springer-Miller, Sheet 2 of 2, dated June 2024;
8. Project #7256 DRB Decision, dated 01/17/2024;
9. Email from Chris Austin, dated 07/11/2024;
10. State of Vermont Memorandum of Decision and Order, Case #5L0755-9, 5L0775-11, dated 12/16/2024;
11. State of Vermont Land Use Permit Amendment, Case #5L0755-9, 5L0775-11, dated 12/16/2024.

SUBDIVISION REGULATIONS – SECTION 3.5 – SUBDIVISION PLAT FILING REQUIREMENTS:

1. Under Section 3.5, the approval of the final subdivision application, shall expire 180 days from such approval, unless, within such 180-day period, a final subdivision plat shall have been duly filed or recorded in the office of the Town Clerk.

2. The Zoning Administrator may extend the date for filing the plat by an additional 90 days, if final local or state permits or approvals are still pending.

3. If a final subdivision plat has not been recorded within the 180 deadline or 90-day extension, the Applicant may request re-approval by the DRB within 12 months from the date of the DRB decision. The DRB may re-approve the final plan for recording if the DRB finds there are no changes proposed from the previous approval and there have been no bylaw changes that would affect the previous approval.

4. Project #7256 to amend the previously approved AG-PRD subdivision of the Springer-Miller property on Haul Road by subdividing Lot 4 into two (2) lots and adjusting a boundary line between Lot 4 and Lot 1 was approved by the DRB on January 17, 2024.

5. As per Section 3.5, final subdivision plats must be recorded in the Office of the Town Clerk within one hundred eighty (180) days from approval. The DRB approved Project #7256 on January 17, 2024. One hundred eighty (180) days from the approval date was July 15, 2024.

6. The Applicant submitted the final AG-PRD subdivision mylar to the Planning & Zoning Department prior to July 15th deadline but requested a 90-day extension to the recording deadline because the State of Vermont Act 250 permit had not yet been issued.

7. On July 12, 2024, a 90-day extension was granted, extending the deadline to record the final plat to October 10, 2024. The AG-PRD subdivision mylar was not recorded, and the deadline lapsed.

8. On December 16, 2024, the State of Vermont Act 250 permit amendment was issued (Exhibit 10: Land Use Permit and Memorandum of Decision and Order - Case # 5L0755-9, 5L0775-11).

9. There are no changes proposed from the previous approval and there have been no changes to either the Town of Stowe Zoning Regulations or Subdivision Regulations that would affect the previous approval.

10. The final AG-PRD subdivision remains the same as what was approved by the DRB on January 17, 2024.

11. Applicable Zoning Regulations and Subdivision Regulations remain the same as when Project #7256 was approved.

Conclusion: Based upon the above findings, the Board concludes the proposal conforms to the re-approval requirements set forth in Section 3.5. The Board also concludes that the previously approved subdivision has not changed, nor the Zoning or Subdivision Regulations, since the date of the original January 17, 2024 approval, and the request to re-approve the final subdivision plat falls within the allotted 12-month period, thus allowing the DRB to re-approve the final subdivision for recording. The final subdivision plan must be recorded within 180 days from the date of this re-approved decision.

FINDINGS OF FACT & CONCLUSIONS OF LAW[1]

During its review of the application, the Board made the following Findings of Fact:

The Applicant's request for subdivision re-approval was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2 – Administration and Enforcement
- Section 3 – General Regulations
- Section 4 – Specific Use Standards
- Section 5 – Zoning Districts
- Section 6 – Uses, Dimensional Requirements and Density
- Section 9 – Ridgeline and Hillside Overlay District (RHOD)
- Section 13 – Planned Unit Development

Town of Stowe Subdivision Regulations (effective July 16, 2012)

[1] In granting this re-approval, the DRB makes no changes to its originally approved (and corrected) findings of fact and conclusions of law.

- Section 2 – General Provisions
- Section 3 – Administration and Enforcement
- Section 4 – Submission Requirements
- Section 5 – Planning and Design Standards

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcels are located within the Rural Residential 5 (RR5) zoning district and the Ridgeline and Hillside Overlay District (RHOD).

2. **Lot Area, Lot Width.** The minimum lot area in the RR5 district is five (5) acres; the minimum required lot width is 300 feet. The Applicant proposes a 2-lot subdivision of the existing Lot 4 (±33.08 acres) and a lot line adjustment with Lot 1 (±93.28 acres). This action will result in the following:

   - Lot 1 becoming ±94.18 acres in area;
   - Amended Lot 4 becoming ±27 acres in area;
   - Newly formed Lot 4A becoming ±5.2 acres in area.

   As proposed, the involved lots each exceed the minimum lot area requirement. The widths of each lot all exceed the 300 ft minimum requirement.

3. **Setbacks.** Setbacks within a PRD are ten (10) feet for one and two-family dwellings on interior lots, of which Lots 4 and 4A are. The minimum setback from regulated streams and watercourses is fifty (50) feet. The proposed project complies with the minimum ten (10) foot setback requirement and the fifty (50) foot setback from regulated streams and watercourses.

4. **Use.** Lot 1 contains an existing single-family dwelling. Lot 4 and Lot 4A are anticipated to contain future single-family dwellings; however, no development is proposed under this project. One (1) family and two (2)-family dwellings are permitted uses in the RR5 district. Any future proposal to develop Lot 4 or 4A will be reviewed under the Regulations in effect at the time of application.

5. **Density.** As identified on the Agriculture PRD – Paul Percy Landmark Meadows plan, Sheet C-1, Lot 2, which includes all of the Springer-Miller and Covered Bridge Condo Association/Wildewood lands (±195.2 acres), has a total designated density of ninety (90) dwelling units. Under a recent prior decision, the DRB [Project #6971] found the estimated remaining units of density available for construction within the AG-PRD to be thirty-two (32). The Applicant testified that there is sufficient density remaining to support the subdivision.

Conclusion: Based upon the above findings, the Board concludes the proposed subdivision conforms to the applicable dimensional requirements.

SUBDIVISION REGULATIONS – SECTION 5.1 – GENERAL PLANNING STANDARDS:

6. **Section 5.1(1) – Character of Land for Subdivision:**

   a. Lot 1 contains an existing single-family dwelling and related site improvements.

   b. Proposed Lot 4 and Lot 4A are presently undeveloped. Development of both lots is anticipated in the future, however, is not proposed under this application. Any future land development of either lot will be reviewed under the Regulations in effect at the time of application.

   c. Lot 4 is anticipated to be served by an on-site wastewater disposal system and municipal water.

d. Lot 4A will have offsite wastewater disposal and municipal water through the adjacent Covered Bridge Condominium development (Lots 5, 6, and 7).

e. Proposed Lots 4 & 4A sit amongst other similarly sized rural residential lots.

f. Nothing within the hearing record indicates that the project will have an undue adverse impact on public health or safety, or the environment or, neighboring properties or the rural and historic character of the community.

Conclusion: Based upon the above findings, the Board concludes the proposal conforms to Section 5.1(1), Character of Land for Subdivision.

7. **Section 5.1(2) – Natural and Scenic Features:**

   a. The plans submitted identify streams, a wetland, and their respective buffers. The proposed subdivision will not impact the identified streams, wetland area, or their respective buffers.

   b. There are no other water bodies, ground water resources or wetlands; farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas that will be impacted by this project.

   Conclusion: Based upon the above findings, the Board concludes the proposal conforms to Section 5.1(2) – Natural and Scenic Features.

8. **Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities:**

   a. According to the ANR Natural Resources Atlas, the proposed subdivision does not contain any significant natural communities, natural communities, or wetlands.

   b. A Level 10 (out of 10) priority habitat block exists across all of Lots 4 and 4A. A mapped deer wintering area lies across all of Lots 4 and 4A as well.

   c. During the hearing, the Applicant testified that under previously approved applications involving the AG-PRD, a wildlife conservation area was delineated on portions of Lot 4. These wildlife areas are subject to the terms and conditions of a conservation easement with the State of Vermont Fish & Wildlife Department.

   d. The existing AG-PRD subdivision contains a deeryard conservation easement across the northeastern section of proposed Lot 4. The proposed building zones are delineated to avoid these areas.

   Conclusion: Based on the above findings, the Board concludes the proposal will not impact any identified significant Wildlife Habitat and Natural Communities.

9. **Section 5.1(4) – Historic Resources and Community Character:**

   a. The subject parcels are within a rural area, as defined under the Regulations.

   b. There are no identified historic sites or scenic vistas identified within the hearing record.

   c. The proposed subdivision will not adversely impact any identified historic sites or the character of the Town.

d. The proposed subdivision is located within a previously approved AG-PRD. The Zoning Regulations provide a specific purpose for AG-PRD's to "*conserve agricultural land by clustering residential development and leaving the remainder of the land in agriculture or available for agriculture.*" This portion of the AG-PRD is intended for clustered residential development. Various phases of the Covered Bridge Condominiums surround the subject parcel.

Conclusion: Based on the above findings, the Board concludes the proposal is in conformance with Section 5.1(4), Historic Resources and Community Character.

10. **Section 5.1(5) – Reserved Strips:**

    a. No new reserved strips are proposed. Proposed Lot 4 will gain access via existing right-of-way across Lot 1. Proposed Lot 4A will gain access via Brook Road and the neighboring Covered Bridge Condominium Association/Wildewood development – which the Applicant testified has been previously approved and deeded.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision does not involve any reserved strips as noted under Section 5.5.

11. **Section 5.1(6) – Screening and Landscaping:**

    a. No landscaping is proposed. Existing treelines are shown on the subdivision plan.

    b. The application identifies building zones on Lots 4 and 4A, but no specific clearing limits.

    c. The Applicant testified that clearing limits will be identified on future development applications for Lots 4 and 4A.

    d. The building zone on Lot 4 is limited to a specific area between two (2) streams and their respective buffers.

    e. The building zone identified for Lot 4A follows the minimum setback requirements along the property lines and stream buffer – containing most of the entire ±5.2 acre property. No specific clearing limits are delineated. The Applicant testified that clearing limits will be identified as part of a future development application.

Conclusion: Based upon the above findings, the Board concludes the proposal conforms to applicable requirements of Section 5.1(6) – Screening and Landscaping.

12. **Section 5.1(7) – Pedestrian Access:**

    a. The project is in a rural area of town where pedestrian improvements are limited. Given neither lot is proposed to be developed under this application, no pedestrian improvements are proposed.

Conclusion: Based on the above findings, the Board concludes no pedestrian improvements are proposed or required to serve the proposal.

13. **Section 5.1(8) – Traffic:**

    a. The subdivision is not expected to create unreasonable traffic congestion or unsafe conditions.

    b. Any future land development of Lot 4 or Lot 4A will be reviewed under the Regulations in effect at the time of application.

Conclusion: Based on the above findings, the Board concludes the proposal will not create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways.

14. **Section 5.1(9) – Municipal Facilities:**

    a. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

    b. No comments were received from any Municipal Department.

Conclusion: Based upon the above findings, the Board concludes the proposal will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

15. **Section 5.1(10) – Lot Configuration:**

    a. The proposed lots are all of regular shape.

Conclusion: Based on the above finding, the Board concludes the proposed lot configuration is of regular shape and conforms with Section 5.1(10).

16. **Section 5.1(11) – Building Zone:**

    a. The plans show the proposed setbacks and label the building zones on both Lots 4 & 4A. Adequate building sites for each proposed lot are provided.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision provides adequate building sites for the proposed subdivision.

17. **Section 5.1(12) – Fire Protection Facilities:**

    a. The Fire Department did not provide any comments in reference to this application. Municipal water services the adjacent lots.

    b. Nothing within the hearing record indicates that there is not adequate fire protection facilities available.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision conforms to Section 5.1(12).

18. **Section 5.1(13) – Disclosure of Subsequent Development Plans:**

    a. Residential uses are anticipated for future development of Lots 4 & 4A.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision conforms to Section 5.1(13).

19. **Section 5.1(14) – Private Enforcement Mechanisms:**

    a. Lot 4 will have an onsite wastewater disposal system and planned service to the municipal water system.

    b. Lot 4A has access to municipal water and shared offsite wastewater disposal system.

c. The Applicant testified that given that neither lot is proposed to be developed under this application, there will be no formation of a homeowners association as part of this subdivision.

Conclusion: Based upon the above findings, the Board concludes the proposed subdivision conforms to Section 5.1(14).

20. **Section 5.2 – Prominent Hillsides and Ridgelines:**

    a. The subject lots are within the RHOD. Development and/or clearing is not proposed as part of this project.

    b. Any future land development on Lot 4 or 4A will require review under the Regulations in effect at the time of application.

    Conclusion: Based upon the above findings, the Board concludes Lot 4 & 4A are not proposed to be developed under this application. Any future land development of the lots will require additional review.

21. **Section 5.3 – Open Space and Cluster Development:** Does not apply.

22. **Section 5.4 – Road Standards and Coordination with Public Highways:**

    a. Lot 4 will gain access to Luce Hill Road through a private road right-of-way through Lot 1.

    b. Lot 4A will gain access via Brook Road over the neighboring Covered Bridge Condominium Association/Wildewood development.

    c. A Town of Stowe driveway entrance permit is not required since there are no proposed accesses to a town highway(s).

    Conclusion: Based upon the above findings, the Board concludes the proposed subdivision conforms to applicable requirements of Section 5.4 – Road Standards and Coordination with Public Highways.

23. **Section 5.5 – Utilities and Stormwater Management:**

    a. No development on Lot 4 or 4A is proposed under this application.

    b. The Applicant testified new utilities will be installed below ground.

    Conclusion: Based upon the above findings, the Board concludes the proposed subdivision will have adequate provisions for stormwater and required utilities.

DECISION

The DRB hereby re-approves the Applicant's request for a 2-lot subdivision (Project 7256) within the previously approved AG-PRD of parcel #11-255.000 as described in the original application dated 9/1/2023 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Department and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding

that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

The approved plans, amended herein, include:

a) Town of Stowe Development Application; dated 9/1/2023;
b) Overall Site Plan, Sheet OV-1, prepared by Grenier Engineering, PC, dated 10/20/2023;
c) Lot 4A Site Plan, Sheet C-3, prepared by Grenier Engineering, PC, dated 10/25/2023;
d) Boundary Line Adjustment Survey Between Lot 3 and Lot 4 – John & Tina Springer-Miller, Project #6528, Sheets 1 and 2, prepared by Grenier Engineering, PC, Approval date 7/15/2021;
e) Project #6971 – Agricultural PRD – Paul Percy Landmark Meadow, Sheet C-1, prepared by Mumley Engineering, Inc., dated 9/15/2022 (last revised 10/21/2022);
f) Lot 4 Subdivision and Boundary Line Adjustment Survey between Lot 1 and Lot 4, John & Tina Springer-Miller, Sheet 1 of 2, dated June 2024;
g) Lot 4 Subdivision and Boundary Line Adjustment Survey between Lot 1 and Lot 4, John & Tina Springer-Miller, Sheet 2 of 2, dated June 2024;
h) Project #7256 DRB Decision, dated 01/17/2024;
i) Email from Chris Austin, dated 07/11/2024;
j) State of Vermont Memorandum of Decision and Order, Case #5L0755-9, 5L0775-11, dated 12/16/2024;
k) State of Vermont Land Use Permit, Case #5L0755-9, 5L0775-11, dated 12/16/2024.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale, and no street or utility construction shall be started until a subdivision plat, prepared in accordance with the requirements of the regulations, has been approved as per these regulations, and has been recorded in the office of the Stowe Town Clerk.
4. Pursuant to 24 VSA Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations and shall include the following notation:

    a. *"This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office".*

5. The Applicant shall file the final survey plat, signed by the Chair or other authorized representative of the Development Review Board, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
6. Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors.
7. The approved building zone on Lots 4 and 4A must be clearly shown and labeled on the recorded subdivision plat.
8. Prior to any future clearing on Lots 4 and 4A, the Applicant must apply for, and receive approval, from the DRB for established clearing limits. Such request(s) shall be filed under a separate development application(s)
9. Future buildings and structures constructed on Lots 4 and 4A shall be located within the designated building zone. No additional DRB approval is needed for structures, uses or improvements located within a building zone which otherwise require only administrative approval under the Regulations.

10. The electrical and other utilities to serve Lots 4 and 4A shall be installed below ground, unless otherwise approved by the Development Review Board.
11. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, Mary Black, Peter Roberts, Patricia Gabel, Andrew Volansky, and Lynn Altadonna

Voting to deny: None

Motion PASSED 7-0

Dated at Stowe, Vermont this the 4th day of Feb 2025.

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7515		
Application Date	11/22/2024		
Physical Location	500 HIDDEN VALLEY RD		
Map ID	02-197.010	**Tax ID**	12076-010
Project Description	CONSTRUCT ACCESSORY PARKING AREA IN RHOD		
Owner	CHRIS WALTON		
Applicant	MUMLEY ENGINEERING INC TYLER MUMLEY		
Applicant Address	PO BOX 68		
	MORRISVILLE VT 05661		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
OTHER	12/19/2024			COMPLETE APP - SCHEDULE DRB
DRB DECISION	2/18/2025	3/20/2025	3/20/2027	APPROVED

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law

PROJECT# 7515

SUBJECT PROPERTY 500 Hidden Valley Road, Stowe, VT (Tax Map # 02-197.010)

PROPERTY OWNER & APPLICANT
Chris Walton
112 South Main Street #276
Stowe, VT 05672

APPLICATION

The Property Owner/Applicant, Chris Walton (herein referred to as "Applicant"), requests Ridgeline and Hillside Overlay District [RHOD] review to construct a 56' x 90' (5,040 sf) gravel parking area and associated tree removal. The subject parcel consists of ±23.94 acres (02-197.010) and is located in the Rural Residential 5 (RR5) Zoning District and RHOD. The existing single-family dwelling and related improvements were approved by the Development Review Board (DRB) under application (Z-04-64) on July 27, 2004. More recently, additional clearing was approved under Project #6705 to accommodate the realignment of an existing driveway, which will serve the proposed parking area. The subject parcels are Lots 4 & 5 of the 'Bonyun to Goodermote/Arnold' subdivision (S-98-3), approved by the Planning Commission on August 5, 1998. More recently, the 'James C. & Jennifer B.F.F. Walton Lot Line Adjustment', approved by the DRB on 09/01/2017, combined the Applicant's parcel with Lot 2B, resulting in a total lot size of ±23.94 acres. The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective January 31, 2024) for the purpose of RHOD review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

An application for RHOD review was filed by Applicant Chris Walton on November 22, 2024. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for February 4, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on January 16, 2025.

The public hearing to consider the application convened on February 4, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Peter Roberts, and Patricia Gabel. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, Mumley Engineering, Inc., 46 Hutchins Street, Morrisville, VT 05661

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application; dated 11/22/2024;
2. Project Narrative, prepared by Mumley Engineering, Inc., dated 11/21/2024;
3. Existing Conditions, Sheet C-1, prepared by Mumley Engineering, Inc., dated 11/21/2024;
4. Partial Site Plan, Sheet C-2, prepared by Mumley Engineering, Inc., dated 11/21/2024;
5. Viewshed Analysis, prepared by Mumley Engineering, Inc., dated 11/12/2024:
    - Overview of Project Area, Sheet 1;
    - View #1 from 1357 Stowe Hollow Farm Road, Sheet 2;
    - View #1 from 1357 Stowe Hollow Farm Road, Sheet 3;
    - View #2 from Stowe Hollow Road, Sheet 4;
    - View #2 from Stowe Hollow Road, Sheet 5;
    - Overview of Property Area, Sheet 6;
    - View Line on proposed site plan, Sheet 7;
6. Lots 3, 4, and 5 Gibbons to Bonyun survey, 1985;
7. James C. & Jennifer B.F.F. Walton boundary line adjustment, recorded 09/01/2017;
8. Project 6705 DRB Decision, dated 11/16/2021.

The following materials were submitted at the February 4, 2025 DRB hearing and entered into the hearing record:

1. Partial Site Plan, Sheet C-2, prepared by Mumley Engineering, Inc., revision date 02/04/2025;
2. Routing Diagram for 20019 Walton HydroCAD, prepared by Mumley Engineering, Inc., dated 02/04/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for RHOD approval was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 9- Ridgeline and Hillside Overlay District (RHOD)

Dimensional Requirements

1. **Zoning District.** The subject parcel is within the Rural Residential 5 (RR-5) and the Ridgeline and Hillside Overlay District (RHOD) as shown on the Official Town of Stowe Zoning Map.

2. **Lot Area, Lot Width.** The subject parcel is shown on Tax Map 02-197.010 to be ±23.94 acres. No changes to lot width or lot area are proposed under this application.

3. **Setbacks.** Required minimum district setbacks for the RR5 District are front seventy (70') feet, side seventy-five (75') feet, and rear seventy-five (75') feet. The parcel contains an existing single-family dwelling and a detached garage with an accessory dwelling unit. The Applicant proposes to clear an area of trees to construct an accessory parking area.

   Section 15.6 requires driveways, except for common driveways, to be setback twenty-five (25') feet from the property line in the RR5 District, unless the abutting property owner agrees to less. The 'Partial Site Plan' shows the location of the proposed parking area and driveway approximately eighty (±80) feet from the nearest property line.

4. **Maximum Building Coverage**. Does not apply to the RR5 zoning district.

5. **Use**. The parcel currently contains an existing single-family dwelling and a detached garage with an upper-floor apartment. No change of use is proposed under this application. The Applicant proposes an accessory parking area to be used to store personal vehicles and equipment associated with the single-family dwelling.

6. **Density.** The RR5 district allows single-family dwellings at a density of one (1) per five (5) acres. The subject parcel is ±23.94 acres and contains an existing single-family dwelling and an existing accessory dwelling unit. No changes in density are proposed under this application.

7. **Height.** The maximum building height in RR5 is 28' feet. There are no changes to building height proposed under this application. The parking area will be at-grade, at an elevation of 1328'.

Conclusion: Based upon the above findings, the DRB concludes the proposal meets applicable dimensional requirements for the RR5 district.

Section 9 – Ridgeline and Hillside Overlay District.

8. Upon review of the application, the DRB concludes Standards 9-12 are not applicable and do not require review.

Standard (1) General Requirements:

9. The Applicant proposes to clear an area of existing trees to construct a gravel parking area.

10. The lot is residentially developed; the proposed parking area will be accessory to the existing residential uses (i.e., single-family dwelling and accessory dwelling unit).

11. The 'Partial Site Plan', Sheet C-2, illustrates the limits of disturbance and proposed tree lines/clearing limits.

12. The property is below 2,000 feet in elevation. A little more than half of the property is within the RHOD.

Conclusion: Based upon the above findings, the DRB concludes that the proposal has been designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town.

Standard (2) Designation of Vantage Points:

13. The Regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties.

14. The Applicant identified two (2) public vantage points along Stowe Hollow Road: the Farm House Bed and Breakfast at 1357 Stowe Hollow Road and at the southeast corner of the property, about six hundred fifty (650') feet from the project site.

15. The application packet includes photographs from both identified public vantage points.

16. The proposed parking area is on a moderate sloping section of the parcel.

17. According to the narrative, *'The design for the improvements preserves existing trees to obstruct views onto the property from each of the identified vantage points.'*

18. The Applicant testified that the parking area will be used to store personal vehicles, tractors, snow mobiles, lawn mowers, etc., and that covenants for the property prohibit visible storage of such equipment and vehicles close to the residence.

Conclusion: Based upon the above findings, the DRB concludes the proposal will not be visible from public vantage points and there will be no undue adverse impacts as a result of the project.

Standard (1.1):

19. The Applicant proposes to clear trees to construct a 56' x 90' gravel parking area.

20. The 'Partial Site Plan', Sheet C-2, identifies existing and proposed tree lines/clearing limits.

21. The Applicant testified that peak stormwater discharge from the site after development will not exceed pre-development levels for a two (2) year/twenty-four (24) hour storm event.

22. The project involves less than ½ acre of disturbance. The 'Partial Site Plan' includes details on erosion prevention practices, including silt fencing, geotextile fabrics and woven wire fencing.

23. The Applicant testified that the plans have been updated to include an eighty (80') foot long swale to the north side of the parking area to aid stormwater runoff containment. The swale, as shown on the 'Partial Site Plan', Sheet C-2 (revision date 02/04/2025), will have a four (4') foot bottom width (elevation 1325.75').

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 1.1.

Standard (2):

24. No future forest management or timber harvesting is proposed under this application.

Conclusion: Based upon the above finding, the DRB concludes that Standard 2 is not applicable.

Standard (3):

25. The proposal involves clearing trees and grading an area on the parcel to accommodate the construction of a 56' x 90' gravel parking area.

Conclusion: Based upon the above finding, the DRB concludes the proposal conforms to Standard 3.

Standard (4):

26. According to the ANR Natural Resource Atlas the parcel contains no streams or wetlands, hydric or prime agricultural soils, deer wintering areas, or protected species and vegetation.

27. Portions of the parcel lie within a medium priority habitat block (5 out of 10).

28. According to the ANR Natural Resources Atlas, the property contains a range of slopes across its ±23.94 acres. The proposed parking area is shown to be in a sloped area ranging between five (5) and twenty (20) percent.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 4. Given surrounding development, the project will not create an undue adverse impact to the habitat block.

Standard (5):

29. Approximately half of the parcel is forested: the rear portion. The front portion visible from Stowe Hollow is mostly lawn space, and the existing dwelling is visible from the public road.

30. No buildings are proposed as part of this project. The project involves the construction of an accessory parking area.

31. The Applicant testified that personal vehicles, tractors, lawn mowers, snow mobiles, etc., will be parked in the parking area.

32. The proposed parking area will be located in a stand of trees north of the existing dwelling. The Applicant testified that a row of existing trees along the east side of the proposed parking area will be preserved to act as a screen.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 5.

Standard (6):

33. The Applicant proposes to clear an area of trees to construct a gravel parking area.

34. There are no agricultural fields or open meadows on the parcel. The front yard is, however, large and the existing dwelling is clearly visible from Stowe Hollow Road.

35. The property sits among other similarly situated residential lots and does not detract from the sense of order or harmony of the landscape patterns formed by forests any more than existing development close to the project site.

Conclusion: Based upon the above findings, the DRB concludes that the proposal has been designed and sited in a manner that will not detract from the sense of order or harmony of the landscape patterns.

Standard (7):

36. The 'Partial Site Plan', Sheet C-2, shows existing and proposed tree lines/clearing limits. Also shown on the plan is a section of trees along the east side of the parking area that will be preserved to act as a visual barrier.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 7.

Standard (8):

37. The existing driveway providing access to the parking area was approved by the DRB on 11/16/2021 (Project #6705).

38. The following excerpt from the decision of Project #6705 is below:

> The property is served by a private common access and utilities right-of-way off from Hidden Valley Road. The site plan shows the proposed realigned driveway location. During the public hearing, Mr. Mumley confirmed the main driveway to be less than 10% grade and the turn-off driveway to access the lower field to have an average grade of 12% with isolated spans to be 15%.

39. No change to driveway grade is proposed under this application. Does not apply.

Conclusion: Based on the above findings, the DRB concludes the existing driveway conforms to Standard 8.

DECISION

On a motion by Tom Hand, seconded by Mary Black, the DRB hereby approves the Applicant's request for RHOD review to construct a parking area as outlined in the application dated November 22, 2024, and supplemental materials, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:

    a. Town of Stowe Development Application; dated 11/22/2024;
    b. Project Narrative, prepared by Mumley Engineering, Inc., dated 11/21/2024;
    c. Existing Conditions, Sheet C-1, prepared by Mumley Engineering, Inc., dated 11/21/2024;
    d. Partial Site Plan, Sheet C-2, prepared by Mumley Engineering, Inc., revision date 02/04/2025;
    e. Viewshed Analysis, prepared by Mumley Engineering, Inc., dated 11/12/2024:
        - Overview of Project Area, Sheet 1;
        - View #1 from 1357 Stowe Hollow Farm Road, Sheet 2;
        - View #1 from 1357 Stowe Hollow Farm Road, Sheet 3;

- View #2 from Stowe Hollow Road, Sheet 4;
- View #2 from Stowe Hollow Road, Sheet 5;
- Overview of Property Area, Sheet 6;
- View Line on proposed site plan, Sheet 7;

f. Routing Diagram for 20019 Walton HydroCAD, prepared by Mumley Engineering, Inc., dated 02/04/2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Clearing shall be restricted to the areas shown on the approved 'Partial Site Plan', prepared by Mumley Engineering, Inc., (Sheet C-2, revision date 02/04/2025). Lands outside of the shown clearing limits shall be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest. Future forest management and timber harvesting shall, at a minimum, adhere to the guidelines included in the publication Acceptable Management Practices for Maintaining Water Quality on Logging Jobs.
4. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-F) including:
   a. The amount of soil exposed at any one time must be kept to a minimum.
   b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
   c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
   d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
   e. Existing drainage patterns must not be altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
5. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that it has been constructed as approved by the DRB. Prior to the issuance of a Certificate of Occupancy the Applicant shall submit the following:
   a. A licensed surveyor or engineer shall submit written confirmation that the parking area elevation does not exceed 1328'.
   b. A licensed engineer shall provide written certification that the site improvements have been constructed and clearing completed per the approved plans.
6. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Peter Roberts, and Patricia Gabel

The motion passed, 7-0.

Dated at Stowe, Vermont this the 18th day of Feb 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Please note that there are conditions of approval required to be met before your Zoning Permit can be issued. Once you fullfill these conditions your zoning permit will be sent to you

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7355		
Application Date	4/4/2024		
Physical Location	782 MOUNTAIN RD		
Map ID	07-034.000	**Tax ID**	25006
Project Description	CONSTRUCT A 48-UNIT, PREDOMINANTLY RETIREMENT RENTAL HOUSING, BUILDING AND ASSOCIATED SITE IMPROVEMENTS.		
Owner	JAMESON PARTNERS LLC 926 & 928 PITT ST LLCS & DONAHUE N & K		
Applicant	STEWART CONSTRUCTION INC. AARON STEWART		
Applicant Address	24 PEARL STREET		
	ESSEX JUNCTION VT 05452		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
OTHER				RECEIVED $500 CARRY $235 TOWARD COMPLETE
OTHER	4/15/2024			RECEIVED BY P & Z
OTHER	10/1/2024			DRB MOTIONED TO RE-OPEN HEARING ON 12/3/24
DRB DECISION	2/18/2025	3/20/2025	3/20/2027	APPROVED WITH CONDITIONS

Sarah McShane

Zoning Office

T WN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT# 7355

SUBJECT PROPERTY 782 Mountain Road, Stowe, VT (Tax Map #07-034.000)

PROPERTY OWNER
Nicholas & Kim Donahue- Jameson Partners LLC,
926 Pitt Street LLC & 928 Pitt Street LLC
PO Box 734
Sullivans Island, SC 29482

APPLICANT
Aaron Stewart
Stewart Construction, Inc.
24 Pearl Street
Essex Junction, VT 05452

APPLICATION

The Applicant, Aaron Stewart of Stewart Construction, Inc., on behalf of property owners Nicholas & Kim Donahue- Jameson Partners LLC, 926 Pitt Street LLC, and 928 Pitt Street LLC (herein referred to as the "Applicant"), requests combined conditional use, site plan, and design review approval to construct a forty-eight (48) unit building containing a retirement home and related site improvements. The proposed building will contain below ground parking with three (3) residential floors above. The Applicant also seeks a waiver, as allowed under §10.9, to increase the allowed building height.

The subject parcel, consisting of ±9.5 acres and located at 782 Mountain Road (07-034.000), is within the Highway Tourist (HT) zoning district and contains an existing commercial building presently used for office space. The property is served by Mountain Road/VT-108, a state highway maintained by the VT Agency of Transportation. Rear portions of the property lie within the Fluvial Erosion Hazard (FEH) District and the Flood Hazard Overlay District (FHOD); however, no development is proposed within either overlay district. The application was reviewed by the Development Review Board (DRB) under the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of combined conditional use, site plan, and design review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application for 'partial review' was filed by Applicant Aaron Stewart on April 15, 2024. Per Section III(A) of the DRB's Rules of Procedure, a 'partial' review may be submitted to the DRB for review when requested by the Applicant to complete additional plan development after an initial DRB hearing. The Applicant sought 'partial' review for a building height waiver under §10.9. The 'partial review' for a building height waiver was first brought to the Stowe Historic Preservation Commission (SHPC) on March 20, 2024, where the SHPC offered a positive preliminary recommendation. The Applicant then requested 'partial review' from the DRB during a warned public hearing on May 21, 2024. The DRB reviewed the 'partial' application under §10.9 and offered positive preliminary findings. The DRB then continued the hearing to a time and date certain of August 6, 2024 to allow the Applicant time to develop full and final plans. Upon submittal of a full and complete application, the August 6th hearing was re-warned in accordance with §2.14 of the Regulations and 24 V.S.A. §4464 for full and final review. The hearing notice was published in the Stowe Reporter on July 18, 2024.

The public hearing to consider the complete application convened on August 6, 2024 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. Tom Hand recused himself given his professional involvement in the project. Otherwise, no *ex parte* communications or conflicts of interests were reported. Members who participated in the August 6th review included: Mary Black, Patricia Gabel, Andrew Volansky, Michael Diender, Will Ardolino, and Lynn Altadonna. Patricia Gabel served as Acting Chair. The DRB unanimously voted to continue the hearing to the time and date

certain of September 3, 2024. Members participating in the September 3, 2024 review included: Drew Clymer[1], Mary Black, Patricia Gabel, Andrew Volansky, and Lynn Altadonna. Will Ardolino and Michael Diender could not attend the September 3rd hearing, however reviewed the hearing recording and additional submittals to enable their continued participation. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision. During the deliberations, the DRB determined additional information was needed to draw positive conclusions under §3.16(C)(3) – Circulation and Parking. On October 1, 2025, the DRB motioned to re-open the hearing to Tuesday, December 3, 2024 and re-warned the hearing in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The DRB re-opened the hearing on December 3, 2024 and, without taking evidence or testimony, immediately continued the hearing to the time and date certain of January 21, 2025 to allow the Applicant the opportunity to address the DRB's identified deficiencies. The DRB re-opened the hearing on January 21st. Participating in the January 21st hearing were Chair Drew Clymer, Andrew Volansky, Lynn Altadonna, Mary Black, Patricia Gabel, and Will Ardolino. Michael Diender did not attend the January 21st hearing, however reviewed the hearing recording and additional submittals to enable his continued participation and decision-making. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Aaron Stewart, Stewart Construction, Inc., 24 Pearl Street, Essex Junction, VT 05452
2. John Grenier, Grenier Engineering, PO Box 445, Waterbury, VT 05676
3. Tom Hand, Site Form Studio, 57 Depot Street, Stowe, VT 05672
4. Nick Donahue, Jameson Partners LLC, 734 Pitt Street, Mount Pleasant, SC 29464

Resident Josi Kytle spoke during the September 3rd hearing however she did not demonstrate how she met the definition of interested person, nor did she request interested person status.

Resident Michael Krancer provided the DRB written comments however he did not demonstrate how he met the definition of interested person. The DRB accepted his written comments as 'public comments' but did not enter them into the hearing record, nor does the DRB consider Mr. Krancer an interested person, as defined under 24 VSA §4471, with rights to appeal.

THE HEARING RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Development Application, dated 4/15/2024;
2. Project Narrative, prepared by Aaron Stewart, no date;
3. Proposed Site Grading Plan, submitted by Genier Engineering, revision date 1/2/2024;
4. Mountain Road Phase II, prepared by Rabideau Architects, dated 3/10/2021;
    a. A101, Garage Floor Plan, dated 3/7/2024
    b. A102, First Floor Plan, dated 3/7/2024
    c. A103, Second Floor Plan, dated 3/7/2024
    d. A104, Third Floor Plan, dated 3/7/2024
    e. A201, Exterior Elevations, dated 3/7/2024
    f. A202, Exterior Elevations, dated 3/7/2024

[1] DRB member Drew Clymer did not participate in the August 6th hearing however reviewed the meeting recording and hearing record to participate in the review and decision-making.

g. A520, Details, dated 3/7/2024
h. A521, Details, dated 3/7/2024
i. A901, 3D Views, dated 3/7/2024

5. Colored Renderings, 8 pages, no date;
6. Door & Window Specification Sheets, no date;

The following information was submitted for the Auguust 6, 2024 hearing and entered into the record:

7. Letter from Nicholas Donahue, dated 07/29/2024;
8. Transportation Impact Study, prepared by Wall Consultant Group, dated 07/01/2024;
9. Lighting Spec Sheets, including bollard, area/site, regressed, and wall fixtures, no date;
10. Window and Door Spec Sheets, no date;
11. Proposed Site Grading Plan, Sheet C-2, prepared by Genier Engineering, revision date 07/24/2024;
12. Existing Conditions Plan, Sheet L0.0, prepared by Site Form Studio, dated 07/30/2024;
13. Landscape Site Plan, Sheet L1.0, prepared by Site Form Studio, dated 07/30/2024;
14. Planting Plan, Sheet L2.0, prepared by Site Form Studio, dated 07/30/2024;
15. Lighting Plan, Sheet L4.0, prepared by Site Form Studio, dated 07/31/2024;
16. Lighting Details, Sheet L4.1, prepared by Site Form Studio, dated 07/31/2024;
17. Garage Floor Plan, Sheet A101, prepared by Rabideau Architects, revision date 03/07/2024:
18. First Floor Plan, Sheet A102, prepared by Rabideau Architects, revision date 03/07/2024;
19. Second Floor Plan, Sheet A103, prepared by Rabideau Architects, revision date 03/07/2024;
20. Third Floor Plan, Sheet A104, prepared by Rabideau Architects, revision date 03/07/2024;
21. South/East Elevation, Sheet A201, prepared by Rabideau Architects, revision date 03/07/2024;
22. North/West Elevation, Sheet A202, prepared by Rabideau Architects, revision date 03/07/2024;
23. Details, Sheet A520, prepared by Rabideau Architects, revision date 03/07/2024;
24. Details, Sheet A521, prepared by Rabideau Architects, revision date 03/07/2024;
25. 3d Views, Sheet A901, prepared by Rabideau Architects, revision date 03/07/2024;
26. Colored Renderings, 8 pages, no date.

The following information was submitted on September 3, 2024 and entered into the record:

27. Letter from Stewart Construction, dated 08/26/2024;
28. Letter from Nicholas Donahue, dated 08/25/2024;
29. Stowe Reporter article 'Study looks at Stowe's housing challenges', prepared by Tommy Gardner, dated 07/25/2024;
30. Lamoille County/Hardwick Regional Housing Assessment, prepared by Doug Kennedy Advisors, dated 05/22/2024.

The following information was submitted for the January 21, 2025 hearing and entered into the record:

31. Proposed Site Grading Plan, Sheet C-2, prepared by Grenier Engineering, revision date 12/02/2024;
32. Springer-Miller Building 1st Floor Plan, Sheet A.1, prepared by Bast & Rood Architects, revision date 11/20/2000;
33. Springer-Miller Building 2nd & 3rd Floor Plans, Sheet A.2, prepared by Bast & Rood Architects, revision date 12/18/2000;
34. Electrical Site Photometric Plan, Sheet E1.1, prepared by DuBois & King, Inc., dated 09/19/2024;
35. Electrical Site Plan Fixtures, Sheet E1.2, prepared by DuBois & King, Inc., dated 09/19/2024;

The following written public comments were also received but not entered into the record:

36. Written Comments from Michael Krancer, dated 01/21/2025.[2]

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact:

The Applicant's request for combined conditional use, site plan, design review approval was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2 – Administration and Enforcement
- Section 3 – General Regulations
- Section 4 – Specific Use Standards
- Section 5 – Zoning Districts
- Section 6 – Uses, Dimensional Requirements and Density
- Section 10 – Stowe Historic Overlay District and Historic Buildings
- Section 15 – Parking Regulations

DIMENSIONAL REQUIREMENTS:

Zoning District.

1. The subject property is located in the Highway Tourist (HT) Zoning District, as shown on the Official Town of Stowe Zoning Map. Portions of the property also lie within the Flood Hazard Overlay District (FHOD) and Fluvial Erosion Hazard (FEH) District; however, no development is proposed within these two (2) overlay districts.

Lot Area, Lot Width.

2. The existing lot area is ±9.5 acres. No changes to lot area or lot width are proposed under this application.

Setbacks.

3. Required minimum district setbacks in the HT are: front fifty (50') feet, side fifty (50') feet and rear fifty (50') feet.

4. The proposed retirement home building meets all required setbacks.

5. The proposed expanded parking areas meet the setback requirements under §15.6.

Maximum Building Coverage.

6. Section 16.23 defines Building Coverage to mean "*That portion of a site, expressed as a percentage, occupied by all buildings or structures, (not including public utility structures), that are roofed or otherwise covered and that extend more than three (3') feet above the surface ground level. The building roof overhang up to 6 feet in length is not included as part of the building coverage area.*"

[2] Resident Michael Krancer submitted written comments however he did not demonstrate how he met the definition of interested person. The DRB therefore accepted his written comments as 'public comments' but did not enter them into the hearing record.

7. In the HT district, maximum allowed building coverage is ten (10%) percent. Given the lot area (413,820 sf), a total of 41,380 sf is allowed, or 10%. As proposed, the existing, previously approved, and proposed buildings total 41,344 sf. A total of 36 sf of building coverage remains.

8. Based on the Applicant's calculations, the existing Springer-Miller office building, combined with the two (2) previously approved multi-family dwellings and the proposed forty-eight (48) unit retirement home building, total building coverage will be approximately ten (10%) percent, with thirty-six (36) square feet of building coverage remaining.

Use.

9. The property contains an existing multi-tenant office building. This historic building was originally a dwelling converted into an office and enlarged in the late 1980s with a large three-story addition (19,630 sf) added in 2002. Project # 6773 approved two (2) multi-family dwellings each consisting of twelve (12) dwelling units and related improvements – construction has not yet begun on this previously approved project; however the zoning permit remains in effect.

10. The Applicant now seeks approval for the construction of a forty-eight (48) unit retirement home and related site improvements.

11. Under §16.156, retirement home is defined as *"A residential building or complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facility may include a congregate meals program in a common dining area but typically excludes institutional care such as medical or nursing services."*

12. Under §16.176, multi-family dwelling is defined as *"A building on a single lot containing more than two (2) dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall, except for a common stairwell exterior to both dwelling units."*

13. Both multi-family dwellings and retirement homes are conditional uses in the HT District.

14. The proposed building is designed to accommodate senior living – those with an age of fifty-five (55) years or older. The proposed building contains a community room, fitness center, and sitting area for residents.

15. The property owners/management will ensure the facility is principally occupied by senior residents and will maintain tenant records.

16. As proposed by the Applicant, during the initial buildout and pre-leasing (prior to receiving the Certificate of Occupancy), marketing will exclusively focus on senior residents. Following stabilization (post Certificate of Occupancy) the leasing agent/management will market and offer available units to applicants over the age of fifty-five (55) for a period of one (1) month. If a suitable applicant has not been accepted, the unit will be open to the general public with no age restrictions.

17. As proposed by the Applicant, throughout the calendar year the general consensus of the leased units will remain a minimum 51% occupied by at least one (1) individual fifty-five (55) years of age or more.

18. The internal floor plan of each dwelling unit is nearly identical and is designed to be ADA compliant. The building will also contain a larger elevator to accommodate a full stretcher. A fire and emergency lane has been designed to allow easy access to the building.

Building Height.

19. The maximum building height in the HT district is twenty-eight (28) feet [Table 6.2].

20. The proposed building height is thirty-four (34) feet as measured to the peak of the roof.

21. Section 10.9 provides the DRB the authority to approve a building height greater than the maximum height established by the zoning district following a positive recommendation from the HPC. Height waivers can allow up to a thirty-five (35') foot building.

22. Given the property contains a historic building- the Springer-Miller office building-, the property is therefore eligible to apply for a building height waiver under §10.9.

23. The HPC reviewed the complete application during their June 5, 2024 meeting and unanimously voted to recommend approval of the application as proposed, including the requested building height waiver. The DRB accepts the recommendation of the HPC and grants the requested building height waiver.

Density.

24. The Applicant proposes forty-eight (48) units in the multi-family/retirement home building. Under Table 6.3 – Density Standards, the Regulations do not require density for retirement homes, as defined under §16.156.

25. In addition to the existing office use on the property, the Applicant has also secured a zoning permit for the construction of two (2) twelve (12) unit multi-family buildings (24 dwelling units total) previously approved under Project #6773. The project has not yet begun construction, but the zoning permit remains in effect.

26. The property contains ±9.5 acres or ±413,820 sf. Under the Regulations, the density allowed under §4.23 can be applied because the property is located in an area served by municipal water and sewer. A total residential density of forty-seven (47) dwelling units is allowed. Of which, the Applicant has used twenty-four (24); twenty-three (23) available dwelling units remain. No density is required for the proposed forty-eight (48) unit retirement home.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to the applicable dimensional requirements and grants approval for the requested building height waiver. In reviewing the Applicant's proposed use – retirement home – the DRB concludes the building is designed for and will be principally occupied by senior citizens. However, for the DRB to grant approval, the project must comply with the provisions of the federal Fair Housing Act and Vermont 9 V.S.A. §4503. As proposed, the project does not comply but can achieve compliance with minor modifications to the use and management of the retirement home.

Section 16.156 of the Town of Stowe Zoning Regulations [effective January 31, 2024] defines the term "Retirement Home" as follows:

> A *residential building or complex* containing *multi-family dwellings designed for* and *principally occupied by senior citizens*. Such facility may include a congregate meals program in a common dining area but typically excludes institutional care such as medical or nursing services. [emphasis added]

When applying this definition to the proposed project, the DRB takes official notice of applicable federal and state legislation that prohibits discrimination in housing (1) based on familial status [federal], (2) based on intention to occupy a dwelling with one (1) or more minor children [state], and (3) based on age [state]. *See, 42 U.S.C. sec. 3604 and 9 V.S.A. sec. 4503 (a).* More particularly, the DRB takes official notice of Vermont state law with respect to the obligation of zoning officials to comply with Vermont fair housing laws [9 V.S.A. sec. 4503(a)(12)].

Notwithstanding the general prohibitions against housing discrimination based on age, familial status, and intention to occupy a dwelling with one (1) or more minor children, both federal and state legislation provides an exemption from these prohibitions for housing for older persons who are fifty-five (55) years of age or older [42 U.S.C. sec. 3607(b)(2)(c)] and 9 V.S.A. sec. 4503(b)(2)(B) and (C), respectively]. These laws set forth specific requirements that must be met to comply with the exemptions. The DRB takes official notice of these statutory exemptions, as well. [3]

The DRB therefore adopts the following interpretation of the language of the Town of Stowe Zoning Regulations definition of "Retirement Home":

> "Residential building or complex" means any dwelling or group of dwelling units governed by a common set of rules, regulations or restrictions. A portion or portions of a single building shall not constitute a residential building or complex.
>
> "Multi-family dwellings designed for and principally occupied by senior citizens" means dwellings contained in a residential building or complex that comply with the requirements of applicable federal and state laws regarding housing for older persons, as such laws may be amended from time to time, as well as with the requirements of fair housing laws, as they may be amended from time to time, including without limitation the statutory and regulatory exemptions from discrimination claims under fair housing laws set forth in 42 U.S.C. sec. 3604, 24 C.F.R. 100.304[4], and 9 V.S.A. sec. 4503[5].

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[3] There are separate exemptions under both state and federal law that apply to housing intended for, and solely occupied by, persons sixty-two (62) years of age or older, but those exemptions are not relevant to the instant application.

[4] In order to qualify for the fifty-five (55) or-older exemption under current applicable federal law, a facility must be intended and operated for occupancy by persons fifty-five (55) years of age or older, and

- At least 80 percent of the occupied units must be occupied by at least one person who is fifty-five (55) years of age or older; and
- The housing facility or community must publish and adhere to policies and procedures that demonstrate the intent required under this subparagraph; and
- The housing facility or community must comply with rules issued by the Secretary for verification of occupancy, which shall—
  - (I) provide for verification by reliable surveys and affidavits; and
  - (II) include examples of the types of policies and procedures relevant to a determination of compliance
  - Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

The federal statute also provides that housing shall not fail to meet the requirements for housing for older persons by reason of unoccupied units *provided*, that such units are reserved for occupancy by persons who meet the age requirements.

The applicable federal regulations that provide further details regarding compliance with this exemption are set forth at 24 C.F.R. 100.304. Subdivision (b) of 24 C.F.R. 100.304 provides as follows:

> For purposes of this subpart, *housing facility or community* means any dwelling or group of dwelling units governed by a common set of rules, regulations or restrictions. A portion or portions of a single building shall not constitute a housing facility or community.

[5] Set forth below is the fifty-five (55) years-or-older exemption under Vermont state law:
(b) The provisions of subsection (a) of this section with respect to discrimination in sales and rentals of dwellings on the basis of age or on the basis of a person's intention to occupy with one (1) or more minor children shall not apply to the sale or rental of a dwelling in a housing complex: ****** (2) intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit. This subsection shall only apply if the following conditions are met:
(A) the housing complex has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if it is not practicable to provide those facilities and services, that the housing complex is necessary to provide important housing opportunities for older persons;
(B) at least 80 percent of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit, except that a newly constructed housing complex in which first occupancy will begin after enactment of this chapter need not comply with this subsection until twenty-five (25) percent of the units are occupied; and
(C) there are written and enforced policies and procedures that demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older;

With respect to this project, the DRB finds the project, as presented, does not comply the federal and state exemptions and therefore in order to approve the application, the DRB must condition its approval to ensure compliance. The DRB therefore requires the following conditions of approval: At least eighty (80) percent of the units must have at least one (1) occupant who is fifty-five (55) years of age or older (the Applicant need not comply with this condition until twenty-five (25) percent of the units are occupied); and the facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and the facility or community must comply with HUD's regulatory requirements for age verification of residents; or otherwise comply with federal and state regulations applicable to housing for persons who are fifty-five (55) years of age or older as amended from time to time. With these conditions, the DRB concludes the proposed use - retirement home- conforms with local, state, and federal housing legislation.

Section 3.7 – Standards of review:

Section 3.7(4)(A) – Capacity of existing or planned community facilities and services.

1. Staff requested comments on the proposal from the respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

2. No Municipal Department review forms returned indicated that the proposed development would have any undue adverse impact on existing or planned community facilities and services.

3. The proposed building will be connected to the municipal water and sewer systems. The hearing record does not contain any evidence regarding insufficient capacities of these systems to serve the project.

4. Stowe Fire Department provided written comments, dated 4/26/2024 which the Applicant agreed to incorporate into the project design.

5. The Stowe Police Department provided written comments in an email dated 7/16/2024 recommending a generator be installed to serve the building in the event of a storm and loss of electricity.

6. The Applicant testified that they will install a generator along the east side of the building, near the end of the parking area as shown on the 'Proposed Site Grading Plan' (Sheet C-2).

7. No other Municipal Department comments were received.

Conclusion: Based on the above findings, the DRB concludes the proposal will not result in an undue adverse effect on the Town's existing or planned facilities or services.

Section 3.7(4)(B) – Traffic on roads and highways in the vicinity.

1. The Applicant requests approval to construct a forty-eight (48) unit multi-family retirement home.

2. The Applicant proposes to utilize the existing vehicular access entrance onto Mountain Road (VT-108), a heavily traveled state highway. VT Agency of Transportation guidelines specify that a traffic study should be considered if the proposed development will generate seventy-five (75) or more peak hour trips.

3. The Applicant provided a transportation assessment prepared by Wall Consultant Group. The assessment includes future projects which have yet to be applied for (i.e. sixteen (16) senior housing units in the existing office building). Overall, given the variety of uses on the property, the assessment estimates a net change of an additional seventy-four (74) trips. The estimated PM peak hour trips would result in a ten (10)

trip reduction, whereas estimated Saturday peak hour trips would result in an increase of thirty-six (36) trips.

Conclusion: Based on the above findings, the DRB concludes the project will have minor increases to traffic on roads, however will not create an undue adverse impact on traffic on roads and highways in the vicinity.

Section 3.7(4)(C) – The character of the area affected.

1. The property is located within the HT District. The purpose of the HT district as stated in the Regulations is *"To control development along the portion of the 'lower' Mountain Road between designated growth centers in a manner that encourages continued moderate-intensity commercial and residential land uses while maintaining high quality development and site design."*

2. The parcel is previously developed and contains a historic building and attached office building. Mountain Road (VT-108) creates the southern property line.

3. The Blessed Sacrament Church is located to the east; the former Town & Country Inn/motel is located to the west. Municipally owned Cady Hill Forest is located across the street to the south. Rear portions of the parcel are undeveloped and contain floodplain and river corridor areas.

4. Dominant land uses in the vicinity include a mix of commercial, outdoor recreation, and tourism related services.

5. There is no evidence in the hearing record that presents an adverse impact on the character of the area affected.

Conclusion: Based on the above findings, the DRB concludes the proposal will not adversely affect the character of the area as defined under the Regulations.

Section 3.7(4)(D) – Regulations and ordinances in effect.

1. The application requires review under the conditional use, site plan and design review standards. Applicable bylaws include the Stowe Zoning Regulations (effective January 31, 2024).

2. The project will connect to the Town's municipal water and sewer systems. Connections to the municipal sewer system are regulated under the Town of Stowe Sewer Ordinance.

3. No other identified municipal bylaws or ordinances apply to this project.

Conclusion: Based on the above findings, the DRB concludes the proposal is in conformance with identified regulations and ordinances in effect.

Section 3.7(4)(E) – Utilization of renewable energy sources.

1. The Applicant requests approval to construct a forty-eight (48) unit multi-family retirement home building, predominantly for retirement-age/senior citizens, and related site improvements.

2. No renewable energy generation or development is proposed with this project. The proposal will not inhibit the use of, or access to, the utilization of renewable energy resources.

3. As required under state laws, the project will be required to be constructed in conformance with the State of VT Building Energy Standards.

Conclusion: Based on the above findings, the DRB concludes the project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.

Section 3.7(4)(F) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

1. According to the ANR Natural Resources Atlas there are no rare or endangered species, deer wintering areas, or inventoried wetlands on the property. Rear portions of the property contain lands within the Flood Hazard Overlay District and a low priority habitat block.

2. The property is currently developed with a large office building, existing impervious surfaces, and related improvements.

3. The property contains a historic building [808-129], as defined under the Regulations. In the 2005 historic survey, the documentation notes that although the basic cape form of the main block is maintained, the changes and exterior alterations to this former farmhouse are so overwhelming that the original integrity has been lost. The building was recommended to be removed from the historic survey but continues to meet the definition of the historic building (as defined under the Regulations) and therefore new construction is subject to design review under §10. The SHPC held informal reviews on January 17th and March 20, 2024, and a full formal review on June 6, 2024. At the June 6th meeting, the SHPC recommended approval of the project as proposed, including the requested building height waiver.

4. Surrounding the parcel are a mix of commercial, outdoor recreation, and tourism related services and businesses. The property contains frontage on Mountain Road (VT-108), a heavily traveled road connecting Stowe Village and Stowe Mountain Resort.

5. Adjacent properties contain a catholic church to the east and a lodging facility to the west. Across the street is the town-owned conserved Cady Hill Forest used for outdoor recreation, primarily mountain biking and pedestrian travel.

6. The project will be visible from Mountain Road/VT-108. The building design and architecture uses natural materials and colors. The proposed landscaping softens the architectural design and provides visual screening of the building and parking areas.

Conclusion: Based on the above findings, the DRB concludes the project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

Section 3.7(4)(G) – Project will not result in undue water, noise or air pollution.

1. The Applicant requests approval to construct a forty-eight (48) unit multi-family retirement home building, predominantly for retirees, with related site improvements.

2. Nothing within the hearing record indicates that the project will create undue water, noise, or air pollution.

3. The proposed building will utilize two (2) enclosed AC/chiller units, located along the west side of the building.

Conclusion: Based on the above findings, the DRB concludes the project will not result in undue water, noise or air pollution.

Section 3.16(C) & (D) – Standards and Conditions (Site Plan Review):

Section 3.16(C)(1) – Access Management.

1. The property currently gains vehicular access off Mountain Road (VT-108) via two (2) entrance driveways. The easternmost driveway currently serves the existing Springer-Miller building and will serve the proposed development. It will continue past the proposed multi-family/retirement home and provide access to the rear of the future multi-family buildings approved under Project #6773 – yet to be constructed. The westernmost driveway currently provides access to the existing parking area. That parking area will be reconfigured as part of the multi-family development approved under Project #6773.

2. The easternmost driveway will shift to the east by approximately fifty (50') feet to provide more direct access into the site and proposed parking areas.

3. 24 VSA §4416 requires proposals involving access to a state highway provide a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 VSA §1111. The Applicant has not provided a letter of intent from the Agency of Transportation.

Conclusion: Based on the above findings, the DRB concludes that the existing and proposed access improvements are adequate for the intended use. As a condition of approval, the Applicant will be required to submit a Letter of Intent or §1111 prior to the issuance of a zoning permit.

Section 3.16(C)(2) – Shared Access.

1. The reconfigured easternmost driveway will serve the existing Springer-Miller office building, the proposed multi-family/retirement home, and the two (2) twelve (12) unit multi-family buildings approved under Project #6773.

2. The westernmost driveway will also serve the Springer-Miller office building and the two (2) twelve (12) unit multifamily buildings approved under Project #6773.

Conclusion: Based on the above findings, the DRB concludes that the project complies with Section 3.16(C)(2) – shared access.

Section 3.16(C)(3) – Circulation and Parking.

1. The property is accessed by two (2) existing curb cuts off Mountain Road (VT-108), a heavily travelled state highway.

2. The Applicant proposes improvements to the existing internal site circulation and additional parking spaces within the property and within the ground floor of the proposed retirement home.

3. Table 15.2 requires one (1) parking space per each dwelling unit/housing for the elderly and one (1) parking space per every 300 sf of gross floor space (excluding storage for office use).

4. The Applicant provided a parking calculation chart. The total required parking spaces for existing, proposed, and previously approved uses is 132 parking spaces. The total number of parking spaces provided is 135. Sufficient parking is provided to support the existing, proposed, and previously approved uses.

5. The Applicant recently obtained a zoning permit (Project #7535) to convert ±7,746 sf of existing office space within the Springer-Miller building to storage space to meet the parking requirements of this current application. As noted in Table 15.2, storage areas have no parking requirements. Additionally, the parking chart provided by the Applicant takes into account existing, recently approved, and proposed uses- accurately calculating the parking required under the Regulations.

6. The current site plan, plus underground parking for the two (2) previously approved multi-family buildings and the proposed multi-family/retirement home, demonstrate a total of 135 parking spaces. Eight (8) of these spaces are labeled as ADA spaces.

7. Both one-way and two-way travel aisles meet the twenty-four (24') foot-width requirement.

8. Under existing site conditions, there is parking located in the front yard on the western side of the Springer-Miller building which will continue to exist (§15.1(4)). Reconfigured/expanded parking is proposed along the easternmost driveway.

9. The reconfigured/expanded parking area to the east of the Springer-Miller building incorporates two (2) landscape islands. Additionally, proposed/existing landscaping will be installed at this entrance to provide visual screening, complying with §15.4.

Conclusion: Based on the above findings, the DRB concludes the existing and proposed circulation and parking improvements represent safe and adequate access and circulation for the intended use and have been designed in accordance with the applicable provisions of Section 15.

Section 3.16(C)(4) – Pedestrian Circulation and Access.

1. The Regulations require pedestrian circulation within the site, and access through the site to adjacent properties along public roads, be provided.

2. The site plan depicts walkways between parking areas and buildings, and from the sidewalk along Mountain Road (VT-108). The site plan also includes a crosswalk between the front parking lot to the new multi-family/retirement home building.

3. The Stowe Recreation Path is located through the woods to the rear of the property. The Applicant testified that the footpath leading to the Stowe Recreation Path will be widened for improved pedestrian access.

Conclusion: Based on the above findings, the DRB concludes the proposed site layout, including internal pedestrian circulation and access, represents safe and adequate pedestrian access and circulation for the intended use.

Section 3.16(C)(5) – Landscaping and Screening.

1. The Regulations require landscaping details and screening of garbage collection areas, outdoor storage, commercial ventilation systems over two square feet; loading and unloading areas and other outdoor utilities, including solar installations, be provided as part of proposed site development plans.

2. Landscape plans prepared by Site Form Studio, Sheets L1.0 and L2.0 identify new and existing landscaping to be retained. The plans include a variety of trees, shrubs, perennials, and grasses.

3. The Applicant provided colored renderings illustrating the anticipated appearance of the project with existing and proposed vegetation. Adequate visual screening will be achieved with the proposed landscaping.

4. Two (2) dumpster enclosures are shown on the site plan; one (1) along the west property line behind the future multifamily buildings approved under Project #6773, and one (1) along the east property line, at the rear end of the front parking lot, easternmost driveway. Both are proposed to be fenced and gated with a wooden slat screen.

5. The site plan identifies two (2) exterior mechanical units that will be placed next to each section of the building. The Applicant testified that they will not be visible from Mountain Road or the bike path, and they will be further screened onsite with landscaping.

6. A generator will be installed next to the east wall of the new building, near the end of the parking area. Given the location, existing tree lines, proposed landscaping, and parked vehicles, the generator is not expected to be visible from Mountain Road (VT-108) or neighboring properties.

Conclusion: Based on the above findings, the DRB concludes the proposed landscaping and screening meets the standards outlined in Section 4.6.

Section 3.16(C)(6) – Stormwater Management.

1. Section 3.12(2) provides stormwater and erosion control standards for construction-related activities associated with any new construction.

2. More than ½ acre of additional impervious surfaces and grading are proposed.

3. The site grading plan depicts three (3) infiltration basins and storm drains leading to them.

4. The Applicant testified that the project includes infiltration basins along the eastern edge of the easternmost parking area and behind the two (2) twelve (12) unit multifamily buildings approved under Project #6773. The property has mostly sand and gravel soils which aid in faster infiltration, and the stormwater control systems are designed to handle up to the 400-year storm level.

5. The Applicant testified that the amount of stormwater discharge levels will decrease after the construction of the development.

6. The Applicant testified they will need to obtain a State stormwater discharge permit for the project.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms with §3.12; existing and proposed drainage patterns will not be altered in a manner which cause an undue adverse impact on neighboring properties, town highways or surface waters.

Section 3.16(C)(7) – Outdoor Lighting.

1. The regulations require that all outdoor lighting be installed in accordance with the standards in § 4.8.

2. The Applicant provided manufacturer cutsheets for the proposed outdoor lighting. The cutsheets indicate that the two (2) of the four (4) fixture types are dark sky compliant – the Viper Area/Site fixture and the Streetworks Galleon Wall fixture. The specification sheets for the Juno downlights and the bollard lights do not specify dark sky compliance, however are designed to meet the dark sky standards.

3. The Lighting Plan prepared by Site Form Studio, Sheet L4.0, details the locations of the bollard and area/site light fixtures, as well as additional landscape light fixtures.

4. Section 4.8(6) limits the mounting height for pole lights to sixteen (16') feet. The Applicant testified that the pole lights will not exceed sixteen (16') feet in height.

5. The Applicant provided a photometrics plan that demonstrates compliance with §4.8(8).

Conclusion: Based on the above findings, the DRB concludes the project, as conditioned, will conform to the applicable requirements set forth in §4.8.

Section 3.16(D)(2) – Additional HT Standards:

Front Yard Treatment.

1. The Applicant proposes to shift the easternmost curb cut approximately fifty (50') feet to the east. This driveway, combined with another existing driveway and existing/new walkways, will traverse the twenty (20') front yard strip.

2. The existing historic Springer-Miller building is nonconforming and lies within the twenty (20') foot continuous strip.

3. The site plan indicates that the proposed parking along the eastern driveway is setback twenty (20') feet from the edge of the highway right-of-way, outside the twenty (20') foot continuous strip.

Parking.

4. The site plan shows parking areas in several locations. The existing parking area served by the westernmost driveway will be reconfigured but will continue to be located in the front yard. The existing parking area served by the easternmost driveway will be reconfigured into a thirty-two (32) space parking area along the east property line, and the driveway will continue through parking area toward the rear of the property and proposed development. Remaining parking areas will be located in the rear, behind the existing Springer-Miller office building.

Driveway Access.

5. Table 15.1 requires a twenty-four (24') foot wide aisle width for two-way traffic. The site plan shows twenty-four (24') foot driveways/travel lanes throughout the site.

Conclusion: Based upon the above findings, the DRB concludes the proposal has been designed in a compatible scale and is consistent with the defined purpose of the HT District. The proposal complies with applicable provisions set forth in §3.16(D)(2) – Additional HT Standards.

Section 4: Specific Use Standards:

Section 4.6 – Landscaping Standards. See findings above.

Section 4.8 – Outdoor Lighting. See findings above.

Section 4.21 – Mixed Use.

1. The property contains an existing office building. The Applicant has also obtained a zoning permit for the construction of two (2) multi-family dwellings, however the project has not yet begun. The Applicant now seeks approval for a separate detached building of retirement home use.

2. The project is required to be reviewed under both the conditional use criteria and site plan review requirements.

3. The project qualifies as a mixed-use development because it contains one (1) principal non-residential building (office) and more than one (1) residential building, satisfying the definition in §16.108.

4. The project meets applicable dimensional requirements.

5. The existing and proposed buildings will be served by two (2) existing shared access. Both accesses exist and will be improved to serve the existing and planned uses. The DRB therefore finds §4.21(4) is satisfied.

Conclusion: Based upon the above findings, the DRB concludes the project conforms to the applicable requirements of §4.21.

Section 4.23 – Areas Served by Municipal Water & Sewer Infrastructure.

1. The term 'Served by Municipal Water & Sewer Infrastructure' is defined under §16.162.

2. The property is located with the municipal sewer service area and has access to the municipal water system.

3. There are no identified state regulations or permits, capacity constraints, or municipally adopted service and capacity agreements identified in the hearing record that would prohibit connections to these municipal systems.

4. The DRB finds the property meets the definition of 'Served by Municipal Water & Sewer Infrastructure' and §4.23 is therefore applicable.

5. The DRB incorporates by reference into this section's findings its findings under dimensional requirements (density standards), above, as if more fully stated herein.

6. The property is not located in an RR District, therefore §4.23(C)(1) does not apply.

7. The DRB incorporates by reference into this section's findings its findings under dimensional requirements (building height), above, as if more fully stated herein.

8. The property is not located in an RR District, therefore §4.23(E) does not apply.

9. §4.23(G) does not apply. The Applicant is not proposing to create a parcel, nor does the Applicant propose to develop two (2) contiguous parcels under common ownership.

Conclusion: Based upon the above findings, the DRB concludes the application conforms to the applicable requirements of §4.23.

Section 10: Stowe Historic Overlay District and Historic Buildings.

1. The property contains a historic building, as defined and regulated under §10. The SHPC informally reviewed the application during their January 17th and March 20, 2024 meetings and formally reviewed the application during their June 5, 2024 meeting. At the June 5th meeting, the SHPC recommended approval of the project as proposed, including the requested building height waiver.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to the design review requirements of Section 10.

Section 15 – Parking Regulations. See findings above.

DECISION

Based upon the above findings and conclusions, the DRB hereby approves the Applicant's request for combined conditional use, site plan, and design review (Project #7355) as described in the application dated 4/15/2024 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:

    1. Development Application, dated 4/15/2024;
    2. Project Narrative, prepared by Aaron Stewart, no date;
    3. Proposed Site Grading Plan, submitted by Genier Engineering, revision date 1/2/2024;
    4. Mountain Road Phase II, prepared by Rabideau Architects, dated 3/10/2021;
        a. A101, Garage Floor Plan, dated 3/7/2024
        b. A102, First Floor Plan, dated 3/7/2024
        c. A103, Second Floor Plan, dated 3/7/2024
        d. A104, Third Floor Plan, dated 3/7/2024
        e. A201, Exterior Elevations, dated 3/7/2024
        f. A202, Exterior Elevations, dated 3/7/2024
        g. A520, Details, dated 3/7/2024
        h. A521, Details, dated 3/7/2024
        i. A901, 3D Views, dated 3/7/2024
    5. Colored Renderings, 8 pages, no date;
    6. Door & Window Specification Sheets, no date;
    7. Letter from Nicholas Donahue, dated 07/29/2024;
    8. Transportation Impact Study, prepared by Wall Consultant Group, dated 07/01/2024;
    9. Lighting Spec Sheets, including bollard, area/site, regressed, and wall fixtures, no date;
    10. Window and Door Spec Sheets, no date;
    11. Proposed Site Grading Plan, Sheet C-2, prepared by Genier Engineering, revision date 07/24/2024;
    12. Existing Conditions Plan, Sheet L0.0, prepared by Site Form Studio, dated 07/31/2024;
    13. Landscape Site Plan, Sheet L1.0, prepared by Site Form Studio, dated 07/31/2024;
    14. Planting Plan, Sheet L2.0, prepared by Site Form Studio, dated 07/31/2024;
    15. Lighting Plan, Sheet L4.0, prepared by Site Form Studio, dated 07/31/2024;
    16. Lighting Details, Sheet L4.1, prepared by Site Form Studio, dated 07/31/2024;
    17. Garage Floor Plan, Sheet A101, prepared by Rabideau Architects, revision date 03/07/2024:
    18. First Floor Plan, Sheet A102, prepared by Rabideau Architects, revision date 03/07/2024;
    19. Second Floor Plan, Sheet A103, prepared by Rabideau Architects, revision date 03/07/2024;
    20. Third Floor Plan, Sheet A104, prepared by Rabideau Architects, revision date 03/07/2024;
    21. South/East Elevation, Sheet A201, prepared by Rabideau Architects, revision date 03/07/2024;
    22. North/West Elevation, Sheet A202, prepared by Rabideau Architects, revision date 03/07/2024;
    23. Details, Sheet A520, prepared by Rabideau Architects, revision date 03/07/2024;
    24. Details, Sheet A521, prepared by Rabideau Architects, revision date 03/07/2024;
    25. 3d Views, Sheet A901, prepared by Rabideau Architects, revision date 03/07/2024;
    26. Colored Renderings, 8 pages, no date;
    27. Letter from Stewart Construction, dated 08/26/2024;

28. Letter from Nicholas Donahue, dated 08/25/2024;
29. Proposed Site Grading Plan, Sheet C-2, prepared by Grenier Engineering, revision date 12/02/2024;
30. Springer-Miller Building 1st Floor Plan, Sheet A.1, prepared by Bast & Rood Architects, revision date 11/20/2000;
31. Springer-Miller Building 2nd & 3rd Floor Plans, Sheet A.2, prepared by Bast & Rood Architects, revision date 12/18/2000;
32. Electrical Site Photometric Plan, Sheet E1.1, prepared by DuBois & King, Inc., dated 09/19/2024;
33. Electrical Site Plan Fixtures, Sheet E1.2, prepared by DuBois & King, Inc., dated 09/19/2024.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Prior to the issuance of the zoning permit, the Applicant must submit the following to the Zoning Administrator:
    a. Revised elevation plans identifying the location of all exterior light fixtures;
    b. Manufacturer specification for outdoor light poles that are sixteen (16) feet or less; and
    c. A Letter of Intent or a §1111 permit from the Vermont Agency of Transportation or a jurisdictional opinion one is not required.
4. The Applicant must comply with the following conditions of approval pertaining to the use of the retirement home at all times:
    a. At least eighty (80) percent of the units must have at least one (1) occupant who is fifty-five (55) years of age or older. The Applicant need not comply with this condition until twenty-five (25) percent of the units are occupied; and
    b. The facility or community must publish and adhere to policies and procedures that demonstrate the intent to operate as fifty-five (55) years of age or older housing; and
    c. The facility or community must comply with HUD's regulatory requirements for age verification of residents; or
    d. Otherwise demonstrate compliance with federal and state regulations applicable to housing for persons who are fifty-five (55) years of age or older as amended from time to time.
5. Prior to January 1st of each year, the Applicant must provide to the Zoning Administrator written verification of compliance with Condition #4(a)-(c) or (d).
6. The Applicant shall obtain all necessary municipal water and sewer allocation and connection permits. Final plans, Details, Technical Specification and for proposed Water and Sewer Connections shall be approved by the Department of Public Works.
7. All mechanical systems shall be located or screened in a manner that they are not visible from the public right-of-way.
8. Landscaping shall be properly maintained in accordance with the approved plans. Any dead and dying plants and trees shall be replaced within one (1) year of death.
9. The expanded paved parking areas shall have painted lines designating parking spaces in accordance with the approved plans. Lines shall be applied within one (1) month of paving and shall be maintained so as to be visible.
10. No parking space shall be used for any purpose that interferes with its availability for required parking, including the location of trash or recycling dumpsters.
11. Required parking spaces shall be maintained (plowed) for winter use.
12. All parking surfaces shall be constructed so as to eliminate standing water and the discharge of storm water onto adjacent property.
13. Construction hours shall be limited to Monday-Friday from 7:00 am-5:00 pm and Saturday morning from 9:00 am- 1:00 pm. with no construction on Sunday or State or Federal holidays.
14. The installation of outdoor light fixtures is limited to those described and depicted within the application. Fixtures shall employ warm-toned (3000K and lower).
15. All outdoor light fixtures shall be installed, shielded, and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property.
16. The pole lights shall measure no more than sixteen (16') feet in height. Outdoor parking area lighting shall be on photocells or timers.

17. The sixteen (16') foot concrete emergency access shall be signed as a fire lane ensuring no vehicle parking. The access must be maintained during winter to be plowed and free of snow.
18. The Applicant must install a Fire Department Knox box prior to building occupancy for key/code access. The owner or representative of the property shall meet with an officer of the Stowe Fire Department to determine an acceptable location for the Knox box.
19. A master door lock system is required for all doors (key/code/fob).
20. Fire alarm system programming shall be programmed to indicate the level, unit number or designation and nature of the alarm. A sub-panel must be installed in the entry way on the parking lot side of the building.
21. Fire Department standpipe shall be installed in the stairways for interior firefighting operations. Standpipes shall also be installed at the enter points of the underground parking garages of both buildings.
22. FDC shall be located on the parking lot side of the building as shown in the approved plan.
23. A shut-off control for the underground parking garages ventilation systems shall be installed next to the main fire panel in each building as agreed upon in the site plan.
24. The roof access point shall be 36X72.
25. There shall be no EV charging station installed in the first floor covered parking garages without additional review and approval by the DRB.
26. Outside fire department sprinkler connections shall be signed with FDC signs above the connection.
27. Utility room's doors that house sprinkler system controls and fire alarm panels shall be marked on the outer door with the approved/supply fire department label.
28. The E-911 address shall be marked on the front of the building or on the street entrance. The E911 address number shall be no less than 6-inch numbers or a reflective sign available from Stowe EMS.
29. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-F) including:
    a. The amount of soil exposed at any one time must be kept to a minimum.
    b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e. An adequate stormwater drainage system must be continuously maintained to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
30. A Certificate of Occupancy must be obtained from the Zoning Administrator prior to occupancy and use to ensure that the project has been completed as approved by the DRB, as required under §2.10. Prior to occupancy, the owner or representative of the property will meet with an officer of the fire department to complete a "fire department pre-plan" survey and submit all of the following:
    a. Documentation that all necessary allocation and connection permits have been obtained from the Department of Public Works;
    b. Documentation that all Stowe Fire Department requirements have been installed and are in working order;
    c. Written certification from a licensed engineer that all permitted access, parking, and stormwater improvements have been completed in conformance with the approved plans;
    d. A licensed landscape architect shall provide written certification that the landscaping, screening, and outdoor site lighting has been installed in conformance with the approved plans;
    e. A licensed architect shall provide written certification that the proposed building, including all building mounted outdoor lighting, and enclosed trash collection areas have been constructed in conformance with the approved plans; and
    f. A copy of the VT State stormwater discharge permit.
31. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant and his successors agrees to

allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

Voting in favor: Andrew Volansky, Mary Black, Michael Diender, Patricia Gabel, Lynn Altadonna, Drew Clymer, and Will Ardolino

Voting to deny: None

Dated at Stowe, Vermont this the 26 day of February 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7492		
Application Date	10/15/2024		
Physical Location	1027 SPRUCE PEAK		
Map ID	14-003.010	**Tax ID**	25086
Project Description	NEW GARAGE ADDITION 2 STORY 2 BAY W/ LIVING SPACE		
Owner	ALLRAUM THOMAS & MARY		
Applicant	HAMOR ARCHITECHT BRIAN HAMOR		
Applicant Address	458 MOUNTAIN RD		
	STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	2/18/2025			APPROVED

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT# 7492

SUBJECT PROPERTY 1027 Spruce Peak Road, Stowe, VT (#14-003.010)

PROPERTY OWNER
Thomas Allraum
1027 Spruce Peak Road
Stowe, VT 05672

APPLICANT
Hamor Architecture
458 Mountain Road
Stowe, VT 05672

APPLICATION

The Applicant, Hamor Architecture, on behalf of property owner Thomas Allraum, requests Ridgeline and Hillside Overlay District [RHOD] approval to construct an attached garage with living space in the upper floor. The subject parcel consists of ±4.4 acres (Tax Map # 14-003.010) and is located within the Rural Residential 5 (RR5) zoning district and the RHOD. The parcel is accessed directly off Spruce Peak Road (a privately owned and maintained roadway). The subject property is bounded to the north by a ±6.3 acre parcel currently owned by Cliffside Stowe LLC; to the south by a ±2.88 acre parcel currently owned by Aleta Roth; and to the east and west by a ±1749.7 acre parcel currently owned by VR US Holdings II LLC. The existing single-family dwelling was constructed in 1980. The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective January 31, 2024) for the purpose of RHOD review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

An application for RHOD review was filed by Applicant Hamor Architecture on October 15, 2024. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for December 3, 2024 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on November 14, 2024.

The public hearing to consider the application convened on December 3, 2024 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Lynn Altadonna, and Michael Diender. The DRB continued the hearing to a time and date certain of January 7, 2025 in order to obtain additional information from the Applicant. On January 7, 2025, the DRB re-opened the continued hearing. Members who participated in the continued review included Drew Clymer, Tom Hand, Mary Black, Andrew Volansky, Lynn Altadonna, and Michael Diender. David Kelly was absent but reviewed the recording. The DRB continued the hearing to a time and date certain of January 21, 2025 in order to obtain additional information from the Applicant. On January 21, 2025, the DRB re-opened the continued hearing. DRB member Tom Hand recused himself from further review of the project due to a recently established conflict of interest. Members who participated in the continued review included Drew Clymer, Mary Black, David Kelly, Andrew Volansky, and Lynn Altadonna. Michael Diender was absent but reviewed the recording. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Brian Hamor, Hamor Architecture, 458 Mountain Road, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Development Application, dated 10/15/2024;
2. Aerial view of proposed project site, Mango Maps, dated 10/07/2024;
3. Qouizel Outdoor Light Fixture spec sheet, no date;
4. First Occurrence of Public View, Google Map Aerial View 1, no date;
5. First Occurrence of Public View, Photograph 1, no date;
6. Second Occurrence of Public View, Google Map Aerial View 2, no date;
7. Second Occurrence of Public View, Photograph 2, no date;
8. Third Occurrence of Public View, Google Map Aerial View 3, no date;
9. Third Occurrence of Public View, Photograph 3, no date;
10. Last Occurrence of Public View, Google Map Aerial View 4, no date;
11. Last Occurrence of Public View, Photograph 4, no date;
12. Aerial Photograph of Property, no date;
13. Photograph of Existing Dwelling, no date;
14. Photograph of Existing Dwelling, side view, no date;
15. Photograph of Mountain View from Property, no date;
16. Photograph of Mountain View from Higher Elevation on Property, no date;
17. Photograph of Mountain View from Balcony on Property, no date;
18. Photograph of Mountain View from Property, no date;
19. Photograph of Existing Vegetation, no date;
20. Neighborhood Site Plan, Sheet C1.00, prepared by Hamor Architecture, dated 10/08/2024;
21. Enlarged Site Plan, Sheet C2.00, prepared by Hamor Architecture, dated 10/08/2024;
22. House Plot Plan, Sheet C3.00, prepared by Hamor Architecture, dated 10/08/2024;
23. New Garage First Floor Plan, Sheet A1.00, prepared by Hamor Architecture, dated 10/08/2024;
24. New Garage Second Floor Plan, Sheet A1.01, prepared by Hamor Architecture, dated 10/08/2024;
25. New Garage Roof Plan, Sheet A1.02, prepared by Hamor Architecture, dated 10/08/2024;
26. New Garage Exterior Elevations, Sheet A2.00, prepared by Hamor Architecture, dated 10/08/2024;
27. New Garage Exterior Elevations, Sheet A2.01 prepared by Hamor Architecture, dated 10/08/2024.

The following materials were submitted for the continued DRB hearing held January 7, 2025:

28. House Plot Plan, Sheet C3.00, prepared by Hamor Architecture, revision date 12/23/2024;
29. New Garage First Floor Plan, Sheet A1.00, prepared by Hamor Architecture, revision date 12/23/2024;
30. New Garage Second Floor Plan, Sheet A1.01, prepared by Hamor Architecture, revision date 12/23/2024;
31. New Garage Roof Plan, Sheet A1.02, prepared by Hamor Architecture, revision date 12/23/2024;

32. New Garage Exterior Elevations, Sheet A2.00, prepared by Hamor Architecture, revision date 12/23/2024;
33. New Garage Exterior Elevations, Sheet A2.01, prepared by Hamor Architecture, revision date 12/23/2024;
34. Possini Euro Pavel Light Fixture spec sheet, no date.

The following materials were submitted for the continued DRB hearing held January 21, 2025:

1. House Plot Plan, Sheet C3.00, prepared by Hamor Architecture, revision date 01/14/2025;
2. New Garage First Floor Plan, Sheet A1.00, prepared by Hamor Architecture, revision date 01/14/2025;
3. New Garage Second Floor Plan, Sheet A1.01, prepared by Hamor Architecture, revision date 01/14/2025;
4. New Garage Roof Plan, Sheet A1.02, prepared by Hamor Architecture, revision date 01/14/2025;
5. New Garage Exterior Elevations, Sheet A2.00, prepared by Hamor Architecture, revision date 01/14/2025;
6. New Garage Exterior Elevations, Sheet A2.01, prepared by Hamor Architecture, revision date 01/14/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for RHOD approval was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 9- Ridgeline and Hillside Overlay District (RHOD)

Dimensional Requirements

1. **Zoning District.** The subject parcel is located within the Rural Residential 5 (RR-5) zoning district and the Ridgeline and Hillside Overlay District (RHOD).

2. **Lot Area, Lot Width.** The subject parcel is ±4.4 acres in size, with a frontage of ±425 feet. No changes to lot width or lot area are proposed under this application.

3. **Setbacks.** Required minimum district setbacks for the RR5 district are front (70') feet, side (75') feet and rear (75') feet. The location of the garage and required setback lines are shown on the site plan. Conformance with setback requirements is demonstrated on the site plan.

4. **Use.** The Applicant proposes to construct an attached garage addition to the existing single-family dwelling. Single-family dwellings and accessory structures are permitted uses in the RR5 district.

5. **Density.** The RR5 district allows single-family dwellings at a density of one (1) per five (5) acres. The subject parcel is ±4.4 and contains a single-family dwelling. No change in density is proposed.

6. **Height.** The maximum building height in RR5 is 28' feet. The regulations define building height as the *"Vertical distance measured from the average elevation of the proposed finished grade at the front or rear of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the highest ridge and its contiguous eave for other types of roofs. On sloping sites the height will be measured on the uphill side."* The elevation plans indicate a total height of 27'-9" for the garage. The garage slab will be at an elevation of 1,906.5'.

Conclusion: Based upon the above findings, the DRB concludes the proposal meets applicable dimensional requirements for the RR5 district.

Section 9 – Ridgeline and Hillside Overlay District.

7. Under the provisions of the Regulations, the application was reviewed under the applicable provisions of Section 9- Ridgeline and Hillside Overlay District. The Zoning Administrator referred the application to the DRB upon determining that the project was not eligible for an exemption under Section 9.4(2).

8. Upon review the DRB finds the following standards are not applicable:

   Section 9.5(3) – Standard 2 – Forest Management and Timber Harvesting
   Section 9.5(3) – Standard 3 – Standard Forest Management Activities
   Section 9.5(3) – Standard 6 – Order of Harmony of the Landscape Patterns
   Section 9.5(3) – Standard 8 – Road and Driveway Access
   Section 9.5(3) – Standard 12 – Development Density

9. Standard (1) General Requirements:

   a) The Applicant proposes to construct an attached garage to the existing single-family dwelling.

   b) The existing single-family dwelling was constructed in 1980, prior to the adoption of the Ridgeline Hillside Overlay District (RHOD). No pre-approved clearing limits have been established for the parcel.

   c) The property is below 2,000 feet in elevation and entirely within the RHOD overlay district.

Conclusion: Based upon the above findings, the DRB concludes that the proposal has been designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town.

10. **Standard (2) Designation of Vantage Points**:

   a) The Regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties.

   b) The application packet includes photographs to and from the project site showing that the existing single-family dwelling and proposed garage will not be visible from any defined public vantage points. Except for VT Route 108, the roads nearby are all private and there are no municipal-owned properties within sight. The property is not visible from VT Route 108.

c) The Applicant testified that due to site elevation, the lay of the land, and existing vegetation to remain, the proposed addition will not be visible from any identified vantage point.

Conclusion: Based upon the above findings, the DRB concludes the proposal will not be visible from public vantage points and there will be no undue adverse impacts as a result of the project.

11. **Standard (1.1)** requires all development, including grading, clearing and construction of driveways, must provide for the retention of native topsoil, stabilization of steep hillsides, prevention of erosion, and consequent sedimentation of streams and watercourses. Peak stormwater discharge from the site after development shall not exceed pre-development levels for a two (2) year/twenty-four (24) hour storm event and existing drainage patterns will not be altered in a manner to cause an adverse impact on neighboring properties, town highways or surface waters.

    a) The Applicant proposes to construct an attached garage on to the existing single-family dwelling.

    b) Some clearing around the proposed garage will occur to accommodate the project. The House Plot Plan depicts the 'Proposed Tree Line'.

    c) The Applicant testified that peak stormwater discharge from the site after development will not exceed pre-development levels for a two (2) year/twenty-four (24) hour storm event.

    d) The application indicates that there will be less than ½ acre of new disturbance and new impervious surfaces.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 1.

12. **Standard (4)** The regulations require that development not result in an undue adverse impact on fragile environments, including designated wetlands, wildlife habitats, streams, steep and extremely steep slopes and unique features. All efforts should be made to protect/preserve such areas and promote suitable buffers.

    a) According to the ANR Natural Resources Atlas there are no fragile environments that would be impacted by the proposed project.

    b) According to the ANR Natural Resources Atlas, the property is mostly on steep slopes (>15%). The proposed garage footprint and existing single-family dwelling are shown to be on slopes greater than 25%.

    c) No unique features or wildlife habitats/habitat blocks are identified on the property

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 4.

13. **Standard (5)** The regulations require if the project is on a forested hillside, there will be no significant exposure of buildings, and all development be minimally visible and blend in with surroundings in winter months. The amount and location of clearing adjacent to structures shall be limited; additional tree planting may be required in instances where planting is needed to visually interrupt the portion of structures visible from defined vantage points.

    a) The property has been residentially developed, and the Applicant proposes to construct an attached garage. Very minimal clearing is proposed. See 'House Plot Plan - Sheet C3.00.

b) All nearby roads are private and are not considered public vantage points per Section 9.5 (2). The nearest public road is Mountain Road (VT 108). Given the elevation difference, amount of existing forest, and ski resort development between Mountain Road and the subject parcel, the proposed development cannot be seen this vantage point.

c) The Applicant testified that the existing maple tree along the southwest wall of the proposed garage addition will be retained to further enhance screening. The 'House Plot Plan' (Sheet C3.00) includes a twenty-five (25') foot protection fence around this tree to be in place during construction.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 5. The DRB further concludes that the subject parcel is not visible from any vantage point.

14. **Standard (7)** During construction, trees identified on the landscaping plan are to be protected.

a) The 'House Plot Plan' exhibits existing and proposed tree lines.

b) The 'House Plot Plan' also identifies two (2) maple trees inside the proposed 'tree line' and two (2) 'distressed trees' next to the existing dwelling proposed for removal.

c) The 'House Plot Plan' also identifies an existing maple tree to the southwest of the proposed garage to be protected during construction. This tree is on the downhill side of the proposed garage and will provide a partial visibility screen.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 7. With the protection of the existing maple tree on the downhill side of the proposed garage and the proposed tree lines, adequate landscaping will be provided.

15. **Standard (9)** The regulations require that development not result in any building, roof or appurtenant structure being located in a manner which would allow the building, roof or structure to visually exceed the height of land or tree line if it is protected serving as the visual and physical backdrop to the structure as viewed from vantage points.

a) Photographs provided by the Applicant demonstrate that the existing dwelling does not exceed the height of surrounding trees. The proposed garage will not exceed the height of existing trees .

b) Given the site elevation and slope, retained treelines, the presence of the existing single-family dwelling, and the height/design of the garage, visual impacts from offsite should be minimal.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 9.

16. **Standard (10)** The regulations require that massing of a project be designed to minimize visual impacts and contribute to, and harmonize with, the scenic quality of the surrounding landscape.

a) The proposed garage addition will incorporate gable roofing, wood clapboard siding, asphalt shingle roofing, etc., which will minimize any visual impact of the building.

Conclusion: Based upon the above findings, the DRB concludes that the proposal has been designed and sited in a manner that will not detract from the sense of order or harmony of the landscape patterns.

17. **Standard (11)** Offsite light impacts shall be minimized. Outdoor lighting must comply with the standards contained in Section 4.8 of the regulations.

    a) The Applicant provided a specification sheet for a Possini Euro Pavel wall sconce and shown the location of outdoor light fixtures on the elevation plans. The specification sheet indicates that the fixture is 'dark sky' compliant.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 11.

DECISION

On a motion by Mary Black, seconded by Andrew Volansky, the DRB hereby approves the Applicant's request for RHOD approval to construct an attached garage addition as outlined in the application dated October 15, 2024, and supplemental materials, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:

    a) Development Application, dated 10/15/2024;
    b) Aerial view of proposed project site, Mango Maps, dated 10/07/2024;
    c) Qouizel Outdoor Light Fixture spec sheet, no date;
    d) Possini Euro Pavel Light Fixture spec sheet, no date;
    e) First Occurrence of Public View, Google Map Aerial View 1, no date;
    f) First Occurrence of Public View, Photograph 1, no date;
    g) Second Occurrence of Public View, Google Map Aerial View 2, no date;
    h) Second Occurrence of Public View, Photograph 2, no date;
    i) Third Occurrence of Public View, Google Map Aerial View 3, no date;
    j) Third Occurrence of Public View, Photograph 3, no date;
    k) Last Occurrence of Public View, Google Map Aerial View 4, no date;
    l) Last Occurrence of Public View, Photograph 4, no date;
    m) Aerial Photograph of Property, no date;
    n) Photograph of Existing Dwelling, no date;
    o) Photograph of Existing Dwelling, side view, no date;
    p) Photograph of Mountain View from Property, no date;
    q) Photograph of Mountain View from Higher Elevation on Property, no date;
    r) Photograph of Mountain View from Balcony on Property, no date;
    s) Photograph of Mountain View from Property, no date;
    t) Photograph of Existing Vegetation, no date;
    u) Neighborhood Site Plan, Sheet C1.00, prepared by Hamor Architecture, dated 10/08/2024;
    v) Enlarged Site Plan, Sheet C2.00, prepared by Hamor Architecture, dated 10/08/2024;
    w) House Plot Plan, Sheet C3.00, prepared by Hamor Architecture, revision date 01/14/2025;

x) New Garage First Floor Plan, Sheet A1.00, prepared by Hamor Architecture, revision date 01/14/2025;
y) New Garage Second Floor Plan, Sheet A1.01, prepared by Hamor Architecture, revision date 01/14/2025;
z) New Garage Roof Plan, Sheet A1.02, prepared by Hamor Architecture, revision date 01/14/2025;
aa) New Garage Exterior Elevations, Sheet A2.00, prepared by Hamor Architecture, revision date 01/14/2025;
bb) New Garage Exterior Elevations, Sheet A2.01, prepared by Hamor Architecture, revision date 01/14/2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Clearing shall be restricted to the areas shown on the approved 'House Plot Plan' prepared by Hamor Architecture (Sheet C3.00, dated 01/14/2025). Lands outside of the shown clearing limits shall be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest. Future forest management and timber harvesting shall, at a minimum, adhere to the guidelines included in the publication Acceptable Management Practices for Maintaining Water Quality on Logging Jobs.
4. The installation of outdoor light fixtures is limited to those described and depicted within the application.
5. All outdoor lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property.
6. Should blasting be necessary, it shall be done by a qualified, insured, and licensed professional to ensure surrounding properties and infrastructure remain unaffected. VT DEC Best Management Practices for Blasting (2016) guidance document shall be followed. If blasting is to be done, it will be scheduled during the week, Monday-Friday between 8 am and 5 pm with no blasting on the weekend or state or federal holidays.
7. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-F) including:
    a. The amount of soil exposed at any one time must be kept to a minimum.
    b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e. Existing drainage patterns must not be altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
8. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that it has been constructed as approved by the DRB. Prior to the issuance of a Certificate of Occupancy the Applicant shall submit the following:
    a. A licensed surveyor or engineer shall submit written confirmation that the garage slab elevation does not exceed 1906.5'.
    b. A licensed architect shall provide written certification that the garage was constructed per the approved plans.
    c. A licensed engineer shall provide written certification that the site improvements have been constructed and clearing completed per the approved plans.
9. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his

successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, David Kelly, Andrew Volansky, Lynn Altadonna, and Michael Diender

The motion passed, 6-0.

Dated at Stowe, Vermont this the 18th day of Feb 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7516		
Application Date	11/25/2024		
Physical Location	68 CENTRAL DR		
Map ID	07-312.040	**Tax ID**	03045-050
Project Description	INSTALL OUTDOOR SAUNA AND DECK IN ASSOCIATION WITH EXISTING OFFICE USE - WELLNESS STUDIO		
Owner	APRES SPA LLC		
Applicant	APRES SPA LLC HOLLY RUSSO		
Applicant Address	68 CENTRAL DR STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	2/18/2025	3/20/2025	3/20/2027	APPROVED

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law

PROJECT# 7516

SUBJECT PROPERTY 68 Central Drive; Tax Map # 07-312.040

PROPERTY OWNER
Apres Spa LLC
68 Central Drive
Stowe, VT 05672

APPLICANT
Holly Russo
68 Central Drive
Stowe, VT 05672

APPLICATION

The Property Owner/Applicant, Holly Russo (herein referred to as the "Applicant"), requests combined conditional use, site plan, and design review to construct a detached deck and sauna structure for both personal use and commercial use in connection with the existing wellness studio (office use). The proposed deck is two hundred fifty-six (256) square feet in area and the sauna, which will be placed on the deck, is sixty-four (64) square feet in size. The subject parcel, consisting of ±1.006 acre and located at 68 Central Drive (#07-312.040), is in the Rural Residential 1 (RR1) and Rural Residential 2 (RR2) Zoning Districts, and within the Stowe Historic Overlay District (SHOD). The parcel is Lot 3 of Stowe Professional Center and is also subject to a development agreement involving the Town of Stowe, Robin E. Ward, and R. Wakefield Ward as recorded in Book 256 Pages 240-243 in the Town of Stowe Land Records. The application has been reviewed by the Development Review Board (DRB) under applicable standards of the Town of Stowe Zoning Regulations (effective January 31, 2024) (the "Regulations") for the purpose of combined conditional use, site plan, and design review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A development application was filed by Applicant Holly Russo on November 25, 2024. Upon receiving a positive recommendation from the Historic Preservation Commission (HPC) on December 4, 2024, the application was accepted as administratively complete by Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for February 4, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on January 16, 2025.

The public hearing to consider the application convened on February 4, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Peter Roberts, and Patricia Gabel. The DRB adjourned the hearing that evening, marking the start of the 45-day period for the issuance of written findings, conclusions, and a decision.

PARTICIPANTS & INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

- Holly Russo, 68 Central Drive, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Development Application with Project Narrative, dated 11/25/24;
2. Project Narrative, prepared by Holly Russo, no date;
3. Email from Holly Russo, dated 12/08/2024;
4. Site Plan of the Stowe Professional Center Condominiums, prepared by Charles Grenier, Consulting
   Engineer, PC, revised date March 2002;
5. Exterior Sauna & Deck Views, Sheet A-1, prepared by Kim Brown Projects, dated 11/25/2024;
6. Existing Ground Floor Plan, Sheet A-3, prepared by Kim Brown Projects, dated 11/25/2024;
7. 2nd Floor Apartment Plan, Sheet A-4, prepared by Kim Brown Projects, dated 11/25/2024;
8. Front & Right Elevations, Sheet A-5, prepared by Kim Brown Projects, dated 11/25/2024;
9. Rear & Left Elevations, Sheet A-6, prepared by Kim Brown Projects, dated 11/25/2024;
10. Sections 1 & 2; Setback Illustration, Sheet A-7, prepared by Kim Brown Projects, dated 11/25/2024;
11. Parking Plan, Sheet A-8, prepared by Kim Brown Projects, dated 11/25/2024;
12. 12/04/2024 HPC meeting minutes.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for combined conditional use, site plan, and design review was reviewed by the DRB for conformance with applicable requirements of the Town of Stowe Zoning Regulations (effective January 31, 2024) including the following:

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 10- Stowe Historic Overlay District
- Section 15- Parking Regulations

Dimensional Requirements:

1. **Zoning District.** The subject parcel is located in the Rural Residential I (RR1) and Rural Residential 2 (RR2) Zoning Districts and the Stowe Historic Overlay District as shown on the Official Town of Stowe Zoning Map.

2. **Lot Area, Lot Width.** The existing lot area is ±1.006 acres. No changes to lot area or lot width are proposed under this application.

3. **Setbacks.** Required minimum district setbacks in the RR1 zoning district are: front fifty (50') feet, side thirty (30') feet, and rear forty (40') feet. Required minimum district setbacks in the RR2 zoning district are: front sixty (60') feet, side fifty (50') feet, and rear fifty (50') feet. The proposed deck and sauna

structure are entirely within the RR1 zoned portion of the property. The site plan demonstrates compliance with the minimum setback requirements of the RR1 zoning district.

4. **Maximum Building Coverage**. The maximum building coverage in RR1 is 8%. The RR2 zoning district does not set a maximum building coverage limit. Per the development agreement, maximum building coverage is calculated per the total size of the properties within the Stowe Professional Center. The most recent zoning permit issued containing new building coverage within the Stowe Professional Center (Project 6562- Intermediate Care Facility with accessory pharmacy retail at 45 Old farm Road) identified a total building coverage of 5.923%. The proposal to construct a two hundred fifty-six (256) square foot deck (the sauna will locate on the deck) increases the building coverage to 6.03%, less than the eight (8%) percent maximum allowance.

5. **Use**. The parcel contains an office use (wellness studio) and one (1) dwelling within the existing building. *Offices, Professional and Business*, are conditional uses within the RR1 zoning district. *Dwelling Unit, Single-family*, is a permitted use within the RR1 zoning district. The proposal is to construct a detached deck and sauna for the existing office use, and for personal use of the dwelling-unit occupant(s). Because the proposal will be utilized as part of the office use, it is considered an amendment to the conditional use. The previous occupant of the property utilized the existing building as a chiropractic office.

6. **Height.** The maximum building height in the RR1 zoning district is twenty-eight (28) feet [Table 6.2]. The deck and sauna will have a height of approximately nine (9') feet.

7. **Density.** Density in the RR1 zoning district is limited to one (1) single-family or one (1) two-family dwelling per acre. Commercial uses are not subject to density limitations. The property, ±1.006 acres, contains one (1) single-family dwelling. The Applicant does not propose any additional dwelling units.

Conclusion: Based upon the above findings, the DRB concludes that the project meets all applicable use and dimensional requirements as set forth for the RR1 and RR2 districts.

Section 3.7(4)(A) – Standards of review (Conditional Use Applications):

Capacity of existing or planned community facilities and services:

8. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

9. No Municipal Department review forms returned indicated that the proposed development would have any undue adverse impact on existing or planned community facilities and services.

10. The proposed sauna will operate via a 220-volt outlet during daylight hours.

Conclusion: Based on the above findings, the DRB concludes the proposal will not result in an undue adverse effect on the Town's existing or planned facilities or services.

Section 3.7(4)(B) – Traffic on roads and highways in the vicinity:

11. Aside from personal use of the Applicant, the proposed sauna and deck will be used by clients already visiting the existing office use (wellness studio).

12. No additional traffic is anticipated beyond that generated by the existing office use.

Conclusion: Based on the above findings, the DRB concludes the proposal will not create additional traffic or an undue adverse impact on roads and highways in the vicinity.

Section 3.7(4)(C) – The character of the area affected:

13. The subject parcel is in the RR1 & RR2 zoning districts. The general purpose of the RR districts is as follows:

    A. To maintain the natural and scenic qualities which create and preserve the best possible environment for residential development.

    B. To promote the preservation of adequate open space through carefully planned cluster types of development.

    C. To encourage agricultural productivity of good farmlands and of forest resources.

    D. To permit the establishment of recreational and resort facilities when compatible with the primary purpose of a residential environment

a. The specific purpose of RR1 and RR2 are:

    "To allow a higher density closer to available municipal services while maintaining the quality of the neighborhoods."

14. The subject parcel is part of the Stowe Professional Center condominium project – which was established in 2002 for commercial and residential uses.

15. Existing uses within the Stowe Professional Center include an intermediate care facility with accessory pharmacy, a home security & management office, and another office building.

16. An existing multi-use building exists to the south at 56 Old Farm Road. Uses within this building include The Kids School, Snowmobile Vermont, and Fleet Transportation.

17. Residential development exists further up Old Farm Road, and sporadically along Route 100.

18. Dominant land uses in the vicinity include a mix of commercial and tourism related services, and residential development.

Conclusion: Based on the above findings, the DRB concludes the proposal will not adversely affect the character of the area as defined under the Regulations.

Section 3.7(4)(D) – Regulations and ordinances in effect:

19. Applicable bylaws include the Zoning Regulations (effective January 31, 2024).

20. No other known or identified municipal bylaws or ordinances apply to this project.

Conclusion: Based on the above findings, the DRB concludes the proposal is in conformance with identified regulations and ordinances in effect.

Section 3.7(4)(E) – Utilization of renewable energy sources:

21. The Applicant requests approval to construct a detached deck and sauna for use by clients of the existing office use and personal use.

22. No renewable energy generation or development is proposed with this project.

23. The proposed deck and sauna is not anticipated to inhibit the use of, or access to, the utilization of renewable energy resources.

24. As required under state laws, the project will be required to be constructed in conformance with the State of VT Building Energy Standards.

Conclusion: Based on the above findings, the DRB concludes the project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.

Section 3.7(4)(F) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

25. The parcel is currently developed with an office/residential (one dwelling unit) building. It is located within the Stowe Historic Overlay District.

26. No known or identified historic sites are located on the parcel. The Historic Preservation Commission reviewed the proposal and provided a positive recommendation.

27. According to the ANR Natural Resources Atlas there are no rare or endangered species, deer wintering areas, or inventoried wetlands on the parcel.

Conclusion: Based on the above findings, the DRB concludes the project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

Section 3.7(4)(G) - Project will not result in undue water, noise or air pollution.

28. The Applicant requests approval to construct an accessory deck and sauna structure.

29. Nothing within the application indicates that the project will create undue water or air pollution.

30. The Applicant's narrative explains that use of the deck/sauna will be limited to daylight hours. Up to six (6) clients at a time can use the sauna and deck, but the Applicant expects fewer numbers of clients at a single time.

Conclusion: Based on the above findings, the DRB concludes the project will not result in undue water, noise, or air pollution.

Section 3.16(C)(1) –Access Management:

31. The proposed is accessed off Central Drive via a single driveway.

32. No change to the existing access is proposed.

Conclusion: Based on the above findings, the DRB concludes that the existing access is adequate for the intended use.

Section 3.16(C)(2) – Shared Access:

33. Does not apply.

Section 3.16(C)(3) – Circulation and Parking:

34. The property is accessed by a driveway off Central Drive.

35. Table 15.2 requires the following:

Table 15.2: Minimum Parking Requirements

RESIDENTIAL	# of Parking Spaces Per Dwelling Unit
Residential Dwelling Unit	1
Retail Stores, Offices, Banks, Service Establishments	1 space for every 300 sq. ft. of gross floor excluding storage; no less than 3 spaces

36. Given a total of 957 sf of office space, plus the 256 sf sauna and one (1) dwelling unit, the minimum parking requirement is five (5) spaces.

37. The site plan identifies eight (8) existing at-grade parking spaces. There is also one (1) garage parking space.

Conclusion: Based on the above findings, the DRB concludes the existing circulation and parking area are in accordance with Section 15.

Section 3.16(C)(4) – Pedestrian Circulation and Access:

38. The Regulations require pedestrian circulation within the site, and access through the site to adjacent properties along public roads, be provided.

39. Clients access the existing office directly from the parking area. Access to the deck and sauna will occur via the existing lawn space.

Conclusion: Based on the above findings, the DRB concludes the proposed site layout represents safe and adequate pedestrian access and circulation for the intended use.

Section 3.16(C)(5) – Landscaping and Screening:

40. The plans exhibit cedar fencing around the proposed deck and sauna for not only screening, but to also provide privacy for sauna users.

41. The site plan also shows two (2) existing trees along the north property line that will aid in screening the project.

Conclusion: Based on the above findings, the DRB concludes that the screening meets the standards outlined in Section 4.8.

Section 3.16(C)(6) – Stormwater Management:

42. Section 3.12(2) provides stormwater and erosion control standards for construction-related activities associated with any new construction.

43. The project creates 256 sf of building coverage. Impacts to stormwater and erosion are expected to be very minimal and not alter existing drainage patterns.

Conclusion: Based on the above findings, the DRB concludes the proposal has been designed in accordance with Section 3.12 and will not cause an undue adverse impact on neighboring properties, town highways or surface waters.

Section 3.16(C)(7) – Outdoor Lighting:

44. Not applicable. There are no new outdoor lighting fixtures proposed.

Conclusion: Based on the above findings, the DRB concludes that this section is not applicable.

Section 3.16(D)

45. Central Drive is a private road, and the subject parcel is already developed. Additionally, the proposed deck and sauna are outside what would be considered the 'Front Yard Treatment' continuous strip.

46. Parking exists on the parcel and there are no changes or alterations proposed.

    An existing driveway serves the parcel. No changes or alterations are proposed.

47. The parcel is currently developed with an office/residential use. The Applicant requests approval to construct a detached deck and sauna for use by clients and the single-family dwelling unit. The deck includes an eight (8') foot tall privacy fence around it.

Conclusion: Based on the above findings, the DRB concludes that the project has been designed in accordance with applicable provision of Section 3.16.

Section 4: Specific Use Standards

Section 4.6 Landscaping Standards. See discussion above.

Section 4.8 Outdoor Lighting. See discussion above.

Section 10- Stowe Historic Overlay District.

48. The parcel lies within the Stowe Historic Overlay District (SHOD), as defined and regulated under Section 10 of the Zoning Regulations. The SHPC reviewed the application during their December 4, 2024 meeting. The SHPC recommended approval of the project as proposed.

Conclusion: Based on the above findings, the DRB concludes the project has been designed in accordance with the design standards outlined in Section 10.

DECISION

On a motion by P. Gabel, seconded by D. Kelly, the DRB hereby approves the Applicant's request for combined conditional use, site plan, and design review, as outlined in the development application dated November 25, 2024 and supporting plans and drawings, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans are:

   a. Development Application with Project Narrative, dated 11/25/24;
   b. Project Narrative, prepared by Holly Russo, no date;
   c. Email from Holly Russo, dated 12/08/2024;
   d. Site Plan of the Stowe Professional Center Condominiums, prepared by Charles Grenier, Consulting Engineer, PC, revised date March 2002;
   e. Exterior Sauna & Deck Views, Sheet A-1, prepared by Kim Brown Projects, dated 11/25/2024;
   f. Existing Ground Floor Plan, Sheet A-3, prepared by Kim Brown Projects, dated 11/25/2024;
   g. 2nd Floor Apartment Plan, Sheet A-4, prepared by Kim Brown Projects, dated 11/25/2024;
   h. Front & Right Elevations, Sheet A-5, prepared by Kim Brown Projects, dated 11/25/2024;
   i. Rear & Left Elevations, Sheet A-6, prepared by Kim Brown Projects, dated 11/25/2024;
   j. Sections 1 & 2; Setback Illustration, Sheet A-7, prepared by Kim Brown Projects, dated 11/25/2024;
   k. Parking Plan, Sheet A-8, prepared by Kim Brown Projects, dated 11/25/2024;
   l. 12/04/2024 HPC meeting minutes.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. No parking space shall be used for any purpose that interferes with its availability for required parking, including the location of trash or recycling dumpsters.
4. Required parking spaces shall be maintained (plowed) for winter use.
5. Construction hours are limited to 7:00 AM - 5:00 PM Monday- Friday and Saturday from 9:00 AM- 1:00 PM. No construction is allowed on Sunday or State or Federal holidays, unless otherwise approved by the DRB.

6. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-E) including:
    a. The amount of soil exposed at any one time must be kept to a minimum.
    b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e. The stormwater drainage system must be continuously maintained to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
7. A Certificate of Occupancy must be obtained from the Zoning Administrator prior to occupancy and use to ensure that the project has been completed as approved by the Development Review Board, as required under Section 2.10 of the Regulations. Prior to the issuance of a Certificate of Occupancy, the Applicant must provide the following:
    a. Reasonable proof that all required setbacks have been satisfied. Reasonable proof may include a survey, certification of setbacks by a surveyor, or demonstrating physical location of property boundaries.
8. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant and his successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Peter Roberts and Patricia Gabel.
Voting to deny: None

The motion PASSED, 7-0

Dated at Stowe, Vermont this the 6th day of Feb 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

Your DRB project listed below was recently denied by the Development Review Board. Attached is a copy of the DRB decision for your records.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7325		
Application Date	2/23/2024		
Physical Location	744 CAPE COD RD		
Map ID	06-081.000	**Tax ID**	27063
Project Description	PRELIMINARY REVIEW FOR 42-LOT SUBDIVISION/PUD INCLUDING CLUB HOUSE, RECREATIONAL AMENITIES, AND RESIDENTIAL USES.		
Owner	STOWE COUNTRY CLUB LLC C/O STOWE MOUNTAIN LODGE		
Applicant	STOWE COUNTRY CLUB LLC		
Applicant Address	7320 MOUNTAIN RD STOWE VT 05672		

ACTIONS

Action Taken	Date	End of Appeal Period
DRB DECISION	3/4/2025	4/3/2025

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Preliminary Findings of Fact & Conclusions of Law

PROJECT #: 7325

SUBJECT PROPERTY: Tax Map# 06-081.000 *[adjacent to 644 Cape Cod Road]*

PROPERTY OWNER/APPLICANT:
Stowe Country Club LLC
7320 Mountain Road
Stowe, VT 05672

PRELIMINARY APPLICATION OVERVIEW

The Applicant/property owner, Stowe Country Club LLC (herein referred to as the "Applicant"), requests preliminary subdivision/planned unit development (PUD) review for a project generally described as a forty-two (42) lot subdivision/PUD to support relocated golf practice facilities, a future club house with planned recreational amenities including an outdoor swimming pool, tennis, pickleball and paddle tennis courts, associated site improvements, and seventy-three (73) residential dwelling units consisting of a mix of single-family, duplexes, and multi-family dwellings within two (2) clustered residential neighborhoods. The subject property (Tax Map #06-081.000) is located in the Rural Residential 2 (RR2) and Rural Residential 3 (RR3) zoning districts. The property also lies within the Source Protection Overlay District. The property is accessed via Cape Cod Road, a Class 3 Town-maintained highway. The Applicant's preliminary application has been reviewed by the Development Review Board (DRB) under applicable standards of the Town of Stowe Zoning Regulations (effective January 31, 2024) and Town of Stowe Subdivision Regulations (effective through July 16, 2012) (collectively the "Regulations") for the purpose of preliminary subdivision and (General) PUD review. In addition, the DRB has reviewed the preliminary application for conformance with the Town of Stowe's adopted Official Map (24 V.S.A. §4421). The DRB's procedural history and preliminary findings are attached.

PRELIMINARY REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A development application was filed by Stowe Country Club LLC on February 22, 2024. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for April 2, 2024 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on March 14, 2024. The Applicant submitted a completed certificate of service in accordance with §2.14(1)(B).

The warned public hearing to consider the application convened on April 2, 2024 in the Memorial Room at the Stowe Town Hall (67 Main Street in Stowe, Vermont) with remote participation available via Zoom. DRB members in attendance and participating in the review included: Chair Drew Clymer, Tom Hand, David Kelly, Mary Black, Peter Roberts, Andrew Volansky, and Patricia Gabel. No *ex parte* communications or conflicts of interests were reported. On April 2nd the Applicant provided an overview of the project. The DRB then continued the hearing to a time and date certain of June 4, 2024.

DRB members in attendance and participating in the June 4th review included: Chair Drew Clymer, Tom Hand, David Kelly, Mary Black, Peter Roberts, Andrew Volansky, and Patricia Gabel. During the June 4th hearing the DRB adopted a procedural order to aid in the orderly conduct of the remaining hearings, facilitate the presentation of evidence, provide the parties with a full and fair opportunity to present testimony, to cross-examine each other's witnesses, and to ensure that the DRB has an adequate record

upon which to base its preliminary decision. The DRB then continued the hearing to the time and date certain of July 16, 2024.

At the July 16th hearing, the Applicant requested a continuance to revise the project plans. The DRB continued the hearing to the time and date certain of August 6th and approved an amended procedural order to apply to the remaining hearings.

DRB members present and participating in the continued August 6th hearing included Tom Hand, Mary Black, Andrew Volansky, and Patricia Gabel. Tom Hand served as Acting Chair. DRB members Drew Clymer, David Kelly, and Peter Roberts did not attend the August 6th hearing however reviewed the hearing recording and evidence submitted. Following the August 6th hearing, the DRB continued the hearing to the time and date certain of September 3, 2024.

Present for the September 3rd hearing included Chair Drew Clymer, Andrew Volansky, David Kelly, Mary Black, Tom Hand, Patricia Gabel, and Peter Roberts.

During both the August 6th and September 3rd hearings, Attorney James Dumont- representing interested person Debra Reiser, questioned whether the hearings had been properly warned and noticed. Attorney Dumont alleged that some adjacent property owners and individual condominium owners had not been properly notified of the hearing. Following brief deliberation, the DRB asked the Applicant whether they would like to proceed with the hearings as noticed. The Applicant- represented by Attorney Christopher Roy, responded that they would like to proceed with the presentation of evidence and testimony. The DRB then proceeded with the hearing. Under §2.14(1)(B) of the Town of Stowe Zoning Regulations, it is the Applicant's responsibility for the posting of the notice within view from the public right-of-way and notifying adjoining landowners and holders of conservation easements, as determined from the current municipal grand list.

Following the September 3rd presentation of evidence and testimony, the DRB continued the hearing to the time and date certain of September 17th. Members present for the September 17th hearing included: Chair Drew Clymer, Andrew Volansky, David Kelly, Mary Black, Tom Hand, Patricia Gabel, and Peter Roberts. The DRB again continued the hearing to the time and date certain of October 1st.

DRB members attending and participating in the October 1st hearing included: Chair Drew Clymer, Tom Hand, David Kelly, Mary Black, Peter Roberts, Andrew Volansky, and Patricia Gabel. During the October 1st meeting, the DRB approved an amended procedural order to apply to the anticipated remaining hearings. Following the October 1st presentation of evidence and testimony, the DRB continued the hearing to October 15th.

DRB members in attendance and participating in the October 15th hearing included: Chair Drew Clymer, Tom Hand, David Kelly, Mary Black, Peter Roberts, Andrew Volansky, and Patricia Gabel. The DRB received testimony and evidence, then continued the hearing to the time and date certain of November 19th to provide parties the opportunity to present closing statements.

On November 19th the DRB re-opened the public hearing. DRB Members participating in the November 19th review included: Chair Drew Clymer, Tom Hand, David Kelly, Mary Black, Peter Roberts, Andrew Volansky, and Patricia Gabel. The Applicant and interested persons presented closing statements. The DRB continued the hearing to the time and date certain of January 7, 2025 to give the DRB the opportunity to deliberate before closing the hearing.

The DRB reconvened on January 7, 2025 and re-opened the hearing. The DRB immediately continued the hearing to the time and date certain of February 4, 2025 to allow for further deliberation. The DRB re-opened the hearing on February 4th. With no further evidence or testimony taken, the DRB then adjourned the hearing, marking the start of the 45-day period for the issuance of written preliminary findings/conclusions and a preliminary decision.

PRELIMINARY HEARING PARTICIPANTS

In accordance with 24 V.S.A. §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following people attended and participated in the hearing process (through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding), and may be afforded status as an interested person with rights to appeal:

Representing the Applicant, Stowe Country Club, LLC:

1. Samuel (Sam) Gaines, 7320 Mountain Road, Stowe, VT 05672
2. David Marshall, Civil Engineering Associates, Inc., 10 Mansfield View Lane, South Burlington, VT 05403
3. Rob Apple, 15 Winter Street, Montpelier, VT, 05602
4. Attorney Christopher Roy, Downs Rachlin Martin, PO Box 190, Burlington, VT 05402-0190

Interested Persons:

Homeowner Associations & Other Groups

5. Stoweflake Town House Condominium Owners Association- Represented by Harold Stevens, Stevens Law Office, PO Box 1200, Stowe, VT 05672
6. Meadows at Stoweflake II Homeowners Association- ~~Represented by Harold Stevens, Stevens Law Office, PO Box 1200, Stowe, VT 05672~~[1]
7. Baraw Enterprises Inc. [Sheri Baraw] – Represented by Harold Stevens, Stevens Law Office, PO Box 1200, Stowe, VT 05672 [2]
8. Stowe Club Highlands HOA – Represented by Andrea Gellis/102 Lapelle Lane, Stowe, VT 05672
9. Village Green Homeowner's Association- Represented by Elizabeth Conolley & Britney Aube of Stackpole & French- P.O. Box 819, Stowe, VT 05672
10. Stowe Club Highlands Architectural Review Committee -Represented by Leighton Detora, 1174 Sinclair Road, Stowe, VT 05672
11. Stoweflake Town House Homeowners Association/ PO Box 3929, Stowe, VT 05672; Represented by Charles Pineles-Mark (24 Stoweflake Meadows Loop) [charlesmark17@gmail.com]
12. Meadows at Stoweflake III Owners Association, C/O Stoweflake Resort, PO Box 369, Stowe, VT 05672; Represented by Chris Stevenson (cstevenson802ski@gmail.com)

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[1] Harold B. Stevens filed an amended Notice of Appearance dated 4/11/2024 withdrawing his appearance for the Meadows at Stoweflake III Owners' Association.

[2] Harold B. Stevens filed an amended Notice of Appearance dated 4/11/2024 amending his appearance for Meadows at Stoweflake II Owners' Association & Baraw Enterprises Inc.

13. Five Roads Stowe LLC - represented by Elizabeth Conolley & Britney Aube of Stackpole & French- PO Box 819, Stowe, VT 05672

Individuals/Property Owners

14. Ben Higgins, 185 Village Green Drive #8H, Stowe, VT 05672 (Mr. Higgins was also represented by the Village Green Homeowner's Association / Stackpole & French - Attn: Elizabeth Conolley & Brittney Aube, PO Box 819, Stowe, VT 05672)
15. Rob Levy, [physical address 28 Perkins Lane], PO Box 810880, Boca Raton, FL 33481
16. Steve Edwards [physical address 24 Stoweflake Meadows Loop], PO Box 3908, Stowe, VT 05672[3]
17. Cheryl Vince, [physical address 96 Benjamin Trail], 33 Mead Street, MA 02129
18. Dominique Root, 519 Sinclair Drive, Stowe, VT 05672
19. Richard Kleiman [physical address 177 Country Club Loop], 30 Chapel Street, Duxbury, MA 02332
20. Sevan Yekhpairian [physical address 0 Perkins Lane-Lot 28], 50-45 Horatio Pkwy, Bayside, NY 11364
21. Leigh Mallory [physical address Village Green -1003 Cape Cod Road/Village Green Drive #3A], 795 Middle Road, Colchester, VT 05446
22. Stu & Marion Baraw [physical address 96 Stoweflake Meadows/Baraw Enterprises Inc.], PO Box 3537, Stowe, VT 05672
23. Jordan Feil [physical address 87 Summit Run], 23 Washington Ave, Irvington, NY 10533
24. Sheri Baraw [physical address 41 Stoweflake Meadows Ext.], PO Box 3537, Stowe, VT 05672
25. Barbara Baraw [physical address 37 Stoweflake Meadows Ext.], PO Box 74, Stowe, VT 05672
26. Debra Reiser, [physical address 34 Stoweflake Meadows Loop (636 & 637)], PO Box 369, Stowe VT 05672. (Ms. Reiser was represented by Attorney James Dumont Esq., PO Box 229, Bristol, VT 05443. Anthony Stout- Land Use Planner – Lakeside Environmental Group, PO Box 4081, Burlington, VT 05406 also testified on Ms. Reiser's behalf).
27. Leighton Detora, 1174 Sinclair Road, Stowe, VT 05672
28. Jonathan Thomas – Timber homes LLC, 452 Cottage Club Road, Stowe, VT 05672
29. Caleb Connerty, Timberholm Glades LLC, 452 Cottage Club Road, Stowe VT 05672
30. Kelly Lily, 300 Cape Cod Road, Stowe, VT 05672
31. Donna Wheeler [physical address 10 Stoweflake Meadows Loop], PO Box 664, Stowe, VT 05672
32. John E. Meaney, 190 Cold Spring Road, Avon, CT 06001 [Physical address: Village Green Unit 5A]
33. Ray Bushnell, 18520 SE Wood Haven Lane Beechwood "G", Tequesta, FL 33469 [Physical address: Village Green Unit 14C]

THE PRELIMINARY HEARING RECORD

The following materials were submitted in support of the application. Unless otherwise specified, the following documents were entered into the hearing record:

1. Town of Stowe Development Application, dated 3/6/2024;
2. Cover Letter prepared by Apple Permitting and Planning, LLC, 4 pages, dated 2/22/2024;
3. Stowe Country Club – West Parcel Density Calculation, dated 2/20/2024;

[3] During the June 4th hearing, Mr. Edwards clarified he is not seeking interested person status as an individual; rather is part of the Stoweflake Town House Homeowners Association represented by HOA member Charles Pineles-Mark.

4. Stowe Country Club, Summary of Lot Information, dated 3/12/2024;
5. Town of Stowe Compliance Review prepared by Stowe Country Club, 30 pages, dated 2/20/2024;
6. Letter from Civil Engineering Associates, re: Development Application Supplemental Information, dated 3/12/2024;
7. Aerial View of Proposed Neighborhood prepared by Truexcullins;
8. Existing Conditions Cape Cod Road Looking North prepared by TruexCullins;
9. Proposed Conditions Cape Cod Road Looking North prepared by TruexCullins;
10. Existing Conditions Cape Cod Road Looking West prepared by TruexCullins;
11. Proposed Conditions Cape Cod Road Looking West prepared by TruexCullins;
12. Existing Conditions Cape Cod Road Looking Southwest prepared by TruexCullins;
13. Proposed Conditions Cape Cod Road Looking Southwest prepared by TruexCullins;
14. Existing Conditions Neighborhood Entrance from Cape Cod Road (Looking West-Northwest) prepared by TruexCullins;
15. Proposed Neighborhood Entrance from Cape Cod Road (Looking West-Northwest) prepared by TruexCullins;
16. Overall Existing Conditions Plan prepared by Civil Engineering Associates, Inc., C1.0, 12/5/2023; last revised 3/8/2024;
17. Existing Conditions Plan prepared by Civil Engineering Associates, Inc., C1.1, 12/5/2023; last revised 3/8/2024;
18. Stowe Country Club Redevelopment, Project Overview, prepared by Beau Welling Design, Sheet L0.0, dated 2/15/2024;
19. Preliminary Plat prepared by Civil Engineering Associates, Inc., PP1, 2/12/2024; last revised 3/8/2024;
20. Preliminary Plat South Neighborhood prepared by Civil Engineering Associates, Inc., PP2, 2/12/2024; last revised 3/8/2024;
21. Preliminary Plat North Neighborhood prepared by Civil Engineering Associates, Inc., PP3, 12/5/2024, last revised 3/8/2024;
22. Landscape Plan prepared by Beau Welling Design, L1.0, dated 3/18/2024;
23. Setback Exhibit prepared by Civil Engineering Associates, Inc., Sheet WS-1, dated 3/8/2024;
24. Proposed Conditions Plan prepared by Civil Engineering Associates, Inc., C2.1, 12/5/2024; last revised 3/8/2024;
25. Proposed Conditions Plan South West prepared by Civil Engineering Associates, Inc., C2.2, 12/5/2024; last revised 3/8/2024;
26. Proposed Conditions Plan South East prepared by Civil Engineering Associates, Inc., C2.3, 12/5/2023; last revised 3/8/2024;
27. Proposed Conditions Plan North prepared by Civil Engineering Associates, Inc., C2.4, 12/5/2024; last revised 3/8/2024;
28. Existing Surface Water Conditions prepared by Civil Engineering Associates, Inc., C1.2, January, 2024;
29. Written comments from Sandra Kuhl, 175 Birch Hill Rd Stowe VT 05672, 8708b Prospect Ave #D14 Philadelphia PA 19118, dated 03/28/2024;[4]
30. Notice of Appearance – Harold B. Stevens, dated 3/31/2024;
31. Written Memorandum from Harold B. Stevens, dated 4/1/2024;
32. Amended Notice of Appearance – Harold B. Stevens, dated 4/11/2024;
33. Notice of Appearance – Meadows at Stoweflake III Owners Association, dated 4/15/2024;

[4] Sandra Kuhl did not request interested person status, nor document how she met the requirements for interested persons. The DRB accepts her public comments however does not consider them part of the hearing record or testimony.

34. Request for Interested Person Status- Debra Reiser, dated 5/8/2024;
35. Written comments from DPW Director Harry Shepard, dated 3/22/2024; and
36. Written comments (update) from Stowe Fire Department, dated 3/18/2024.

Prior to the continued hearing on June 4th, the following additional items were submitted and entered into the record:

37. Coversheet from Sam Gaines/ Spruce Peak, dated 5/21/2024;
38. Overall Existing Conditions Plan (Sheet C1.0) prepared by Civil Engineering Associates; last revised 05/21/2024;
39. Project Overview (Sheet L0.0) prepared by Beau Welling Design, dated 2/15/2024;
40. Existing Conditions Plan (Sheet C1.1) prepared by Civil Engineering Associates – last revised 05/21/2024;
41. Existing Surface Water Conditions (Sheet C1.2) prepared by Civil Engineering Associates – last revised 05/21/2024;
42. Aerial View of Proposed Project (Bird's Eye View Looking North) prepared by TXC, dated 5/21/2024;
43. Landscape Plan (Sheet L1.0) prepared by Beau Welling Design, dated 5/21/2024;
44. South Neighborhood Landscaping Buffer Concept prepared by Beau Welling Design, dated 5/03/2024;
45. Landscape Plan (Sheet L1.1) prepared by Beau Welling Design, dated 5/21/2024;
46. Setback Exhibit (Sheet 1) prepared by Civil Engineering Associates – last revised 05/21/2024;
47. Setback Exhibit (Sheet 2) prepared by Civil Engineering Associates – last revised 05/21/2024;
48. Setback Exhibit (Sheet 3) prepared by Civil Engineering Associates – last revised 05/21/2024;
49. Adjoining Properties View Locations Key Plan prepared by TXC, dated 5/21/2024;
50. Site Section through Berm at South Neighborhood prepared by TXC, dated 5/21/2024;
51. Adjoining Property View #1 prepared by TXC, dated 5/21/2024;
52. Adjoining Property View #2 prepared by TXC, dated 5/21/2024;
53. Adjoining Property View #3 prepared by TXC, dated 5/21/2024;
54. Adjoining Property View #4 prepared by TXC, dated 5/21/2024;
55. Adjoining Property View #5 prepared by TXC, dated 5/21/2024;
56. Adjoining Property View #6 prepared by TXC, dated 5/21/2024;
57. Existing Conditions Cape Cod Road Looking West prepared by TXC, dated 5/21/2024;
58. Proposed Conditions Cape Cod Road Looking West prepared by TXC, dated 5/21/2024;
59. Existing Conditions Cape Cod Road Looking Southwest prepared by TXC, dated 5/21/2024;
60. Proposed Conditions Cape Cod Road Looking Southwest prepared by TXC, dated 5/21/2024;
61. Existing Conditions Cape Cod Road Looking North prepared by TXC, dated 5/21/2024;
62. Proposed Conditions Cape Cod Road Looking Northeast prepared by TXC, dated 5/21/2024;
63. Existing Conditions Proposed Neighborhood Entrance from Cape Cod Road (Looking W-NW) – prepared by TXC, dated 5/21/2024;
64. Proposed Conditions Cape Cod Road at Village Entrance prepared by TXC, dated 5/21/2024;
65. Preliminary Plat 1 (Sheet PP1) prepared by Civil Engineering Associates – last revised 05/21/2024;
66. Preliminary Plat 2 South Neighborhood (Sheet PP2) prepared by Civil Engineering Associates – last revised 05/21/2024;
67. Preliminary Plat 3 North Neighborhood (Sheet PP3) prepared by Civil Engineering Associates – last revised 05/21/2024;
68. Proposed Conditions Plan (Sheet C2.1) prepared by Civil Engineering Associates – last revised 05/21/2024;

69. Proposed Conditions Plan Southwest (C2.2) prepared by Civil Engineering Associates – last revised 05/21/2024;
70. Proposed Conditions Plan Southeast (C2.3) prepared by Civil Engineering Associates – last revised 05/21/2024;
71. Proposed Conditions Plan North (C2.4) prepared by Civil Engineering Associates – last revised 05/21/2024;
72. Autoturn Southwest (WS-1) prepared by Civil Engineering Associates – last revised 05/21/2024;
73. Autoturn North (WS-2) prepared by Civil Engineering Associates – last revised 05/21/2024;
74. Hydrant Southwest (WS-3) prepared by Civil Engineering Associates – last revised 05/21/2024;
75. Hydrant North (WS-4) prepared by Civil Engineering Associates – last revised 05/21/2024;
76. Amended Summary of Lot Information, dated 5/21/2024;
77. Pre-filed testimony from Debra S. Reiser, dated 5/27/2024; and
78. Memorandum from Harold B. Stevens, dated 5/28/2024.

Prior to the continued hearing on July 16th the following materials were submitted:

79. Letter from Debra Reiser, Re: Issues with Stowe Country Club application for 79-unit PUD, dated 7/2/2024 including:
    a. Exhibit A: Resume of Anthony Stout – Lakeside Environmental Group;
    b. Exhibit B: Purpose of a Planned Unit Development /Narrative (4 pages), dated 07/01/2024;
    c. Exhibit C: PUD Concept Plan prepared by Lakeside Environmental Group; no date; and
    d. Enabling Better Places- A Zoning Gude for Vermont Neighborhoods prepared by VT ACCD.
80. 'Testimony, July 16, 2024 with regard to a waiver of the 100' setback requirement in the zoning ordinance', submitted by Stoweflake Townhouse Owners Association and Baraw Enterprises, Inc. (9 pages).

Prior to the continued hearing on August 6th the following materials were submitted:

81. Proposed Planned Unit Development prepared by Sam Gaines (3 unnumbered pages), dated 7/5/2024;
82. Letter from Debra Reiser, RE: Issues with Stowe Country Club application for 79-unit PUD, dated 7/26/2024;
83. Stowe Country Club Density Calculation, dated 7/25/2024;
84. Stowe Country Club Redevelopment Plans prepared by Beau Welling Design
    a. Project overview L0.0, dated 2/15/2024;
    b. Landscape plan L1.0, dated 6/26/2024;
    c. Site section through berm at S. property edge w/ existing vegetation, dated 7/5/2024;
    d. Site section through berm at S. property edge w/ proposed vegetation, dated 7/5/2024;
    e. Landscape Plan, dated 6/26/2024;
85. Town of Stowe Compliance Review- Rev. 7/29/2024;
86. Stowe Country Club plans prepared by Civil Engineering Associates Inc.
    a. Overall Existing Conditions Plan expanded PUD C1.0, dated 7/24/2024;
    b. Existing Conditions Plan C1.1-1, dated 7/5/2024;
    c. Existing Surface Water Conditions C1.2, dated 5/21/2024;
    d. Lincoln Brown Illustration, no date
    e. Setback Exhibit 1, dated 7/24/2024;
    f. Setback Exhibit. 2, dated 7/22/2024;

g. Setback Exhibit 3, dated 7/24/2024;
h. Preliminary Plat PP1, dated 7/24/2024;
i. Preliminary Plat South Neighborhood PP2, dated 7/22/2024;
j. Overall Proposed Conditions Plan C2.0, dated 7/24/2024;
k. Preliminary Plat North Neighborhood PP3, dated 7/24/2024;
l. Proposed Conditions Plan Southwest. C2.2, dated 7/22/2024;
m. Proposed Conditions Plan C2.1, dated 7/25/2024;
n. Proposed Conditions Plan Southeast. C2.3, dated 7/22/2024;
o. Proposed Conditions Plan North. C2.4, dated 7/5/2024;
p. Autoturn Southwest WS-1, dated 5/21/2024;
q. Autoturn North WS-2, dated 5/21/2024;
r. Hydrant Southwest WS-3, dated 5/21/2024;
s. Hydrant North WS-4, dated 5/21/2024;
t. Proposed Conditions Plan Rec Path C2.5, dated 6/26/2024;

87. Illustrations prepared by Lincoln Brown Illustrations including:
    a. Aerial view rendering - no date or title
    b. Neighbor - View 1
        i. Existing
        ii. At planting
        iii. 10 years
    c. Neighbor -View 2
        i. Existing
        ii. At planting
        iii. 10 years
    d. Neighbor - View 3
        i. Existing
        ii. At planting
        iii. 10 years
    e. Neighbor - View 4
        i. Existing
        ii. At planting
        iii. 10 years
    f. Neighbor - View 5
        i. Existing
        ii. At planting
        iii. 10 years
    g. Neighbor - View 60
        i. Existing0
        ii. At planting
        iii. 10 years
    h. Cape Cod Road - View 1 Existing
        i. Existing
        ii. At planting
        iii. 10 years
    i. Cape Cod Road - View 2
        i. Existing
        ii. At planting
        iii. 10 years

j. Cape Cod Road - View 3
    i. Existing
    ii. At planting
    iii. 10 years
k. Satellite view - Neighbor and Cape Cod Road Views

88. Stowe Country Club Summary of Lot information, dated 7/22/2024 (2pgs unnumbered);
89. Architectural Designs prepared by TruexCullins including the following:
    a. Residential Concepts Village Rowhouse plans and elevations A101, dated 7/16/2024;
    b. Residential Concepts Village Rowhouse visualization A102, dated 7/16/2024;
    c. Residential Concepts Village Cottage Plas and Elevations A103, dated 7/16/2024;
    d. Residential Concepts Village Cottage Visualization A104, dated 7/16/2024;
    e. Residential Concepts Village Duplex Plans and Elevations A105, dated 7/16/2024;
    f. Residential Concepts Village Visualization A106, dated 7/16/2024;
    g. Residential Concepts Village Triplex Plans and Elevations A107, dated 7/16/2024;
    h. Residential Concepts Village Triplex Visualization A108, dated 7/16/2024;
    i. Residential Concepts Hillside Downslope Cottage Plans and Elevations A109, dated 7/16/2024;
    j. Residential Concepts Hillside Downslope Cottage Visualization A110, dated 7/16/2024;
    k. Residential Concepts Hillside Upslope Cottage Plans and Elevations A111, dated 7/16/2024;
    l. Residential Concepts Hillside Upslope Cottage Visualization A112, dated 7/16/2024;
90. Stowe Country Club Density Calculation, dated 7/25/2024;
91. Town of Stowe Compliance Review, dated 2/20/2024, revised 7/29/2024; and
92. Entry of Appearance- James A. Dumont, dated 8/5/2024.

The following materials were submitted during the hearing held on August 6th:

93. Handwritten list of abutters submitted by Debra Reiser including a list of seven property owners, Sheet C1.0, no date.

Prior to the hearing held on September 3, 2024 the following materials were submitted:

94. Written request for interested person status from Caleb Connerty, dated 8/13/2024;
95. Written testimony from Debra Reiser, dated 8/22/2024
96. Submission to the Stowe DRB Regarding Stowe Country Club's PUD application from Anthony Stout, dated 8/15/2024;
97. Written Testimony (Revised) from Stowe Flake Townhouse Owners Association, Baraw Enterprises, Inc., 'Testimony, September 3, 2024 with Regard to a Waiver of the 100' Setback Requirement in the Zoning Ordinance' no date;
98. Written public comments from Morgan Perlman, dated 8/18/2024;[5]
99. Memorandum of Law on behalf of Debra Reiser, dated 09/03/2024;
100. Letter from Stackpole & French Law Offices Re: Project #7325- Stowe Country Club LLC Subdivision/PUD Application- Five Roads LLC /Interested Person, dated 09/03/2024; and
101. Landscape illustrations/renderings, no date (submitted by Anthony Stout during the 9/3 hearing).

[5] Morgan Perlman did not request interested person status, nor document how she met the requirements for interested persons. The DRB accepts her public comments however does not consider them part of the hearing record or testimony.

Prior to the hearing held on September 17, 2024 the following materials were submitted:

102. Memorandum from DPW Director Harry Shepard, Subject: Water/Sewer Allocation & Capacity to Serve, dated 9/12/2024- including Exhibit A, B, & C;
103. Memorandum from Christopher Roy, Re: Stowe Country Club LCC/Project #7325, dated 9/12/2024; and
104. Traffic Impact Study prepared by Wall Consulting Group, dated 9/6/2024.

Prior to the hearing held on October 1, 2024 the following materials were submitted:

105. Letter from James A. Dumont Esq., Re: Why the Stowe Country Club PUD Application Fails the PUD Ordinance, dated 9/29/2024;
106. CEA Responses to Debra Reiser comments dated 8/22/2024; (received 9/26/2024)
107. CEA Responses to Anthony Stout/Lakeside Environmental Group letter dated 8/15/2024; (received 9/26/2024);
108. CEA Responses to written Testimony (Revised) from Stowe Flake Townhouse Owners Association, Baraw Enterprises, Inc., Testimony, September 3, 2024 with Regard to a Waiver of the 100' Setback Requirement in the Zoning Ordinance' no date; (received 9/26/2024); and
109. Anthony Stout/Lakeside Environmental Group Responses to Applicant's Comments on 8/15/2024 Report, dated 9/30/2024; - including Evaluating Photo-simulations for Visual Impact Assessment prepared by the National Park Service.

Prior to the hearing held on October 15, 2024 the following materials were submitted:

110. 'Main points by Objectors to Section 13 General PUD Standards Rebuttal to Applicant's Arguments October 1, 2024 Hearing Application #7325', submitted by the Stoweflake Townhouse Condominium Owners Association, Meadows at Stoweflake II Owners Association, and Baraw Enterprises, no date; and
111. Letter to DRB from Debra Reiser, re: Revised application for Stowe Country Club PUD, submitted 7-26-2024 Project No.: 7325' /re: Rebuttal of applicant's traffic study and testimony of Erica Wygonik, traffic engineer, dated 10/14/2024.

Prior to the hearing held on November 19, 2024 the following materials were submitted:

112. Letter from Wall Consultant Group, Subject: Stowe Country Club – Response to Reiser Comments, dated 11/05/2024;
113. Email from Joel Furey, Re: Support for PUD application for project 7325 (the Stowe Country Club), dated 11/11/2024;[6]
114. Email from Alex Finkelstein, Re: PUD application for project 7325 (the Stowe Country Club), dated 11/11/2024;[7]
115. Letter from Rober K. Brown of Nord Havn, dated 11/11/2024;[8]
116. Email from Brent Stewart, Re: Stowe Country Club, dated 11/10/2024;[9]

[6] Joel Furey did not request interested person status, nor document how he met the requirements for interested persons. The DRB accepts his public comments however does not consider them part of the hearing record or testimony.
[7] Alex Finkelstein did not request interested person status, nor document how he met the requirements for interested persons. The DRB accepts his public comments however does not consider them part of the hearing record or testimony.
[8] Robert Brown did not request interested person status, nor document how he met the requirements for interested persons. The DRB accepts his public comments however does not consider them part of the hearing record or testimony.

117. Email from Megan Griffith, Re: Stowe Country Club proposal, dated 11/07/2024;[10]
118. Email from Vin & Loren Moran, Re: Stowe Country Club plan, dated 11/06/2024;[11]
119. Email from Bill McGinley, Re: Stowe Country Club, dated 11/06/2024;[12]
120. Letter from Paul Sauchelli, received 11/03/2024;[13]
121. Email from Joanie Kingsley, Re: Stowe Country Club project, dated 11/08/2024;[14]
122. Email from David Holton, Re: The Stowe Country Club project 7325, dated 11/06/2024;[15]
123. Email from Greg Diorio, Re: Stowe Country Club PUD application, dated 11/08/2024;[16]
124. Email from Robert Nicola, Re: Stowe Country Club, dated 11/12/2024;[17]
125. Email from Alicia Abad, Re: Letter in Support of PUD application for Stowe Country Club Project, dated 11/12/2024;[18]
126. Email from Erika Furey, Re: Support of PUD application for project 7325, dated 11/12/2024;[19]
127. Letter from William M. Steers, Re: Project 7325 Sowe Country Club, dated 11/06/2024;[20]
128. Email from Ray Bushnell, dated 11/13/2024;
129. Letter from John E. Meaney, dated 11/14/2024;
130. Email from Jonathan Poole, dated 11/14/2024;[21]
131. Email from Kathleen Peterson, dated 11/15/2024;[22]
132. Memorandum to DRB from Stowe Country Club LLC, re: Proposed Conditions to Preliminary Application, dated 11/15/2024;
133. Summary of Issues – Debra Reiser, submitted by James Dumont, Esq., dated 11/15/2024;
134. Further Rebuttal of Applicant's Traffic Study & Proposed Traffic Conditions, submitted by Debra Reiser, dated 11/15/2024;
135. Testimony/Closing Statement of Stoweflake Townhouse Owners Association & Baraw Enterprises, Inc., received 11/19/2024; and
136. Letter and accompanying exhibits, submitted by Edward French, dated 11/19/2024.

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[9] Brent Stewart did not request interested person status, nor document how he met the requirements for interested persons. The DRB accepts his public comments however does not consider them part of the hearing record or testimony.
[10] Megan Griffith did not request interested person status, nor document how she met the requirements for interested persons. The DRB accepts her public comments however does not consider them part of the hearing record or testimony.
[11] Vin & Loren Moran did not request interested person status, nor document how they met the requirements for interested persons. The DRB accepts their public comments however does not consider them part of the hearing record or testimony.
[12] Bill McGinley did not request interested person status, nor document how he met the requirements for interested persons. The DRB accepts his public comments however does not consider them part of the hearing record or testimony.
[13] Paul Sauchelli did not request interested person status, nor document how he met the requirements for interested persons. The DRB accepts his public comments however does not consider them part of the hearing record or testimony.
[14] Joanie Kingsley did not request interested person status, nor document how she met the requirements for interested persons. The DRB accepts her public comments however does not consider them part of the hearing record or testimony.
[15] David Holton did not request interested person status, nor document how he met the requirements for interested persons. The DRB accepts his public comments however does not consider them part of the hearing record or testimony.
[16] Greg Diorio did not request interested person status, nor document how he met the requirements for interested persons. The DRB accepts his public comments however does not consider them part of the hearing record or testimony.
[17] Robert Nicola did not request interested person status, nor document how he met the requirements for interested persons. The DRB accepts his public comments however does not consider them part of the hearing record or testimony.
[18] Alicia Abad did not request interested person status, nor document how she met the requirements for interested persons. The DRB accepts her public comments however does not consider them part of the hearing record or testimony.
[19] Erika Furey did not request interested person status, nor document how she met the requirements for interested persons. The DRB accepts her public comments however does not consider them part of the hearing record or testimony.
[20] William Steers did not request interested person status, nor document how he met the requirements for interested persons. The DRB accepts his public comments however does not consider them part of the hearing record or testimony.
[21] Jonathan Poole did not request interested person status, nor document how he met the requirements for interested persons. The DRB accepts his public comments however does not consider them part of the hearing record or testimony.
[22] Kathleen Peterson did not request interested person status, nor document how she met the requirements for interested persons. The DRB accepts her public comments however does not consider them part of the hearing record or testimony.

Prior to the hearing held on January 7, 2025 the following materials were submitted:

137. Email from Amy Finkelstein, Re: PUD application for project 7325 (the Stowe Country Club), dated 11/22/2024. [23]

PURPOSE OF PRELIMINARY REVIEW

Preliminary subdivision/PUD applications must be "*sufficiently clear to illustrate all conditions and establish the basis and clarify the design requirements for the subdivision plat.*" While full details are not required at the preliminary stage, the purpose of the DRB's preliminary review is to determine whether the proposal, in concept, complies with the Regulations and to identify specific issues or concerns that must be addressed or resolved before final review. If the DRB finds that the preliminary application, as presented, does not or cannot reasonably conform to a particular standard without significant redesign or reclassification of PUD type, the preliminary application should be denied. This allows the Applicant an opportunity to revise the preliminary plan and address the identified deficiencies. Should the DRB grant approval of a preliminary subdivision/PUD application, it does not constitute final approval or grant vested rights to develop the proposed lots. It only allows the Applicant to proceed with submitting a final application.

REGULATIONS IN EFFECT

The Applicant's request for preliminary subdivision/ PUD review was reviewed by the DRB under the applicable requirements of the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 12- Source Protection Overlay District
- Section 13 – Planned Developments

Town of Stowe Subdivision Regulations (effective through July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

In addition, the DRB reviewed the preliminary application for conformance with the Town of Stowe Official Map (24 V.S.A. § 4421).

[23] Amy Finkelstein did not request interested person status, nor document how she met the requirements for interested persons. The DRB accepts her public comments however does not consider them part of the hearing record or testimony.

PRELIMINARY FINDINGS OF FACT

During its review of the application, the DRB made the following Preliminary Findings of Fact.

TOWN OF STOWE - OFFICIAL MAP

1. The Town of Stowe adopted an Official Map pursuant to the authority granted under 24 V.S.A. § 4421.

2. The Official Map identifies a mapped local collector road connecting Cape Cod Road (Town Highway #31) to Cottage Club Road (Town Highway #29).

3. The mapped local collector road traverses the subject property as well as adjacent properties. The scope of the DRB's review in this application is limited to the portion of the collector road located on the subject property owned by the Applicant and proposed for development.

4. The preliminary subdivision/PUD application, as proposed, conflicts with the location of the mapped local collector road, as shown on the Official Map.

5. The mapped collector road on the Town of Stowe Official Map bisects the project area intended for the future development of the lower clustered residential neighborhood.

6. The subject property retains a right-of-way through the Timberhomes property at 452 Cottage Club Road. However, the Applicant has not fully evaluated the potential development of a connecting roadway utilizing this right-of-way. Additionally, such a roadway would conflict with the proposed designated open space.

7. The Town of Stowe recently completed a Capacity and Congestion Evaluation, which included a recommendation to plan and formalize a northern bypass route along the northern segment of Cape Cod Road, with a future road segment through the subject property connecting to Cottage Club Road. The proposed preliminary subdivision/PUD layout would preclude this capacity and congestion initiative.

8. The Applicant testified they are not opposed to working with the Town regarding the public facilities planned for the project property and depicted on the Official Map but acknowledged the complications posed by the mapped collector road. The Applicant requested that the DRB consider the Official Map as part of any final application submitted.

TOWN OF STOWE - ZONING REGULATIONS

Section 13: Planned Unit Development (PUD).

1. The Applicant proposes a forty-two (42) lot subdivision/(General)PUD on ±175.5 acres of land intended for the future development of a proposed club house with recreational amenities including outdoor swimming pool, tennis, pickleball and paddle tennis courts, associated site improvements, and seventy-three (73) residential units consisting of a mix of townhomes, duplexes, and multi-family dwellings within two (2) clustered residential neighborhoods. The proposal also includes designated open space and recreational open space.

2. The DRB finds the preliminary design conforms with the purposes of PUDs as set forth in §13.1(1)-(6). [24]

3. The Applicant requests dimensional waivers/modifications per §13.2. The requested dimensional modifications are identified on Exhibit 88. In addition to reducing the required double setback along the outer perimeter, the Applicant seeks to modify the internal setbacks, minimum lot width, and minimum lot area.

4. Single-family and two-family dwellings are permitted uses within approved PUDs [§13.3(1)(A)-(B)]. One (1) family and two (2) family dwellings are also permitted uses in the RR2 & RR3 Districts.

5. Three (3) and four (4) unit multi-family dwellings are conditional uses when not located within an area served by municipal water and sewer infrastructure [Table 6.1]. For the purposes of this preliminary decision, the DRB finds the proposed three (3) and four (4) unit multi-family dwellings will require conditional use review, until such time the project is found to be within an area served by municipal water and sewer infrastructure, as defined under §16.162. The DRB incorporates by reference into this section's findings its findings under § 4.23, below, as if more fully stated herein.

6. Multi-family dwellings are allowed as conditional uses within the PUD [§13.3(2)(A)-(B)]. For the purposes of this preliminary decision, the DRB finds all proposed multi-family dwellings are considered conditional uses.

7. The proposed PUD incorporates a future planned clubhouse and related amenities. The Regulations classify the proposed future clubhouse as a 'private club' [§16.43] with an 'outdoor recreation facility,' neither of which are residential uses. Only residential uses are allowed in residential districts, unless within a SKI-PUD or Resort PUD [§13.3(3)(F)]. The proposed (General) PUD is neither a SKI-PUD nor a Resort PUD. The DRB incorporates by reference into this section's findings its findings in the 'Use' section, below, as if more fully stated herein.

8. The existing Stowe Country Club golf course within the PUD is considered an 'Outdoor Recreation Facility' [§16.142]/ Golf Course [§16.68]. Both 'Golf Course' and 'Outdoor Recreation Facility' are conditional uses in the RR2 and RR3 Districts [Table 6.1].

9. §13.3(3)(A)(1)-(3) & §13.3(3)(B)-(C) outline the internal and double perimeter setback requirements for (General) PUDs. The DRB incorporates by reference into this section's findings its findings in the 'Double Perimeter Setback Waiver' section, below, as if more fully stated herein.

10. The proposed PUD consists of a total of approximately ±175.5 acres. The project exceeds the minimum area requirement [§13.3(3)(D)].

11. The proposed PUD involves both residential and nonresidential uses, therefore §13.3(3)(E) is applicable.

12. The proposed PUD involves a total of ±175.5 acres. Of which, ±67.48 acres are within the RR3 District allowing twenty-two (±22.4) dwelling units. A total of ±108.02 acres are within the RR2 District allowing

[24] As outlined in the Regulations, the purposes of PUDs are: *(1) To facilitate and encourage flexibility of development of large parcels of land; (2) To preserve a maximum of open space while permitting multiple uses thereof; (3) To integrate productive uses related to tourism and recreation; (4) To add to business and employment opportunities and to the economic base of the community; (5) To provide for efficient use of public facilities and infrastructure; and (6) To encourage and preserve opportunities for energy-efficient development.*

fifty-four (54) dwelling units. Combined, the underlying zoning district(s) allow for a total density of seventy-six (76) dwelling units. The DRB incorporates by reference into this section's findings its findings in the 'Density' section and under § 4.23, below, as if more fully stated herein.

13. The Applicant proposes seventy-three (73) dwelling units and is not seeking an affordable housing density bonus. The Regulations allow for the remainder of the PUD to be developed for nonresidential uses in accordance with the applicable lot coverage, parking requirements and building height, however only residential uses are allowed in residential districts, unless within a SKI-PUD or Resort PUD [§13.3(3)(F)]. The DRB incorporates by reference into this section's findings its findings in the 'Density' section, below, as if more fully stated herein.

14. Interested persons raised concerns that the project is more like Resort PUD and should be classified as such. The DRB's review is limited to the application as presented -the Applicant is requesting preliminary subdivision/PUD approval for a General PUD. General PUDs are regulated under §13.3.

15. The proposed PUD spans more than one (1) zoning district, RR2 & RR3. Therefore, §13.3(3)(F) is applicable. The proposed PUD also involves the future anticipated development of both residential and nonresidential uses.

16. Nonresidential uses (including a new, expanded clubhouse and golf course) are proposed to be sited within the portion of the PUD located in the RR2 District. §13.3(3)(F) only allows residential uses in residential districts, unless within a SKI-PUD or Resort PUD. The proposed PUD is neither a SKI-PUD, nor a Resort PUD.

17. The golf course is a lawful pre-existing use as it existed prior to the adoption of the Regulations. The existing historic clubhouse building is proposed to remain but be repurposed to a different use. The proposed PUD is designed to include a future new and expanded clubhouse with related recreational amenities. The clubhouse is proposed to be located on the western side of Cape Cod Road within the RR2 District. The Regulations, §13.3(3)(F), do not support new non-residential uses within the residential district- RR2.

18. Interested persons raised the question whether §13.3(3)(F) precludes the project because of the location of the existing golf course and proposed clubhouse in the RR2 District. The Applicant submitted evidence (Exhibit 103) in response claiming that both the existing golf course and proposed clubhouse (private club) are conditional uses in the RR2 and RR3 districts and therefore allowed under §13.3(2)(B) and Table 6.1. The DRB finds §13.3(2)(B), Table 6.1, and §13.3(3)(F) conflict with each other.

19. The Applicant proposes ±26.4 acres of designated open space located in the northwestern portion of the PUD. The designated open space consists of lands characterized by steeper undeveloped forested hillsides; however, the proposed open space does not take "fullest advantage" of protecting all natural features as required by §13.3(4)(A)-(D).

20. The existing golf course is identified as outdoor recreation space in the PUD; however, it is not identified as 'designated open space.' As presented, the existing golf course is not proposed to be developed with residential uses and will be substantially preserved as open space for golf and other recreation-related activities. However, the Applicant did indicate that it may be developed at some point in the future for the purposes of workforce/employee housing immediately adjacent to current maintenance facility. The application presently under review by the DRB does not propose any

residential development on the portion of the existing golf course located northerly of Cape Cod Road and easterly of Sinclair Drive.

21. Attorney Dumont- representing interested person Debra Reiser, argued the golf course is not a building lot and therefore must be reserved as designated open space.[25]

22. §13.3(4)(C) prevents designated open space from containing a building or being developed "*except one primarily devoted to a purpose for which the open space is intended.*" The Applicant has proposed ±26.4 acres of designated open space in the northwestern portion of the PUD, which is separate from and not part of the existing golf course and is not proposed to be developed.

Dimensional Requirements.

Zoning District.

1. The subject property is located within the Rural Residential 2 (RR2) and Rural Residential 3 (RR3) zoning districts. The property is also within the Source Protection Overlay District, as shown on the Official Town of Stowe Zoning Map.

Lot Area, Lot Width.

1. The minimum required size of a PUD is ten (10) acres. The proposed PUD involves the parcel(s) of land located on Tax Map #06-081.000. The parcel(s) consists of a total of approximately ±175.5 acres. The proposed project exceeds the minimum required area for a (General) PUD.

2. The Applicant proposes to subdivide the property into forty-two (42) lots. The Applicant's Summary of Lot Information (dated 7/22/2024) (Exhibit 88) provides the proposed lot area and lot width, setbacks, and other dimensional information for each proposed lot.

3. The Summary of Lot Information (Exhibit 88) highlights the requested modifications/waivers to reduce the lot setbacks, lot area, and lot width dimensions of the underlying zoning district. Per §13.2, the DRB may modify applicable area and dimensional requirements of the underlying zoning districts for PUDs.

4. Many of the proposed lots do not meet the minimum lot area. Proposed lot areas range from ±0.08 to ±42.33 acres. The minimum lot area in RR2 is two (2) acres. The minimum lot area in RR3 is three (3) acres. As proposed, lots 2-42 are undersized and do not meet the minimum lot area. As such, the Applicant is requesting the DRB grant a modification, reducing the minimum lot area.

5. The minimum lot width in the RR2 District is 200 feet. The minimum lot width in the RR3 District is 250 ft. The Applicant provided the proposed lot widths of each lot. The proposed lot widths range from 39 feet to 911 feet. Lot numbers 3-42 do not meet the minimum lot width. As such, the Applicant is requesting the DRB grant a modification to reduce the required lot width.

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[25] The term 'building lot' is not specifically defined under the Regulations, however §16.102 defines the term 'Lot' to mean: *A plot or parcel of land occupied or capable of being occupied by at least one (1) principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these Regulations.* §16.121 further defines the term 'Building' to mean: *Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, vehicles, machinery, materials or equipment goods.* §16.186 defines the term 'Structure' to mean: *An assembly of materials for occupancy or use, including but not limited to, a building, mobile home or trailer, swimming pools greater than 100 sq. ft. and their inflatable covers and related decks and appurtenances, tennis courts, etc., and microwave dish antenna.*

Setbacks.

Double Perimeter Setback Waiver[26]

1. As required under §13.3(A), along the outside boundary of a PUD, the setback shall be twice the setback requirement for the district in which it is located. The setback shall be free of all buildings, structures, and parking areas, but may contain signs and may be crossed by necessary access driveways. The typical setback in the RR2 District is sixty (60) feet front and fifty (50) feet sides and rear. The required double setback along the project perimeter is 120 feet and 100 feet respectively.

2. The abutting Stoweflake Resort received PUD approval in 2016. The DRB waived the double setback requirement for portions of the project, however the double setback along the shared property line with the Stowe Country Club property was maintained/required. The adjacent lands west of the proposed lower neighborhood are designated open space of the Stoweflake PUD and as such will remain in open space.

3. The proposed project incorporates a double setback along the eastern, northern, and upper western portions of the project – these portions of the project are free of all buildings, structures, and parking areas. However, the preliminary design fails to meet the required double setback along the lower western, southern, and lower eastern project boundaries – the area primarily surrounding the lower clustered residential neighborhood. The Applicant seeks a double setback waiver along this portion of the project, representing approximately 3,489 linear feet or ±47% of the total project outer boundary.

4. The Setback Exhibit Sheet 1 (last revised 7/24/2024) [Exhibit 86(e)] depicts the areas where a single setback is proposed and areas designed to support a double setback. The pink line on [Exhibit 86(f)] illustrates the required double setback. Unless a waiver is granted by the DRB, the Regulations require this area to be free of all buildings, structures, and parking areas.

5. The Applicant proposes an earthen berm with landscaping along the southern portion of the project to provide visual screening and privacy. The Applicant also relies on the distance from nearby existing residential dwellings to provide privacy and mitigate any adverse visual impacts.

6. The lower neighborhood is bounded by property owned by JHM Stowe LLC, Baraw Enterprises, and common land associated with a Stoweflake Homeowner's Association to the south. To the east, the subject property is adjacent to a ±11.37-acre residential property owned by Baraw Enterprises Inc.

7. A single setback is proposed along the western boundary of the lower neighborhood. An access road running parallel with the property line and residential buildings are both proposed within this setback area. A double setback waiver is requested for this portion of the project. This boundary abuts property owned by Baraw Enterprises Inc. This adjoining property contains an existing single-family dwelling which is located approximately 384' from the proposed lower neighborhood. With few

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[26] Zoning Regulations §13.3(3)(A) states that the DRB may grant a waiver from the double setback requirement when all the following criteria are found to be met:
i. The double setback is not found necessary to protect the privacy of neighboring properties due to topography, existing vegetation to remain, proposed landscaping or other mitigation measures being proposed by the applicant.
ii. The double setback is not found necessary to protect the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas; and
iii. The double setback is not found necessary to protect the character of the area affected as defined by the purpose of the zoning district.

exceptions along the southwestern corner of the project, the Applicant relies on distance and existing landscaping and trees to provide visual screening and privacy.

8. Along the southern boundary of the lower neighborhood a seventy-five (75) foot setback is proposed. The typical setback from this property line is fifty (50) feet, however for PUDs the Regulations require a double perimeter setback equal to 100 feet. A waiver is requested for this portion of the project to allow residential buildings. Impacted properties along the southern project boundary include properties owned by Baraw Enterprises Inc. and Stoweflake Meadows HOA. Existing nearby residential buildings are located approximately 189' & 194' feet from the southern proposed setback line. Within these seventy-five (75) feet a landscaped berm is proposed along the property line boundary shared with Baraw Enterprises Inc. and common land associated with a Stoweflake Homeowner's Association. The proposed landscaped berm is intended to provide visual screening and privacy.

9. Along the south/eastern boundary of the lower neighborhood, primarily fronting Cape Cod Road, a single setback of sixty (60) feet is proposed. A waiver is requested for this portion of the project. A parking area, gate house, access roadway, and associated site improvements are all proposed within the required setback area. A variety of grasses, trees, and other landscaping is proposed to provide visual screening of this portion of the project.

10. The proposed upper residential neighborhood is bounded to the east by Sinclair Drive, a Class 3 Town Highway and to the north by a residential property [519 Sinclair Drive] owned by Dominique Root. The existing Root dwelling is approximately 988' from the nearest proposed dwelling within the upper neighborhood.

11. The Applicant proposes a double setback along the shared property line with residential property owned by Dominique Root. A single setback is proposed running parallel with Sinclair Drive. A single setback is allowed under the Regulations since the double setback requirement is only applied to the outer perimeter of the PUD. Sinclair Drive is internal to the overall PUD since the PUD involves lands on both sides of Sinclair Drive.

12. The existing golf course and its associated activities are highly visible from nearby properties due to limited existing landscaping and minimal screening. Unlike the current seasonal, daylight-only outdoor recreation use, the proposed year-round, dense, residential development in the lower portion of the project would substantially increase the intensity of use, leading to greater anticipated impacts.

13. The scenic or natural beauty of the area and aesthetics of the project area can be generally characterized by open spaces, outdoor recreation, and forested hillsides. Existing land uses within the immediate area include outdoor recreation and residential development surrounded by open green space (Village Green condominiums, Stoweflake, Stowe Club Highlands, etc.). Nearby land uses include a mixture of commercial along Mountain Road/VT Route 108, residential, and lodging.

14. Leighton Detora, representing Stowe Club Highlands Architectural Review Committee, testified that the Applicant failed to meet the burden of proof regarding aesthetics impacts, primarily noise, and argued that landscaping alone does not sufficiently mitigate these impacts.

15. Mr. Marshall's testified that there are no historic sites, natural areas, or identified scenic areas that will be adversely impacted by the project.

16. The adjacent golf course contains a historic building- the Stowe Country Club [0808-147] a Greek Revival Classic Cottage – that is currently used as the golf course's clubhouse. The building is a good example of themed conversion of former farmsteads to tourism in 1940's and commercial uses in later 20th century with defining architectural elements remaining intact. No exterior alterations are proposed to this historic building.

17. The property to be developed does not contain rare or irreplaceable natural areas; there are no rare or irreplaceable natural areas within the surrounding area.

18. The specific purpose (§5.6(2)(A)) of the RR2 District is as follows: *To allow a higher density closer to available municipal services while maintaining the quality of the neighborhoods.* The purpose of the RR2 District desires higher density residential development and quality neighborhoods in areas served by municipal water and sewer and other municipal services.

19. A small portion of the project property (northern portion of the upper neighborhood) is within the RR3 District. The specific purposes in RR 3 and RR 5 zoning districts are as follows: *A. To eliminate undue demand for new or extended municipal services in outlying areas which would cause a burden on the town. B. To maintain the rural character and beauty of the existing neighborhoods. C. To discourage intensive development in areas where slopes or soil conditions dictate otherwise. D. To limit land uses to moderate to low-density residential development, farming and forestry, outdoor recreation and home occupations.*

20. The outer portions of the PUD proximate to the upper neighborhood has been designed to meet the double setback. A waiver is not required as this portion of the project has been designed to comply with the necessary double setback.

Standard Setbacks

1. The majority of the planned development is within the RR2 district. Setbacks within the RR2 District are as follows: Front sixty (60) feet; Side fifty (50) feet; Rear fifty (50) feet. Portions of the north neighborhood are within the RR3 District. Setbacks within the RR3 District are as follows: Front seventy (70) feet; Side sixty (60) feet; Rear sixty (60) feet.

2. The Applicant provided plans illustrating the interior setbacks of buildings within the upper and lower residential neighborhoods [Exhibits 86(e)-(g)].

3. The minimum setback for permitted uses on individual lots is ten (10) feet from all interior property lines. One and two-family dwellings shall be located at least twenty (20') feet from each other. The distance between buildings containing conditional uses shall not be less than permitted by the Vermont Department of Fire Safety. The Applicant testified that adequate internal building setbacks will comply with fire and life safety code setbacks.

4. Exhibits 86(e)-(g) identify the location of internal setback waivers. These exhibits also illustrate the requested setback waivers from the proposed buildings to internal property boundaries.

5. A number of lots do not meet either a required front, side, or rear setback. These lots and their associated setbacks are identified on Exhibit 88. As such, the Applicant is requesting the DRB allow for a modification to reduce the required setbacks.

6. Per §13.2, the DRB may modify applicable area and dimensional requirements of the underlying zoning districts for PUDs. Modifications to the underlying dimensional requirements are intended to support the planned development purposes set forth in §13.1.

7. Exhibit 86(l) [Sheet C.2.2] illustrates the lower neighborhood lots, property lines, and associated setbacks. Each lot will contain either a duplex, triplex, or multi-family dwelling. Buildings containing four (4) units or less and served by municipal water and sewer systems are considered a permitted use and only require a ten (10) foot setback. All other building setbacks containing conditional uses are established by the Vermont Department of Fire Safety.

8. Exhibits 86(f) & (g) identify the proposed use of each residential building (i.e., single-family, duplex, multi-family, etc.)

Watercourse Setback

1. Section 3.10 protects mapped watercourses and requires a fifty (50) foot riparian setback.[27]

2. Two (2) mapped watercourses run through the parcel. Exhibit 86(c)[Sheet C1.2] depicts the location of these two (2) existing watercourses.

3. The stream running north/south is labeled as 'existing storm drain to be removed'. Another stream runs generally east/west intersecting with Cape Cod Road. Two (2) existing storm drains marked "to be removed" drain into the small watercourse located immediately west of Cape Cod Road.

4. Exhibit 86(n) [Sheet C2.3] illustrates the proposed conditions near the stream intersecting with Cape Cod Road. This area is protected by a fifty (50) foot riparian setback. The top of stream bank is not labeled, nor is the fifty (50) foot required setback. While it appears most impervious surfaces are proposed more than fifty (50) feet from the top of the stream bank, the riparian area is not proposed to be left in an undisturbed state. Instead, gravel wetlands for stormwater treatment are proposed on both sides of this stream (Gravel Wetland #1 & Gravel Wetland #2) and within the fifty (50) foot undisturbed riparian setback area, as well as impervious surfaces related to the roadway. These wetland areas drain into the stream.

Maximum Building Coverage.

1. There is no maximum building coverage in either the RR2 or RR3 Districts. Maximum building coverage does not apply to the project.

Use.

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[27] Section 3.10(1) reads as follows: *To protect water quality and maintain the scenic beauty of the Town's watercourses, there shall be no development, excavation, landfill or grading in any zoning district within a minimum distance of fifty (50') feet from the top of the bank of any watercourse in the Town. The top of the bank shall mean the point along a stream bank where an abrupt change in slope is evident. Within the fifty (50') foot setback, a vegetation buffer must be left in an undisturbed state with the exception of minimal clearing necessary to accommodate and build public recreation and transportation paths, recreational river accesses, driveways, public or private road and utility crossings, landscaping, permitted impoundments and dams and stream bank stabilization and restoration projects. Private driveways and private and public roads within the buffer, with a width of no greater than sixteen (16') feet may also be allowed when reasonably necessary to permit access to a lot.*

1. The Applicant proposes a forty-two (42) lot subdivision/PUD intended for the future development of a new clubhouse including recreational amenities outdoor swimming pool, tennis, pickleball and paddle tennis courts, associated site improvements, and seventy-three (73) residential units consisting of a mix of townhomes, duplexes, and multi-family dwellings within two (2) clustered, compact residential neighborhoods.

2. One (1) family and two (2) family dwellings are permitted uses in the RR2 & RR3 Districts.

3. Three (3) and four (4) unit multi-family dwellings are also permitted uses in these Districts when served by municipal water and sewer infrastructure. The DRB incorporates by reference into this section's findings its findings under §4.23, below, as if more fully stated herein.

4. The existing clubhouse northerly of Cape Cod Road and easterly of Sinclair Drive is an approximately ±3,000 square-foot historic building and is proposed to be retained and repurposed as a course hut.

5. The proposed, ±21,000 square-foot clubhouse is classified as a 'private club' use with outdoor recreation amenities. Private clubs are conditional uses in RR zoning districts.

6. A "Private Club" use (§16.43) is defined as follows: '*A premises owned or occupied by a membership-based organization that operates for social, recreational, cultural or educational purposes and is open only to members and their guests.*'

7. An "Recreation Facility, Outdoor" use (§16.142) is defined as follows: '*Fields, trails, bodies of water or other land used for recreational purposes including, but not limited to a golf course, golf driving range, miniature golf, shooting/archery range, swimming pool, skating rink, tennis court, riding stable, park, trails, etc.*'

8. The existing golf course is considered an 'Outdoor Recreation Facility' (§16.142). It is also individually defined under §16.68. Under Table 6.1 both 'Commercial Golf Course' and 'Outdoor Recreation Facility' are conditional uses in the RR2 and RR3 Districts. However, per §13.3(3)(F), only residential uses are allowed in (General) PUDs located in residential zoning districts.

Density.

1. The total area of the PUD is approximately ±175.5 acres. Approximately ±108.02 acres are in the RR2 District. Approximately ±67.48 acres are in the RR3 District.

2. Density is typically calculated by dividing the area of that subject property (in acres or square feet) by the maximum number of dwelling units allowed in the subject zoning district and is expressed as the number of "dwelling units per acre."

3. In the RR2 District, density is allowed at a rate of one (1) dwelling unit per two (2) acres. In the RR3 District dwelling units are allowed at a density of one (1) per three (3) acres.

4. The Applicant provided a density calculation dated July 25, 2024 (Exhibit 83). The Zoning Administrator confirmed the accuracy of the Applicant's density calculation.

5. In the RR3 District at a calculated density of one (1) unit per three (3) acres, twenty-two (22) dwelling units are allowed based on the underlying zoning district.

6. In the RR2 District at a calculated density of one (1) unit per two (2) acres, fifty-four (54) dwelling units are allowed based on the underlying zoning district.

7. A total of seventy-six (76) dwelling units are allowed per the maximum density in the underlying zoning districts. Seventy-three (73) dwelling units are proposed.

8. Attorney Dumont- representing interested person Debra Reiser, argued that the Applicant's density was wrongfully calculated and that the Applicant must deduct flood hazard areas, wetland and wetland buffers, and steep slopes more than 15% from the land area used to determine the maximum density allowed. According to Zoning Regulations §4.23(C)(1), in RR district '*that are also served by municipal water and sewer infrastructure, residential density shall be calculated based on the total lot area minus any land area within the Flood Hazard Overlay District, the Fluvial Erosion Hazard District, the Meadowland Overlay District, Class 2 wetlands and wetland buffers, steep slopes of greater than 15%, and/or lands classified as open space under an approved Planned Unit Development.*' The DRB does not consider the subject property to be 'an area served by municipal water and sewer infrastructure' and therefore not subject to the density calculation standards set forth in §4.23(C)(1). The DRB incorporates by reference into this section's findings its findings under §4.23, below, as if more fully stated herein.

Section 3.7(2)(A) –Conditional Use.

1. Per §13.2, in addition to the submission requirements of the Subdivision Regulations, an application for a PUD, or an amendment to an existing PUD, shall be reviewed as a conditional use. The DRB must determine that the use will conform to and will not result in an undue adverse effect on the following criteria:

Section 3.7(4)(A) Capacity of existing or planned community facilities and services.

1. Comments on the preliminary application were solicited from respective Town departments including the Department of Public Works (DPW), Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation. Written comments were received from DPW and Stowe Fire Department.

2. The proposed project is within the Village Green municipal water supply – Source Protection Overlay Area. The DRB incorporates by reference into this section's findings its findings §12, below, as if more fully stated herein. The Town has elected not to proceed with capacity expansion to increase yield of this water supply due to PFAS detection.

3. The proposed project will be served by a Class 3 Town Highway - Cape Cod Road – maintained by the Town of Stowe. Cape Cod Road connects to VT-108/Mountain Road – maintained by the Vermont Agency of Transportation ('VTrans').

4. Portions of the upper neighborhood are outside of the municipal sewer service area and cannot connect to the municipal sewer system. As proposed, the upper residential lots will be served by on-site and/or shared septic, however the DPW is unsure whether new on-site septic systems could be permitted within the Town's Source Protection Area.

5. The project is located within the Stowe Club pressure zone of the municipal water system. This pressure zone is a high-pressure system with limited storage and pumping capacity. DPW testified they are not convinced that the system has the capacity to serve the project. A demand analysis for all the proposed uses in accordance with the VT Water Rules requirements is necessary to evaluate whether there is capacity to support this project.

6. The water allocation amounts necessary to support the proposed project have not yet been defined, however are expected to be significant and likely exceed the average daily demand capacity in this pressure zone.

7. The proposed project was originally designed to be served by both municipal sewer and water systems. However, following review by the DPW, the Applicant now plans to serve the project with a private potable water source but did not provide the details of such private water system.

8. A private sewer collection system and pump station with a sewer force main connection into the end of the municipal gravity sewer collection system in Cape Cod Road is proposed. The private sewer collection system and pump station would be possible with a Consecutive Sewer System Agreement, however a private sewer force main in the Town Highway right-of-way that is not designed to allow other abutting properties to connect will require additional considerations by the DPW. DPW Director testified the noted sewer challenges could be overcome with design solutions.

9. At the request of the Stowe Fire Department, the Applicant met with the department to discuss the project. The Stowe Fire Department provided written comments (Exhibit 36) to the DRB recommending certain project modifications/additions. The Applicant testified they could incorporate all of fire department recommendations into their final plans.

10. The Stowe school system has the capacity to serve the project. It is anticipated the project would involve a potential of thirty (30) schoolchildren.

11. No additional municipal comments were received.

12. The DRB incorporates by reference into this section's findings its findings under §5.1(9), below, as if more fully stated herein.

Section 3.7(4)(B)– Traffic on roads and highways in the vicinity.

1. The existing Stowe Country Club facility currently includes a ±9,990 square foot clubhouse along with an 18-hole public golf course.

2. The project is served by Cape Cod Road – a Class 3 Town Highway, connecting to Mountain Road/VT-108 – a State Highway maintained by the VTrans.

3. The Stowe Recreation Path is within close proximity and follows the northerly side of Mountain Road/VT-108 east of Cape Cod Road. The existing path crosses Cape Cod Road, then crosses Mountain Road/VT-108 on the western leg of the Mountain Road/VT-108 & Cape Cod Road intersection. The Stowe Recreation Path then travels northerly along the eastern bank of West Branch of the Little River.

4. Seasonal transit service is provided along Mountain Road/VT-108 between Stowe Mountain Resort and Stowe Village, with stops in both directions at Cape Cod Road along Mountain Road/VT-108. The route runs during the winter season from mid-November to early-April.

5. The Town Engineer recommended the DRB require a turning lane and signal warrant analysis that considers both vehicular and pedestrian traffic. It is his opinion that the project will likely necessitate intersection improvements to mitigate the project's impact on traffic on roads and highways in the vicinity.

6. The hearing record contains incomplete information related to the width of Cape Cod Road. The Applicant indicated that Cape Cod Road is twenty-eight feet (28') wide. However, the Town Engineer did not believe that Cape Cod Road is a full twenty-eight feet (28') wide for significant lengths.

7. The Applicant proposes to construct a new clubhouse in an area currently occupied by two (2) practice greens and a driving range. The practice greens and driving range will also be relocated. The existing, approximately ±3,000 square-foot clubhouse is historic and will be retained as a course hut.

8. The new proposed clubhouse is approximately ±21,000 square feet and will include a slightly larger restaurant, a fitness center, a pro shop, locker rooms, and golf simulators. The project also includes the development of related outdoor recreation amenities proximate to the new clubhouse, including an outdoor swimming pool, and tennis, pickleball, and paddle tennis courts.

9. The Applicant provided a Traffic Impact Study prepared by Wall Consultant Group (WCG), dated September 6, 2024 (Exhibit 104)[28]. WCG recorded traffic turning movement volumes at the intersections of VT-108 & Cape Cod Road and Cape Cod Road & Sinclair Drive on two (2) days in May 2024. According to the study the proposed project is estimated to generate 106 new trip-ends on an average PM peak hour and 133 new trip ends on an average Saturday peak hour. The study included adjustments for recently approved projects along the Mountain Road/VT-108 and applied an annual rate of growth, added trip generation for typical golf course operations were added to the adjusted observed counts to reflect typical activity levels.

10. The Cape Cod Road approach to the VT-108 & Cape Cod Road intersection is projected to operate at Level of Service (LOS) F conditions in all PM peak hour scenarios, including 'No Build' and 'Build' conditions.

11. At unsignalized intersections, a LOS F is characterized by extreme delays of more than fifty (50) seconds. According to the Applicant, all other movements are expected to operate at LOS B or better with no significant change in delay or v/c ratio. Per VTrans policy, LOS D should be maintained for the Cape Cod Road approach to Mountain Road/VT-108.

12. Existing sight and stopping distances exceed the required minimums and will not be altered by the project.

13. Based on information provided by the Applicant, there is no apparent pattern of crashes at the existing site or associated with the existing site driveway.

[28] In addition, the Applicant also provided a subsequent response from Wall Consulting Group addressing Ms. Reiser's written comments (see Exhibit 112).

14. A southbound left turn lane at the Mountain Road/VT-108 and Cape Cod Road intersection is warranted in both the 'No Build' and 'Build' scenarios however the Applicant is not recommended that it be incorporated into the project design at this time due to the existing Stowe Recreation Path crossing Mountain Road/VT-108 at this location. Right-turn lanes are not warranted in any scenario.

15. The project is subject to an Act 145 Transportation Impact Fee. The Act 145 Transportation Impact Fees are estimated to be $49,792.

16. The Applicant's traffic study concluded that the proposed project is not expected to cause or exacerbate congestion or safety issues. Accordingly, the Applicant proposed no roadway mitigation but agreed to work with the Town of Stowe and VTrans to identify and implement reasonable improvements at the Mountain Road/VT-108 & Cape Cod intersection to address existing and future congestion and bicycle/pedestrian issues.

17. Interested person Debra Reiser submitted a rebuttal, dated October 14, 2024 (Exhibit 111) to the Applicant's traffic study. She noted several concerns, including that the traffic counts were not collected during the peak season for use of Mountain Road/VT-108, a worsening volume-to-capacity (v/c) ratio, the lack of a signal warrant analysis, and the absence of bicycle and pedestrian studies. Her rebuttal offered a comparison to the recently completed Stantec Traffic & Mobility report completed for the Town of Stowe. Ms. Reiser alleged the v/c ratio will significantly worsen at an intersection that is already failing.

18. The Applicant submitted a response to Ms. Reiser's comments (Exhibit 112). The Applicant's response was prepared by Wall Consulting Group, dated November 5, 2024, and noted the traffic study was conducted in accordance with standard traffic engineering methodologies. The Applicant admits that although the v/c ratio of 1.58 is nominally worse than 1.25, v/c results are non-linear and once the v/c ratio exceeds 1.0 it is not particularly useful.

19. Interested person Debra Reiser submitted a further rebuttal, dated November 15, 2024 (Exhibit 133) noting her position that the Applicant did not meet the necessary requirements for a traffic study, noting the absence of information, and need for additional information to be comprehensive and adequate. Ms. Reiser's attorney objected to the submittal of the response by the Applicant (Exhibit 112) unless his client were to be given the opportunity to further respond. He also objected to the Applicant's submission of proposed conditions, arguing they should be inadmissible. The DRB offered Ms. Reiser the opportunity to respond and provide additional information.

20. The Applicant responded to Ms. Reiser's concerns suggesting they are willing to accept conditions requiring them to recalculate the traffic counts in the winter during the busiest traffic days and conduct a Signal Warrant Study at the intersection of Cape Cod Road and Mountain Road/VT-108. In addition, the Applicant requested a condition stating that they will provide shuttle service from the planned community to the Stowe Mountain Resort to its residents during the peak periods of traffic in the winter, once more than fifty (50) percent of the proposed residences are built.

21. The DRB incorporates by reference into this section's findings its findings under §5.1(8), below, as if more fully stated herein.

Section 3.7(4)(C) – The character of the area affected.

1. The proposed project is located adjacent to a locally designated growth area (Mountain Road Village) within the RR 2 & RR3 zoning districts. The majority of the project land area is within the RR2 District.

2. As set forth in the Regulation, the general purpose of the RR2 District is as follows: *(1) General Purposes: A. To maintain the natural and scenic qualities which create and preserve the best possible environment for residential development. B. To promote the preservation of adequate open space through carefully planned cluster types of development. C. To encourage agricultural productivity of good farmlands and of forest resources. D. To permit the establishment and expansion of outdoor recreational facilities. (2) Specific Purposes in RR 1 and RR 2: A. To allow a higher density closer to available municipal services while maintaining the quality of the neighborhoods.*

3. The subject property can be characterized by gently sloping open fields, presently used primarily for outdoor recreation – the existing Stowe Country Club golf course and driving range.

4. The project involves the future construction of two (2) compact residential neighborhoods, a future clubhouse and related amenities, connected to the existing golf course. The proposed uses are allowed within the RR2 & RR3 zoning districts per Table 6.1 and §13.3(2)(B); however, §13.3(3)(F) only allows residential uses in PUDs located in RR Districts. The DRB incorporates by reference into this section's findings its findings in the 'Use' section, above, and §13, below, as if more fully stated herein.

5. Surrounding land uses to the north are primarily residential uses of various densities. To the east and south are primarily residential, commercial, and lodging uses of various densities and intensities.

6. While the compact design differs from the existing settlement pattern of the surrounding areas, it aligns with the traditional village settlement pattern called for in the Regulations. Additionally, the overall size and density of the project are comparable to the nearby Village Green residential development and Stoweflake Resort, both of which feature compact residential areas surrounded by shared open spaces and resort-style amenities.

7. The Applicant submitted preliminary conceptual landscaping and screening plans designed to mitigate the project's visual impacts from public vantage points and nearby properties.

Section 3.7(4)(D) – Regulations and ordinances in effect.

1. Applicable bylaws include the Town of Stowe Zoning Regulations, effective January 31, 2024, the Town of Stowe Subdivision Regulations, as amended through July 16, 2012, and the Town of Stowe Official Map.

2. The project will require driveway entrance permit(s) from the DPW. The Applicant has not yet secured driveway entrance permit(s), however such permits are not a preliminary application requirement and are only required prior to final subdivision/PUD review.

3. Connections to the municipal sewer system are regulated under the Town of Stowe sewer ordinance.

4. Allocations for municipal water and/or sewer services will be required for any allocations.

5. No other identified municipal bylaws or ordinances apply to this project.

Section 3.7(4)(E) – Utilization of renewable energy sources.

1. The Applicant proposes a forty-two (42) lot subdivision/PUD intended for residential, commercial, and recreational uses.

2. All future buildings will be required to meet the building height requirements of the underlying zoning district. Under current Regulations, the maximum building height is twenty-eight (28) feet.

3. The project is not expected to impact the use of, or access to, the utilization of renewable energy resources, however this cannot be confirmed based solely on information in the preliminary hearing record.

Other Standards of Review:

Section 3.7(4)(F) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

1. The scenic or natural beauty of the area and aesthetics of the project area can be generally characterized by open spaces, outdoor recreation, and nearby forested hillsides. The existing golf course dominates the view of the surrounding area and is largely proposed to remain as-is. However, the proposed project will alter the existing vistas and scenic beauty of the area primarily in the southern portion of the project site.

2. Existing land uses within the immediate area include outdoor recreation and clustered residential developments surrounded by open green space (Village Green condominiums, Stoweflake, Stowe Club Highlands, etc.). Surrounding land uses are primarily residential; however, other commercial and lodging uses are nearby.

3. Renderings and illustrations depicting the project's anticipated impacts to views from public vantage points document that the proposed project will be visible from nearby town highways and surrounding privately owned properties. Proposed landscaping and screening will mitigate these visual impacts.

4. The two (2) proposed residential neighborhoods are compact and located near existing town highways. The proposed location of the neighborhoods is intended to preserve outdoor recreational space and protect designated open space areas that are less suited for development.

5. The overall size and density of the proposed project are comparable to nearby developments such as the Village Green residential community and Stoweflake Resort, both of which feature compact residential layouts surrounded by common open space and resort-style amenities.

6. Leighton Detora, representing the Stowe Club Highlands Architectural Review Committee, testified that the Applicant failed to meet the burden of proof regarding aesthetic impacts, particularly noise, and argued that landscaping alone does not sufficiently mitigate these aesthetic impacts.

7. The immediate project area does not contain any known or identified historic sites. According to Mr. Marshall's testimony there are no historic sites, natural areas, or identified scenic areas that will be adversely impacted by the project. However, the adjacent golf course, also part of the proposed PUD, does contain a historic building- the Stowe Country Club [0808-147] a Greek Revival Classic Cottage. The building is a good example of a themed conversion of former farmsteads to tourism in 1940's and

commercial uses in later 20th century with defining architectural elements remaining intact. No exterior alterations are proposed to this historic building.

8. The property to be developed does not contain rare or irreplaceable natural areas; there are no rare or irreplaceable natural areas within the surrounding area.

9. The DRB incorporates by reference into this section's findings its findings under the 'double perimeter setback' section, above, and §§5.1(2) and 5.1(3), below, as if more fully stated herein.

Section 3.7(4)(G) - Project will not result in undue water, noise or air pollution.

1. The act of subdivision itself will not generate noise; noises generated by the project will be from the land uses associated with the future development of the subdivided lots.

2. The proposed project is not anticipated to create excessive air pollution including dust, smoke, offensive odors, vibrations, or emissions.

3. Anticipated noises created by the future land uses (residential, recreation, clubhouse, related amenities, etc.) are not presently known but are not expected to rise above annoyance and aggravation or cause adverse health effects.

4. The proposed residential uses will generate similar levels of noise associated with those experienced at the Village Green and Stoweflake neighborhoods to the south.

5. Although building and infrastructure construction is not being reviewed under this preliminary subdivision/PUD application, the Applicant testified that the future project will involve standard construction hours of 7:00 AM -6:00 PM Monday through Friday, with abbreviated hours on Saturdays. The Applicant testified that there will be no construction on Sundays and holidays however once buildings are framed, indoor construction work will be allowed on those days.

6. The hearing record includes testimony about anticipated noise from future events associated with the proposed clubhouse, as well as testimony regarding adverse impacts on surrounding properties caused by noise from existing uses. The existing and future land uses and noise generated by them are not currently under review by the DRB.

7. The proposed project is within the Source Protection Overlay District. The project is immediately uphill of the municipal Village Green Water Supply and Treatment Plant.

8. Except for the upper residential neighborhood proposed to be served by on-site septic/wastewater system(s), the project is proposed to be served by the municipal sewer system.

9. In addition to zoning and subdivision regulations, a State of Vermont Operational Stormwater Permit will require the stormwater generated by the project be managed and treated. Stormwater improvements will be designed 100-year design event and following construction, development peak flows will be equal or less than post-development.

10. Engineer Dave Marshall testified the stormwater improvements will not rely on infiltration as a means of treating stormwater.

11. During construction stormwater and erosion control will be managed by staking the limits of disturbance and installing erosion control fencing along the project boundaries.

12. Both DPW and interested person Debra Reiser requested a hydrogeologic assessment by a qualified consultant be completed to ensure the proposed development does not compromise the municipal water supply.

13. Two (2) mapped watercourses run through the parcel. One (1) watercourse flows north-south and is labeled as an "existing storm drain to be removed." The other flows east-west and intersects with Cape Cod Road. Two (2) existing storm drains, also marked "to be removed," discharge into the small watercourse located just west of Cape Cod Road. These watercourses are regulated under §3.10. There are no mapped floodways or special flood hazard areas on the parcel.

14. The parcel contains inventoried Class 2 wetlands, which are shown on the plans along with their associated buffers. The project is designed to avoid impacting or fragmenting these wetland areas.

15. The DRB incorporates by reference into this section's findings its findings under §§3.7(4)(F) (Noise) and 3.10, above, and §§5.1(2), 5.1(3), and 12, below, as if more fully stated herein.

Section 4.23- Areas Served by Municipal Water & Sewer.

1. The term 'served by municipal water and sewer infrastructure' is defined under §16.162. This term is also defined under 24 V.S.A. §4303(42)(A). If a property meets the definition of 'served by municipal water and sewer infrastructure' the DRB must then apply the standards set forth in §4.23 – this section of the Regulations is only applicable to projects that meet the definition in §16.162.

2. Where identified capacity constraints are found to prohibit residential connections and expansions to the municipal water and/or sewer systems, the project fails to meet the definition of 'served by municipal water and sewer infrastructure' in §16.162. As a result, the DRB does not consider the project to be located in an area served by municipal water and sewer infrastructure, nor will it apply the standards set forth in §4.23.

3. The portion of the project property in the RR2 District is within the sewer service district; however, access to municipal water service is restricted. The proposed project is located within the Stowe Club pressure zone of the municipal water supply system. This pressure zone is a high-pressure system with limited storage and pumping capacity.

4. DPW Director Harry Shepard testified that he is not convinced that the municipal water supply system has the capacity to serve the project. He recommended the Applicant complete a demand analysis for all the proposed uses in accordance with the VT Water Supply Rules requirements in order for DPW to evaluate whether there is sufficient capacity in the municipal water supply system to support this project.

5. The water allocation amounts necessary to support the proposed project have not yet been defined; however, they are expected to be significant and likely exceed, *in toto*, the average daily demand capacity in this pressure zone.

6. The proposed project, as originally submitted, was designed to be served by both municipal sewer and water systems. However, following project review by the DPW, the Applicant now plans to provide water service to the project by a new, private potable water source, but at the time the preliminary hearing was closed, details were lacking regarding such private water system. Since the project is no longer proposed to be served by both municipal water and sewer infrastructure, §4.23 is no longer applicable. Further, the revised preliminary project is not requesting any of the benefits allowed under §4.23.

Section 12- Source Protection Overlay District.

1. The property is located within the Source Protection Overlay District and therefore subject to the applicable provisions listed in §12. All uses allowed within the underlying zoning district are permitted within the Source Protection Overlay District only after a determination that the proposed use will not have an undue adverse impact on groundwater resources.

2. The proposed development is within the Town's Source Protection area and immediate upgrade of the municipal Village Green Water Supply and Treatment Plant. This facility provides three quarters of the Town's public water supply capacity.

3. Potential sources of contamination from development such as proposed in Zone 2 include sewage leaks, stormwater disposal, landscaping fertilizers/herbicides, leaky fuel tanks, wells drilled for irrigation or geothermal systems, road spills, salting of roads, sidewalks and parking lots, etc. for winter season maintenance.

4. The proposed project's stormwater management system is within close proximity to the municipal primary water supply well and is a potential source of pollution and contamination.

5. The Applicant testified that the project does not involve the release of any hazardous materials into surface waters, groundwater or onto the land. However, the DPW noted concerns and recommended a hydrogeologic assessment by a qualified consultant affirm that the development does not compromise the municipal water supply.

6. The Applicant testified that the project does not involve or propose any of the prohibited uses or activities listed in §§12.6 (1)-(11).

7. The project as presented does not involve any landfills and open dumps.

8. The project as presented does not involve automobile graveyards and junkyards.

9. The project as presented does not involve storage of deicing chemicals.

10. The project as presented does not involve storage of animal manure.

11. According to the Applicant's testimony, except for excavations for building foundations, roads, or utility works, the project as presented does not involve earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within four (4) feet of historical high groundwater.

12. The project as presented does not involve discharge to the ground of non-sanitary wastewater including industrial and commercial process waste water.

13. The project as presented does not involve stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the district.

14. The project as presented does not involve storage of commercial fertilizers.

15. The project as presented does not involve single-walled underground fuel storage tanks.

16. The project as presented does not involve closed loop geothermal heating systems.

TOWN OF STOWE- SUBDIVISION REGULATIONS

Section 5.1 – General Planning Standards.

Section 5.1(1) – Character of Land for Subdivision.

1. The Applicant proposes a forty-two (42) lot subdivision/PUD to support relocated golf practice facilities, a new clubhouse including recreational amenities outdoor swimming pool, tennis, pickleball and paddle tennis courts, associated site improvements, and seventy-three (73) residential units consisting of a mix of townhomes, duplexes, and multi-family dwellings within two (2) clustered residential neighborhoods.

2. The proposed project consists of a lower residential neighborhood, club amenities, a clubhouse, an upper residential neighborhood, open space/preserved woodlands, and the existing golf course to remain.

3. The property contains frontage on Cape Cod Road and Sinclair Drive – both town highways maintained by the Town of Stowe.

4. The portions of the property to be developed can generally be described as slopes of less than 5%. Areas designated as open space are wooded and contain steeper slopes.

5. The project design includes two (2) clustered neighborhoods as a means of preserving the golf course and the wetlands and forested areas in the proposed designated open space.

6. The parcel contains inventoried Class 2 wetlands. Wetlands and associated buffers are depicted on the plans. The project is designed to avoid impacts and fragmentation of these sensitive wetland areas.

7. The property contains lands within both the RR2 and RR3 zoning districts. The portions of the property in the RR2 District are within the municipal sewer service area. The portions of the property in the RR3 District cannot be serviced by municipal sewer under the current sewer ordinance. The Applicant testified the dwellings located within the RR3 District will be served by on-site septic.

8. The proposed development is within the Source Protection Overlay District and immediate upgrade of the municipal Village Green Water Supply and Treatment Plant. This facility provides approximately three quarters of the Town's public water supply capacity. The DRB incorporates by reference into this section's findings its findings under §12, above, as if more fully stated herein.

9. DPW testified that potential sources of contamination from the proposed development in Zone 2 include sewage leaks, stormwater disposal, landscaping fertilizers/herbicides, leaky fuel tanks, wells drilled for irrigation or geothermal systems, road spills, salting of roads, sidewalks and parking lots, for winter season maintenance.

10. According to the Applicant's testimony, the project does not involve the release of any hazardous materials into surface waters, groundwater or onto the land. However, the DPW noted concerns and recommended a hydrogeologic assessment by a qualified consultant affirm that the development does not compromise the municipal water supply.

11. An earthen berm and landscaping is proposed along the southern portion of the project to provide visual screening and reduce adverse impacts to surrounding properties, though a double setback is not proposed adjacent to the outer boundaries of this portion of the PUD.

Section 5.1(2) – Natural and Scenic Features.

1. The parcel to be subdivided contains mapped watercourses protected under §3.10. The DRB incorporates by reference into this section's findings its findings under §3.10, above, as if more fully stated herein.

2. The parcel is located within the Source Protection Overlay District. Land development within this overlay district must comply with the provisions of §12. The DRB incorporates by reference into this section's findings its findings under §12, above, as if more fully stated herein.

3. The parcel to be subdivided contains mapped prime agricultural soils (prime b & statewide). The project will impact Primary Agricultural soils (PAS) which are proposed to be mitigated through the Act 250 review process with a payment in lieu of on-site mitigation to Vermont Housing and Conservation Board. The minimum mitigation will be the conservation of two (2) acres of offsite PAS for each acre impacted on this project.

4. Portions of the project contain forested hillsides. It is unknown whether these areas contain important forest resources. The existing forested hillsides are proposed to be designated open space. The project has been designed to avoid impacts to these hillsides areas by clustering the two (2) proposed compact residential neighborhoods in smaller portions of the property and leaving remaining lands as open space and wetland areas.

5. Renderings depicting the anticipated impacts illustrate the views from public vantage points. The proposed development will be visible from nearby town highways and nearby properties.

6. The two (2) proposed residential neighborhoods are compact and located near existing roadways to preserve recreational space and protect designated open space areas that are less suited for development.

7. The existing golf course dominates the surrounding area and is largely proposed to remain as-is as an outdoor recreational facility use.

8. The overall size and density of the project are comparable to the nearby Village Green residential development and Stoweflake Resort, both of which feature compact residential areas surrounded by shared open spaces and resort-style amenities.

Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities.

1. According to the ANR Natural Resources Atlas, the parcel proposed to be subdivided does not contain any significant natural communities, deer wintering areas, or natural communities but does contain a lower priority habitat block and wetlands.

2. The property contains streams/watercourses and Class 2 wetlands. The Class 2 wetlands will be protected through buffering and fencing.

3. The State of Vermont has identified the forested area on the northwestern portion of the property as part of a modest quality habitat block. This area is proposed to be designated open space.

4. Open space and protection of wildlife habitat will be maintained by consolidating the residential areas and clustering buildings.

Section 5.1(4) – Historic Resources and Community Character.

1. The project is located adjacent to a village area (the Mountain Road Village Zoning District- a locally designated growth center). The Regulations state: *Subdivisions in or adjacent to existing village areas, including Stowe Village, Lower Village, Moscow and designated commercial growth centers, shall be designed to reflect traditional village settlement patterns characterized by an appropriate scale of development, an interconnected street network with development oriented to the streetscape, a mix of land uses and pedestrian access.* For the purposes of this preliminary decision, the DRB finds the project area to be a "village area".

2. The proposed PUD/subdivision is generally characterized by flat lands, wetlands, with steeper forested hillsides towards the upper rear of the property. No development is proposed on the forested hillsides- this area is proposed to be set aside as dedicated open space.

3. Exhibits 86 (l)-(o) show the location of proposed individual lots with connecting street network. The proposed lots are clustered together creating two (2) densely compact residential neighborhoods. The two (2) residential neighborhood areas have been designed and located to avoid unnecessary impacts to sensitive environmental areas.

4. The lower neighborhood creates a dense, compact neighborhood with an interconnected street network and pedestrian access. The design of this southern neighborhood features homes positioned closer to the street and to one another. Many units are accessed via shared driveways or common rear lanes, supporting a compact layout with a block-style street grid. This design approach maximizes land use efficiency, allowing a significant portion of the property to be preserved for recreational or open space features. Although this compact design is not in keeping with the existing settlement pattern of the surrounding areas, it does reflect the traditional village settlement pattern called for by the Regulations.

5. The two (2) neighborhoods and club areas will be visible from existing public roadways, adjacent properties, and offsite vantage points; however significant landscaping is proposed along the perimeter of the project to mitigate the visibility from roadways, adjacent properties, and offsite vantage points.

6. The open character will generally be maintained by consolidating the residential areas and clustering buildings. The DRB finds that a traditional two (2) acre subdivision would have a greater adverse impact and significantly diminish the open character of the existing golf course, driving range, and surrounding open space than the layout proposed in Applicant's PUD.

7. The subject property is not within a historic district but does contain a historic building- the Stowe Country Club clubhouse [0808-147] a Greek Revival Classic Cottage. The building is a good example of themed conversion of former farmsteads to tourism in 1940's and commercial uses in later 20th century with defining architectural elements remaining largely intact. No exterior alterations are proposed to this historic building.

8. The historic building, now functioning as a clubhouse, is situated within the overall golf course. The original historic farmstead context was lost when the farmstead was converted into a golf course in the mid-20th century. Since the original context has already been lost and neither the structure's location nor dimensions are proposed to change, the proposed project will not have any further impact on it.

Section 5.1(5) – Reserved Strips.

1. The Regulations prohibit privately owned reserved strips which control access to any part of the subdivision or to any other parcel of land from any street or from any land dedicated to public use shall be permitted. No reserved strips are proposed.

2. The lower neighborhood will be served by Cape Cod Road, a Class 3 Town Highway. The upper neighborhood is served by Sinclair Drive, a Class 3/4 Town Highway.

3. The proposed right-of-way(s) serving the neighborhoods are shown in blue on Exhibit 86(h) (Sheet PP1), however the right-of-way widths are not labeled. Each must be a minimum of fifty (50) feet per §3.1 of the Zoning Regulations.

Section 5.1(6) – Screening and Landscaping.

1. Exhibit 84(b) [Sheet L1.0] depicts the proposed conceptual landscaping throughout the project site. The preliminary landscaping plan also shows the proposed street tree concept.

2. A mix of plantings are proposed along the perimeter of the property and throughout the project to provide screening and mitigate the impact of the project on public vantage points.

3. The landscape plans depict the anticipated landscaping and screening and do not contain the final details at this stage of the application process. The anticipated plantings will be fully designed in support of a final application.

4. Proposed mitigation on the western side of the project is retention of existing evergreen landscaping/screening, which is adjacent to existing open space.

5. Renderings show the anticipated visual impact from public vantage points and surrounding properties.

6. Under existing conditions, the project area currently has minimal screening, as the golf course is predominantly open and highly visible from public vantage points along Cape Cod Road, Sinclair Drive and neighboring properties. The proposed development will significantly alter the aesthetics of project area adjacent to the Stoweflake and Village Green properties, transitioning it from a seasonal recreational use to a compact, year-round residential community with activity occurring at all hours and seasons.

Section 5.1(7) – Pedestrian Access.

1. The Applicant proposes a variety of internal pedestrian improvements to connect property owners, recreational users, and guests to the amenities within the site. An eight (8) foot wide path is proposed to connect throughout the lower neighborhood.

2. The proposed club parking is connected to the lower residential neighborhood and clubhouse via internal sidewalks/pedestrian paths.

3. Internal pedestrian improvements connect the upper neighborhood to the club amenities and lower neighborhood.

4. Proposed primitive paths provide pedestrian connections to the designated open space.

5. This portion of Cape Cod Road does not contain existing sidewalks. The only segment containing existing sidewalks is along the southern side of the road from approximately the Jewish Community of Greater Stowe (JCOGS) to Mountain Road/ VT-108.

6. A crosswalk/pedestrian crossing is proposed on Sinclair Drive to connect the residential uses with the existing golf course on the eastern side of the road.

7. Pedestrian improvements between the project and the Stowe Rec Path and Mountain Road Village area may be warranted. The volume of traffic on Cape Cod Road may pose hazards for people to safely walk in the road to access the Stowe Rec Path. To address this existing condition, the Applicant added a proposed construction of a recreation path on the south side of Cape Cod Road with a new crosswalk to tie into the proposed pedestrian circulation infrastructure associated with the project.

8. The project does not propose the installation of sidewalks along Sinclair Drive, however a shared use path will accommodate different users and provide internal pedestrian connections throughout the PUD.

9. The DRB incorporates by reference into this section's findings its findings under §3.7(4)(B), above, as if more fully stated herein.

Section 5.1(8) – Traffic.

1. The DRB incorporates by reference into this section's findings its findings under §3.7(4)(B), above, as if more fully stated herein.

Section 5.1(9) – Municipal Facilities.

1. Comments on the proposal were solicited from respective Town departments including the Department of Public Works (DPW), Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation. Written comments were received from DPW and Stowe Fire Department.

2. The Stowe school system has the capacity to serve the project. It is anticipated the project would involve a potential of thirty (30) schoolchildren.

3. At the request of the Stowe Fire Department, the Applicant met with the department to discuss the project. The Stowe Fire Department provided written comments to the DRB recommending certain project modifications/additions. The Applicant testified they could incorporate all of fire department recommendations into their final plans.

4. The proposed project will be served by a Class 3 Town Highway - Cape Cod Road – maintained by the Town of Stowe. Cape Cod Road connects to VT-108/Mountain Road – maintained by VTrans.

5. The proposed project is within the Village Green municipal water supply – Source Protection Overlay Area. The DRB incorporates by reference into this section's findings its findings under §12, above, as if more fully stated herein.

6. Portions of the upper neighborhood are outside of the municipal sewer service area and cannot be connected to the municipal sewer system. As proposed, the upper residential lots will be served by on-site and/or shared septic.

7. The DPW offered testimony regarding concerns with stormwater infiltration potentially polluting and contaminating the Town's Village Green Water Supply and Treatment Plant and recommend a hydrogeologic assessment by a qualified consultant that can affirm that the development does not compromise the Town's public water supply.

8. The proposed project is located within the Stowe Club pressure zone of the municipal water system. DPW testified they are not convinced that the system has the capacity to serve the project. A demand analysis for the for all the proposed uses in accordance with the VT Water Supply Rules requirements is necessary to evaluate whether there is capacity to support this project.

9. The water allocation amounts necessary to support the proposed project have not yet been defined, however, they are expected to be significant and likely exceed the average daily demand capacity in this pressure zone. In response to DPW concerns, the Applicant testified they are investigating opportunities to develop a private water system to serve the proposed development, but the details of such service have not been developed.

10. The proposed project was originally designed to be served by both municipal sewer and water systems however following review by the DPW, the Applicant now plans to serve the project with a private potable water source but did not provide the details of such private water system.

11. No additional municipal comments were received.

12. The DRB incorporates by reference into this section's findings its findings under §§3.7(4)(A) and (B), above, as if more fully stated herein.

Section 5.1(10) – Lot Configuration.

1. The preliminary lot layout avoids flag lots, elongated lots, and other odd shaped lots which include narrow strips of land.

2. The proposed lots are all of regular shape.

Section 5.1(11) – Building Zone.

1. The preliminary plans should show the anticipated location of all building zones- delineated by minimum setback requirements or per the requested dimensional modifications highlighted on Exhibit 88.

Section 5.1(12) – Fire Protection Facilities.

1. The Stowe Fire Department provided written testimony. The Applicant testified they could incorporate all of Fire Department's recommendations into their final plans.

2. The Applicant envisions the extension of the municipal water distribution system with supplemental hydrants to be designed in support of a final application.

3. The Applicant will be required to install the necessary fire hydrants to support the project.

4. The proposed road layout has been designed to provide multiple paths for access once into the site and allow for reasonable access by emergency vehicles to the building zones.

5. The final design of pavement sections and road widths will be designed in coordination with the Stowe Fire Department to ensure compliance with the Stowe Fire Department Construction Standards.

6. The DRB incorporates by reference into this section's findings its findings under §3.7(4)(A) and §5.1(9), above, as if more fully stated herein.

Section 5.1(13) – Disclosure of Subsequent Development Plans.

1. The proposed project is predominantly located on the lower portion of a parcel, with the exception of the upper neighborhood. In addition to residential uses, the Applicant provided a general indication of the intended uses of the remaining portion of land proposes the clubhouse, recreation, and open space areas.

2. The Applicant proposes ±26.4 acres of designated open space located in the northwestern portion of the PUD. In addition, the project contains Class 2 wetlands – these areas are not proposed for development.

3. All existing and anticipated future uses are identified in the preliminary application.

4. The Applicant provided proposed conditions agreeing not to "*propose residential development on the golf course portion of the property, other than for the purposes of workforce/employee housing immediately adjacent to current maintenance facility.*"

5. Interested person Charles Pineles- Mark representing the Stoweflake Townhouse Homeowners Association inquired about future changes in law and potential changes in density. The DRB cannot speculate about future regulatory changes; however, it finds the DRB must review applications under the regulations in effect at the time of application.

Section 5.1(14) – Private Enforcement Mechanisms.

1. The Applicant did not provide draft homeowner's association documents which outline private restrictions within the development including how the shared improvements will be maintained. The preliminary application submittals requirements do not require this information.

Section 5.2 – Prominent Hillsides and Ridgelines.

1. The property is not located within the Ridgeline & Hillside Overlay District. Does not apply.

Section 5.3 – Open Space and Cluster Development.

1. The Applicant proposes ±26.4 acres of designated open space. The site plan identifies the designated open space areas as forested hillside and wetlands located in the northwestern portion of the project.

2. The Applicant is working with Stowe Trails Partnership to investigate the development of a potential trail system within the designated open space. This trail system could allow movement of pedestrians over the access easement controlled by the Applicant over the Timberhomes property connecting from Cottage Club Road.

3. Access to designated open space can be accommodated from along one (1) of the golf cart path access ways. This is the most practical access due to the presence of large wetlands at the south and north ends of the open space area.

4. §13.3(4)(C) prevents designated open space from containing a building or being developed, except for which the open space is intended. ±26.4 acres of designated open space is proposed in the northwestern portion of the PUD – this area is not proposed to be developed.

5. The Regulations emphasize the objectives of open space to include the conservation and enhancement of natural features, wildlife habitats, and water quality, along with the protection of natural drainage and floodwater retention areas. The Regulations encourage the creation of active recreation spaces, ensuring the permanence of open space through public acquisition or agreements. Open space plans should maximize existing natural features, ensure accessibility to subdivision lots, and, where possible, connect to adjacent public or community open spaces to create unified, larger areas.

6. The designated open space consists of lands characterized by steeper undeveloped forested hillsides, however the designated open space does not take "fullest advantage" of <u>all</u> natural features, such as natural watercourses and drainage, topography, and existing trees [§13.3(4)(A)-(D)]. The Applicant claims the large wetland areas located outside of the designated open space are adequately protected through federal, state, and local regulation and therefore do not need to be included as dedicated open space.

7. The existing golf course is identified as outdoor recreation space however is not identified as 'designated open space.' As presented, the existing golf course is not proposed to be developed with residential uses and will be substantially preserved as open space for golf and other recreation related activities. However, the Applicant did indicate that it may be developed for the purposes of workforce/employee housing immediately adjacent to current maintenance facility at some point in the future. The application presently under review by the DRB does not propose any residential development on the existing golf course north of Cape Cod Road and easterly of Sinclair Drive.

8. Attorney Dumont-representing interested person Debra Reiser, argued the golf course is not a building lot and therefore must be reserved as designated open space.

9. The DRB incorporates by reference into this section's findings its findings under §13, above, as if more fully stated herein.

Section 5.4 – Road Standards and Coordination with Public Highways.

1. The Applicant proposes a privately maintained development road with access off Cape Cod Road – a town highway. The road will serve the proposed residential lots, each with individual and shared driveways, and the commercial clubhouse. An additional loop road with two (2) intersections on Sinclair Drive is proposed to serve the upper neighborhood. The proposed lower entrance road has been aligned across from Village Green Drive with a 2% grade at the intersection. Topography is not a limiting factor as the project site is located within a modestly sloping area of the property.

2. The Applicant proposes three (3) curb cuts/driveway entrances to provide shared access to the project. The south neighborhood has 600 feet of frontage on Cape Cod Road and one access point is proposed there. The north neighborhood has 1,300 feet of frontage on Sinclair Road and two (2) access points are proposed there. Sufficient frontage exists to support these curb cuts, however they will each require driveway entrance permit from the DPW. An existing curb cut/parking area on Sinclair Drive will be closed/removed. An existing gravel drive located on the southern portion of the site will also be removed.

3. §3.1(1) requires a permanent easement or right-of-way not less fifty (50') feet wide for accesses serving three (3) or more dwellings/lots. The south neighborhood area has 600 feet of frontage on Cape Cod Road. The north neighborhood has 1,300 feet of frontage on Sinclair Drive, a private road (portions). Each of the neighborhoods has been designed to create a fifty (50) foot-wide right-of-way which will provide frontage for all of the proposed buildings. Secondary access ways such as the rear lot lanes and shared driveways are to be located within a twenty-five (25) foot wide access easement.

4. All proposed roads intended to remain as private roads and be constructed in conformance with the VTrans Class 3 road standards.

5. The proposed private roads have been designed to provide multiple means of access and as such the proposed road width has been designed to be limited to twenty (20) feet as a means of speed control. The American Association of State Highway Transportation Officials (AASHTO) Guidelines for Geometric Design of Very Low Volume Local Roads (ADT <400) Provides a recommended width for Access roads in Rural areas of eighteen (18) feet. The VTrans Design Standards call for rural local road with a design speed of 25 MPH to have total width of eighteen (18) feet for ADTs of less than 100 VPD and twenty-one (21) feet for roads with ADTs of up to 1500 GPD. The horizontal curves have been

designed to enable the design fire truck to move through these roadways. The DRB incorporates by reference into this section's findings its findings under §5.1(12), above, as if more fully stated herein.

22. The Town Engineer recommended that the DRB require a turning lane and signal warrant analysis that considers both vehicular and pedestrian traffic at the intersection of Mountain Road\VT Route 108 and Cape Cod Road. It is his opinion that this project will likely necessitate intersection improvements. The DRB incorporates by reference into this section's findings its findings under §3.7(4)(B) and §5.1(8), above, as if more fully stated herein.

Section 5.5 – Utilities and Stormwater Management.

1. The preliminary plans depict the conceptual location of utilities. The power and communication distribution systems are planned to be located underground.

2. This project will create more than one-half of an acre of new impervious area. In addition to municipal regulations, a State of Vermont Operational Stormwater Permit will require the stormwater generated by the project be managed and treated. Stormwater improvements will be designed 100-year design event and following construction, development peak flows will be equal or less than post-development. Stormwater improvements will not rely on infiltration as a means of treating stormwater.

3. The project proposes to utilize gravel wetlands as a means of meeting the State Water Quality standards which providing both above ground and below ground peak flow storage to ensure that down gradient properties and receiving waters are protected from the increase in impervious area.

4. This project will disturb more than one-acre of soils. During construction stormwater and erosion control will be managed by staking the limits of disturbance and installing erosion control fencing along the project boundaries. Site construction will be conducted in a manner that keeps the amount of soil exposed at any one time to a minimum. The Applicant will achieve this through phasing of construction activities.

5. The Applicant testified that efforts will be made to minimize reflective light by carefully selecting lighting intensity and reducing overall levels. Outdoor lighting will be designed to be more pedestrian-oriented, with a reduced height for fixtures. Photometric details will be provided in the final plans, and additional information regarding outdoor lighting will be required to support the final application.

CONCLUSIONS OF LAW

Based upon the above preliminary findings, the DRB offers the following preliminary conclusions:

1. The DRB concludes the proposed preliminary subdivision/PUD conflicts with the identified local collector road shown on the Town's adopted Official Map. Although the proposed preliminary subdivision/PUD conflicts with this identified public improvement, the DRB offers the Applicant the opportunity to correct this deficiency as part of a future preliminary application by modifying the project design to accommodate the identified local collector road into their plans or secure a minor change to the Official Map per 24 V.S.A. §4421(2). Failure to accommodate the mapped local collector road, obtain a minor change in the Official Map prior to submission of the final application, or otherwise resolve this issue will result in the ultimate denial of the final subdivision application by the DRB pursuant to 24 V.S.A. § 4421(5). The DRB's preliminary decision does not constitute a final

decision on the matter of the Official Map, therefore the time requirements set forth in 24 V.S.A. § 4421(5) are not triggered.

2. Based upon the above findings, the DRB denies the Applicant's request for a waiver of the double perimeter setback requirement. While §13.2 grants the DRB broad authority to review dimensional waivers, including the double setback, the decision to approve such request(s) is at the DRB's sole discretion. In addition, under §13.3(3)(A), the Applicant must satisfy all three (3) criteria for a waiver:

    1. *The double setback is unnecessary to protect the privacy of neighboring properties.*
    2. *The double setback is unnecessary to protect the scenic or natural beauty of the area, including aesthetics, historic sites, or natural areas.*
    3. *The double setback is unnecessary to protect the character of the area as defined by the zoning district's purpose.*

3. While the DRB concludes the double setback is not necessary to protect the character of the area or the scenic or natural beauty of the area, the DRB concludes it is necessary to protect the privacy of neighboring properties. The Applicant's reliance on existing vegetation and proposed plantings for screening does not adequately mitigate the reduced setback's impact, nor does it protect the privacy of neighboring properties. The double perimeter setback is intended to serve as a buffer insulating the project's impacts from adjacent properties, particularly given the higher density, intensity, and clustering allowed within a PUD. For these reasons, the waiver request is denied, requiring a redesign to comply with the double perimeter setback requirement along the south boundary and southwesterly corner near Lots 8, 10-14, 16, 18, 20, 22, 23, etc.

3. The DRB acknowledges that the proposed preliminary subdivision/PUD does not fully conform to the dimensional requirements of the underlying zoning districts. However, §13.1 grants the DRB authority to modify dimensional standards to support the planned development purposes outlined in §13.1(1)-(6) of the Regulations. The Applicant requested modifications to interior setbacks, minimum lot areas, and lot widths to facilitate a compact neighborhood design. While the DRB denies the waiver request to eliminate the outer double perimeter setback, the DRB grants preliminary approval for the requested reductions/modifications to the interior dimensional standards to allow greater development flexibility and the preservation of open space within the PUD.

4. The DRB concludes that the Applicant has not met the burden of proof required under §3.10. Insufficient information has been provided to determine whether the preliminary plans comply with watercourse setback requirements. A revised preliminary application must demonstrate compliance with the watercourse setback under §3.10 or request a dimensional modification to this requirement.

5. The DRB recognizes that §13.3(2)(B), Table 6.1, and §13.3(3)(F) contain conflicting provisions. However, the Regulations do not provide guidance on resolving internal conflicts between these specific standards. To address such conflicts, the DRB prioritizes the newer provision over the older and the more specific standard as an exception to the general provision. Based on these principles, the DRB concludes §13.3(3)(F), incorporated into the Regulations on June 23, 2008, is both newer and more specific and is therefore the governing standard. As presented, the preliminary project does not comply with §13.3(3)(F), which limits only allows residential uses in residential districts. Except for the existing uses, all newly proposed land uses within the PUD are limited to residential uses, unless approved as a Resort PUD. The Applicant must redesign the project to consist solely of residential uses or revise the project to comply with Resort PUD standards.

6. The DRB concludes sufficient density exists to support the preliminary project.

7. In reviewing §3.7(4)(A) and §5.1(9), the DRB considered the potential demand for community services and facilities generated by the proposed development. While full details are not required at the preliminary stage, the DRB must assess whether the conceptual project has the potential to comply with this standard. At this time, the DRB lacks sufficient information to determine whether the project would place an undue burden on municipal facilities or services. To address this deficiency, the DRB recommends the Applicant:

    A. Conduct a hydrogeologic assessment by a qualified consultant to confirm that the project will not compromise municipal water supply capacity.
    B. Submit a demand analysis for all proposed uses per Vermont Water Rules, including water allocation amounts needed to support the project.
    C. Incorporate recommendations from the Stowe Fire Department into a subsequent application.

    For subsequent preliminary or final review, the DRB may request the Applicant's hydrogeologic assessment be reviewed by an independent third party, with such costs borne by the Applicant (as allowed under the Town of Stowe adopted Department of Planning & Zoning Fee Policy -effective January 1, 2023), to ensure compliance with these standards.

8. When reviewing §3.7(4)(B) and §5.1(8), the DRB considered the projected traffic impacts of the proposed development on the capacity, safety, and efficiency of public roads and intersections. While full details are not required at the preliminary stage, the DRB must evaluate the potential for compliance. Based on the information provided, the DRB finds that the proposed development would result in an adverse traffic impact. However, insufficient information is available to determine whether this impact would be undue or whether mitigation measures, such as intersection and roadway improvements, could address the issue. For subsequent preliminary or final review, a traffic impact analysis will be required with mitigation and other measures to address the predicted LOS F condition at the Mountain Road\VT Route 108 and Cape Cod Road intersection. The DRB may also request the Applicant's traffic impact analysis be reviewed by an independent third party, with such costs borne by the Applicant (as allowed under the Town of Stowe adopted Department of Planning & Zoning Fee Policy -effective January 1, 2023), to ensure compliance with these standards.

9. In reviewing §3.7(4)(C) the DRB evaluated the proposed project's location, scale, type, density, and intensity of use relative to the character of the surrounding area, as defined by applicable zoning district standards and the Stowe Town Plan. Based on the preliminary application, the DRB concludes the project will not have an undue adverse effect on the character of the area. Additionally, under 24 V.S.A. § 4414(3)(D), multi-family dwellings with four (4) or fewer units in districts allowing such uses cannot be denied solely due to an undue adverse effect on the character of the area.

10. The preliminary application as presented has <u>not</u> been designed full in conformance with regulations and ordinances in effect per §3.7(4)(D). Except where noted, the Applicant must redesign and/or modify the project to comply with regulations and ordinances in effect.

11. The DRB concludes that the proposed preliminary subdivision/PUD will not interfere with the sustainable use of renewable energy resources or the access, direct use, or future availability of such

resources. However, this standard will be reviewed again at the time individual buildings are applied for.

12. Under §3.7(4)(F), the DRB evaluated whether the proposed project will harmonize with its surroundings and appropriately "fit" within its context. This standard considers three (3) resource types: the scenic or natural beauty of the area and aesthetics; historic sites; and rare or irreplaceable natural areas. The DRB broadly interprets aesthetic impacts to include visual harmony and, in some cases, noise. Factors such as the surrounding area's character, the project's design compatibility, color and material suitability, visibility, and impact on open space are considered. Since the project does not involve rare or irreplaceable natural areas, the DRB's review is limited to scenic and natural beauty, aesthetics, and historic sites. Although the full scope and details are not expected at the preliminary stage, the DRB concludes the project as preliminarily presented is not in harmony with its surroundings. However, it has the potential to comply with redesign and greater consideration of visual and related impacts on neighboring properties and surrounding views. The denial of the Applicant's request to eliminate the double perimeter setback requires project reconfiguration, making it impossible to conclude at this stage whether the adverse impacts under this standard are undue.

13. When evaluating §3.7(4)(G), the DRB considers whether the project will result in undue air, water, or noise pollution. The Applicant must demonstrate compliance or propose mitigation measures to address potential impacts. The current review focuses on the Applicant's request for preliminary subdivision/PUD approval. While the full project details are not expected at this stage, the DRB concludes that the proposed project has the potential to contaminate groundwater resources, particularly the municipal Village Green water source. To demonstrate compliance, the Applicant should submit additional information, including a hydrogeologic assessment prepared by a qualified consultant, to confirm that the development will not compromise the municipal water supply or adversely impact groundwater resources.

14. The proposed project is within a pressure zone with identified capacity constraints and therefore does not meet the definition set forth in §16.162 or 24 V.S.A. §4303(42)(A). Therefore, the DRB concludes the project is not considered to be located within an 'area served by municipal water and sewer infrastructure', and the provisions of §4.23 do not apply. This conclusion may be reconsidered if the project is redesigned to include connections to both municipal water and sewer systems and sufficient capacity is documented.

15. The purpose of the Source Protection Overlay District (§12) is to ensure public health and safety by protecting municipal drinking water sources, conserving natural resources, and preventing environmental contamination. While the preliminary project appears to largely comply with the provisions of §12, the DRB cannot determine that the project will not result in undue adverse impacts on groundwater resources without additional information. Specifically, the Applicant should complete a hydrogeologic assessment prepared by a qualified consultant to ensure the proposed development does not compromise the municipal water supply. Only with this information can the DRB fully evaluate compliance with this standard. For the purposes of this preliminary decision, the DRB concludes the Applicant failed to meet their burden of proof under §12.

16. Under §5.1(1), it is the Applicant's responsibility to demonstrate that the land is suitable for the intended purposes without undue adverse impacts on public health or safety, the environment, neighboring properties, or the rural and historic character of the community. Subdivision plats must conform to zoning regulations, applicable statutes, ordinances, and municipal plans. Although the

project's full details are not finalized at this stage, the DRB concludes that the project has the potential to comply with this standard. However, the Applicant has not demonstrated that the project will avoid undue adverse impacts, particularly concerning project impacts to neighbors without the double setback and on groundwater resources. Further evaluation of the project's impact on groundwater is recommended.

17. §5.1(2) requires subdivision designs to avoid undue adverse impacts on natural resources, including brooks, streams, water bodies, groundwater, wetlands, prime agricultural soils, farmland, forest resources, and scenic or aesthetic resources. While this standard does not prohibit all changes to the landscape, it seeks to ensure that development reasonably considers its impact on natural and scenic features, neighboring landowners, and the community. The DRB concludes that the project, as presented, will likely have an adverse impact on several resources, including water bodies, groundwater, prime agricultural soils, and scenic vistas. Additional information is needed to determine whether these impacts are undue, including specific protection measures for watercourses, groundwater resources, and scenic resources.

18. §5.1(3) requires significant wildlife habitat areas be shown on the subdivision plans and projects to be designed to prevent undue adverse impact on significant wildlife habitat areas. Based on the above preliminary findings, the DRB concludes the preliminary project, as presented, has been designed in conformance with §5.1(3), Protection of Significant Wildlife Habitat and Natural Communities.

19. Pursuant to §5.1(4), the Regulations require subdivisions in or adjacent to designed commercial growth centers be designed to reflect traditional village settlement patterns characterized by an appropriate scale of development, an interconnected street network with development oriented to the streetscape, a mix of land uses and pedestrian access. While the RR2 & RR3 zoning districts typically call for a rural density, the project is adjacent to a growth center and has access to the municipal sewer system. While the DRB recognizes the pattern of the lower neighborhood is unlike the surrounding settlement patterns, the Regulations vision for this area is a village like pattern. Based on the above preliminary findings, the DRB concludes the preliminary application, as presented, has been designed in conformance with § 5.1(4), Historic Resources and Community Character.

20. Based on the above findings, the DRB concludes the preliminary application has been designed in conformance with §5.1(5), Reserved Strips.

21. §5.1(6) grants the DRB broad authority to require the planting or preservation of trees and other vegetation to provide visual screening or to mitigate the impact of development on natural features and scenic vistas. The DRB evaluates the proposed project's potential to comply with this standard, noting that full landscaping details are not required at the preliminary stage. Based on the preliminary hearing record, the DRB concludes the project has the potential to comply with this standard and can provide adequate screening and landscaping.

22. Under §5.1(7) the DRB is authorized to require pedestrian improvements within the project area and connections to adjoining properties or uses. At the preliminary stage, the DRB assesses whether the project has the potential to comply with this standard. Based on the hearing record, the DRB concludes the project has the potential to comply, provided it incorporates adequate pedestrian accommodations. The Applicant should coordinate the design with the DPW and, where necessary, VTrans.

23. In reviewing §5.1(10) the DRB must determine the project does not include any flag lots, elongated lots, and other odd shaped lots which include narrow strips of land. Based on the above findings, the DRB concludes the preliminary application has been designed in conformance with §5.1(10).

24. In reviewing §5.1(11), the DRB must determine that the proposed subdivision provides adequate building sites for each proposed lot. Based on the above findings, the DRB concludes the preliminary application has been designed in conformance with §5.1(11), Building Zone.

25. When reviewing §5.1(12), the DRB has the responsibility to ensure the project includes adequate fire protection facilities. While the full scope and details of the project are not expected to be finalized at the preliminary stage, the DRB assesses whether the proposed project has the potential to comply with this standard. Based on the above findings, the DRB concludes the project can be designed to include adequate fire protection facilities and comply with §5.1(12).

26. When reviewing §5.1(13), the DRB is authorized to require a general indication of the intended uses of the remaining portion of land when an applicant submits a proposal for development on only a portion of the parcel. Based on the above findings, the DRB concludes the preliminary application has been designed in conformance with §5.1(13), Discloser of Subsequent Development Plans. The Applicant has disclosed the intended use of the lands to remain undeveloped or will remain a golf course, with the exception of the potential future development of workforce/employee housing immediately adjacent to current maintenance facility on Cape Cod Road.

27. Under §5.1(14), the DRB may require the formation of a homeowners association, consisting of the owners of all properties within the subdivision, to ensure the continual maintenance of shared driveways and other shared facilities. The DRB recognizes that full private enforcement details are not expected at this preliminary stage and concludes this information is not required or necessary at this stage of the preliminary review process.

28. §5.3 requires subdivisions with five or more family dwelling units to designate one or more areas for open space, parks, or playgrounds of appropriate size, shape, and location. For PUDs, the open space must meet the purposes outlined in the zoning and subdivision regulations. The DRB finds that the proposed layout fails to fully utilize natural features such as watercourses, drainage, topography, existing trees, overlooks, and trails, as required under §13.3(4)(B). All land not included in building lots, streets, rights-of-way, or utility easements must be reserved as open space for recreation, conservation, agriculture, or natural environment enhancement. Although the existing golf course is reserved for outdoor recreation, it must be formally designated as open space per the Regulations. Future buildings or development within the recreation-designated area must be limited to uses related to outdoor recreation or similar purposes. Based on the above findings, the DRB concludes that while the project concept has the potential to comply, the current proposal fails to designate all open space on the property and thus fails to meet the open space requirements outlined in §5.3 and related provisions.

29. Under §5.4, the DRB evaluates proposed road layouts, design standards, and the capacity of existing roadways. At the preliminary stage, the DRB assesses whether the project demonstrates potential compliance, noting that full roadway engineering details are not required at this phase. Based on the findings, the DRB concludes the preliminary application can be designed to comply with §5.4, Road Standards and Coordination with Public Highways. However, it is anticipated that the Applicant will

need to propose mitigation measures, including but not limited to additional infrastructure and intersection improvements, to achieve final compliance.

30. When reviewing a preliminary subdivision/PUD application under §5.5, the DRB evaluated whether the proposed project has the potential to comply with the applicable provisions, recognizing full stormwater and utility designs are not required at this preliminary phase. Based on the above findings, the DRB concludes the preliminary project, as presented, can be designed in conformance with § 5.5, Utilities and Stormwater Management.

PRELIMINARY DECISION

Based on the foregoing findings of fact and conclusions of law, the DRB hereby denies the Applicant's request for preliminary review of a forty-two (42) lot subdivision/PUD (Project #7325). The DRB cannot grant preliminary approval with conditions when such conditions would require significant modifications to the project design, resulting in substantial changes to the preliminary design and the potential reclassification of the PUD. Due to the number of standards requiring redesign to achieve compliance, the DRB finds that the overall project must be substantially revised and is therefore denied in its entirety. The DRB recommends that the Applicant redesign the project in accordance with these findings and conclusions. Once the necessary revisions have been made and additional information prepared, the Applicant may submit a new preliminary application for review.

Voting to approve: None

Voting to deny: Mary Black, Patricia Gabel, David Kelly, Andrew Volansky, Peter Roberts, Drew Clymer, and Tom Hand.

Dated at Stowe, Vermont this the 21th day of March 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

Your DRB project listed below was recently denied by the Development Review Board. Attached is a copy of the DRB decision for your records.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7334		
Application Date	3/7/2024		
Physical Location	MOUNTAIN ROAD /06-088.200		
Map ID	06-088.200	**Tax ID**	25014-020
Project Description	FINAL REVIEW FOR PRD CONSISTING OF SEVEN BUILDINGS AND 22 DWELLING UNITS		
Owner	AMPERSAND PROPERTIES LLC ATTN: KEN BIEDERMANN		
Applicant	AMPERSAND PROPERTIES LLC		
Applicant Address	PO BOX 1139 STOWE VT 05672-0060		

ACTIONS

Action Taken	Date	End of Appeal Period
DRB DECISION	3/4/2025	4/3/2025

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT #: 7334

SUBJECT PROPERTY: 0 Mountain Road/ VT-108; Tax Map # 06-088.200

PROPERTY OWNER/APPLICANT:
Ampersand Properties LLC
PO Box 1139
Stowe, VT 05672

APPLICATION

The Applicant/property owner, Ampersand Properties LLC (herein referred to as the "Applicant"), requests final review of a Planned Residential Development (PRD) on the existing ±5.3 acre undeveloped parcel shown on Tax Map # 06 Parcel # 088.200. The proposed PRD includes the anticipated future construction of six (6) residential buildings consisting of four (4) two-family dwellings (duplexes) and two (2) multi-family dwellings - each consisting of seven (7) dwelling units. The proposed PRD is designed to support a total of twenty-two (22) anticipated dwelling units. The Applicant is not seeking to subdivide the parcel but instead plans to develop the PRD as a single property under condominium ownership. The subject property contains lands located in the Mountain Road Village (MRV) zoning district, a locally designated growth area. The property also lies within the Meadowland Overlay District, Source Protection Overlay District, and Fluvial Erosion Hazard Overlay District. The application has been reviewed by the Development Review Board (DRB) under applicable standards of the Town of Stowe Zoning Regulations (effective January 31, 2024) and Town of Stowe Subdivision Regulations (effective through July 16, 2012) (collectively the "Regulations") for the purpose of final PRD review. The DRB's procedural history and relevant findings are attached.

PROCEDURAL HISTORY

In 2006, the DRB granted final subdivision approval of S-05-31F/Project # 3057 for a twenty-one (21) lot subdivision to support the future development of nineteen (19) one and two-family dwellings, ten (10) multi-family dwelling units, and six (6) commercial buildings. The approved plan contained residential buildings along the perimeter of the property centered on a common green space in the center with undeveloped floodplain areas retained as open space. The approved plat was recorded in the Town of Stowe Land Records however the project was never executed and the permit has since long expired.

In 2019, the Applicant filed a subsequent application (Project# 6001) to dissolve the previously approved internal property lines approved under S-05-31F/Project# 3057 and re-subdivide the property into two (2) parcels; Lot 1A consisting of ±3.69 acres and the existing retail/mixed-use building (1652 Mountain Road); and Lot 1B consisting of ±10.4 acres of undeveloped land characterized as the open meadow area and floodplain. A separate boundary line adjustment (Project# 7004) slightly modified the shared property line between Lot 1A and Lot 1B resulting in Lot 1A being ±3.70 acres and Lot 1B being ±10.39 acres. The approved subdivision plat was recorded in the Stowe Land Records on February 16, 2023. Since the re-subdivision of this property into two (2) parcels, no development applications have been received or approved on the subject property. The Applicant now seeks final review of a proposed PRD intended to support the future residential development of twenty-two (22) dwelling units within a mix of housing types (i.e., duplex and multi-family) and related site improvements.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application for 'partial' review was filed by Ampersand Properties LLC on February 22, 2024. Per Section III(A) of the DRB's Rules of Procedure, a 'partial' review may be submitted to the DRB for review when requested by the Applicant to complete additional plan development after an initial DRB hearing. The Applicant sought 'partial' review under Section 8: Meadowland Overlay District. The 'partial' application was accepted by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a 'partial' public hearing. A public hearing of the DRB was scheduled for April 2, 2024 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on March 14, 2024. The public hearing to consider the 'partial' application convened on April 2, 2024 in the Memorial Room at the Stowe Town Office at 67 Main Street with remote participation available via Zoom. The DRB reviewed the 'partial' application under Section 8 and subsequently continued the hearing to the following dates and times certain, allowing the Applicant to fully develop the required application materials: May 21, 2024, July 16, 2024, September 17, 2024, and November 05, 2024.

Upon submittal of a full and complete application, the November 5th hearing was re-warned in accordance with §2.14 of the Regulations and 24 V.S.A. §4464 for full and final review. DRB members in attendance and participating in the full and final review included: Drew Clymer, Tom Hand, David Kelly, Patricia Gabel, Will Ardolino, Peter Roberts, and Michael Diender. At the outset of the meeting Michael Diender explained that although he owns property across the street, he felt he could review the application impartially and did not have a conflict of interest. Otherwise, no other *ex parte* communications or conflicts of interest were reported. The DRB took testimony and evidence on November 5th. Recognizing the DRB's need for additional information, the Applicant requested a continuance. The DRB continued the hearing to the time and date certain of January 21, 2025. On January 21st, the DRB re-opened the continued hearing. DRB members in attendance included: Drew Clymer, Tom Hand, David Kelly, Patricia Gabel, Will Ardolino, and Peter Roberts. Michael Diender did not attend the January 21st hearing, however he reviewed the hearing recording and complete hearing record in order to continue his participation in the matter. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS & PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Ken Biederman, Ampersand Properties LLC, PO Box 1139, Stowe, VT 05672
2. Lucy Thayer, TCE-BOWMAN, 478 Blair Park Rd. Williston, VT 05495
3. Cole LaFleche, TCE-BOWMAN, 478 Blair Park Rd. Williston, VT 05495
4. David Wolfgang, PO Box 1507, Stowe, VT 05672
5. Sandra Kuhl[1], 175 Birch Hill Rd Stowe VT 05672 (physical address)[8708b Prospect Ave #D14 Philadelphia PA 19118 (mailing address)]

[1] The DRB accepts Ms. Kuhl's written public comments however Ms. Kuhl did not request interested person status, nor did she demonstrate how she satisfies the definition of interested person, as defined under 24 VSA §4465. Therefore, the DRB accepts her public comments however does not consider them as evidence or enter them into the hearing record. [Public Comments, filed by Sandi Kuhl, dated 3/28/2024].

THE HEARING RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application prepared by Ken Biedermann, dated 2/22/2024;
2. Overall Site Plan prepared by TCE, Sheet C-2.0, dated 2/22/2024;
3. Site Plan prepared by TCE, C-2.1, dated 2/22/2024;

Advance of the November 5th hearing, the Applicant submitted the following additional materials:

1. Revised Site Plan prepared by TCE, Sheet C-2.1, dated 5/30/2024;
2. Subdivision Survey Lot 1A w/revised Right of Way, prepared by Grenier Engineering, dated 6/26/19;
3. DPW Comments, prepared by Harry Shepard, dated 3/22/2024;
4. Fire Department Comments, prepared by Scott Reeves, dated 3/18/2024;
5. Stormwater Narrative, prepared by Trudell Consulting Engineers, dated 9/20/2024;
6. Cover, C-0.0, prepared by Trudell Consulting Engineers, dated 9/20/2024;
7. Legend & Notes, C-0.1, prepared by Trudell Consulting Engineers, dated 9/20/2024;
8. Plat (West), S-1.0, prepared by Trudell Consulting Engineers, dated 4/18/2024;
9. Plat (East), S-1.1, prepared by Trudell Consulting Engineers, dated 4/18/2024;
10. Existing Conditions (West), S-2.0, prepared by Trudell Consulting Engineers, dated 4/24/2024;
11. Existing Conditions (East), S-2.1, prepared by Trudell Consulting Engineers, dated 4/24/2024;
12. Demo & EPSC, C-1.0, prepared by Trudell Consulting Engineers, dated 9/20/2024;
13. Overall Site Plan, C-2.0, prepared by Trudell Consulting Engineers, dated 2/22/2024;
14. Layout & Materials, C-2.1, prepared by Trudell Consulting Engineers, dated 9/20/2024;
15. Grading & Drainage, C-3.0, prepared by Trudell Consulting Engineers, dated 9/20/2024;
16. Existing Stormwater, C-4.0, prepared by Trudell Consulting Engineers, dated 9/20/2024;
17. Proposed Stormwater, C-4.1, prepared by Trudell Consulting Engineers, dated 9/20/2024;
18. Utility, C-5.0, prepared by Trudell Consulting Engineers, dated 9/20/2024;
19. EPSC Details, C-8.0, prepared by Trudell Consulting Engineers, dated 9/20/2024;
20. EPSC Handbook Sheet 1, C-8.1, prepared by Trudell Consulting Engineers, dated 9/20/2024;
21. EPSC handbook Sheet 2, C-8.2, prepared by Trudell Consulting Engineers, dated 9/20/2024;
22. Site Details, C-8.3, prepared by Trudell Consulting Engineers, dated 9/20/2024;
23. Site Details, C-8.4, prepared by Trudell Consulting Engineers, dated 9/20/2024;
24. Water Details, C-8.5, prepared by Trudell Consulting Engineers, dated 9/20/2024;
25. Water Details, C-8.6, prepared by Trudell Consulting Engineers, dated 9/20/2024;
26. Sanitary Details, C-8.7, prepared by Trudell Consulting Engineers, dated 9/20/2024;
27. Storm Details, C-8.8, prepared by Trudell Consulting Engineers, dated 9/20/2024;
28. Storm Details, C-8.9, prepared by Trudell Consulting Engineers, dated 9/20/2024;
29. Emergency Vehicle, E-1.0, prepared by Trudell Consulting Engineers, dated 9/20/2024;
30. Landscape Plan, L-1.0, prepared by Trudell Consulting Engineers, dated no date;
31. Landscape Details, L-2.0, prepared by Trudell Consulting Engineers, dated 9/20/2024;
32. Lighting, L-3.0, prepared by Trudell Consulting Engineers, dated 9/20/2024;
33. Lighting Details, L-4.0, prepared by Trudell Consulting Engineers, dated 9/20/2024;
34. Technical Memorandum from Nicole Centerbar, PE of TCE, subject: PM Peak Hour Trip Generation, dated 8/15/2024;

Advance of the January 21st hearing, the Applicant submitted the following additional materials:

1. Stormwater Narrative, Prepared by Trudell Consulting Engineers, revised 1/3/2025;

2. Sheet C-0.0 Cover, prepared by Trudell Consulting Engineers, dated 1/3/2025;
3. Sheet C-0.1 Legend & Notes prepared by Trudell Consulting Engineers, dated 1/3/2025;
4. Sheet V-1.0 Plat (West) by Trudell Consulting Engineers, dated 1/3/2025;
5. Sheet V-1.1 Plat (East) by Trudell Consulting Engineers, dated 4/18/2024;
6. Sheet V-2.0 Existing Conditions (by Trudell Consulting Engineers, dated 1/3/2025;
7. Sheet V-2.1 Existing Conditions (by Trudell Consulting Engineers, dated 1/3/2025;
8. Sheet C-1.0 Demo & Epsc by Trudell Consulting Engineers dated 1/3/2025;
9. Sheet C-2.0 Overall Site Plan by Trudell Consulting Engineers, dated 4/24/2024;
10. Sheet C-2.1 Layout & Materials by Trudell Consulting Engineers, dated 4/24/2024;
11. Sheet C-3.0 Grading & Drainage by Trudell Consulting Engineers, dated 1/3/2025;
12. Sheet C-4.0 Existing Stormwater by Trudell Consulting Engineers, dated 9/20/2024;
13. Sheet C-4.1 Proposed Stormwater by Trudell Consulting Engineers, dated 1/3/2025;
14. Sheet C-5.0 Utility by Trudell Consulting Engineers, dated 1/3/2025;
15. Sheet C-8.0 Epsc Details by Trudell Consulting Engineers, dated 1/3/2025;
16. Sheet C-8.1 Epsc Handbook Page by Trudell Consulting Engineers, dated 1/3/2025;
17. Sheet C-8.2 Epsc Handbook Page by Trudell Consulting Engineers, dated 1/3/2025;
18. Sheet C-8.3 Site Details by Trudell Consulting Engineers, dated 1/3/2025;
19. Sheet C-8.4 Site Details by Trudell Consulting Engineers, dated 1/3/2025;
20. Sheet C-8.5 Water Details by Trudell Consulting Engineers, dated 1/3/2025;
21. Sheet C-8.6 Water Details by Trudell Consulting Engineers, dated 1/3/2025;
22. Sheet C-8.7 Sanitary Details by Trudell Consulting Engineers, dated 1/3/2025;
23. Sheet C-8.8 Storm Details by Trudell Consulting Engineers, dated 1/3/2025;
24. Sheet C-8.9 Storm Details by Trudell Consulting Engineers, dated 1/3/2025;
25. Sheet E-1.0 Emergency Vehicle by Trudell Consulting Engineers, dated 1/3/2025;
26. Sheet L-1.0 Landscape Plan by Trudell Consulting Engineers, dated 1/3/2025;
27. Sheet L-2.0 Landscape Details by Trudell Consulting Engineers, dated 1/3/2025;
28. Sheet L-3.0 Lighting by Trudell Consulting Engineers, dated 1/3/2025;
29. Sheet L-4.0 Lighting Details by Trudell Consulting Engineers, dated 1/3/2025;
30. Architectural Renderings, Hillview Design Collaborative, dated 1/10/2025 including the following:
    a. 1 West Elevation pg. 1 of 3
    b. 1 Street View pg. 2 of 3
    c. 1 Street View pg. 3 of 3
31. Preliminary Water & Sewer Allocation from Town - email from Kestrel Owens, dated 12/26/2024;
32. Email from Harry Shepard, Re: Record Drawings – Siphon Details, dated 1/20/2025;
33. Memo Re: 1652 Mountain Road (added during hearing 1/21/25), by Trudell Consulting Engineers, dated 1/21/2025.
34. Sheet C-5.0 Utility by Trudell Consulting Engineers, last revised 1/21/2025;
35. Declaration of Mountain Road Village Condominium (draft), no date;
36. Bylaws of Mountain Road Village Condominium Homeowners' Association, Inc., (draft), no date;
37. Lumen Output Calculations, dated 1/20/2025;
38. Technical Memorandum, Project: Ampersand – Mountain Road Village Green- prepared by Roger Dickenson, dated 11/26/2024, last revised 1/19/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The DRB reviewed the Applicant's request for final PRD review for conformance with applicable requirements of the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 8 – Meadowland Overlay District
- Section 12- Source Protection Overlay District
- Section 13 – Planned Developments

Town of Stowe Subdivision Regulations (effective through July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

DIMENSIONAL REQUIREMENTS:

Zoning District.

1. The subject property contains lands in the Mountain Road Village (MRV) zoning district. The property is also within the Meadowland Overlay District, Source Protection Overlay District, and Fluvial Erosion Hazard District, as shown on the Official Town of Stowe Zoning Map.

Lot Area, Lot Width.

1. The parcel contains ±5.3 acres. No changes in lot width or lot area are proposed under this application.

2. Per §13.5(5)(A), in the HT, VC, LVC, MRV, MRC, and MC zoning districts, there is no minimum land area required for PRDs.

3. All PRDs regardless of zoning district must consist of a minimum of three (3) dwelling units. The proposal exceeds the area and number of unit requirements for a PRD in the MRV district.

4. Per §13.2, the DRB is granted the authority to modify applicable area and dimensional requirements of the underlying zoning districts for PUDs/PRDs. The Applicant did not request any dimensional modifications.

Setbacks.

1. The PRD is within the MRV District. Setbacks within the MRV District are as follows: Front twenty (20) feet; side ten (10) feet; rear twenty (20) feet.

2. Along the outside boundary of the project, the structure setback shall be twice the setback requirement for the district in which it is located. The setback shall be free of all buildings, structures, and parking areas, but may contain signs and may be crossed by necessary access

driveways. In HT, VC, LVC, MRV, MRC or MC zones, regular setbacks shall apply, except on that line which abuts RR zones.

3. The setbacks are identified on the plans and labeled as 'SB' with the distance noted.

4. The minimum setback for permitted uses on individual lots is ten (10) feet from all interior property lines. One and two-family dwellings shall be located at least twenty (20') feet from each other. The distance between buildings containing conditional uses shall not be less than permitted by the Vermont Department of Fire Safety. The Applicant testified the revised project layout meets the minimum separation and setback requirements.

5. Single and two-family dwellings are permitted uses. Multi-family dwellings consisting of more than four (4) units are conditional uses. The site plan shows the proposed building footprints – all of which satisfy the criteria – see Sheet C-2.1.

6. Section 3.10 protects mapped watercourses and generally requires a 50-foot undisturbed riparian setback. A mapped watercourse encumbers portions of the property. The top of bank riparian setback is identified on the plans. The project, as designed, meets the required watercourse setback.

Maximum Building Coverage.

1. There is no maximum building coverage in the MRV District- does not apply.

Use.

1. The Applicant proposes a PRD intended for the future residential development of twenty-two (22) dwelling units within a mix of housing types (i.e., duplex and multi-family). All development is proposed within the MRV District and in an area served by municipal water and sewer, as defined under §16.162.

2. Two (2) family dwellings are a permitted use in the MRV District. Permitted uses can be reviewed by the Zoning Administrator, following receipt of a complete development application.

3. Multi-family dwellings containing more than four (4) units are conditional uses.

4. The proposed uses are all allowed uses within the MRV District, however, the construction of each building will require a separate zoning permit. The multi-family dwellings of more than four (4) units will require conditional use review.

Density.

1. In the MRV District, residential density is allowed at a rate of one (1) dwelling unit per 8,500 sf/±5.12 dwelling units per acre.

2. The property is also within an 'area served by municipal water and sewer' and is therefore afforded the benefits of §4.23. The DRB incorporates by reference into this section's findings its findings in §4.23, below, as if more fully stated herein.

3. The property contains ±5.3-acre and is located within the MRV District allowing ±27.136 dwellings units. The Applicant also owns the adjoining property in the HT District, however the adjoining parcel is not part of the PRD and is therefore not considered in the density calculation.

Conclusion: Based upon the above findings, the DRB concludes the proposal meets or exceeds the minimum dimensional requirements for the MRV District.

SECTION 4.23 – AREAS SERVED BY MUNICIPAL WATER & SEWER INFRASTRUCTURE

1. The purpose of §4.23 is to enable new opportunities for housing development in areas served by municipal water and sewer infrastructure and to comply with the requirements set forth in Act 47; the Vermont HOME Act of 2023.

2. Section 16.162 of the Regulations defines the term 'area served by municipal sewer and water infrastructure'.

3. The property is located within Stowe's adopted sewer service district and has access to the municipal water system.

4. There are no identified state regulations or permits that prohibit connections or expansions to these systems at this location.

5. Although capacity constraints have been identified in other nearby municipal water system pressure zones, the hearing record contains no evidence that there are known capacity constraints or identified capacity constraints associated with this project at this location.

6. The municipal water and sewer systems are not subject to any municipally adopted service and capacity agreements that prohibit connections or expansions to these systems. Therefore, the DRB finds the property meets the definition of an area served by municipal water and sewer infrastructure and is therefore subject to § 4.23.

7. The proposed development is located within the MRV District. Therefore, under §4.23, all of the dimensional requirements of the underlying zoning district apply including density - which exceeds the allowed five (5) units per acre in §4.23.

Conclusion: Based upon the above findings, the DRB concludes the property is located within an area served by municipal sewer and water infrastructure and complies with the applicable provisions of §4.23.

SECTION 7 - FLOOD HAZARD OVERLAY DISTRICT (FHOD)

1. Portions of the property are located within the FHOD.

2. Within the FHOD, development is broadly defined to mean '*any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.*'

3. No development is proposed within the FHOD.

Conclusion: Based upon the above finding(s), the DRB concludes no land development, as defined under §7.8, is proposed within the FHOD –therefore Section 7 is not applicable.

SECTION 8- MEADOWLAND OVERLAY DISTRICT (MOD)

1. The property is located within the MOD and is subject to the applicable standards set forth in Section 8.

2. Section 8.4(2) is the only applicable criteria.[2]

3. The MOD portion of the property is approximately ±4.6 acres. Thirty (30) percent of ±4.6 acres equal ±1.38 acres. Therefore, the defined village green area must be a minimum of 1.5 acres.

4. To satisfy the Regulations, a village green must be of a size and shape that is consistent with traditional New England village greens; defined by building façades, street edges or other appropriate defining elements and be oriented toward and front upon, adjacent streams and public roads and highways. It must also be designed and managed to function as a public space.

5. A total of ±2.055 acres of village green is proposed across three (3) separate village green areas.

6. The Applicant proposes ±0.996 acres of "village green" fronting the West Branch of the Little River; ±0.453 acres of "village green" fronting portions of VT-108/Mountain Road; and ±0.606 acres of "village green" within the center of the PRD.

7. The ±0.996 acres of "village green" fronting the West Branch of the Little River is generally defined by the ANR River Corridor boundary – it is not defined by building façades, street edges or other appropriate defining elements. Although this village green area may 'front upon' the West Branch of the Little River, it has not been intentionally designed to orient toward the river.

8. The ±0.996-acre village green area is generally situated within the ANR River Corridor, adjacent to the West Branch of the Little River. A Town of Stowe utility easement encumbers portions of this area. Except for including a mowed pedestrian path, there is no evidence in the hearing record demonstrating how this village green is designed and managed as a public space.

9. A separate village green fronts portions of VT-108/Mountain Road, consisting of approximately ±0.453 acres running parallel to the roadway. The existing Stowe Rec Path runs through this area, and a proposed pedestrian connection would link it to the central village green. This smaller village green is not defined by building façades, street edges, or other appropriate elements, nor is there evidence in the hearing record demonstrating how it is designed and managed as a public space. Instead, it primarily functions as a buffer to the existing Stowe Rec Path.

10. Interior to the PRD is a third proposed village green area rectangular in shape. This village green area consists of ±0.606 acres and is designed to accommodate two (2) stormwater management areas with gravel wetlands. This village green is generally defined by the edge of the interior private roadway serving the PRD. There is no evidence in the hearing record regarding how this village green area is oriented toward, and front upon, adjacent streams and public roads and highways or designed and managed to function as a public space.

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[2] Section 8.4(2) reads as follows: *"Within the MRV and MRC districts, development on designated meadowland shall be permitted in a manner which establishes a village green, said green to be formally defined by building façades, street edges or other appropriate defining elements. The defined green shall be of a size and shape that is consistent with traditional New England village greens; shall be oriented toward, and front upon, adjacent streams and public roads and highways; and shall be designed and managed to function as a public space. In no case shall the size of the defined green be less than thirty (30%) of the total size of the designated meadowland, or less than 1.5 acres, whichever is greater."*

Conclusion: Based on the above findings, the DRB concludes that the proposed project does not comply with Section 8.4(2). While the combined land area of the three (3) proposed village greens may align with the size of traditional New England village greens, their individual sizes and shapes do not. Additionally, they have not been designed to orient toward and front adjacent streams, public roads, and highways, nor is there evidence in the record to support that they have been designed and managed to function as public spaces.

Section 11 - FLUVIAL EROSION HAZARD OVERLAY DISTRICT

1. Portions of the property are located within the Fluvial Hazard Overlay District. No development is proposed within this area.

Conclusion: Based upon the above findings, the DRB concludes that no land development is proposed within the Fluvial Hazard Overlay District. Therefore, the standards and processes outlined in Section 11 are not applicable.

Section 12 - SOURCE PROTECTION OVERLAY DISTRICT

1. The subject property is located within the Source Protection Overlay District which requires review under Section 12.

2. The project does not involve any of the prohibited uses or activities identified in §12.6(1)-(11).

3. There is no evidence in the hearing record that indicates the proposed project will have an undue adverse impact on groundwater resources. The proposed stormwater systems will be lined to prevent infiltration.

Conclusion: Based upon the above findings, the DRB concludes the project complies with the applicable provisions of Section 12.

Section - 13 PLANNED UNIT DEVELOPMENT

1. The Applicant proposes a twenty-two (22) unit PRD. Section 13.4 governs the design of PRDs.

2. Per §13.4(3) [general requirements] PRDs require conditional use review by the DRB, conducted concurrently with review under the Subdivision Regulations.

3. Section 13.4(4) governs the overall allowable density of development. Allowed density in PRDs is the same as the density permitted by the underlying zoning district(s) i.e., the MRV District.

4. The project involves the anticipated future construction of twenty-two (22) dwellings units. Adequate density exists to support the proposed project. The DRB incorporates by reference into this section's findings its findings in the 'dimensional requirements' section, as if more fully stated herein.

5. The property consists of ±5.3-acres; exceeding the minimum of three (3) acre requirement set forth in §13.4(5)(A). Further, the MRV District is exempt from this requirement.

6. The project involves twenty-two (22) dwellings units, exceeding the minimum requirement of three (3) dwelling units.

7. In the MRV District, regular setbacks apply. The Regulations do not require a double perimeter setback. The DRB incorporates by reference into this section's findings its findings in the 'dimensional requirements' section, as if more fully stated herein.

8. Section 13.4(5)(C) sets forth setback requirements for PRDs. The DRB incorporates by reference into this section's findings its findings in the 'dimensional requirements' section, as if more fully stated herein.

9. Section 13.4(5)(D) restricts further subdivision of undersized lots within PRDs. This provision does not apply. The Applicant is not proposing to subdivide the lot but instead plans to develop the PRD as a single property under condominium ownership.

10. The Applicant is proposing ±2.055 acres of designated open space – representing approximately 39% of the overall property. The proposed open space takes full advantage of natural features including riparian and floodplain areas and retains the existing tree-lined area adjacent to the Stowe Rec Path.

Conclusion: Based upon the above findings, the DRB concludes the project complies with applicable PRD requirements.

SECTION 5.1 – GENERAL PLANNING STANDARDS

Section 5.1(1) – Character of Land for Subdivision

1. The Applicant proposes a twenty-two (22) (dwelling) unit PRD on the existing ±5.3-acre parcel. The project involves the future anticipated construction of six (6) residential buildings consisting of four (4) two-family dwellings/duplexes and two (2) multi-family dwellings each consisting of seven (7) dwelling units.

2. The subject property is generally flat with little slope. It is located within a designated growth area and has been designed to avoid development within the Flood Hazard Overlay and Fluvial Erosion Hazard District.

3. There is no evidence within the hearing record that indicates the project will have an undue adverse impact on public health or safety, or the environment or, neighboring properties or the rural and historic character of the community.

Conclusion: Based on the above findings, the DRB concludes the project has been designed in conformance with §5.1(1); the land can be used for the intended purposes without undue adverse impact on public health or safety, or the environment or, neighboring properties or the rural and historic character of the community.

Section 5.1(2) – Natural and Scenic Features

1. The property contains mapped watercourses protected under §3.10. No development is proposed within this riparian setback.

2. The property is located within the Source Protection Overlay District. Land development within this overlay district must comply with the provisions of §12. The DRB incorporates by reference into this section's findings its findings under §12, above, as if more fully stated herein.

3. According to the ANR Natural Resources Atlas, there are no inventoried wetlands on the property, however the Applicant identified a small Class 3 wetland on the property. Class 3 wetlands are not regulated by the State of Vermont.

4. The property contains Prime (f) agricultural soils. The Applicant testified they are working with the State of Vermont to provide mitigation and will stockpile and store the soils. The temporary stockpile location is outside of the regulated floodplain and Fluvial Erosion Hazard District.

5. The property is located within the Meadowland Overlay District. It is also located within a locally designated growth area anticipated and planned for compact dense development. The DRB incorporates by reference into this section's findings its findings in the 'Meadowland Overlay District' section, as if more fully stated herein.

6. There are no identified important forest resources located on the property.

7. The project includes proposed landscaping to provide screening and reduce visual impacts on adjoining properties.

Conclusion: Based on the above findings, the DRB concludes the application has been designed in conformance with §5.1(2), Natural and Scenic Features.

Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities

1. According to the ANR Natural Resources Atlas, the parcel proposed to be developed does not contain any significant natural communities, deer wintering areas, or natural communities.

Conclusion: Based on the above findings, the DRB concludes §5.1(3), Protection of Significant Wildlife Habitat and Natural Communities- is not applicable to this application.

Section 5.1(4) – Historic Resources and Community Character

1. The property is within a village area, as defined under the Regulations.

2. The existing conditions of the property can generally be characterized as an open flat field adjacent to the river. VT-108/Mountain Road borders the property.

3. The Regulations require subdivisions in commercial growth centers be designed to "*reflect traditional village settlement patterns characterized by an appropriate scale of development, an interconnected street network with development oriented to the streetscape, a mix of land uses and pedestrian access.*"

4. The Applicant proposes a twenty-two (22) (dwelling) unit PRD involving the future anticipated construction of six (6) residential buildings and related site improvements. The planned residential buildings are oriented in a circular shape with a common village green area in the center and connecting private roadway.

5. The project involves a mix of housing types but does not involve a mix of land uses.

6. Architectural renderings depict the general shape, form, and mass of the planned residential buildings however the final designs have not been completed. The residential buildings are gabled roof design and 2 or 2 ½ stories – an appropriate scale for the MRV District.

7. The Applicant testified the design intent of the project is to have a tree-lined residential neighborhood feel.

Conclusion: Based on the above findings, the DRB concludes the application does not comply with Section 5.1(4). The project design fails to reflect traditional village settlement patterns and does not incorporate an interconnected street network, streetscape-oriented development, or a mix of land uses, as required for projects within commercial growth centers.

Section 5.1(5) – Reserved Strips

1. No reserved strips are proposed.

2. The property contains frontage on Mountain Road/VT-108 however will be accessed via fifty (50) foot right-of-way easement across JCOGS and JDVT LLC.

Conclusion: Based on the above findings, the DRB concludes the project has been designed in conformance with Section 5.1(5), Reserved Strips.

Section 5.1(6) – Screening and Landscaping

1. The Applicant provided a landscape plan, Sheet L1.0, which depicts the proposed landscaping throughout the project site. A mix of plantings are proposed along the perimeter property lines to provide screening and lessen the impact of the project on public vantage points and neighboring properties.

2. The planting plan contains a planting details/schedule (name, quantity, planting size, etc.) and landscape details (Sheet L-2.0), which include planned installation and maintenance measures.

3. The Applicant testified it is their intent to create a tree-lined residential neighborhood feeling, installing diverse species of trees along the roadway.

4. Sheet C-2.1 identifies the location of a small accessory building/enclosure for trash and recycling. The details of the building were not provided, however, based on enclosure description will provide the necessary screening.

Conclusion: Based on the above findings, the DRB concludes the project has been designed in conformance with §5.1(6), Screening and Landscaping.

Section 5.1(7) – Pedestrian Access

1. A pedestrian path is proposed to connect to the Stowe Rec Path. The connection runs north-south through the center of the project and will provide internal pedestrian access.

2. Internal walkways are proposed to connect each building and the associated parking areas.

3. The proposed village green area adjacent to the river may contain mowed pedestrian paths but will generally be left as undisturbed open space.

4. Existing sidewalks extend from the Mountain Road/VT-108 intersection to the west along the north side of Mountain Road and to the north along the east side of the Cape Cod Road. The sidewalk along Cape Cod Road ends at the project's driveway.

Conclusion: Based on the above findings, the DRB concludes the project has been designed in conformance with §5.1(7), Pedestrian Access.

Section 5.1(8) – Traffic

1. The Applicant proposes a twenty-two (22) residential unit PRD.

2. Access to the proposed project will be via two (2) existing private driveways and their associated access easements over Lot 1A onto Cape Cod Road and the Mountain Road. These driveways presently serve Pinnacle Ski & Sports (1652 Mountain Rd) and a new three-story mixed-use building1 (1650 Mountain Road) on Lot 1A, together with the Jewish Community of Greater Stowe (1189 Cape Cod Road).

3. The Applicant provided an estimated total number of peak hour vehicle trips using ITE standards for single-family and multi-family residential uses. The total anticipated AM peak hour trips is ten (10). The total number of PM peak hour trips is twelve (12).

4. A technical traffic memorandum prepared by Roger Dickinson was provided by the Applicant. The report analyzes base trips, internal trip capture, pass-by-trips, multi-modal transportation, and the Act 143 Transportation Impact fee. The memorandum finds the project's impact on future traffic congestion conditions will be minimal.

5. The proposed number of peak hour trips does not reach the VTrans threshold, warranting a full traffic study.

6. Given the project is entirely residential, all new external vehicle trips will be primary trips- not pass-by-trips.

7. The Stowe Rec Path runs through the property. Although primarily used for recreation, the path also offers a form of multi-modal transportation. The proposed site layout includes walkways and paths linking to the Stowe Rec Path, facilitating muti-modal travel which will reduce vehicular trips to nearby commercial businesses.

Conclusion: Based on the above findings, the DRB concludes the project will not create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways.

Section 5.1(9) – Municipal Facilities

1. Staff requested comments on the proposal from the respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

2. The project is planned to be served by municipal sewer and water systems, a town-highway (Cape Cod Road), and state highway (VT-108).

3. The project phasing will occur in two (2) phases. The first phase is expected to occur over three (3) years. Construction of the road, stormwater, utilities, and other infrastructure will occur early in the Phase 1 portion of the project to accommodate the development as it progresses.

4. DPW provided the following comments: '*Regarding the Ampersand project, the development will restrict what is currently relatively simple access across the field to our inverted siphon sewer river crossing. We will need to formalize an entrance off Mountain Road to get access to our sewer easement and the subject siphon. The traffic from this development (and the abutting project currently under construction) will also add to the traffic load at the Cape Cod Road intersection.*'

5. The Stowe Fire Department submitted written comments, which included recommended revisions and additions to the project. However, the comments did not indicate that the project would place an undue burden on municipal facilities or create an unreasonable demand for municipal services. Following project revisions, Interim Fire Chief Scott Reeves confirmed the revised layout and roadway is of acceptable design to the Stowe Fire Department.

6. No Municipal Department review forms returned indicated that the proposed development would have any adverse impact on existing or planned community facilities and services.

Conclusion: Based on the above findings, the DRB concludes the project will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

Section 5.1(10) – Lot Configuration

1. The existing property is generally regular in shape.

2. The Applicant is not seeking to subdivide the property; therefore, the existing property lines will remain the same as the current configuration. This provision does not apply.

Conclusion: Based on the above findings, the DRB concludes §5.1(10) is not applicable.

Section 5.1(11) – Building Zone

1. The Applicant is not seeking to subdivide the property.

2. The typical building footprints are each designed to comply with minimum setback requirements. The actual building footprints might vary slightly but are general representations of anticipated placement and dimensions. This provision does not apply.

Conclusion: Based on the above findings, the DRB concludes §5.1(11), Building Zone is not applicable.

Section 5.1(12) – Fire Protection Facilities

1. The project involves a total of three (3) fire hydrants, one (1) existing and (2) proposed. The location of the proposed hydrants is shown on Sheet C-2.1. Sheet C 8.5 provides design and installation details of the proposed hydrants.

2. Sheet E-1.0 illustrates the turning movements for emergency vehicles. The interior roadway is designed to accommodate larger emergency vehicles.

3. The DRB incorporates by reference into this section's findings its findings in §5.1(9) - municipal facilities', above, as if more fully stated herein.

Conclusion: Based on the above findings, the DRB concludes the project has been designed in conformance with§5.1(12), Fire Protection Facilities.

Section 5.1(13) – Disclosure of Subsequent Development Plans

1. The Applicant seeks approval for a PRD involving the anticipated future construction of residential buildings and associated site improvements. No other site improvements or land uses are proposed or anticipated at this time.

2. Areas not proposed for development are shown as either village green areas or designated open space.

Conclusion: Based on the above findings, the DRB concludes the project has been designed in conformance with §5.1(13), Discloser of Subsequent Development Plans.

Section 5.1(14) – Private Enforcement Mechanisms

1. Draft HOA documents with details regarding maintenance of the road, stormwater, utilities, and other common elements within the development were provided.

Conclusion: Based on the above findings, the DRB concludes the project complies with §5.1(14), Private Enforcement Mechanisms.

Section 5.2 – Prominent Hillsides and Ridgelines: Does not apply.

Section 5.3 – Open Space and Cluster Development

1. According to §13.3(4) of the Regulations, in the case of planned unit development (PUD) or planned residential development (PRD), the open space shall meet the purposes required in the zoning and subdivision regulations.

2. The site plan – Sheet C-2.1- identifies the ±2.055 acres surrounding the river corridor and the interior village green as dedicated open space.

3. The dedicated open space will conserve natural features including floodplain, riparian areas, floodwater retention areas.

4. The dedicated open space will be accessible to residents and guests.

5. The DRB finds the proposed open space meets the objectives listed in §5.3(3).

Conclusion: Based on the above findings, the DRB concludes the project conforms with §5.3, Open Space and Cluster Development.

Section 5.4 – Road Standards and Coordination with Public Highways

1. The Applicant proposes a privately maintained development road with access off Cape Cod Road. The road will serve the proposed residential buildings, each with individual and shared driveways/parking areas (§16.48).

2. No new driveway entrances proposed- the development will have shared access to the property (§5.4(3)).

3. Draft HOA documents with details regarding maintenance of the road, stormwater, utilities, and other common elements within the development were provided per §5.4(5).

4. The proposed road will meet Class 3 road construction standards, materials depths, etc. The road is proposed to be twenty-two (22) feet wide.

5. The proposed road rights-of-way appear to be fifty (50') feet in width (§3.1(1)).

6. A technical traffic memorandum prepared by Roger Dickinson was provided by the Applicant. The report analyzes base trips, internal trip capture, pass-by-trips, multi-modal transportation, and the Act 143 Transportation Impact fee. The memorandum finds the project's impact on future traffic congestion conditions will be minimal (§5.4(7)).

Conclusion: Based on the above findings, the DRB concludes the project has been designed in conformance with §5.4, Road Standards and Coordination with Public Highways.

Section 5.5 – Utilities and Stormwater Management

1. The project will be constructed in phases. Phase 1 includes construction of the eight (8) duplex units, interior roadway and parallel parking spaces, designated open space, associated parking, landscaping, utilities, stormwater, and trash enclosure. Phase 1 is anticipated to be completed within three (3) years of commencement. Phase 2 will involve the remainder of the project including the multi-family dwellings and additional street parking, landscaping etc. Phase 2 is anticipated to be completed within five (5) years from the commencement of Phase 1.

2. Draft HOA documents with details regarding maintenance of the road, stormwater, utilities, and other common elements within the development were provided.

3. There are currently no stormwater treatment practices on site. Runoff from the property currently overland flows south to north to an offsite swale that flows into the West Branch Little River.

4. The site generally slopes from south to north to an offsite swale that flows into the West Little River. The existing impervious area equals ±0.082 acres. The proposed impervious area equals ±1.371 acres for a total of ±1.453 acres. The existing subcatchment boundary is approximately ±3.786 acres.

5. The entire site is located within a Groundwater Source Protection Overlay District (SPO).

6. Due to soil conditions (shallow water table) and the site being in the SPO, infiltration cannot be utilized for treatment.

7. The site design proposes to use simple disconnection to treat stormwater runoff from the east side of unit 1, 2, 3, & 4 the south side of units 5, 6, 7, & 8, and a portion of the proposed walking path. The remainder of the site's stormwater runoff will be conveyed to two (2) lined gravel wetlands for treatment and retention. Six (6) Rain Guardian Turret units will be used to pretreat overland runoff from the proposed road ahead of the gravel wetlands.

8. Both gravel wetlands will control the release of stormwater through the use of an outlet control structure and ultimately discharge on the northern portion of the site (S/N 001). The gravel wetlands have been designed in accordance with the VSMM. The Rain Guardian Turrets have been designed in accordance with the manufacturer's specifications for incoming runoff volumes and flow rates to meet the pretreatment requirements of the VSMM (Sheet C-3.0 Grading & Drainage and C-4.1 Proposed Stormwater).

9. The project will require a State of Vermont Stormwater permit and has been designed to conform with the 2017 State of Vermont stormwater regulations.

10. The post-development peak discharge rate does not exceed the pre-development peak discharge rate for the 10-year, 24-hour storm event. The proposed design will reduce the peak discharge rate for the 50-year design storm.

11. The stormwater system will be inspected annually to identify any erosion, buildup of sediment or debris, and any other issues that would inhibit the proper function of the system.

12. EPSC plans and details were provided. The project has been designed in accordance with the Low Risk Site Handbook.

13. The Applicant testified the utilities will be located below ground.

Conclusion: Based on the above findings, the DRB concludes the project has been designed in conformance with Section 5.5, Utilities and Stormwater Management.

Section 3.7(2)(A) – Standards of review (Conditional Use Applications):

Section 3.7(2)(A)(1) Capacity of existing or planned community facilities and services

1. The DRB incorporates by reference into this section's findings its findings in §5.1(9), above, as if more fully stated herein.

Conclusion: Based on the above findings, the DRB concludes the project conforms with Section 3.7(2)(A)(1).

Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity

1. The DRB incorporates by reference into this section's findings its findings in §5.1(8), above, as if more fully stated herein.

Conclusion: Based on the above findings, the DRB concludes the project conforms with Section 3.7(2)(A)(2).

Section 3.7(2)(A)(3) – The character of the area affected

1. The subject parcel is located in the MRV zoning district. The general purpose of the MRV district is as follows: *Purpose: To foster a development pattern along the Mountain Road (Route 108) corridor comprised of compact, mixed-use settlements separated by rural countryside... the MRV District is intended to serve as a larger commercial village characterized by an integration between land uses, pedestrian accessibility, a mix of uses compatible with a four-season resort community and a village streetscape defined by narrow streets, street-trees, curbing and sidewalks.*

2. The property is located within a designated growth area intended for compact higher density mixed-use development.

3. The Applicant provided renderings of the proposed project which provides a general depiction of the project in terms of building scale, height, layout, etc.

Conclusion: Based on the above findings, the DRB concludes the project will not adversely affect the character of the area as defined under the Stowe Zoning Regulations (effective January 31, 2024).

Section 3.7(2)(A)(4) – Regulations and ordinances in effect

1. Applicable bylaws include the Stowe Zoning Regulations, effective January 31, 2024, and the Town of Stowe Subdivision Regulations, as amended through July 16, 2012.

2. Connections to the municipal sewer system are regulated under the sewer ordinance.

3. No other identified municipal bylaws or ordinances apply to this project.

Conclusion: Based on the above findings, the DRB concludes the project has been designed in conformance with regulations and ordinances in effect.

Section 3.7(2)(A)(5) – Utilization of renewable energy sources

1. The Applicant proposes a 22-unit PRD designed for residential uses and related site improvements.

2. The project is not expected to impact the use of, or access to, the utilization of renewable energy resources. Each individual building will require a separate zoning permit. Buildings consisting of more than four (4) dwelling units will require conditional use review and conformance with this standard.

Conclusion: Based on the above findings, the DRB concludes the project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.

Section 3.7(2)(B) – Other Standards of Review:

Section 3.7(2)(B)(1) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

1. The DRB incorporates by reference into this section's findings its findings in §5.1(2 & 3), above, as if more fully stated herein.

Conclusion: Based on the above findings, the DRB concludes the project conforms with Section 3.7(2)(B)(1).

Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.

1. The DRB incorporates by reference into this section's findings its findings in §5.1(2 & 3), above, as if more fully stated herein.

Conclusion: Based upon the above findings, the DRB concludes the project conforms with Section 3.7(2)(B)(2).

Section 4.8 – OUTDOOR LIGHTING

1. The Applicant provided an outdoor lighting photometrics plan illustrating lighting distribution levels.

2. Two (2) fixture types of outdoor lighting are proposed, a pole mounted luminaire measuring 14.5 ft and a ceiling mounted outdoor light fixtures on the building (Sheets L 3.0 & L 4-0.)

3. Ten (10) pole mounted fixtures are proposed located throughout the site and a ceiling mounted fixture (B) is noted near the vehicular entrance of each multi-family dwelling. Fixture B is a ceiling mounted fixture placed under the roof canopy.

4. The total lumen output from outdoor light fixtures is approximately 26,862 lumens. The project area is approximately 146,678 sf equating to 0.18 lumens per developed SF. The allowed lumen level is 1.25 lumens per developed SF.

5. The outdoor lighting specifications do not specify that they are dark sky compliant however are documented to comply with the requirements of §4.8(5)(A)-(H).

Conclusion: Based upon the above findings, the DRB concludes the project conforms with §4.8.

DECISION

Based upon the foregoing findings of fact and conclusions of law, the DRB hereby denies without prejudice the Applicant's request for final review of a 22-unit PRD as described in the application for Project # 7334 and associated supporting materials.

1. The project does not comply with §8.4(2) of the Town of Stowe Zoning Regulations.
2. The project does not comply with §5.1(4) of the Town of Stowe Subdivision Regulations.

Voting to approve: Michael Diender
Voting to deny: David Kelly, Patricia Gabel, Will Ardolino, Tom Hand, Drew Clymer, and Peter Roberts

Dated at Stowe, Vermont this the 4th day of March 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Concurring Opinion of DRB Member Tom Hand

While I concur with the DRB's majority opinion to deny the application, I disagree with the Board's conclusion that the project fails to comply with §8.4(2) of the Town of Stowe Zoning Regulations. According to the Regulations, a village green must be of a size and shape consistent with traditional New England village greens, be defined by building façades, street edges, or other appropriate elements, and be oriented toward and front upon adjacent streams, public roads, or highways. Additionally, it must be designed and managed as a public space.

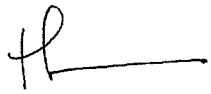
The majority conclude that the project does not meet these requirements, and while I agree the village green does not meet the required size, it is my opinion that the roadways within the development do, in fact, create a street pattern that frames the village green, and any proposed development should intentionally reinforce this pattern. While the quality of the design and layout may be subject to further discussion, it is my opinion that the project, as proposed, does meet the requirement for Village Green to be defined by street edges. Although the village green is only intended as a public space for residents, the private interior road network should not be excluded as a defining element. However, the village green is not additionally defined by building facades either. While I disagree with the majority that the village green is not defined by public streets, I do agree with the majority that the village green is not appropriately sized nor defined by building facades and thus the proposed layout does not meet the applicable village green requirements of the Meadowland Overlay District.

Greater consideration should be given to the unit mix and building scale, particularly in how the architecture shapes the village green and fosters a sense of density. The current design primarily relies on two large buildings to achieve density while incorporating two-family homes with long, shallow facades. In contrast, successful Vermont village greens typically feature a mix of single- and multi-family units, with gable ends facing the green to reinforce a traditional village aesthetic. A more varied arrangement—positioning buildings closer together and making better use of lot depth—could create a stronger sense of place, balancing the rural "village common" character without feeling overly suburban. A key suburbanizing element in the current plan is the extensive use of large shared driveways in front of the townhomes, which pushes buildings back from the streetscape. The applicant should closely study traditional village development patterns to refine the design and create a more cohesive, contextually appropriate project.

Additionally, concerns were raised during the last hearing regarding the placement of the electric utility infrastructure. The current locations significantly impact both aesthetics and the proposed tree planting plan. I strongly recommend that if the Applicant returns with revisions, their design team should work closely with Stowe Electric Department (SED) to integrate the required transformers and generators into the site plan, rather than simply placing them wherever SED prefers.

Additionally, I disagree with the majority opinion that the application complies with Section 5.1(7) Pedestrian Network. While the Applicant has included pedestrian walkways connecting to the Stowe Rec Path, the internal pedestrian network lacks the intentional design needed to strengthen the village green and create a more interconnected streetscape. A well-planned pedestrian network should not only enhance existing connections, such as the rec path and neighboring developments, but also play a key role in defining the village green and overall streetscape. In this case, the absence of public sidewalks surrounding both the village green and/or residential areas limits accessibility and weakens the project's integration with the broader community. A more deliberate approach to pedestrian infrastructure would better align with the character and walkability of a traditional village.

Additionally, if stormwater management is integrated into the village green, it should be seamlessly incorporated into the overall design rather than appearing as a dominant, isolated feature. While green stormwater infrastructure (GSI) and stormwater treatment are valuable additions to public spaces, they should be designed in a way that is both functional and engaging. Simply placing a pond or gravel wetland in the space and fencing it off would detract from the usability and aesthetic appeal of the village green. Thoughtful integration of stormwater features can enhance both sustainability and the overall experience of the space.

By: 

Tom Hand

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of $25/page is required for recording.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7519		
Application Date	11/27/2024		
Physical Location	475 TANSY HILL RD		
Map ID	10-064.000	**Tax ID**	23014
Project Description	PROPOSED 3-LOT SUBDIVISION		
Owner	DAVID BRYAN LEE BRYAN		
Applicant	TYLER MUMLEY MUMLEY ENGINEERING INC		
Applicant Address	PO BOX 68 MORRISVILLE VT 05661		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
INCOMPLETE APP	12/13/2024			EMAILED APPLICANT ABOUT INCOMPLETE APP
DRB DECISION	3/25/2025	4/24/2025	4/24/2027	APPROVED

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT 7519

SUBJECT PROPERTY 475 Tansy Hill Road (#10-064.000)

PROPERTY OWNER/APPLICANT
David & Lee Bryan
810 Wake Robin Drive
Shelburne, VT 05482

APPLICATION

The Property Owner/Applicant, David & Lee Bryan (hereafter referred to as 'Applicant'), requests combined preliminary and final subdivision review of a 3-lot subdivision. As proposed, the existing ±50.4-acre property will be subdivided into three (3) lots: Lot A being ±6.89 acres, Lot B being ±8.95 and Lot C being ±34.6 acres. Lot A contains an existing dwelling and associated improvements. As proposed, Lots B and C will remain undeveloped – and are identified as 'Deferred' lots on the site plan. The subject parcel is Lot 1 of the Lee W. and David R. Bryan , Jr., Two Lot Subdivision (Project #3087) approved by the Development Review Board [DRB] on 09/11/2006). Two (2) 'minimal alterations' were administratively approved to adjust internal property lines within the underlying Lee W. and David R. Bryan , Jr., Two Lot Subdivision (Project #3087), those being Project #5751 approved on 01/26/2018 and Project #5929 approved on 11/16/2018. The subject parcel fronts on Tansy Hill Road, a Class 3 Town Highway. Each new lot will gain access off Tansy Hill Road. The project is within the Rural Residential 5 (RR5) Zoning District. A portion of Lot C's southern section is within the Ridgeline and Hillside Overlay District (RHOD). The application was reviewed by the DRB under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of combined preliminary and final subdivision review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

An application for combined preliminary and final subdivision review was filed by Applicant David & Lee Bryan on November 27, 2024. The application was initially deemed incomplete on December 13, 2024 awaiting additional information identified by Planning & Zoning Department staff. Upon submittal of additional information on December 16, 2024, the application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for March 4, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on February 13, 2025.

The public hearing to consider the application convened on March 4, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Patricia Gabel and Peter Roberts. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, Mumley Engineering, Inc., 46 Hutchins Street, Morrisville, VT 05661
2. David & Lee Bryan, 810 Wake Robin Drive, Shelburne, VT 05482

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 11/27/2024;
2. Project Narrative, prepared by Mumley Engineering, Inc., revised date 02/24/2025;
3. Town of Stowe Driveway Entrance Permit, dated 12/31/2024;
4. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revised date 02/24/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact:

The Applicant's request for combined preliminary and final subdivision approval was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 9- Ridgeline and Hillside Overlay District

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcels are located within the Rural Residential 5 (RR5) zoning district.

2. **Lot Area, Lot Width.** The minimum lot area in the RR5 district is five (5) acres; the minimum required lot width is three hundred (300') feet. The Applicant proposes a 3-lot subdivision as follows: Lot A being ±6.89 acres and >500' feet wide; Lot B being ±8.95 acres >800' feet wide; and Lot C being ±34.6 acres and ±300' feet wide.

3. **Setbacks.** Setbacks within the RR5 District are as follows: front seventy (70') feet; side seventy-five (75') feet; rear seventy-five (75') feet. The Site Plan (Sheet C-1) labels all applicable setbacks on each lot.

4. **Use.** Lot A contains an existing single-family dwelling. Lots B & C are undeveloped and labeled as 'deferred' lots. One (1) family and two (2) family dwellings are permitted uses in the RR5 district.

5. **Density.** In the RR5 District, density is allowed at a rate of one (1) single-family or one (1) two-family dwelling per five (5) acres.

Conclusion: Based upon the above findings, the Board concludes the proposed subdivision conforms to the applicable dimensional requirements.

SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:

Section 5.1(1) – Character of Land for Subdivision:

6. Lot A is residentially developed with a single-family dwelling. Lots B and C are undeveloped.

7. The Applicant's narrative states that Lots B and C will remain undeveloped. The Site Plan, Sheet C-1, labels them as 'Deferred' lots.

8. The Applicant testified that Lot C is in the State of Vermont 'current use' program.

9. The Applicant's narrative states that there is onsite water supply and wastewater disposal. The Site Plan indicates a wastewater mound on Lot A and an approved 'replacement wastewater disposal mound' on Lot B. The Site Plan also includes a 'proposed pressure sewer line' from the dwelling on Lot A to the wastewater disposal mound on Lot B.

10. The Applicant testified that a State of Vermont wastewater permit has been obtained for a replacement wastewater system on Lot B for the existing dwelling, as shown on the Site Plan.

11. The Applicant testified that State of Vermont wastewater permits will be necessary for Lots B and C if they are to be developed in the future

12. Lots A and B sit amongst other similarly sized rural residential lots. Lot C will remain a large acre lot (±34.6 acres), similar to a few nearby parcels.

Conclusion: Based on the above findings, the Board concludes the proposal conforms to Section 5.1(1), Character of Land for Subdivision.

Section 5.1(2) – Natural and Scenic Features:

13. The ANR Natural Resources Atlas shows there to be prime agriculture land across Lots A and B and portions of Lot C. Mapped wetlands are not identified, however a swath of hydric soils runs across Lot C. The Town of Stowe's Parcel and Zoning Map identifies streams and a pond on the subject parcel.

14. The Site Plan includes the streams and the existing pond on Lot A. An existing 'woods road' extending into Lot C crosses a stream. The Applicant's narrative notes that this 'woods road' may become a future driveway for Lot C access and acknowledges that should any impact to the stream need to be made, a State of Vermont Streams Alterations permit will be required.

15. There are no other water bodies or ground water resources; farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas that will be impacted by this project.

Conclusion: Based on the above findings, the Board concludes the proposal conforms to Section 5.1(2), Natural and Scenic Features.

Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities:

16. According to the ANR Natural Resources Atlas, the proposed subdivision does not contain any significant natural communities. The parent parcel contains a deer wintering area and a Level 3 (out of 10) priority habitat block, both of which encompass Lot C and small portions of Lot B.

17. The Applicant testified that Lot A is already developed, most of Lot B is an open field, and Lot C is to remain a deferred lot. Should Lot B be developed in the future, it will occur within the existing cleared area. No undue adverse impacts to wildlife habitat or natural communities are expected as part of this subdivision or as part of the future development on Lot B.

Conclusion: Based on the above findings and as conditioned, the Board concludes the proposal will not impact any identified Wildlife Habitat and Natural Communities. As a condition of the subdivision, DRB review and approval will be required prior to any development on Lots B or C.

Section 5.1(4) – Historic Resources and Community Character:

18. The subject parcel is within a rural area.

19. The proposed subdivision will not adversely impact historic sites or the character of the Town.

Conclusion: Based on the above findings, the Board concludes the proposal is in conformance with Section 5.1(4), Historic Resources and Community Character.

Section 5.1(5) – Reserved Strips:

20. No reserved strips are proposed.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision does not involve any reserved strips as noted under Section 5.1(5).

Section 5.1(6) – Screening and Landscaping:

21. No new development is proposed at this time and no landscaping is proposed.

Conclusion: Based on the above finding, the Board concludes the that Section 5.1(6), Screening and Landscaping, is not applicable.

Section 5.1(7) – Pedestrian Access:

22. The project is in a rural area of town where pedestrian improvements are limited.

Conclusion: Based on the above finding, the Board concludes no pedestrian improvements are proposed or required to serve the proposed subdivision.

Section 5.1(8) – Traffic:

23. The parent parcel is developed with a single-family dwelling (Lot A). The Applicant's narrative states that Lots B and C will remain undeveloped. However, should future residential development occur, unreasonable traffic congestion or unsafe conditions are not expected.

24. A zoning permit will be required prior to any future land development, subject to the Stowe Zoning Regulations in effect at the time of application submittal.

Conclusion: Based on the above findings, the Board concludes the proposal will not create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways.

Section 5.1(9) – Municipal Facilities:

25. Staff requested comments on the proposal from the respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

26. No Municipal Department review forms were returned, indicating that the proposed development will not have any adverse impact on existing or planned community facilities and services.

Conclusion: Based on the above findings, the Board concludes the proposal will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

Section 5.1(10) – Lot Configuration:

27. The existing parent parcel is large and irregular in shape. Proposed Lots A and B will be of standard lot shapes. Lot C is a less regular in shape containing a narrow swatch of land connecting to Tansy Hill Road, however the width the width of the lot meets the three hundred (300') foot width minimum and the rear portion is large and of regular shape.

Conclusion: Based on the above finding, the Board concludes the proposed lot configuration is of regular shape and conforms with Section 5.1(10).

Section 5.1(11) – Building Zone:

28. The Site Plan (Sheet C-1) includes the required setbacks for each lot. Lot A contains an existing single-family dwelling. The Applicant's narrative states that Lot B and Lot C's building areas are defined by the building setbacks, stream setbacks, and other applicable easements, and that any future development within Lot B will be within the already cleared areas of the lot. However, as deferred lots additional and full review will be required prior to any land development on Lot B or C.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision provides adequate building sites for the proposed subdivision.

Section 5.1(12) – Fire Protection Facilities:

29. Lot A is served by an existing residential driveway, which accommodates access to the existing single-family dwelling.

30. Lot B & C are deferred lots with no land development proposed on either lot under this application. Should either lot be proposed to be developed in the future, the Applicant must seek a subdivision amendment and document compliance with this standard for Lots B & C.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision, as conditioned, conforms to Section 5.1(12). As part of any future subdivision amendment, written confirmation from the Fire Department will need to be included that documents conformance with the Fire Department Development Standards for proposed development on Lots B and/or C.

Section 5.1(13) – Disclosure of Subsequent Development Plans:

31. The Applicant's narrative states that Lots B and C will remain undeveloped, and the Site Plan labels these lots as 'Deferred' lots. However, reference is made that future residential development may occur in the future.

32. Additionally, the Applicant's narrative states, "*There are no plans for future subdivision beyond the current project.*'

33. The Applicant testified that there is no proposed future development at this time. Lot B is intended to be sold to the neighboring property owner to the west with the intention of remaining undeveloped. The property owner/Applicant intends to keep Lot C undeveloped. However, future development on either lot is a possibility through a subdivision amendment proposal documenting full compliance with the subdivision standards.

34. The Applicant testified that they are in agreement with a condition that would require DRB review for any future development on Lots B and C.

Conclusion: Based on the above findings and as conditioned, the Board concludes the proposed subdivision conforms to Section5.1(13).

Section 5.1(14) – Private Enforcement Mechanisms:

35. Lot A has its own private wastewater system and drilled well and gains direct access off Tansy Hill Road.

36. Lot B will gain access via a twenty-five (25') foot wide easement through Lot A. Lot C will also gain access via a separate twenty-five (25') foot wide easement through Lot A.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision conforms to Section 5.1(14).

Section 5.2 – Prominent Hillsides and Ridgelines:

37. A portion of Lot C is within the RHOD. Given the size of Lot C (±34.6 acres) in comparison with the amount of land within the RHOD, future residential development is not anticipated to be impacted by RHOD, specifically density requirements. However, future development will be subject to the rules and regulations in effect at the time of application submittal.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision conforms to Section 5.2.

Section 5.3 – Open Space and Cluster Development: Does not apply.

Section 5.4 – Road Standards and Coordination with Public Highways:

38. Lot A and B will utilize a shared curb cut off Tansy Hill Road. A twenty-five (25') foot right-of-way through Lot A will provide access to Lot B.

39. A Driveway Entrance Permit was issued on December 31, 2025 for a driveway to serve Lot C. This driveway will cross Lot A via a twenty-five (25') foot right-of-way.

40. A Town of Stowe zoning permit is required prior to the installation of any driveways.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision conforms to applicable requirements of Section 5.4 – Road Standards and Coordination with Public Highways.

Section 5.5 – Utilities and Stormwater Management:

41. Lot A is developed with a single-family dwelling and contains its own wastewater and water systems.

42. The Applicant testified that if Lots B and C are developed in the future, utilities will be installed underground.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision will have adequate provisions for stormwater and required utilities.

DECISION

Based upon the above findings and conclusions, the DRB hereby approves the Applicant's request for combined preliminary and final subdivision review (Project #7519) as described in the application dated 11/27/2024 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, include:

   a. Town of Stowe Development Application, dated 11/27/2024;
   b. Project Narrative, prepared by Mumley Engineering, Inc., revised date 02/24/2025;
   c. Town of Stowe Driveway Entrance Permit, dated 12/31/2024;
   d. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revised date 02/24/2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale, and no street or utility construction shall be started until a subdivision plat, prepared in accordance with the requirements of the regulations, has been approved as per these regulations, and has been recorded in the office of the Stowe Town Clerk.

4. The following notation shall be included on the recorded subdivision plat:
   "The Applicant shall seek and obtain approval of a subdivision amendment by the Development Review Board prior to the commencement of any land development on deferred Lots B or C. No zoning permits shall be issued for land development on Lot B or Lot C until the subdivision amendment is approved and recorded in the Town of Stowe Land Records."

5. Pursuant to 24 VSA Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations and shall include the following notation:

   a. *This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office.*

6. The Applicant shall file the final survey plat, amended herein, signed by the Chair or other authorized representative of the Development Review Board, with the Stowe Town Clerk in accordance with the

requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.

7. Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors.
8. No additional clearing is proposed or approved as part of this subdivision. Any clearing beyond the existing tree line on Lot B, as depicted on the Site Plan (Sheet C-1), or any clearing on Lot C shall require the submission of a development application for review and approval by the Development Review Board as a subdivision amendment.
9. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his or her successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Patricia Gabel and Peter Roberts.

Voting to deny: None

Motion PASSED 7-0

Dated at Stowe, Vermont this the 25th day of March 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of $25/page is required for recording.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7494		
Application Date	10/18/2024		
Physical Location	548 TANSY HILL RD		
Map ID	10-065.000	**Tax ID**	23015
Project Description	BAIRD RD 3-LOT SUBDIVISION, 2 BLDG LOTS 1 UNDEVELOPED		
Owner	CONNACHER MARY J 2016 REVOCABLE FAMILY TRUST		
Applicant	HAROLD STEVENS		
Applicant Address	127 MOUNTAIN RD		
	STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	3/25/2025	4/24/2025	4/24/2027	APPROVED WITH CONDITION

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT 7494

SUBJECT PROPERTY 0 Baird Road (#10-065.000)

PROPERTY OWNER
Mary J. Connacher 2016 Revocable Family Trust
548 Tansy Hill Road
Stowe, VT 05672

APPLICANT
Harold Stevens
PO Box 1200
Stowe, VT 05672

APPLICATION

The Applicant, Harold Stevens, on behalf of property owner Mary J. Connacher 2016 Revocable Family Trust, requests combined preliminary and final subdivision review of a 3-lot subdivision. As proposed, the existing ±150.06-acre property will be subdivided into three (3) lots: Lot 2-1 being ±13.16 acres, Lot 2-2 being ±11.6, and Lot 2-3 being ±125.3 acres. As proposed, Lot 2-1 is planned to be developed with a single-family dwelling and accessory dwelling unit, and Lot 2-2 is anticipated to be developed with a single-family dwelling. Lot 2-3 is proposed to be a conserved lot. There are no identified prior conditions of subdivision approval known to encumber the subject property. Access to the proposed lots will be via Baird Road, a Class 3 Town Highway. The parcel also has frontage along Stagecoach Road, a Class 2 Town Highway. The majority of the subject property is within the Rural Residential 5 (RR5) zoning district. Proposed Lot 2-3, however, is split-zoned with its majority being within the RR5 zoning district, and a portion of the eastern side being within the Rural Residential 2 (RR2) zoning district. A section of the Ridgeline and Hillside Overlay District (RHOD) traverses the parcel: along the eastern side of Lot 2-2 and through a portion of Lot 2-3. Additionally, the eastern portion of the property is within the Flood Hazard Overlay District. The proposed building zones on Lots 2-1 and 2-2 are located outside of the RHOD and Flood Hazard Overlay District. The application was reviewed by the Development Review Board under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of combined preliminary and final subdivision review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

An application for combined preliminary and final subdivision review was filed by Applicant Harold Stevens on October 18, 2024. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for January 7, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on December 19, 2024.

The public hearing to consider the application convened on January 7, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, Andrew Volansky, Patricia Gabel, Peter Roberts and Lynn Altadonna. The DRB continued the hearing to a time and date certain of February 18, 2025 in order to obtain additional information from the Applicant. On February 18, 2025, the DRB re-opened the continued hearing. Members who participated in the February 18th continued review included: Drew Clymer, Mary Black, Andrew Volansky, Patricia Gabel, Peter Roberts and Lynn Altadonna. Tom Hand reviewed the hearing record to continue to participate in the decision making. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. John Pitrowiski, TCE, 478 Blair Park Road, Williston, VT 05495
2. Eric Licho, TCE, 478 Blair Park Road, Williston, VT 05495
3. Harold Stevens, PO Box 1200, Stowe, VT 05672
4. Ron Connacher, 548 Tansy Hill Road, Stowe, VT 05672
5. Tami Godfrey, 557 Baird Road, Stowe, VT 05672
6. Colleen McHugh, 557 Baird Road, Stowe, VT 05672
7. Elizabeth Benedict, 137 Commonwealth Avenue, Chestnut Hill, MA 02467

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application; dated 10/18/2024;
2. Project Narrative, prepared by John Pitrowiski, Trudell Consulting Engineers (TCE), dated 10/14/2024;
3. Existing Conditions Photographic Documentation, no date;
4. Jaron Borg email, dated 09/11/2024;
5. State Wetland Application, no date;
6. USACE Wetland Application, dated 12/03/2024;
7. State Wastewater Permit WW-5-9644, dated 09/20/2024;
8. Driveway Entrance Permit Application, (not approved)
9. Three Lot Subdivision Plat of Lands of Mary J. Connacher 2016 Revocable Family Trust, Sheet S2-03, prepared by TCE, dated 09/16/2024;
10. Overall Existing Conditions, Sheet C1-01, prepared by TCE, dated 08/20/2024;
11. Lot 2-1 Existing Conditions, Sheet C1-02, prepared by TCE, dated 08/20/2024;
12. Lot 2-2 Existing Conditions, Sheet C1-03, prepared by TCE, dated 08/20/2024;
13. Baird Road Existing Conditions, Sheet C1-04, prepared by TCE, dated 08/20/2024;
14. Overall Site, Sheet C2-01, prepared by TCE, dated 08/20/2024;
15. Lot 2-1 Site Plan, Sheet C2-02, prepared by TCE, revision date 09/19/2024;
16. Lot 2-2 Site Plan, Sheet C2-03, prepared by TCE, dated 08/20/2024;
17. Baird Road Site Plan, Sheet C2-04, prepared by TCE, dated 08/20/2024;
18. Overall Site Plan Baird Road, Sheet C2-05, prepared by TCE, dated 07/8/2024;
19. Sanitary Plan Lot 2-1, Sheet C3-02, prepared by TCE, dated 09/04/2024;
20. Sanitary Plan Lot 2-2, Sheet C3-03, prepared by TCE, dated 09/04/2024;
21. Sanitary Details, Sheet C8-01, prepared by TCE, revision date 09/19/2024;
22. Sanitary Details, Sheet C8-02, prepared by TCE, dated 09/04/2024;
23. Miscellaneous & Water Details, Sheet C8-03, prepared by TCE, dated 09/04/2024;
24. Site Details, Sheet C8-04, prepared by TCE, dated 09/04/2024;
25. Stormwater Details, Sheet C8-05, prepared by TCE, dated 09/04/2024;
26. Erosion Details, Sheet C8-06, prepared by TCE, dated 09/04/2024;
27. EPSC Low Risk Handbook Sheet 1, Sheet C8-07, prepared by TCE, dated 09/04/2024;
28. EPSC Low Risk Handbook Sheet 2, Sheet C8-08, prepared by TCE, dated 09/04/2024;
29. Box Culvert Details, Sheet C8-09, prepared by TCE, dated 09/04/2024;
30. Overall Wetland Plan, Sheet E1-01, prepared by TCE, dated 11/26/2024;
31. Wetland Plan Shared Drive, Sheet E1-02, prepared by TCE, dated 11/26/2024;
32. Lot 2-2 Wetland Plan, Sheet E1-03, prepared by TCE, dated 11/26/2024;

33. Abandonment Notice – Act 250 Land Use Permits 5L0220 & 5L0686, dated 09/18/2024;
34. Wetland Delineation Map, prepared by TCE, dated 08/30/2024.

The following materials were submitted in advance of the continued hearing held 02/18/2025:

35. Cover Letter for revised plans, prepared by TCE, dated 01/24/2025;
36. Overall Site, Sheet C2-01, prepared by TCE, revision date 01/20/2025;
37. Lot 2-2 Site Plan, Sheet C2-03, prepared by TCE, revision date 01/20/2025;
38. Baird Road Site Plan, Sheet C2-04, prepared by TCE, revision date 01/20/2025;
39. Overall Site Plan Baird Road, Sheet C2-05, prepared by TCE, revision date 01/10/2025;
40. Sanitary Plan Lot 2-2, Sheet C3-03, prepared by TCE, revision date 01/10/2025;
41. Site Details, Sheet C8-04, prepared by TCE, revision date 01/22/2025;
42. Overall Wetland Plan, Sheet E1-01, prepared by TCE, revision date 01/20/2025;
43. Wetland Plan Shared Drive, Sheet E1-02, prepared by TCE, revision date 01/20/2025;
44. Lot 2-2 Wetland Plan, Sheet E1-03, prepared by TCE, revision date 01/20/2025;
45. Slope and District Map, prepared by TCE, dated 01/03/2025;
46. Town of Stowe Driveway Entrance Permit Application, no date.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact:

The Applicant's request for combined preliminary and final subdivision approval was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 7- Flood Hazard District
- Section 9- Ridgeline and Hillside Overlay District

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcel is located within the Rural Residential 5 (RR5) and the Rural Residential 2 (RR2) zoning districts. The RR2 section is a smaller portion of Lot 2-3, primarily located on the east side of Sterling Brook, as shown on the Slope & District Map provided by the Applicant.

2. **Lot Area, Lot Width.** The minimum lot area in the RR5 District is five (5) acres; the minimum required lot width is three hundred (300') feet. The minimum lot area in the RR2 District is two (2) acres; the minimum required lot width is two hundred (200') feet. The Applicant proposes a 3-lot subdivision as follows: Lot 2-1

being ±13.16 acres and approximately 576 feet wide; Lot 2-2 being ±11.6 acres and approximately 730 feet wide; and Lot 2-3 being ±125.3 acres and approximately 912 feet wide.

3. **Setbacks.** Setbacks within the RR5 District are as follows: front seventy (70') feet; side seventy-five (75') feet; rear seventy-five (75') feet. Setbacks within the RR2 District are as follows: front sixty (60') feet; side fifty (50') feet; rear fifty (50') feet. The required setbacks are shown on the site plans provided by the Applicant. Each lot is designed to conform with the required district setbacks.

4. **Use.** Lots 2-1 and 2-2 are planned to be developed with single-family dwellings and an accessory dwelling unit. One (1) family, accessory dwelling units, and two (2) family dwellings are permitted uses in the RR5 and RR2 Districts. Lot- 2-3 will be conserved in its natural state.

5. **Density.** In the RR5 district, density is allowed at a rate of one (1) single-family or one (1) two-family dwelling per five (5) acres. In the RR2 District, density is allowed at a rate of one (1) single-family or one (1) two-family dwelling per two (2) acres.

Conclusion: Based upon the above findings, the Board concludes the proposed subdivision conforms to the applicable dimensional requirements.

SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:

Section 5.1(1) – Character of Land for Subdivision:

6. Lots 2-1, 2-2, and 2-3 are presently undeveloped.

7. Lots 2-1 and 2-2 are anticipated to be developed with single-family dwellings in the future. An accessory dwelling unit is also planned for Lot 2-1. Lot 2-3, which represents over eighty (80%) percent of the 'parent' parcel, will remain as conserved land. Both dwellings on Lots 2-1 and 2-2 will be served by private drilled wells and mound wastewater systems.

8. Lots 2-1 and 2-2 sit amongst other similarly sized rural residential lots. Lot 2-3 will remain a large acre lot (±125.3 acres), similar to its existing size and similar to a few nearby parcels.

Conclusion: Based on the above finding, the Board concludes the proposal conforms to Section 5.1(1), Character of Land for Subdivision.

Section 5.1(2) – Natural and Scenic Features:

9. The ANR Natural Resources Atlas shows there to be prime agriculture land in the eastern portion of Lot 2-3 and above Lot 2-2 on Lot 2-3. Mapped wetlands are also identified in the southeastern portion of Lot 2-3.

10. Driveways serving Lots 2-1 and 2-2 are proposed to traverse through existing wetlands and/or wetland buffers. These wetlands are not shown on the ANR Natural Resources Atlas but are shown on the project plans.

11. The Applicant provided copies of applications filed with the VT Dept. of Environmental Conservation Watershed Management Division and with the US Army Corps of Engineers for the subdivision project, including the driveway construction.

12. The Applicant testified that an Army Corps of Engineers Permit has been issued for the proposed wetland disturbances, and that the State Wetland's permit is still pending.

13. The Applicant provided email correspondence from Jaron Borg, River Management Engineer, VT ANR (see email dated 09/11/2024). Mr. Borg has determined that the project is exempt from the Stream Alteration Rule.

14. There are no other water bodies or ground water resources; farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas that will be impacted by this project.

Conclusion: Based on the above findings, the Board concludes the proposal conforms to Section 5.1(2), Natural and Scenic Features. Wetland impacts are under the specific jurisdiction of the State of Vermont and Army Corps of Engineers, and as a result, the project is subject to the regulations of these agencies.

Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities:

15. According to the ANR Natural Resources Atlas, the proposed subdivision does not contain any significant natural communities. The majority of the 'parent parcel' is within a deer wintering area and a Level 3 (out of 10) priority habitat block. Future homesites on Lots 2-1 and 2-2 will be located within these areas.

16. The Applicant testified that approximately ninety-six (96%) percent of the 'parent' parcel is being protected, and that any impact on wildlife habitat as a result of development on Lots 2-1 and 2-2 will be very minor.

17. The Applicant testified that Lot 2-3 will remain as a conserved lot and there will be no future development. The subdivision plan, Sheet S2-03, labels this lot as 'To Be Conserved'.

Conclusion: Based on the above findings, the Board concludes the proposal will not have an adverse impact any identified significant Wildlife Habitat and Natural Communities.

Section 5.1(4) – Historic Resources and Community Character:

18. The subject parcel is within a rural area.

19. The proposed subdivision will not adversely impact historic sites or the character of the Town.

Conclusion: Based on the above findings, the Board concludes the proposal is in conformance with Section 5.1(4), Historic Resources and Community Character.

Section 5.1(5) – Reserved Strips:

20. No reserved strips are proposed. Not applicable.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision does not involve any reserved strips as noted under Section 5.1(5).

Section 5.1(6) – Screening and Landscaping:

21. No new development is proposed at this time and no landscaping is proposed.

22. The Applicant testified that the future homesites will be within wooded areas and will not be visible from offsite.

Conclusion: Based on the above findings, the Board concludes the proposal conforms to applicable requirements of Section 5.1(6), Screening and Landscaping.

Section 5.1(7) – Pedestrian Access:

23. The project is in a rural area of town where pedestrian improvements are limited.

Conclusion: Based on the above finding, the Board concludes no pedestrian improvements are proposed or required to serve the proposal.

Section 5.1(8) – Traffic:

24. The 'parent' parcel is undeveloped. The Applicant testified that the intent is to construct single-family dwellings on Lots 2-1 and 2-2 in the near future. Lot 2-3 is to remain protected as conserved land.

25. A Town of Stowe zoning permit will be required prior to the development of the future single-family dwellings, subject to the Stowe Zoning Regulations in effect at the time of application submittal.

26. With the construction of two (2) new dwellings in the future, unreasonable traffic congestion or unsafe conditions is not expected.

Conclusion: Based on the above findings, the Board concludes the proposal will not create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways.

Section 5.1(9) – Municipal Facilities:

27. Staff requested comments on the proposal from the respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

28. No Municipal Department review forms were returned, indicating that the proposed development will not have any adverse impact on existing or planned community facilities and services.

Conclusion: Based on the above findings, the Board concludes the proposal will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

Section 5.1(10) – Lot Configuration:

29. Lots 2-1 and 2-2 are designed to be regular in shape. The remaining land, Lot 2-3, will continue to have a slightly irregular lot shape as the southeastern lot line follows the path of Sterling Brook – a natural feature.

Conclusion: Based on the above finding, the Board concludes the proposed lot configuration is of regular shape and conforms with Section 5.1(10).

Section 5.1(11) – Building Zone:

30. The Overall Site Plan (Sheet C2-05) shows building zones on Lots 2-1 and 2-2. Both building zones exceed minimum setback requirements and are also pinched in by wetland areas, dictating their locations.

31. The Applicant testified that Lot 2-3 will remain as conserved land in perpetuity. An identified building zone on this lot is not applicable.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision provides adequate building sites for the proposed subdivision.

Section 5.1(12) – Fire Protection Facilities:

32. The Applicant testified that, in accordance with Fire Department standards, pull-offs have been added to the plan for every five hundred (500') feet of driveways.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision conforms to Section 5.1(12). The shared driveway is in compliance with the Stowe Fire Department Construction Standards with the inclusion of emergency vehicle turn-offs.

Section 5.1(13) – Disclosure of Subsequent Development Plans:

33. Single-family dwellings are planned for Lots 2-1 and 2-2. In addition, an accessory dwelling unit is planned for Lot 2-1. Lot 2-3 is to remain undeveloped as conserved land.

34. The Applicant testified that Lot 2-3 may be offered to the Town of Stowe, the Stowe Land Trust, or another land conservation organization that is capable of appropriately managing the property. No future development is proposed on this lot and the Applicant testified that the land will remain as a conserved lot in perpetuity.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision conforms to Section 5.1(13). Although the Applicant presented Lot 2-3 to remain undeveloped in perpetuity, the DRB does not have the authority to require permanently protected open space unless part of a planned unit development or major subdivision, as such the DRB considers Lot 2-3 similar to other deferred lots where land development is not immediately intended or proposed under the application under review. Should future development on this Lot 2-3 be proposed, a subdivision amendment will be required, subject to DRB review and approval as a deferred lot.

Section 5.1(14) – Private Enforcement Mechanisms:

35. Private wastewater systems and drilled wells are proposed to serve Lots 2-1 and 2-2.

36. Lot 2-1 will gain direct access off Baird Road. Lot 2-2 will gain access via a thirty (30') foot wide right-of-way through Lot 2-1. Because Lot 2-3 is to remain as conserved land, no access is proposed.

37. The Applicant testified that a shared maintenance agreement will be created for the shared driveway.

Conclusion: Based on the above findings, and as conditioned, the Board concludes the proposed subdivision conforms to Section 5.1(14).

Section 5.2 – Prominent Hillsides and Ridgelines: See Section 9 below.

Section 5.3 – Open Space and Cluster Development: Does not apply.

Section 5.5 – Utilities and Stormwater Management:

38. The application notes that there will be more than one-half (½) acre of land disturbance associated with grading and construction of the proposed homes on Lots 2-1 and 2-2, and there will be less than one-half (½) acre of impervious surface created as a result of this project. As a result, a 9050-Stormwater permit will not be required.

39. The Applicant testified that Lots 2-1 and 2-2 are anticipated to be developed with single-family dwellings in the future; however, no plans have been submitted for the development of either lot. The development of future dwellings on each approved lot will be subject to the regulations in effect at the time of a complete

application submittal, which will include erosion control and stormwater management plans should certain thresholds be crossed.

40. The Stormwater Details Plan, Sheet C8-05, provides specific detail for driveway culverts that will be installed in the shared driveway within the wetland areas.

41. The Applicant testified that future utilities will be installed underground.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision will have adequate provisions for stormwater and required utilities.

SECTION 7 – FLOOD HAZARD DISTRICT:

42. The eastern portion of the 'parent' parcel, or Lot 2-3, is within the Flood Hazard Overlay District- including Sterling Brook. No development is proposed in this district. Not applicable.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision is not subject to the requirements of Section 7.

SECTION 9 – RIDGELINE AND HILLSIDE OVERLAY DISTRICT:

43. Upon review, the DRB finds the following RHOD standards are not applicable:

Section 9.5(3) – Standard 2 – Forest Management and Timber Harvesting
Section 9.5(3) – Standard 3 – Standard Forest Management Activities
Section 9.5(3) – Standard 5 – Exposure of Buildings
Section 9.5(3) – Standard 6 – Order and Harmony of the Landscape Patterns
Section 9.5(3) – Standard 7 – Trees Identified for Landscaping
Section 9.5(3) – Standard 8 – Road and Driveway Access
Section 9.5(3) – Standard 9 – Building Design
Section 9.5(3) – Standard 10 – Massing of a Project
Section 9.5(3) – Standard 11 – Offsite Light Impacts
Section 9.5(3) – Standard 12 – Development Density

Standard (1) General Requirements:

44. The Applicant proposes a 3-lot subdivision of a ±150.06 acre parcel. Lots 2-1 and 2-2 are proposed to be ±13.16 acres and ±11.6 acres, respectively. The remaining lot, Lot 2-3, is proposed to be ±125.3 acres.

45. The property is below 1,000 feet in elevation. Only one (1) section, running north-to-south, is within the RHOD overlay district. This section is within the central portion of Lot 2-3 and the eastern portion of Lot 2-2.

46. The building zone on Lot 2-2 is not within the RHOD, however its wastewater system and associated clearing will extend into Lot 2-3. A narrow clearing to accommodate a sewage line that will connect Lot 2-2's dwelling to a septic mound on Lot 2-3 is proposed. This clearing is located within the RHOD.

Standard (2) Designation of Vantage Points:

47. The regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties.

48. The infringement into the RHOD for the wastewater system is minor and is not anticipated to be visible from offsite or from nearby vantage points. The swath of clearing leading from the homesite on Lot 2-2 to the mound system on Lot 2-3 is only a few feet wide. The clearing for the mound system on Lot 2-3 is appropriately sized and only large enough to accommodate the planned improvement. Given the heavily forested surrounding, visibility of the clearing is not anticipated.

Standard (1.1):

49. The application identifies two (2) single-family dwellings anticipated on Lots 2-1 and 2-2. The homesites for these dwellings are not within the RHOD; however, as explained above, a small clearing for the wastewater system serving Lot 2-2 will encroach into the RHOD.

Standard (4):

50. According to the ANR Natural Resources Atlas there are no fragile environments that would be impacted from the proposed project.

51. Most of the 'parent' parcel is within a deer wintering area and a Level 3 (out of 10) priority habitat block. Both future homesites on Lots 2-1 and 2-2 will be located within these areas. See Section 5.1(3) above.

52. Plans submitted by the Applicant identify several wetland areas. The only identified impacts to these wetlands consist of driveway construction. The Applicant provided documentation that demonstrates the necessary permitting through the State of Vermont is being sought, and as noted above, the Applicant testified that an Army Corps of Engineers permit for the wetland impacts has already been obtained.

53. The only disturbance within the RHOD consists of some tree removal to accommodate a future wastewater mound system on Lot 2-3. According to the plans, clearing to accommodate this wastewater system avoids wetlands and associated wetland buffers.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision conforms to Section 9. The proposed clearing for the septic mound system on Lot 2-3, and for the septic line leading to it from Lot 2-2, will not be visible from any vantage points or nearby properties.

DECISION

The DRB hereby approves the Applicant's request for combined preliminary and final subdivision approval (Project 7494) as described in the application dated 10/18/2024 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Department and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, include:

   a. Town of Stowe Development Application; dated 10/18/2024;
   b. Project Narrative, prepared by John Pitrowiski, Trudell Consulting Engineers (TCE), dated 10/14/2024;

c. Existing Conditions Photographic Documentation, no date;
d. Jaron Borg email, dated 09/11/2024;
e. State Wetland Application, no date;
f. USACE Wetland Application, dated 12/03/2024;
g. State Wastewater Permit WW-5-9644, dated 09/20/2024;
h. Driveway Entrance Permit Application, (not approved)
i. Cover Letter for revised plans, prepared by TCE, dated 01/24/2025;
j. Three Lot Subdivision Plat of Lands of Mary J. Connacher 2016 Revocable Family Trust, Sheet S2-03, prepared by TCE, dated 09/16/2024;
k. Overall Existing Conditions, Sheet C1-01, prepared by TCE, dated 08/20/2024;
l. Lot 2-1 Existing Conditions, Sheet C1-02, prepared by TCE, dated 08/20/2024;
m. Lot 2-2 Existing Conditions, Sheet C1-03, prepared by TCE, dated 08/20/2024;
n. Baird Road Existing Conditions, Sheet C1-04, prepared by TCE, dated 08/20/2024;
o. Overall Site, Sheet C2-01, prepared by TCE, revision date 01/20/2025;
p. Lot 2-1 Site Plan, Sheet C2-02, prepared by TCE, revision date 09/19/2024;
q. Lot 2-2 Site Plan, Sheet C2-03, prepared by TCE, revision date 01/20/2025;
r. Baird Road Site Plan, Sheet C2-04, prepared by TCE, revision date 01/20/2025;
s. Overall Site Plan Baird Road, Sheet C2-05, prepared by TCE, revision date 01/10/2025;
t. Sanitary Plan Lot 2-1, Sheet C3-02, prepared by TCE, dated 09/04/2024;
u. Sanitary Plan Lot 2-2, Sheet C3-03, prepared by TCE, revision date 01/10/2025;
v. Sanitary Details, Sheet C8-01, prepared by TCE, revision date 09/19/2024;
w. Sanitary Details, Sheet C8-02, prepared by TCE, dated 09/04/2024;
x. Miscellaneous & Water Details, Sheet C8-03, prepared by TCE, dated 09/04/2024;
y. Site Details, Sheet C8-04, prepared by TCE, revision date 01/22/2025;
z. Stormwater Details, Sheet C8-05, prepared by TCE, dated 09/04/2024;
aa. Erosion Details, Sheet C8-06, prepared by TCE, dated 09/04/2024;
bb. EPSC Low Risk Handbook Sheet 1, Sheet C8-07, prepared by TCE, dated 09/04/2024;
cc. EPSC Low Risk Handbook Sheet 2, Sheet C8-08, prepared by TCE, dated 09/04/2024;
dd. Box Culvert Details, Sheet C8-09, prepared by TCE, dated 09/04/2024;
ee. Overall Wetland Plan, Sheet E1-01, prepared by TCE, revision date 01/20/2025;
ff. Wetland Plan Shared Drive, Sheet E1-02, prepared by TCE, revision date 01/20/2025;
gg. Lot 2-2 Wetland Plan, Sheet E1-03, prepared by TCE, revision date 01/20/2025;
hh. Abandonment Notice – Act 250 Land Use Permits 5L0220 & 5L0686, dated 09/18/2024;
ii. Wetland Delineation Map, prepared by TCE, dated 08/30/2024;
jj. Slope and District Map, prepared by TCE, dated 01/03/2025

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Prior to recording the approved subdivision plat, the Applicant shall submit to the Zoning Administrator an executed Shared Maintenance Agreement for the shared driveway serving Lots 2-1 and 2-2, the wetland mitigation, the stormwater improvements, and any other shared infrastructure or improvements. A copy of the recorded agreement shall be provided to the Zoning Administrator and kept on file in the Planning and Zoning Office
4. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale, and no street or utility construction shall be started until a subdivision plat, prepared in accordance with the requirements of the regulations, has been approved as per these regulations, and has been recorded in the office of the Stowe Town Clerk.
5. Pursuant to 24 VSA Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations and shall include the following two notations:

a. *This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office.*
b. *Additional review by the DRB is required prior to the commencement of any land development on deferred Lot 2-3. No zoning permits shall be issued for land development on Lot 2-3 until a subdivision amendment is approved by the DRB and recorded in the Town of Stowe Land Records.*

6. The Applicant shall file the final survey plat, amended herein, signed by the Chair or other authorized representative of the Development Review Board, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
7. Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors.
8. Clearing shall be restricted to the areas as shown on the Overall Site plan (Sheet C2-01), Lot 2-1 Site Plan (Sheet C2-02), Lot 2-2 Site Plan (Sheet C2-03), and Overall Site Plan Baird Road (Sheet C2-05). These clearing limits shall be shown on the final subdivision plat. Lands outside of the approved clearing areas shall be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest. Said clearing limits must be identified on the recorded plat.
9. Prior to the issuance of any zoning permit for development of Lots 2-1 or 2-2, the Applicant shall submit the following:
    a. Written verification that clearing will be conducted in accordance with the approved clearing limits set forth under this subdivision.
10. Prior to the issuance of any Certificate of Occupancy on Lots 2-1 or 2-2, the Applicant must complete the following:
    a. The wetland/stormwater improvements within the shared driveway must be completed (and maintained in working order) per the approved plans. A Vermont registered engineer shall provide written certification that the improvements have been completed per the approved plans.
    b. The shared driveway serving Lots 2-1 and 2-2 and emergency pull-offs shall be constructed and maintained in accordance with the approved plans and Stowe Fire Department Construction Standards. A Vermont registered engineer shall provide written certification that the driveways and emergency pull-offs have all been constructed in accordance with this approval prior to the issuance of any Certificate of Occupancy for the development of Lots 2-1 and 2-2.
11. The electrical and other utilities to serve Lots 2-1 and 2-2 shall be installed below ground, unless otherwise approved by the Development Review Board.
12. Site construction and development of Lots 2-1 and 2-2 shall adhere to the standards outlined in Section 3.12(2)(A-F) including:
    a. The amount of soil exposed at any one time must be kept to a minimum.
    b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e. An adequate stormwater drainage system must be continuously maintained to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
13. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his or her successors agree

to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, Mary Black, Andrew Volansky, Patricia Gabel, Peter Roberts and Lynn Altadonna.

Voting to deny: None

Motion PASSED 7-0

Dated at Stowe, Vermont this the 25th day of March 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of $25/page is required for recording.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7514		
Application Date	11/22/2024		
Physical Location	1333 WATERBURY RD		
Map ID	07-308.000	**Tax ID**	03040
Project Description	SUBDIVISION OF 11.72 ACRES AND BOUNDARY LINE ADJUSTMENT OF LOT 2		
Owner	KAREN M KEENE TRUST TRUSTEE: KAREN MCARTHUR KEENE		
Applicant	TYLER MUMLEY MUMLEY ENGINEERING, INC		
Applicant Address	PO BOX 68 MORRISVILLE VT 05661		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
INCOMPLETE APP	12/13/2024			EMAILED APPLICANT ABOUT INCOMPLETE APP
DRB DECISION	3/25/2025	4/24/2025	4/24/2027	APPROVED

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT # 7514

SUBJECT PROPERTY 1333 Waterbury Road (Tax Map# 07-308.000 & 07-308.030)

PROPERTY OWNER/APPLICANT
Karen M. Keene Trust
PO Box 1379
Stowe, VT 05672

APPLICATION

The Property Owner / Applicant, Karen M. Keene Trust (herein referred to as the "Applicant"), requests combined preliminary and final subdivision review of a 2-lot subdivision and boundary line adjustment. The subject two (2) parcels are adjacent and are under common ownership (Karen M. Keene Trust). Lot 1 of the 'Stowe Electric Department' Subdivision, approved by the Development Review Board (DRB) on April 2, 2010 (Project # 4143), is ±11.40 acres and contains an existing single-family dwelling. The other involved lot is Lot 2 (±2.94 acres) of the 'Elerson E. Roberts, III & Anne Roberts Lot 2 & Lot 3' Subdivision (herein referred to as 'Lot 2'), approved by the DRB on October 25, 2013 (Project # 4789). The Applicant proposes to adjust the shared boundary line between the aforementioned Lot 1 and Lot 2, which will increase the size of Lot 2 to ±6.16 acres, and decrease the size of Lot 1 to ±8.49 acres. Lot 1 will then be resubdivided into two (2) lots as follows: Lot 1A being ±6.24 acres and Lot 1B being ±2.25 acres. The existing single-family dwelling will remain on Lot 1A. Lot 1B and Lot 2 are not presently developed by designed to support future residential use.

The two (2) subject properties are served by an existing shared driveway off Waterbury Road (VT 100), which will be used to serve the three (3) lots proposed under this application. The properties are within the Rural Residential 2 (RR2) Zoning District. The application was reviewed by the DRB under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of combined preliminary and final subdivision and lot line adjustment review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

An application for combined preliminary and final subdivision and boundary line adjustment review was filed by Applicant Karen M. Keene Trust on November 22, 2024. The application was initially deemed incomplete on December 13, 2024 awaiting additional information identified by Planning & Zoning Department staff. Upon submittal of additional information on December 16, 2024, the application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for February 18, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on January 30, 2025.

The public hearing to consider the application convened on February 18, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Mary Black, David Kelly, Andrew Volansky, Patricia Gabel and Peter Roberts. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, Mumley Engineering, Inc., 46 Hutchins Street, Morrisville, VT 05661
2. Dan & Karen Keene, 1333 Waterbury Road, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 11/22/2024;
2. Project Narrative, prepared by Mumley Engineering, Inc., dated 11/19/2024;
3. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 12/16/2024;
4. Partial Site Plan, Sheet C-2, prepared by Mumley Engineering, Inc., dated 11/20/2024;
5. Details, Sheet C-3, prepared by Mumley Engineering, Inc., dated 11/20/2024;
6. Site Plan highlighting new/revised lot lines, no date;
7. Aerial Photo showing final lot lines, no date.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact:

The Applicant's request for combined preliminary and final subdivision and boundary line adjustment approval was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcels are located within the Rural Residential 2 (RR2) Zoning District.

2. **Lot Area, Lot Width.** The minimum lot area in the RR2 District is two (2) acres; the minimum required lot width is two-hundred (200') feet. The Applicant proposes a 2-lot subdivision and a boundary line adjustment as follows: Lot 1A being ±6.24 acres and approximately ±528 feet wide; Lot 1B being ±2.25 acres and approximately ±268 feet wide, and Lot 2 being ±6.16 acres and approximately ±262 feet wide.

3. **Setbacks.** Setbacks within the RR2 District are as follows: Front sixty (60') ft; Side fifty (50') ft; Rear fifty (50') ft. The Site Plan, Sheet C-1, identifies conforming setbacks and building zones for each lot.

4. **Use**. Lot 1A contains an existing single-family dwelling and an accessory shed/barn. Lots 1B and 2 are undeveloped and are planned to be developed with single-family dwellings in the future. 'Dwelling Unit, Single-Family' is a permitted use in the RR2 Zoning District.

5. **Density.** In the RR2 District, density is allowed at a rate of one (1) single or two-family dwelling per two (2) acres. As proposed, each lot is of sufficient size to comply with the single-family or two-family dwelling density requirement.

Conclusion: Based upon the above findings, the Board concludes the proposed subdivision conforms to the applicable dimensional requirements.

SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:

Section 5.1(1) – Character of Land for Subdivision:

6. Lot 1A contains an existing single-family dwelling and an accessory shed/barn.

7. Lots 1B and 2 are undeveloped. The site plan, however, identifies approximate locations of future single-family dwellings on each lot.

8. Each lot will have its own onsite water supply.

9. The Applicant testified that Lot 1B and Lot 2 will have onsite wastewater. Lot 1A will pump its wastewater to Lot 2.

10. The proposed lots sit amongst other similarly sized rural residential lots.

Conclusion: Based on the above findings, the Board concludes the proposal conforms to Section 5.1(1), Character of Land for Subdivision.

Section 5.1(2) – Natural and Scenic Features:

11. A mapped wetland and stream exist along the north property line of Lots 1A & 1B, and in the eastern portion of Lot 2. The applicable fifty (50') foot buffers are shown on the Site Plan and Partial Site Plan (Sheets C-1 & C-2).

12. The Site Plan and Partial Site Plan show an existing Class II wetland across the southern section of Lot 1A and the central western section of Lot 2. The existing shared driveway cuts through a portion of this wetland. The Applicant testified that they went through after-the-fact wetland permitting through the State of Vermont to mitigate the impacts created by the existing driveway. As shown on the Site Plan and the Partial Site Plan, mitigation included the installation of riprap and boulders to prevent any further encroachment into the wetland.

13. The Applicant testified that there will be no new impacts to any wetland or stream, or their associated buffers, as part of this subdivision and lot line adjustment.

14. It is the Applicant's responsibility to obtain the necessary State of Vermont permits for any disturbance of regulated wetlands.

15. A section of prime agricultural soil is shown across the western portion of Lot 1A.

16. The Applicant testified that the prime agricultural soils border along the existing tree line running north-south across the parent parcel, and that the agricultural field is still hayed and will continue to be hayed.

17. No other water bodies or ground water resources; scenic meadowland; important forest resources; aesthetic resources and scenic vistas will be impacted by this project.

Conclusion: Based on the above findings, the Board concludes the proposal conforms to Section 5.1(2), Natural and Scenic Features.

Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities:

18. According to the ANR Natural Resources Atlas, the proposed subdivision does not contain any significant natural communities or natural communities.

19. A Level 2 (out of 10) priority habitat block exists across the eastern section of Lots 1A & 1B and all of Lot 2. A mapped deer wintering area encompasses all of Lot 2.

20. The Applicant testified that the subject parcel is one (1) small area at the western edge of the significantly large deer wintering area and habitat block. The building zone on Lot 2 has already been approved as part of the 'Elerson E. Roberts, III & Anne Roberts Lot 2 & Lot 3' subdivision, and the building zone on Lot 1B only encompasses the mapped habitat block, not the mapped deer wintering area. No impact to wildlife habitat is expected.

Conclusion: Based on the above findings, the Board concludes the proposal will not impact any identified significant Wildlife Habitat and Natural Communities.

Section 5.1(4) – Historic Resources and Community Character:

21. The subject parcel is within a rural area.

22. As noted above, there was a historic single-family dwelling and attached garage on proposed Lot 1A that was approved by the SHPC in 2020 to be demolished (Project 6186). The February 12, 2020 SHPC meeting minutes note that any development within two-hundred (200') feet of the demolished dwelling will be subject to review under Section 10 of the Stowe Zoning Regulations. As a result, the existing single-family dwelling, permitted under Project 6702, was reviewed by the SHPC on May 25, 2022. A positive recommendation was made, the zoning permit was issued, and the dwelling has been constructed.

23. This subdivision will result in no new development within two-hundred (200') feet of the dwelling on Lot 1A.

24. The proposed subdivision will not adversely impact historic sites or the character of the Town.

Conclusion: Based on the above findings, the Board concludes the proposal is in conformance with Section 5.1(4), Historic Resources and Community Character.

Section 5.1(5) – Reserved Strips:

25. No reserved strips are proposed. Lot 1A has direct access off of Waterbury Road (VT 100). A twenty-five (25') foot wide access easement through Lot 1A will serve Lot 1B & Lot 2.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision does not involve any reserved strips as noted under Section 5.1(5).

Section 5.1(6) – Screening and Landscaping:

26. No additional landscaping or screening is proposed. The application identifies existing and future residential development on each lot.

27. Based on aerial imagery, it appears that there may be some tree removal for the proposed building site on Lot 1B. The site plan includes a 'Proposed Treeline' for this lot. The site plan identifies an 'Existing Treeline' on Lot 2.

28. The Applicant testified that there will be some additional tree removal within the building zone on Lot 1B, as shown on the Partial Site Plan (Sheet C-2). No additional clearing is expected within the building zone on Lot 2 beyond the existing treelines shown.

Conclusion: Based on the above findings, the Board concludes the proposal conforms to applicable requirements of Section 5.1(6), Screening and Landscaping.

Section 5.1(7) – Pedestrian Access:

29. The project is in a rural area of town where pedestrian improvements are limited.

Conclusion: Based on the above finding, the Board concludes no pedestrian improvements are proposed or required to serve the proposal.

Section 5.1(8) – Traffic:

30. The subdivision plan shows future residential development on Lots 1B and 2. Including the existing dwelling on Lot 1A, the subdivision is not expected to create unreasonable traffic congestion or unsafe conditions.

31. The Applicant testified that the driveway will end at Lot 2 and will not connect with nearby Owls Head Lane to the east.

Conclusion: Based on the above findings, the Board concludes the proposal will not create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways.

Section 5.1(9) – Municipal Facilities:

32. Staff requested comments on the proposal from the respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

33. No Municipal Department review forms were returned, indicating that the proposed development will not have any adverse impact on existing or planned community facilities and services.

Conclusion: Based on the above findings, the Board concludes the proposal will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

Section 5.1(10) – Lot Configuration:

34. The lots are standard in shape.

Conclusion: Based on the above finding, the Board concludes the proposed lot configuration is of regular shape and conforms with Section 5.1(10).

Section 5.1(11) – Building Zone:

35. The site plan shows appropriate setbacks and identifies the designated building zones for Lot 1B and Lot 2.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision provides adequate building sites for the proposed subdivision.

Section 5.1(12) – Fire Protection Facilities:

36. No Fire Department comments have been received. The site plan includes turnarounds in the driveways serving Lots 1B and 2.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision conforms to Section 5.1(12).

Section 5.1(13) – Disclosure of Subsequent Development Plans:

37. The site plan identifies proposed building sites for future single-family dwellings on Lot 1B and Lot 2.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision conforms to Section5.1(13).

Section 5.1(14) – Private Enforcement Mechanisms:

38. The site plan indicates that each lot will have their own private wells.

39. The Applicant testified that Lot 1A and Lot 2 will utilize a shared septic system and Lot 1B will have its own septic system.

40. Each lot will utilize the shared driveway off Waterbury Road (VT 100). The Applicant testified that a shared maintenance agreement will be created when any of the lots are sold.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision conforms to Section 5.1(14).

Section 5.2 – Prominent Hillsides and Ridgelines: Does not apply.

Section 5.3 – Open Space and Cluster Development: Does not apply.

Section 5.4 – Road Standards and Coordination with Public Highways:

41. Each lot will be served by the existing shared driveway within the twenty-five (25') foot wide right-of-way. This driveway provides direct access to Waterbury Road (VT 100).

42. No new curb-cuts/driveway entrances are proposed.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision conforms to applicable requirements of Section 5.4 – Road Standards and Coordination with Public Highways.

Section 5.5 – Utilities and Stormwater Management:

43. According to the Applicant's narrative, impervious surfaces will total ±0.15 acres and disturbed areas will total ±0.45 acres.

44. The site plan indicates that utilities will be installed below ground.

45. The Applicant testified that future development will be designed and constructed so that there will be no stormwater impacts whatsoever to neighboring properties.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision will have adequate provisions for stormwater and required utilities.

DECISION

Based upon the above findings and conclusions, the DRB hereby approves the Applicant's request for combined preliminary and final subdivision and boundary line adjustment review (Project #7514) as described in the application dated 11/22/2024 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Department and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, include:

   a. Town of Stowe Development Application, dated 11/22/2024;
   b. Project Narrative, prepared by Mumley Engineering, Inc., dated 11/19/2024;
   c. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 12/16/2024;
   d. Partial Site Plan, Sheet C-2, prepared by Mumley Engineering, Inc., dated 11/20/2024;
   e. Details, Sheet C-3, prepared by Mumley Engineering, Inc., dated 11/20/2024;
   f. Site Plan highlighting new/revised lot lines, no date;
   g. Aerial Photo showing final lot lines, no date.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale, and no street or utility construction shall be started until a subdivision plat, prepared in accordance with the requirements of the regulations, has been approved as per these regulations, and has been recorded in the office of the Stowe Town Clerk.
4. Pursuant to 24 VSA Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations and shall include the following notation:

   a. *This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office.*

5. The Applicant shall file the final survey plat, amended herein, signed by the DRB Chair or other authorized representative of the DRB, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this

subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.

6. Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors.
7. Clearing shall be restricted to the areas shown on the recorded subdivision plat. Lands outside of the approved clearing areas shall be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest.
8. Prior to issuance of any zoning permit for the development of Lot 1B or Lot 2, a Shared Driveway Maintenance Agreement shall be executed and recorded in the Stowe Land Records in the Town Clerk's Office. A paper copy of said agreement shall be filed with the Zoning Administrator.
9. Prior to the issuance of a Certificate of Occupancy for any new building on Lot 1B or Lot 2, an emergency vehicle turn-around area shall be constructed and approved by the Town of Stowe Fire Chief. Written confirmation from the Stowe Fire Chief must be provided with the Certificate of Occupancy application for Lot 1B or Lot 2.
10. Site construction and development of Lots 1B and 2 shall adhere to the standards outlined in Section 3.12(2)(A-F) including:
    a. The amount of soil exposed at any one time must be kept to a minimum.
    b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e. An adequate stormwater drainage system must be continuously maintained to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
11. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his or her successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, David Kelly, Andrew Volansky, Patricia Gabel and Peter Roberts.

Voting to deny: None

Motion PASSED 6-0

Dated at Stowe, Vermont this the 25th day of March 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT # 7496

SUBJECT PROPERTY 754 River Road (Tax Map# 07-299.000)

PROPERTY OWNER/APPLICANT
NR Holdings LLC
866 River Road
Stowe, VT 05672

APPLICATION

The Property Owner/Applicant, NR Holdings LLC (herein referred to as the "Applicant"), requests combined preliminary and final subdivision review of a 4-lot subdivision and boundary line adjustment. The project can generally be described as a four (4) lot subdivision of a ±13.3-acre property into four (4) lots as follows: Lot 1 being ±2.21 acres, Lot 2 being ±2.00 acres, Lot 3 being ±4.12 acres, and Lot 4 being ±4.56 acres. Additionally, a boundary line adjustment between the subject parcel and the parcel located on Tax Map 07-299.010 (866 River Road) is also proposed which will relocate the shared boundary line approximately fifteen (15) feet to the north, resulting in a ±0.13 acre increase to Tax Map 07-299.010 (866 River Road) for a total of ±3.55 acres. Lots 1 and 2 contain existing single-family dwellings with attached accessory dwelling units (ADUs) currently under construction. Lot 1 has direct access off River Road, a Class 3 town highway. The remaining lots will gain access off Willow Tree Lane, a privately owned and maintained shared driveway within a fifty (50') foot wide easement (Bk 1234 Pg 79-80). This existing private driveway also serves 348 and 271 Willow Tree Lane. The project is within the Rural Residential 2 (RR2) zoning district. The subject property involves Lot A1 of the Stewart P. & Reba R. Bouchard Two Lot Subdivision, recorded on March 16, 2011 and is subject to the terms and conditions of Development Review Board (DRB) approval of Project# 4369. The application was reviewed by the DRB under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of combined preliminary and final subdivision and lot line adjustment review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by Applicant NR Holdings LLC on October 21, 2024. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for January 7, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on December 19, 2024. The Applicant failed to provide written notification to adjoining property owners as required under Section 2.14(1)(A)(3). As a result, the public hearing of the DRB was re-scheduled for March 18, 2025 and re-warned by the Zoning Administrator in accordance with Section 2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on February 27, 2025. The Applicant provided the Certificate of Service on February 25, 2025.

The public hearing to consider the application convened on March 18, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Patricia Gabel, and Peter Roberts. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Nelson Riley, 866 River Road, Stowe, VT 05672
2. Nelson Peter Riley, 866 River Road, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 10/21/2024;
2. Project Narrative, dated 10/21/2024;
3. Easement Deed, no date;
4. Vermont Wastewater System and Potable Water Supply Permit, #WW-5-9779, dated 01/21/2025;
5. Mountain Meadows Boundary Line Adjustment & Subdivision, Sheet 1 of 1, prepared by Donald A. Johnston, dated 10/19/2024;
6. Utility Site Plan, Sheet C3-01, prepared by Vermont Land Design, dated 01/06/2025;
7. Utility Site Plan, Sheet C3-02, prepared by Vermont Land Design, dated 01/06/2025;
8. Email from Interim Fire Chief Scott Reeves, dated 03/12/2025;

The following materials were submitted in advance of the March 18, 2025 hearing and entered into the hearing record:

9. Mountain Meadows Boundary Line Adjustment & Subdivision, Sheet 1 of 1, prepared by Donald A. Johnston & Nelson Riley IV, dated 03/10/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact & Conclusions of Law:

The Applicant's request for combined preliminary and final subdivision and lot line adjustment approval was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcel is located within the Rural Residential 2 (RR2) zoning district.

2. **Lot Area, Lot Width.** The minimum lot area in the RR2 District is two (2) acres; the minimum required lot width is 200 feet. The Applicant proposes a 4-lot subdivision as follows: Lot 1 being ±2.21 acres, Lot 2 being ±2.0 acres, Lot 3 being ±4.12 acres and Lot 4 being ±4.56 acres. The proposed lot widths are as follows: Lot 1 ±230 feet, Lot 2 ±300 feet, Lot 3 ±440 feet, and Lot 4 ±540 feet.

3. **Setbacks.** Setbacks within the RR2 District are as follows: Front sixty (60) feet; Side fifty (50) feet; Rear fifty (50) feet. The setback lines are depicted on the plan. The proposed building zones are shown to comply with minimum setback requirements.

4. A portion of Lot 4's driveway is located on the adjoining parcel to the south, however, is within an existing fifty (50') foot wide easement off Willow Tree Lane.

5. A portion of Lot 4's proposed driveway is located within the minimum ten (10') foot setback from the western property line. In accordance with Section 15.6, a driveway can be within this setback if the abutting property owner agrees to a lesser setback.

6. The Applicant testified that he expects to be able to obtain written confirmation from the abutting property owner for this reduced driveway setback, however the hearing record does not contain this information.

7. **Use.** Lots 1 and 2 each contain an existing single-family dwelling with attached ADUs. Lots 3 and 4 are undeveloped. One (1) family and two (2)-family dwellings, as well as ADUs, are permitted uses in the RR2 District.

8. **Density.** In the RR2 District, density is allowed at a rate of one (1) single-family or two-family dwelling per two (2) acres. ADUs do not require density under the Regulations.

Conclusion: Based upon the above findings, the Board concludes the proposed subdivision conforms to the lot area and lot width dimensional requirements, however the hearing record does not provide sufficient evidence for the DRB to determine whether the required driveway setback on Lot 4 can be reduced in accordance with Section 15.6. The Applicant has not met the burden of proof required to demonstrate conformance with this setback standard.

SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:

Section 5.1(1) – Character of Land for Subdivision:

9. Lot 1 and 2 contain existing single-family dwellings with attached ADUs -all of which are presently under construction.

10. Lots 3 and 4 are undeveloped but designed to support future single-family dwelling(s) on each lot.

11. As proposed, the lots are to be served by on-site wastewater disposal systems and potable water.

12. Lot 1 will be serviced by a drilled well on Lot 3 and will have an on-site wastewater disposal system.

13. Lot 2 will be serviced by a drilled well on Lot 3 and will have an on-site wastewater disposal system.

14. Lot 3 will have on-site water and a wastewater disposal system, with a leach field located on Lot 2.

15. Lot 4 will have on-site water and a wastewater disposal system, with a leach field located on Lot 2.

16. The proposed lots sit amongst other similarly sized rural residential lots.

Conclusion: Based on the above findings, the Board concludes the proposal conforms to Section 5.1(1), Character of Land for Subdivision.

Section 5.1(2) – Natural and Scenic Features:

17. A pond exists on Lot 2. The subdivision plan identifies the pond as a wetland area. Two (2) additional wetland areas are shown on the plan- one (1) at the rear of Lot 1 and one (1) on Lot 4. Each are shown to be protected by a fifty (50') foot wetland buffer, as shown on the plan.

18. Prime agricultural soils span areas of Lots 1-3. Lot 1 and Lot 2 are already under development and the areas of prime agricultural soils on Lot 3 are currently forested.

19. There are no other identified water bodies or ground water resources; scenic meadowlands; important forest resources; aesthetic resources and scenic vistas that will be impacted by this project.

Conclusion: Based on the above findings, the Board concludes the proposal conforms to Section 5.1(2), Natural and Scenic Features.

Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities:

20. According to the ANR Natural Resources Atlas, the proposed subdivision does not contain any significant natural communities or natural communities.

21. Land to the west of the Velco Easement, consisting of Lot 4 and roughly half of Lot 3, is within a mapped deer wintering area. A Level 5 (out of 10) priority habitat block exists across portions of Lots 2-4.

22. The existing single-family dwelling presently under construction on Lot 2 is outside the mapped habitat block area.

23. The Applicant testified that the developmental goal is to reduce fragmentation and preserve the forest. The proposed clearing limits identified on the subdivision plan constitute approximately ten (10%) percent of the overall subdivision.

Conclusion: Based on the above findings, the Board concludes the proposal will not have an undue impact any identified significant wildlife habitat and natural communities.

Section 5.1(4) – Historic Resources and Community Character:

24. The subject parcel is within a rural area.

25. There is no evidence in the hearing record to indicate that the proposed subdivision will adversely impact historic sites or the character of the town.

Conclusion: Based on the above findings, the Board concludes the proposal is in conformance with Section 5.1(4), Historic Resources and Community Character.

Section 5.1(5) – Reserved Strips:

26. No reserved strips are proposed.

27. Lot 1 will utilize its existing access off River Road – a Class 3 town highway.

28. Lots 2-4 will gain access from Willow Tree Lane (a private shared driveway) via a fifty (50) foot right-of-way.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision conforms with Section 5.1(5).

Section 5.1(6) – Screening and Landscaping:

29. No new landscaping is proposed.

30. The subdivision plan identifies existing and proposed clearing limits. The proposed clearing limits will provide screening for the planned future residential development.

Conclusion: Based on the above findings, the Board concludes the proposal conforms to applicable requirements of Section 5.1(6), Screening and Landscaping.

Section 5.1(7) – Pedestrian Access:

31. The project is in a rural area of town where pedestrian improvements are limited. The proposed subdivision does not include any pedestrian improvements.

Conclusion: Based on the above finding, the Board concludes no pedestrian improvements are proposed or required to serve the proposal.

Section 5.1(8) – Traffic:

32. The Applicant proposes a 4-Lot subdivision. Each lot is intended and designed to support future residential development including a total of twelve (12) existing or proposed dwelling units.

33. The Applicant did not provide a number of vehicle trips estimated to be created by the subdivision.

Conclusion: Based on the above findings and the information presented in the hearing record, the Board is unable to conclude that the proposed subdivision will not create an undue burden on traffic congestion or will not create unsafe conditions regarding use of existing roadways. The Applicant has not provided sufficient evidence to meet the burden of proof for demonstrating conformance with this standard, particularly estimated vehicle trips created by the subdivision.

Section 5.1(9) – Municipal Facilities:

34. Staff requested comments on the proposal from the respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation. Comments were received from the Stowe Fire Department, otherwise no Municipal Department review forms were returned, indicating that the proposed development will not have any adverse impact on existing or planned community facilities and services.

35. The proposed lots will be served by on-site septic and potable water sources. The future dwellings will not be connected to the municipal water or sewer systems.

36. Interim Fire Chief Scott Reeves provided the following written comment: '*As long as the follow the department's guidelines on roads and driveways, we should be good.*'

37. The DRB incorporates by reference into this section's findings its findings under § 5.1(12) – Fire Protection Facilities, below, as if more fully stated herein.

Conclusion: Based on the above findings and the information presented in the hearing record, the Board is unable to conclude the proposed subdivision will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services. The Applicant has not provided sufficient evidence to meet the burden of proof for demonstrating conformance with this standard, particularly the Fire Department Construction Standards for roads and driveways.

Section 5.1(10) – Lot Configuration:

38. Lot 1 has an irregular shape. While the front portion maintains a regular form similar to surrounding parcels, the rear northeast section is narrow and irregular. The proposed lot configuration tapers toward the back of the lot, narrowly extending to include the land within the fifty (50) foot right-of-way.

39. The Applicant testified that the front portion of Lot 1 complies with the two hundred (200') foot minimum lot width and lot area requirement, however, rear portions of the lot are narrow and irregularly shaped, which the Applicant explained is due to the intent to have it follow the existing alignment of the private roadway, Willow Tree Lane.

40. The hearing record does not provide sufficient evidence for the DRB to find that the proposed irregular shape of Lot 1 is necessary due to existing topography and natural features, existing development, or the existing configurations of internal or adjacent lots.

41. Lots 2-4 are more regularly shaped and do not contain narrow strips of land. However, as designed, do contain odd-shaped irregular interior property lines following the existing roadway alignment which meanders throughout the parcel.

42. The hearing record does not provide sufficient evidence for the DRB to determine that the proposed irregular interior lot lines creating Lot 3 and Lot 4 are appropriate based on existing topography, natural features, current development, or the layout of adjacent or internal lots.

Conclusion: Section 5.1(10) prohibits irregularly shaped lots unless the DRB finds the configuration is appropriate given the existing topography and natural features, existing development, or the existing configurations of internal or adjacent lots. As proposed, Lot 1 is elongated and odd shaped, particularly in the rear two-thirds as the proposed lot narrows to primarily contain the existing gravel roadway and associated fifty (50) foot right-of-way. There are no topographical or natural features, existing development, or existing lot configurations within or adjacent to this lot that warrant the creation of an elongated, narrow, and odd shaped lot. Additionally, the interior lot line configuration between Lots 3 and 4 appears to have been primarily driven by the Applicant's desire to ensure that each lot contains sufficient land area to accommodate two (2) single-family dwellings and ADUs. However, this approach does not adequately consider the requirements of Section 5.1(10), which prohibits the creation of irregular or odd-shaped lots. Therefore, based on the above findings, the Board concludes the proposed lot configuration does not conform to Section 5.1(10) and must be redesigned in accordance with this standard. *of internal or adjacent lots."*

Section 5.1(11) – Building Zone:

43. The proposed subdivision plan identifies the location of a building zone within each proposed lot.

44. The building zones are designed to comply with the minimum setback requirements.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision provides adequate building sites for each lot.

Section 5.1(12) – Fire Protection Facilities:

45. The proposed lots will be served by private drilled wells and will not be connected to the municipal water system. As such, there are no fire hydrants proposed.

46. No fire protection facilities are proposed under this application, however Interim Fire Chief, Scott Reeves, provided written comments indicating the Stowe Fire Department could service the proposed subdivision so long as the Applicant follows the fire department's guidelines on roads and driveways.

47. The proposed subdivision will be served by the existing private shared driveway. As proposed, the existing shared driveway will serve more than three (3) dwelling units and as such will require being reclassified a private roadway. The Applicant testified that the emergency pull-off areas along Willow Tree Lane, as shown on the subdivision plan, are installed. The construction details of the existing shared driveway and emergency pull-off areas were not provided. The DRB is therefore unable to determine whether the existing driveway and associated pull-offs meet current fire department dimensional standards or whether any improvements are necessary to bring the existing driveway and pull-offs up to current fire department standards.

48. Lots 1 & 2 are served by existing residential driveways. Lots 3 & 4 will also be served by individual driveways. There is no evidence in the hearing record regarding the construction details of the existing or proposed driveways. The DRB therefore cannot determine whether the existing and proposed driveways meet current fire department standards.

Conclusion: Based on the above findings and the information presented in the hearing record, the Board is unable to conclude the proposed subdivision conforms to Section 5.1(12). The Applicant has not provided sufficient evidence to meet the burden of proof for demonstrating conformance with this standard.

Section 5.1(13) – Disclosure of Subsequent Development Plans:

49. Existing single-family dwellings with attached ADUs are located on Lots 1 and 2. Lots 3 and 4 are designed and anticipated to support the future construction of a residential building(s) including single-family dwellings and ADUs.

50. The Applicant is not proposing development on only a portion of the parcel. As proposed, the existing ±13.3-acre property is intended to be subdivided into four (4) lots. The project is not proposed to be phased, nor is development only proposed on a portion of the parcel. Each lot is designed to support the future construction of single-family dwellings and ADUs.

Conclusion: Based on the above findings, the Board concludes this provision is not applicable.

Section 5.1(14) – Private Enforcement Mechanisms:

51. Lot 1 will be serviced by a private drilled well on Lot 3 and will have an on-site wastewater disposal system.

52. Lot 2 will be serviced by a drilled well on Lot 3 and will have an on-site wastewater disposal system.

53. Lot 3 will have on-site water and a wastewater disposal system, with a leach field located on Lot 2.

54. Lot 4 will have on-site water and a wastewater disposal system, with a leach field located on Lot 2.

55. Lot 1 will continue to utilize the existing driveway off River Road.

56. Lots 2-4 will gain access off Willow Tree Lane, a private road within the fifty (50') foot right-of-way. This right-of-way also provides shared access to two (2) existing parcels beyond the subject parcel: 348 and 271 Willow Tree Lane.

57. The Applicant testified that there is a shared road maintenance agreement between neighboring properties 348 and 271 Willow Tree Lane and the subject ±13.3-acre parcel, however did not submit this information into the hearing record.

Conclusion: The Applicant has not provided adequate evidence that demonstrates conformance with Section 5.1(14). Therefore, based on the above findings, the Board concludes it does not have the necessary information and cannot reach a positive conclusion under Section 5.1(14).

Section 5.2 – Prominent Hillsides and Ridgelines: Does not apply.

Section 5.3 – Open Space and Cluster Development:

58. The project can generally be described as a four (4) lot re-subdivision of a ±13.3-acre property into four (4) lots. Lots 1 and 2 contain existing single-family dwellings with attached ADUs currently under construction. Lots 3 and 4 are designed to support the future construction of two (2) single-family dwellings and ADUs on each lot. The proposed four (4) lot subdivision involves potential dwelling sites for six (6) single-family dwellings, not including ADUs.

59. The subject property involves the re-subdivision of Lot A1 of the Stewart P. & Reba R. Bouchard Two Lot Subdivision, recorded on March 16, 2011 and is subject to the terms and conditions of approved by the DRB under approval of Project# 4369. Prior to this subdivision approval, the subject parcel consisted of ±19.1 acres (Lot A) of the two-lot subdivision approved by the Planning Commission on July 23, 2002 under S-02-14. Additionally, these same underlying lands were most recently resubdivided and approved by the DRB under Project #7396 in August 2024.

60. Since 2002, the lands involved have been subdivided into a total of four (4) lots. In 2002, the Planning Commission granted approval under S-02-14 to create two (2) lots consisting of ±10.1 acres (Lot B) and ±18.5 acres (Lot A). Lot A was resubdivided in 2011 under Project 4369 creating Lot A1 consisting of 13.4 acres and Lot A2 consisting of 5.7 acres. Lot B was resubdivided in 2024 under Project #7396, creating Lot B1 of 5.03 acres and Lot B2 of 5.07 acres. The Applicant now seeks to re-subdivide approved Lot A (under S-02-14)/LotA1 (under Project# 4369) into four (4) additional residential lots. In total, the involved lands contain four (4) previously approved subdivided lots and three (3) additional proposed lots.

61. The application presently being reviewed by the DRB does not include proposed designated open space.

Conclusion: Based on the above findings, the DRB concludes the project fails to designate the necessary open space required under Section 5.3.

Section 5.4 – Road Standards and Coordination with Public Highways

62. The Applicant proposes to utilize the existing private shared driveway named Willow Tree Lane (for e911 purposes). Since the shared driveway will serve more than three (3) dwelling units (§ 16.59), it is required to be reclassified a private road.

63. The existing shared driveway connects to River Road, a Class 3 Town Highway, and is within a fifty (50) right-of-way.

64. Proposed Lot 1 has an existing direct access off River Road, a Class 3 town highway.

65. Lots 2, 3, and 4 will gain access off Willow Tree Lane, an existing shared driveway.

66. This existing shared driveway also serves two additional residential lots, 348 and 271 Willow Tree Lane.

67. Since the shared driveway will serve more than three (3) dwelling units, it is required to be reclassified a private road. Section 5.4(4) outline private road standards. In addition, the Stowe Fire Department also has driveway and road standards (§ 5.1(12)). The hearing record does not contain sufficient information for the DRB to determine whether the existing shared driveway requires improvements to meet the private road standards identified in §5.4(4).

68. No improvements are proposed to the existing intersection between Willow Tree Lane and River Road. The Department of Public Works and the Fire Department did not identify any necessary intersection improvements.

69. The project does not propose any new or modified driveway entrances connecting to the Town Highway.

70. The DRB incorporates by reference into this section's findings its findings under § 5.1(12) – Fire Protection Facilities, above, as if more fully stated herein.

Conclusion: Based on the above findings and the information presented in the hearing record, the Board is unable to conclude the proposed subdivision conforms to Section 5.4. The Applicant has not provided sufficient evidence to meet the burden of proof for demonstrating conformance with this standard.

Section 5.5 – Utilities and Stormwater Management:

71. Approximately eight thousand (8,000 sf) square feet of impervious surface is proposed across the entire subdivision. The application proposes less than ½ acre of additional impervious surfaces and therefore the requirements set forth in §3.12(F) do not apply.

72. Proposed utilities will be installed below ground.

73. Existing electric utility lines serving 348 and 271 Willow Tree Lane, and which will also serve the proposed lots, are installed underground within the Willow Tree Lane right-of-way.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision conforms to the applicable provisions of Section 5.5.

DECISION

Based upon the above findings and conclusions, the DRB hereby denies the Applicant's request for combined preliminary and final subdivision and boundary line adjustment review (Project #7496) as described in the application dated 10/21/2024 and associated supporting materials.

1. The proposed driveway on Lot 4 does not meet the setback requirements identified in Section 15.6, nor did the Applicant provide the necessary evidence to allow a reduced setback.
2. The Applicant has not met the burden of proof to demonstrate compliance with Section 5.1(8).

3. The Applicant has not met the burden of proof to demonstrate compliance with Section 5.1(9).
4. The proposed lot configuration does not conform to the standards of Section 5.1(10) and must be revised to meet this requirement.
5. The Applicant has not met the burden of proof to demonstrate compliance with Section 5.1(12).
6. The Applicant has not met the burden of proof to demonstrate compliance with Section 5.1(14).
7. The project does not include the designated open space required under Section 5.3.
8. The Applicant has not met the burden of proof to demonstrate compliance with Section 5.4.

Voting in favor:

Voting to deny: Tom Hand, Drew Clymer, Mary Black, David Kelly, Andrew Volansky, Patricia Gabel, and Peter Roberts

Dated at Stowe, Vermont this the 15th day of April 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7517		
Application Date	11/25/2024		
Physical Location	965 BROWNSVILLE RD		
Map ID	08-026.030	**Tax ID**	20020-030
Project Description	MODIFY PREVIOUSLY APPROVED CLEARING LIMITS FOR LOT 3		
Owner	MINK PROPERTIES LLC		
Applicant	MINK PROPERTIES LLC		
Applicant Address	PO BOX 728		
	STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	4/29/2025	5/29/2025	5/29/2027	APPROVED

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law

PROJECT# 7517

SUBJECT PROPERTY 965 Brownsville Road, Stowe, VT (#08-026.030)

PROPERTY OWNER/APPLICANT
Mink Properties LLC
PO Box 728
Stowe, VT 05672

APPLICATION

The Property Owner/Applicant, Mink Properties LLC (herein referred to as the "Applicant"), requests an amendment to a previously approved subdivision. The Applicant seeks to modify the clearing limits on Lot 3 of the Land of Story Ridge LLC Three (3) Lot subdivision approved by the Development Review Board (DRB) on March 29, 2017 under project #5546 and relocate the driveway. The subject parcel consists of ±5.17 acres (08-026.030) and is located in the Rural Residential 5 (RR5) Zoning District. The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective January 31, 2024) and the Town of Stowe Subdivision Regulations (effective July 16, 2012). The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by Applicant Mink Properties LLC on November 25, 2024. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for February 4, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on January 16, 2025.

The public hearing to consider the application convened on February 4, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Peter Roberts, and Patricia Gabel. The DRB continued the hearing to a time and date certain of April 1, 2025 in order to obtain additional information from the Applicant. On April 1, 2025, the DRB re-opened the continued hearing. Members who participated in the continued review included Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, and Peter Roberts. Patricia Gabel was absent but reviewed the recording of the hearing. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, Mumley Engineering, Inc., 46 Hutchins Street, Morrisville, VT 05661
2. Graham Mink, PO Box 728, Stowe, VT 05672
3. Cynthia Silvey, Wagner Hodgson, 7 Marble Avenue, Burlington, VT 05401

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 11/25/2024;
2. Project Narrative, prepared by Mumley Engineering, Inc., dated 11/25/2024;
3. Project Narrative, prepared by Mumley Engineering, Inc., revision date 11/27/2024;
4. Proposed Revised Clearing Limits – View Analysis, prepared by Mumley Engineering, Inc., dated 11/25/2024;
    a. Photo of proposed driveway entrance, Sheet 1;
    b. Photo of existing cleared area, Sheet 2;
    c. Photo of rear of house, Sheet 3;
    d. View toward Mt. Mansfield, Sheet 4;
    e. Site plan showing limits of existing/proposed clearing, Sheet 5;
    f. Sketch of aerial imager with contour lines showing existing ridgeline that provides screening, Sheet 6;
    g. Sketch of aerial imager with contour lines showing existing ridgeline, Sheet 7;
    h. Google Earth profile view and View from Weeks Hill Road, Sheet 8;
5. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 11/19/2024;
6. Project #5546 DRB decision, dated 03/29/2017;
7. Subdivision Plan – Land of Story Ridge LLC, recorded 09/01/2017;
8. Zoning Permit #7189 site plan, Sheet C-1, prepared by Mumley Engineering, Inc., 06/27/2023.

The following materials were submitted for the continued DRB hearing held April 1, 2025:

9. Planting Plan, Sheet LI00, prepared by Wagner Hodgson, dated 03/24/2025;
10. Town of Stowe Driveway Entrance Permit, approved 03/28/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for subdivision amendment approval was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 9- Ridgeline and Hillside Overlay District (RHOD)

Town of Stowe Subdivision Regulations (effective through July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

Section 2.16 Flexibility and Finality in the Permitting Process (Stowe Club Test):

1. In order to determine if it is appropriate under the circumstances to allow an amendment of a permit or approval, the DRB must evaluate any application that proposes an amendment of a final approval and assess the competing policies of flexibility and finality in the permitting process.

2. An amendment is considered a request to modify the project plans, exhibits, and /or representations by the Applicant that lead to the decision and which have been incorporated into the approval through a specific or general condition. Conditions include all stated conditions in a decision and elements of a recorded plat or plan.

3. The subdivision approval for Project # 5546 established specific clearing limits and a driveway location for the subject property – Lot 3. Project # 5546 was approved by the DRB on March 29, 2017.

4. The DRB decision approving the subdivision contained specific findings related to proposed clearing on Lot 3. The proposed clearing limits were intended to provide screening between the proposed dwellings and other adjacent dwellings.

5. The DRB decision approving the proposed subdivision contained a condition of approval requiring the clearing limits be depicted on the recorded subdivision plat.

6. The approved and recorded plat contains a specific condition of approval restricting the cutting limits on Lot 3.

7. The application to modify the approved clearing limits will alter Project # 5546. Established clearing limits were included as a specific condition of approval and shown on the approved and recorded subdivision plat. As such, the DRB must evaluate the requested amendment under Section 2.16 - Flexibility and Finality in the Permitting Process.

8. An old logging road existed where the driveway is proposed to be relocated.

9. The total amount of cleared area beyond the approved clearing limits amounts to approximately two-tenths (2/10) of an acre. The installed septic system is located in an area beyond the limits of clearing. At the time of original subdivision approval, the septic system for this lot had not been designed and a State of Vermont Wastewater Permit not obtained.

10. The original driveway location, as approved on the final Story Ridge LLC subdivision plan, cuts across a section of steep slopes which will make access to the building zone difficult. The Applicant testified this detail and existing condition was overlooked by the developer at the time of subdividing the property. The Applicant testified that had the proper field work been conducted, it is likely that the developer would have chosen a different driveway location and the existing old logging road made logical sense

11. The modified cleared areas will allow for better views offsite but the property and new dwelling will still not be visible from offsite vantage points.

12. The Applicant justified altering the previous conditions of the approved subdivision due to changes in the construction and operation of the permittee's project which were not reasonably foreseen at the time the permit was issued.

13. The original subdivision applicant did not foresee the appropriate or necessary clearing limits that might be needed for driveway access, house-siting, and the wastewater disposal system.

14. The proposed modified clearing limits are a necessity for the landowner's use, operation, enjoyment, and maintenance of the property. The future house location and layout of the property was not known at the time of the original subdivision approval.

15. The Applicant testified that clearing has occurred beyond the approved cutting limits. Aerial photographs show that the subject parcel appeared to be fully forested after the Land of Story Ridge LLC subdivision was recorded at the time the approved clearing limits were established.

16. The approved site plan for the Applicant's zoning permit to construct the dwelling presently being built (Project #7189) showed that the proposed development would comply with the clearing limits established under the Land of Story Ridge LLC subdivision.

17. The Applicant submitted a Planting Plan (Sheet LI00) that includes extensive plantings in the following areas: in the area between Brownsville Road and the new dwelling, along the relocated driveway location, and in the rear third (1/3) of the 'rear yard' clearing.

Conclusion: Section 2.16 requires the DRB to evaluate any application proposing an amendment to a final approval by balancing the competing policies of flexibility and finality. The key question is whether the amendments sought by the Applicant necessitate a Stowe Club analysis under Section 2.16. To determine this, the DRB must consider whether the amendment involves altering a condition that was originally included to address a critical issue. If so, the DRB must apply the Stowe Club analysis when reviewing the proposed amendment. If not, the DRB may proceed with reviewing the application based solely on its merits. The evidence and testimony presented to the DRB demonstrates that the proposed relocated driveway location is better suited for the property as the originally approved location required that the driveway traverse a steep slope. Additionally, there is no evidence in the hearing record to indicate that the originally approved driveway location was intended to resolve a critical issue. Therefore, the DRB concludes that the requested amendment to relocate the driveway does not require analysis under the Stowe Club Test. When examining the Applicant's request for modified clearing limits, the DRB concludes the clearing limits were established to resolve a critical issue and concern and therefore must be reviewed under the Stowe Club Test. After reviewing the Applicant's testimony and supporting evidence explaining why the wastewater disposal system needs to be located in its current position—and why relocating the driveway made more sense given existing topographic features that were not known to the original subdivider—the DRB concludes that these changes in construction and project layout represent sufficient and unforeseen circumstances that justify amending the previously approved clearing limits. The DRB now proceeds with its review of the application on its merits.

Dimensional Requirements

1. **Zoning District.** The subject parcel is located within the Rural Residential 5 (RR5) zoning districts.

2. **Lot Area, Lot Width.** The minimum lot area in the RR5 district is five (5) acres; the minimum required lot width is 300 feet. No change to the lot size or width are proposed.

3. **Setbacks.** Setbacks within the RR5 district are as follows: Front seventy (70') feet; Side seventy-five (75') feet; and Rear seventy-five (75') feet. The setbacks shown on the Site Plan (Sheet C-1) match with the setbacks depicted on the Land of Story Ridge LLC subdivision plan. The single-family dwelling

currently under construction is shown to be located outside the setback areas and within the approved building envelope of the subdivision. Additionally, the proposed relocated driveway meets the minimum twenty-five (25') foot side yard setback, as required by Section 15.6.

4. **Use**. A single-family dwelling currently exists on the parcel. *Dwelling Unit, Single-family* is a permitted use in the RR5 zoning district. Zoning Permit #7189 was approved administratively on 07/12/2023 for the construction of a new single-family dwelling, which is currently under construction.

5. **Density.** In the RR5 districts, density is allowed at a rate of one (1) single or two-family dwelling per five (5) acres. The subject parcel is ±5.17 acres and contains a single-family dwelling.

Conclusion: Based upon the above findings, the DRB concludes the proposal meets applicable dimensional requirements for the RR5 district.

SECTION 5.1 – GENERAL PLANNING STANDARDS:

6. Upon review by the DRB, the DRB concludes the following standards are not applicable. The proposed amendments will have no impact on the following:

Section 5.1(1) – Character of Land for Subdivision
Section 5.1(2) – Natural and Scenic Features
Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities
Section 5.1(4) – Historic Resources and Community Character
Section 5.1(5) – Reserved Strips
Section 5.1(7) – Pedestrian Access
Section 5.1(8) – Traffic
Section 5.1(9) – Municipal Facilities
Section 5.1(10) – Lot Configuration
Section 5.1(12) – Fire Protection Facilities
Section 5.1(13) – Disclosure of Subsequent Development Plans
Section 5.1(14) – Private Enforcement Mechanisms
Section 5.2 – Subdivision within the Ridgeline and Hillside Overlay District (RHOD)
Section 5.3 – Open Space and Planned Unit Development
Section 5.4 – Road Standards and Coordination with Public Highways
Section 5.5 – Utilities and Stormwater Management

Section 5.1(6) – Screening and Landscaping:

7. As noted above, the Land of Story Ridge LLC subdivision established clearing limits. Clearing beyond those limits has occurred and the Applicant now seeks to amend the previously approved clearing limits to accommodate the excessive clearing and proposed relocation of the driveway.

8. The Applicant provided a Planting Plan (Sheet LI00) to mitigate for the excessive clearing outside of the approved clearing limits. The plan identifies new plantings between the new dwelling and Brownsville Road, along the northeast side of the new driveway, to the east of the wastewater disposal system, and at rear of the back yard clearing.

9. The Applicant testified that this additional landscaping should provide adequate restoration of the cleared areas beyond original subdivision's approved clearing limits.

Conclusion: Based upon the above findings and as conditioned, the DRB concludes the proposal is in conformance with Section 5.1(6).

Section 5.1(11) – Building Zone:

10. A building zone and clearing limits were established on the Land of Story Ridge LLC subdivision. The Applicant requests to amend the areas of clearing to accommodate the proposed driveway and allow for mountain views. No change to the building zone is proposed.

Conclusion: Based upon the above findings, the DRB concludes the proposal is in conformance with Section 5.1(11).

DECISION

Based upon the above findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for subdivision amendment approval to alter the approved clearing limits and relocate the driveway as outlined in the application dated November 25, 2024, and supplemental materials, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:

    1. Town of Stowe Development Application, dated 11/25/2024;
    2. Project Narrative, prepared by Mumley Engineering, Inc., dated 11/25/2024;
    3. Project Narrative, prepared by Mumley Engineering, Inc., revision date 11/27/2024;
    4. Proposed Revised Clearing Limits – View Analysis, prepared by Mumley Engineering, Inc., dated 11/25/2024;
        a) Photo of proposed driveway entrance, Sheet 1;
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    7. Subdivision Plan – Land of Story Ridge LLC, recorded 09/01/2017;
    8. Zoning Permit #7189 site plan, Sheet C-1, prepared by Mumley Engineering, Inc., 06/27/2023;
    9. Planting Plan, Sheet LI00, prepared by Wagner Hodgson, dated 03/24/2025;
    10. Town of Stowe Driveway Entrance Permit, approved 03/28/2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Pursuant to 24 VSA Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations and shall include the following notations:

    a. *"This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office".*

4. The recorded plat shall clearly identify the approved amended limits of clearing and building zone and identified as such on the legend.
5. The Applicant shall file the final survey plat, signed by the Chair or other authorized representative of the Development Review Board, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
6. Clearing and plant restoration areas shall be restricted to the areas shown on the approved 'Planting Plan' prepared by Wagner Hodgson (Sheet LI00, dated 03/24/2025). Lands outside of the shown clearing limits shall be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest. Plantings shown on the approved plan must be maintained in accordance with the approved plan. Any dead or dying plants and trees shall be replaced within one (1) year of death.
7. No additional clearing is proposed or approved as part of this subdivision amendment.
8. Prior to the issuance of a Certificate of Occupancy for the associate single-family dwelling (Project # 7189), the Applicant shall submit the following:
    a. A licensed landscape architect shall provide written certification that the plantings, as identified on the approved Planting Plan (Sheet LI00, dated 03/24/2025), have all been installed per the approved plan.
9. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Peter Roberts, and Patricia Gabel

Voting to deny: 0

Dated at Stowe, Vermont this the 24th day of April 2025

By: _____

Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

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Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

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Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7541		
Application Date	1/28/2025		
Physical Location	990 AYERS FARM RD		
Map ID	02-190.000	**Tax ID**	16026
Project Description	CONSTRUCT ATTACHED GARAGE WITH UPPER STORY LIVING AREA. RHOD REVIEW		
Owner	DARRELL J PORTER KRYSTYNA NICHOLLS		
Applicant	DARRELL J PORTER		
Applicant Address	990 AYERS FARM RD STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	5/6/2025			APPROVED

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law

PROJECT# 7541

SUBJECT PROPERTY 990 Ayers Farm Road, Stowe, VT (#02-190.000)

PROPERTY OWNER/APPLICANT
Darrell J Porter & Krystyna L. Nicholls
990 Ayers Farm Road
Stowe, VT 05672

APPLICATION

The Property Owner/Applicant, Darrell J Porter & Krystyna L Nicholls (herein after referred to as 'Applicant'), requests Ridgeline and Hillside Overlay District [RHOD] approval to construct an attached two-story garage. The subject parcel consists of ±3.81acres (Tax Map # 02-190.000) and is located within the Rural Residential 3 (RR3) zoning district and the RHOD. The parcel is accessed directly off Ayers Farm Road, a Class 3 town maintained highway. The subject property is bounded to the north by a ±6.73 acre parcel currently owned by Aaron Hurwitz; to the south by a ±3.3 acre parcel currently owned by Courtney and Mariah Brown; and to the west by two (2) parcels: a ±4.22 acre parcel currently owned by Ronald and Katherine Groves and a ±19.42 acre parcel currently owned by Daniel Jennings. Across Ayers Farm Road to the east are two (2) adjacent properties: a ±3.8-acre parcel currently owned by Antonio Devito and Patricia Hammer and a ±3.3 acre parcel currently owned by Maxime Senechal Trust of 2024 & Nathalie Beauvais Trust of 2024.

The subject parcel is Lot 36 of the Gold Brook Development subdivision, recorded on June 10, 1968. The existing dwelling was constructed circa1968. Both the creation of the lot and construction of the dwelling pre-date the Town's adoption of Subdivision Regulations and Zoning Regulations. A boundary line adjustment (Project 3083) was recorded on September 22, 2006 which increased the size of the subject parcel to its current size of ±3.81 acres. Most recently, the Development Review Board (DRB) approved Project 6411 on December 26, 2020 for the construction of a garden shed.

The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective January 31, 2024) for the purpose of RHOD review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

An application for RHOD review was filed by Applicants Darrell J Porter & Krystyna L. Nicholls on January 28, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for April 15, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on March 27, 2027. The Applicant provided the completed certificate of service notifying the abutters on March 21, 2025.

The public hearing to consider the application convened on April 15, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Peter Roberts, and Patricia

Gabel. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Darrell J Porter & Krystyna L Nicholls, 990 Ayers Farm Road, Stowe, VT 05672
2. Kim Brown, Kim Brown Projects, PO Box 92, Waterbury Center, VT 05677

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 01/28/2025;
2. Project Description, prepared by Darrell Porter, no date;
3. DRB Decision – Project #6411;
4. List of Adjoining Property Owners, no date;
5. Isometric View #1 & 2, Sheet A-1, prepared by Kim Brown Projects, dated 01/27/2025;
6. Isometric View #3, Sheet A-2, prepared by Kim Brown Projects, dated 01/27/2025;
7. 1st & 2nd Floor Overviews, Sheet A-3, prepared by Kim Brown Projects, dated 01/27/2025;
8. Lower Floor Plan, Sheet A-4, prepared by Kim Brown Projects, dated 01/27/2025;
9. Main Floor Plan, Sheet A-5, prepared by Kim Brown Projects, dated 01/27/2025;
10. Front & Right Elevations, Sheet A-6, prepared by Kim Brown Projects, dated 01/27/2025;
11. Left & Rear Elevations, Sheet A-7, prepared by Kim Brown Projects, dated 01/27/2025;
12. Sections 1 & 2, Sheet A-8, prepared by Kim Brown Projects, dated 01/27/2025;
13. Lighting Details, Sheet A-14, prepared by Kim Brown Projects, dated 01/27/2025;
14. New Windows & Exterior Door Schedule, Sheet A-10, prepared by Kim Brown Projects, dated 01/27/2025;
15. Interior Door Schedule, Sheet A-11, prepared by Kim Brown Projects, dated 01/27/2025;
16. Revised Site Plan, Sheet A-12, prepared by Kim Brown Projects, dated 01/27/2025;
17. Site Locator Plat; Photos (PG. 1), Sheet A-13, prepared by Kim Brown Projects, dated 01/27/2025;
18. Photos (PG. 2), Sheet A-14, prepared by Kim Brown Projects, dated 01/27/2025;
19. Site Locator Plat, Sheet A-19, prepared by Kim Brown Projects, dated 01/27/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for RHOD approval was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations

- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 9- Ridgeline and Hillside Overlay District (RHOD)

Dimensional Requirements

1. **Zoning District.** The subject parcel is located within the Rural Residential 3 (RR3) zoning district and the RHOD.

2. **Lot Area, Lot Width.** The subject parcel is ±3.81 acres in land area, with a frontage of ±290 feet. No changes to lot width or lot area are proposed under this application.

3. **Setbacks.** Required minimum district setbacks for the RR3 district are: front seventy (70') feet, side sixty (60') feet and rear sixty (60') feet. The existing dwelling, which pre-dates the adoption of the Zoning Regulations, is located within the side yard setback (southwest side). The proposed attached garage addition is located on the northeast side of the existing dwelling and meets all minimum setback requirements.

4. **Use**. The Applicant proposes to construct an attached garage addition to the existing single-family dwelling. Single-family dwellings and related accessory structures are permitted uses in the RR3 district.

5. **Density.** The RR3 district allows single-family dwellings at a density of one (1) per three (3) acres. The subject parcel is ±3.81 and contains a single-family dwelling. No change in density is proposed.

6. **Height.** The maximum building height in RR5 is 28' feet. The regulations define building height as the "*Vertical distance measured from the average elevation of the proposed finished grade at the front or rear of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the highest ridge and its contiguous eave for other types of roofs. On sloping sites the height will be measured on the uphill side.*" The 'Left & Rear Elevations' (Sheet A-7) shows a height of 18'-10 ½" for the garage addition. The 'Revised Site Plan' (Sheet A-12) identifies a garage elevation of 1,447'.

Conclusion: Based upon the above findings, the DRB concludes the proposal meets applicable dimensional requirements for the RR3 district.

Section 9 – Ridgeline and Hillside Overlay District.

7. Under the provisions of the Regulations, the application was reviewed under the applicable provisions of Section 9- Ridgeline and Hillside Overlay District. The Zoning Administrator referred the application to the DRB upon determining that the project was not eligible for an exemption under Section 9.4(2).

8. Upon review the DRB finds the following standards are not applicable. The project will have no impact on the following:

   Section 9.5(3) – Standard 2 – Forest Management and Timber Harvesting
   Section 9.5(3) – Standard 3 – Standard Forest Management Activities
   Section 9.5(3) – Standard 6 – Order of Harmony of the Landscape Patterns
   Section 9.5(3) – Standard 8 – Road and Driveway Access

Section 9.5(3) – Standard 12 – Development Density

9. **Standard (1) General Requirements:**

   a) The Applicant proposes to construct an attached garage to the existing single-family dwelling.

   b) The existing single-family dwelling was constructed in circa1968, prior to the adoption of the Zoning Regulations. No pre-approved clearing limits have been established for the parcel, however the boundary line revision of January 12, 2009 established view easements in the northwest section of the subject parcel, benefiting the subject parcel and the neighboring parcel to the north (950 Ayers Farm Road).

   c) Aerial imagery shows that there has been clearing within these view easement areas.

   d) The property is below 2,000 feet in elevation and entirely within the RHOD overlay district.

Conclusion: Based upon the above findings, the DRB concludes that the proposal has been designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town.

10. **Standard (2) Designation of Vantage Points:**

   a) The Regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties.

   b) The application includes photographs to and from the project site showing that the existing single-family dwelling and proposed garage may be visible from the Trapp Family Lodge. Given the site location and surrounding topography, the garage addition is not expected to easily be visible from any other vantage points.

   c) The following finding was made as part of the DRB decision for Project 6411:

      Standard (2) Designation of Vantage Points: *The regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties. The parcel contains filtered views of Mt. Mansfield and surrounding hillsides. Other than from Ayers Farm Rd, the shed will not be visible from any defined public vantage points. The Board finds the proposal will not negatively impact any defined public vantage points.*

   d) The Applicant testified that due to site elevation, the lay of the land, and existing vegetation to remain, the proposed garage addition will not be easily visible from any identified vantage point.

Conclusion: Based upon the above findings, the DRB concludes that the project has been designed to limit potential view impacts from public vantage points and there will be no undue adverse impacts as a result of the project.

11. **Standard (1.1):**

a) The Applicant proposes to construct an attached garage on to the existing single-family dwelling.

b) The 'Revised Site Plan' identifies five (5) trees to be removed in and around the proposed garage footprint. No other clearing is proposed.

c) The Applicant testified that peak stormwater discharge from the site after development will not exceed pre-development levels for a two (2) year/twenty-four (24) hour storm event.

d) The application indicates that there will be less than ½ acre of new disturbance and less than ½ acre new impervious surfaces.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 1.1.

12. **Standard (4):**

a) According to the ANR Natural Resources Atlas there are no fragile environments that would be impacted by the proposed project. The property is not within a deer wintering area or an identified habitat block.

b) According to the ANR Natural Resources Atlas, the property has a mix of slopes, however the existing dwelling and proposed garage addition is located in an area of moderate slopes (5-15% slope).

c) No unique features or wildlife habitats/habitat blocks are identified on the property

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 4.

13. **Standard (5):**

a) The property contains an existing residential use – single family dwelling. The Applicant proposes to construct an attached garage. The plans identify five (5) trees to be removed to accommodate the proposal, which includes an expanded parking area.

b) The forested area on the property has been thinned to the northwest of the existing dwelling to enhance views.

c) The Applicant provided a plan that inventories all trees within a fifty (50') foot radius of the home site (Sheet A-19). The plan identifies the five (5) trees proposed for removal.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 5. The DRB further concludes that the subject parcel is not visible from any vantage point.

14. **Standard (7):**

a) The record identifies five (5) trees that will be removed in association with the construction of this project. Four (4) of the five (5) trees are maple trees, and the other is a small pine tree.

b) The Applicant testified that all other existing vegetation will remain.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 7.

15. **Standard (9):**

a) Photographs included in the application packet show that surrounding trees exceed the height of the existing dwelling.

b) Given the site elevation and slope, retained treelines, the presence of the existing single-family dwelling, and the height/design of the garage, visual impacts from offsite should be minimal.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 9.

16. **Standard (10):**

a) The proposed garage addition will incorporate a gable roofline, vertical wood siding, asphalt shingle roofing, etc., which will aid in minimizing any visual impact of the building.

Conclusion: Based upon the above finding, the DRB concludes that the proposal has been designed and sited in a manner that will not detract from the sense of order or harmony of the landscape patterns.

17. **Standard (11):**

a) The Applicant provided specifications sheets for Dorado Outdoor Wall Lantern fixtures and Hinckley Outdoor Wall Light fixtures. The fixtures are shown on the elevation plans. The specification sheets indicate that the fixtures are 'dark sky' compliant.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 11.

DECISION

The DRB hereby approves the Applicant's request for RHOD approval to construct a garage addition (Project 7541) at parcel #02-190.000 as described in the application dated 01/28/2025 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:

    a. Town of Stowe Development Application, dated 01/28/2025;
    b. Project Description, prepared by Darrell Porter, no date;
    c. DRB Decision – Project #6411;
    d. List of Adjoining Property Owners, no date;
    e. Isometric View #1 & 2, Sheet A-1, prepared by Kim Brown Projects, dated 01/27/2025;
    f. Isometric View #3, Sheet A-2, prepared by Kim Brown Projects, dated 01/27/2025;

g. 1st & 2nd Floor Overviews, Sheet A-3, prepared by Kim Brown Projects, dated 01/27/2025;
h. Lower Floor Plan, Sheet A-4, prepared by Kim Brown Projects, dated 01/27/2025;
i. Main Floor Plan, Sheet A-5, prepared by Kim Brown Projects, dated 01/27/2025;
j. Front & Right Elevations, Sheet A-6, prepared by Kim Brown Projects, dated 01/27/2025;
k. Left & Rear Elevations, Sheet A-7, prepared by Kim Brown Projects, dated 01/27/2025;
l. Sections 1 & 2, Sheet A-8, prepared by Kim Brown Projects, dated 01/27/2025;
m. New Windows & Exterior Door Schedule, Sheet A-10, prepared by Kim Brown Projects, dated 01/27/2025;
n. Interior Door Schedule, Sheet A-11, prepared by Kim Brown Projects, dated 01/27/2025;
o. Revised Site Plan, Sheet A-12, prepared by Kim Brown Projects, dated 01/27/2025;
p. Site Locator Plat; Photos (PG. 1), Sheet A-13, prepared by Kim Brown Projects, dated 01/27/2025;
q. Photos (PG. 2), Sheet A-14, prepared by Kim Brown Projects, dated 01/27/2025;
r. Lighting Details, Sheet A-14, prepared by Kim Brown Projects, dated 01/27/2025;
s. Site Locator Plat, Sheet A-19, prepared by Kim Brown Projects, dated 01/27/2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Clearing shall be restricted to the areas shown on the approved 'Site Locator Plat' prepared by Kim Brown Projects (Sheet A-19, dated 01/27/2025). Lands outside of the shown clearing limits shall be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest.
4. Prior to the issuance of the zoning permit, the Applicant shall provide the following to Planning and Zoning Department staff:
    a. Manufacturer specification sheets for all exterior light fixtures demonstrating that they are 'dark sky' compliant.
    b. A revised site plan identifying existing trees within a fifty (50') foot radius of the development site, and the five (5) trees proposed for removal.
5. The installation of outdoor light fixtures is limited to those described and depicted within the application.
6. All outdoor lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property.
7. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-F) including:
    a. The amount of soil exposed at any one time must be kept to a minimum.
    b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e. Existing drainage patterns must not be altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
8. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that it has been constructed as approved by the DRB.
9. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his

successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Peter Roberts, and Patricia Gabel

The motion passed, 7-0.

Dated at Stowe, Vermont this the 6th day of May 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7544		
Application Date	1/31/2025		
Physical Location	199 TOPNOTCH DR		
Map ID	11-138.000	**Tax ID**	25045
Project Description	CONDITIONAL USE FOR SEASONAL FARMERS MARKET		
Owner	AWH STOWE RESORT HOTEL LLC C/O AWH PARTNERS LLC		
Applicant	STOWE FARMERS MARKET JASON PACIONI		
Applicant Address	998 SOUTH MAIN STREET SUITE 185		
	STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	5/6/2025	6/5/2025	6/5/2027	APPROVED

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT# 7544

SUBJECT PROPERTY 199 Topnotch Drive, Stowe, VT (#11-138.000)

PROPERTY OWNER
AWH Stowe Resort Hotel LLC
C/O AWH Partners LLC
4000 Mountain Road
Stowe, VT 05672

APPLICANT
Jason Pacioni
Stowe Farmers Market Inc.
998 South Main Street, Ste. 185
Stowe, VT 05672

APPLICATION

The Applicant, Jason Pacioni on behalf of the property owner AWH Stowe Resort Hotel LLC (herein referred to as 'Applicant), requests combined conditional use and site plan review for a project generally described as a *"seasonal farmer's market to be held weekly between mid-May and mid-October at Topnotch events field"* for the 2025 and 2026 seasons. The proposed outdoor market will support up to sixty (60) vendors, with one hundred forty (140) unimproved parking spaces in the field. The proposal also includes a temporary storage shed and a screened portable toilet area.

The property is within the Upper Mountain Road (UMR) Zoning District, and portions of the events field lie within the Flood Hazard Overlay District (FHOD), the Meadowland Overlay District (MOD), and the Fluvial Erosion District (FEH). The application was reviewed by the Development Review Board (DRB) under the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of combined conditional use and site plan review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe Development Application was filed by Applicant Jason Pacioni on January 30, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane. A public hearing of the DRB was scheduled for April 15, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on March 27, 2025. The Applicant provided the Certificate of Service notifying the abutters on March 7, 2025.

The public hearing to consider the application convened on April 15, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Tom Hand, David Kelly, Mary Black, Andrew Volansky, Peter Roberts and Patricia Gabel. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Jason Pacioni, Stowe Farmers Market Inc., 998 South Main Street, Ste. 185, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 01/30/2025;
2. Topnotch Resort Events Field Contract – 2025/2026 Stowe Farmers Market, dated 01/20/2025;
3. Application Narrative, prepared by Stowe Farmers Market, dated 03/01/2024;
4. Letter, prepared by Stowe Farmers Market, dated 03/12/2024;
5. Site Plan 'Stowe Farmers Market' prepared by Mumley Engineering, Sheet C-1, revision date 03/12/2024;
6. DRB Decision – Project #7333, dated 05/07/2024;
7. Permit 7415 – relocation of temporary shed and portolet enclosure, approved 07/23/2024;
8. VTrans Permit ID 46505 – 19 VSA § 1111 Permit, dated 05/08/2024;
9. Email from Vermont State Floodplain Coordinator Asa Brayton, dated 04/08/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact:

The Applicant's request for combined conditional use and site plan review approval was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2 – Administration and Enforcement
- Section 3 – General Regulations
- Section 4 – Specific Use Standards
- Section 5 – Zoning Districts
- Section 6 – Uses, Dimensional Requirements and Density
- Section 7 – Flood Hazard District
- Section 8 – Meadowland Overlay District
- Section 11 – Fluvial Erosion Hazard Overlay District
- Section 15 – Parking Regulations

PROCEDURAL HISTORY

The Stowe Farmers Market historically operated an outdoor summer farmers market on the lawn adjacent to the southeastern edge of the Red Barn Shops. The DRB originally approved the market operations on May 24, 1994. In 2004, the Applicant received approval (BA 6-086-2) to operate the market from May 16, 2004 to October 17, 2004 and to increase the number of vendors from twenty (20) to forty (40). The Applicant received subsequent approval (BA 6-086-3) on April 20, 2005 to continue operations from May 15, 2005 to October 16, 2005 and again from May 15, 2006 to October 16, 2006. The approval dated February 13, 2007 (Project 3288) approved the operations until October 16, 2008. On April 22, 2008, the DRB approved a modification of the Project 3288 by allowing the use Jewish Community of Greater Stowe Center (JCOGS) parking lot rather than parking originally approved at Mud City Adventures (Project 3695). On April 14, 2009, the DRB approved continued operations from May 17, 2009 to October 18, 2009 (Project 3968). On October 27, 2009, the DRB approved continued operations through October 31, 2011. On November 22, 2011, the DRB approved continued operations through 2013 (Project 4496). On November 12, 2013, the DRB approved continued operations through 2015 (Project 4852). On September 15, 2017, the DRB approved continued operations through 2017 (Project 5197). On December 26, 2017, the DRB approved continued operations through 2019 (Project 5731). Under Project 6191, the DRB granted approval for the 2020-2021 seasons in a decision dated May 5, 2020. The DRB approved relocation of the Stowe Farmers Market to

the Stowe Motel property at 2043 Mountain Road, under Project 6409, for one (1) year from May to October in 2021. The DRB granted approval to extend the market for two (2) years from May-October from 10:00 am-3:00 pm every Sunday (Project 6793). Under Project 7333, the DRB approved the relocation of the Stowe Farmers Market to the Topnotch Events Field at 3420 Mountain Road (Topnotch Fields) for one (1) year between May-October, with up to sixty (60) vendors, every Sunday. The Applicant submitted a separate application (Project 7415) to relocate the temporary shed and portolets approved under Project 7333 closer to the market area and within the Flood Hazard Overlay District. The Applicant is now requesting reapproval of a seasonal outdoor market with the same number of vendors, temporary shed and restroom structures, and an operating schedule of 10:00am to 2:00pm for the 2025 and 2026 seasons.

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcel is in the Upper Mountain Road (UMR) Zoning District, the Meadowland Overlay District (MOD), the Fluvial Erosion Hazard Overlay District (FEH), and the Flood Hazard Overlay District (FHOD) as shown on the Official Town of Stowe Zoning Map.

2. **Lot Area, Lot Width.** No changes to lot area or lot width are proposed under this application.

3. **Setbacks.** Required minimum district setbacks in UMR are front fifty (50') feet, side fifty (50') feet, and rear fifty (50') feet. The Applicant seeks approval for an outdoor retail farmers market, with a temporary shed and portable toilets.

   No permanent structures or parking improvements are proposed under this application however the individual vendors may utilize temporary tent like structures or food trucks located within the market area as shown on the site plan. The market area is located outside of the required setbacks.

4. **Maximum Building Coverage**. The maximum building coverage in UMR is 8%. No permanent structures are proposed under this application. Does not apply.

5. **Use**. The farmers market site is part of the Topnotch Resort - a Resort PUD, which contains an existing lodging facility, a variety of accessory uses/structures, and related improvements. The existing lodging use, and accessory structures/uses, are proposed to remain. The Applicant proposes a seasonal outdoor retail market consisting of multiple vendors, each of less than 5,000 sf.

   Section 16.152 defines Retail Sales, up to 5,000 sq. ft. as *"A retail establishment with a gross interior floor area less than 5,000 sq. ft., excluding any areas devoted exclusively to storage and/or office space."*

6. **Height.** The maximum building height in UMR is twenty-eight (28) feet. No permanent structures are proposed under this application. Does not apply.

7. **Density.** No changes in density are proposed under this application.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to the applicable dimensional requirements.

Section 3.7(4)(A) – Standards of review (Conditional Use Applications): The DRB must determine that the use will conform to the following set of standards and will not result in an undue adverse effect on the following:

8. **Section 3.7(4)(A) – Capacity of existing or planned community facilities and services:**

   a. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

b. No Municipal Department review forms returned indicated that the proposed development would have any undue adverse impact on existing or planned community facilities and services.

c. A technical review meeting was held on February 24, 2025 with the Applicant and Town staff (Planning and Zoning, Fire Department, Police Department). The following comments were made at the meeting: (Note that Public Works Director Harry Shepard provided comment prior to the meeting that he had no concerns with the Farmers Market application)

    1. Fire Department Interim Chief Scott Reeves commented that there were no fire/EMS calls to the market site during the 2024 season.

    2. Police Department Interim Chief Gonyaw commented that the Police Department hadn't heard of any problems regarding traffic.

    3. Applicant Jason Pacioni commented that during the 2024 season there were approximately forty (40) to forty-eight (48) vendors on any given market day.

d. No comments were received from any Municipal Department.

Conclusion: Based on the above findings, the DRB concludes the proposal will not result in an undue adverse effect on the Town's existing or planned facilities or services.

9. **Section 3.7(4)(B) – Traffic on roads and highways in the vicinity:**

    a. The Applicant requests approval of the Stowe Farmers Market (seasonal outdoor retail market) for the 2025 and 2026 seasons. The market will run from mid-May through mid-October, from 10:00 am-2:00 pm every Sunday.

    b. The Applicant did not provide the estimated number of visitors. The market area is approximately 330' x 110', and the grass parking area is approximately 355' x 120'. The parking area is setback approximately three hundred (300') feet from Mountain Road, and the market area will be situated further away from Mountain Road.

    c. As noted above, Interim Police Chief Gonyaw commented at the February 24, 2025 technical review meeting that the Police Department knew of no traffic issues during the 2024 farmers market season.

    d. As a condition of the prior approval (Project 7333), a letter from the VT Agency of Transportation was required confirming that no permit was required for the project or requiring that the Applicant obtain the necessary permit(s) if required. The Applicant obtained a permit from VTrans (Permit ID 46505 – 19 VSA § 1111 Permit) that authorized work within the highway right-of-way. The permit approved upgrades to the existing field access to commercial access for seasonal field events, including the weekly farmers market. That permit was approved on May 8, 2024.

    e. The Applicant testified that the work authorized under VTrans Permit 46505 has been completed.

Conclusion: Based on the above findings, the DRB concludes the project will not create an undue adverse impact on traffic on roads and highways in the vicinity.

10. **Section 3.7(4)(C) – The character of the area affected:**

    a. The subject parcel is in the UMR zoning district.

b. The purpose of the UMR district is "*To control development along the 'upper' Mountain Road in a manner that allows for residential, recreation and low-density commercial uses of property while preserving the rural character of the landscape, discouraging strip development and promoting the ongoing viability of existing land uses.*"

c. The proposed market location is within the UMR district, containing a mix of residential and commercial uses.

d. Nothing within the hearing record indicated that the proposal will adversely affect the character of the area.

Conclusion: Based upon the above findings, the DRB concludes the proposal will not adversely affect the character of the area as defined under the Regulations.

11. **Section 3.7(4)(D) – Regulations and ordinances in effect**:

a. The application requires review under applicable Conditional Use and Site Plan Review criteria.

b. As noted above, a VTrans 1111 permit (Permit ID 46505) was issued to improve the existing access serving the event field and farmers market. This work has been completed.

c. Applicable bylaws include the Stowe Zoning Regulations, effective January 31, 2024.

d. No other known or identified municipal bylaws or ordinances apply to this project.

Conclusion: Based upon the above findings, the DRB concludes the proposal is in conformance with identified regulations and ordinances in effect.

12. **Section 3.7(4)(E) – Utilization of renewable energy sources**:

a. No change is proposed with regard to the use of, or access to, the utilization of renewable energy resources.

Conclusion: Based upon the above finding, the DRB concludes the project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.

13. **Section 3.7(4)(F) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.**

a. The Applicant seeks approval for a seasonal outdoor retail (farmers) market for the 2025 and 2026 seasons.

b. No permanent changes or improvements to the site are proposed under this application.

Conclusion: Based upon the above findings, the DRB concludes the project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

14. **Section 3.7(4)(G) - Project will not result in undue water, noise or air pollution.**

a. The parcel is located in the UMR zoning district.

b. The proposal is not expected to create any impacts on water or air pollution.

c. The Applicant testified that there will be music, sometimes amplified, that will occur at the western edge of the market area, next to the existing power source shown on the site plan. Music will take place between the hours of 11:00am-2:00pm.

Conclusion: Based upon the above findings, the DRB concludes the project will not result in undue water, noise or air pollution.

Site Plan Review (Section 3.16):

15. **Section 3.16(C)(1) –Access Management**:

a. The parcel is served by Mountain Road (VT-108/state highway).

b. The site plan shows the location of one (1) market access from Mountain Road. This existing access is used for a variety of events held on the property.

c. As noted above, a VTrans 1111 (Permit ID 46505) permit was issued for improvements to the existing field access for seasonal field events, including the farmers market.

d. The Applicant testified that the access has been improved per the VTrans permit and approved plans.

Conclusion: Based upon the above findings, the DRB concludes that the existing improved access is adequate for the intended use.

16. **Section 3.16(C)(2) – Shared Access**:

a. The site is served by one (1) access off Mountain Road.

b. The existing driveway also provides shared access to the small lot owned by the Town of Stowe shown on the site plan. This Town property is a cemetery, but does not have ongoing activity onsite, i.e. funerals.

c. No change is proposed to the existing access/driveway.

Conclusion: Based upon the above findings, the DRB concludes that the project will not negatively impact use of the shared access.

17. **Section 3.16(C)(3) – Circulation and Parking:**

a. The Applicant proposes an unimproved temporary grass parking area for up to one hundred forty (140) spaces.

b. The parking area is adjacent to the proposed market area and is served via a gravel driveway.

c. The Applicant testified that there will be an onsite parking attendant during market hours, and that the parking area will be roped off to prevent parking outside the designated parking area.

d. The vendor spaces will be in two (2) 30' x 330' rows, or a total of 19,800 square feet.

e. Table 15.2 of the Regulations require one (1) parking space for every 300 sf of gross floor excluding storage; no less than three (3) spaces. Based on a total vendor space of 19,800 square feet, sixty-

six (66) parking spaces are required under the Regulations. The site plan identifies a parking area for up to one hundred forty (140) spaces.

f. Vehicular traffic will utilize the existing twenty (±20) foot wide gravel driveway.

Conclusion: Based upon the above findings, the DRB concludes the existing circulation and parking layout represents safe and adequate access and circulation for the intended use and has been designed in accordance with the applicable provisions of Section 15.

18. **Section 3.16(C)(4) – Pedestrian Circulation and Access:**

a. Sidewalks do not exist along this portion of Mountain Road.

b. The Stowe Rec Path runs through the property and will have direct access to the market site.

c. The proposed unimproved parking area is adjacent to the proposed market area. Market visitors accessing the market via automobile will walk a short distance from the parking area to the adjacent market area.

Conclusion: Based upon the above findings, the DRB concludes the existing site layout, including internal pedestrian circulation and access, represents safe and adequate pedestrian access and circulation for the intended use.

19. **Section 3.16(C)(5) – Landscaping and Screening:**

a. The site plan indicates that trash and recycling receptacles will be located within the vendor area during market hours and otherwise stored in the temporary storage shed.

b. The temporary portable toilet area will be enclosed with a temporary eight (8') foot tall, solid wood fence enclosure.

Conclusion: Based upon the above findings, the DRB concludes that the proposed screening meets the standards outlined in Section 4.6, and no landscaping is required due to the temporary use activity.

20. **Section 3.16(C)(6) – Stormwater Management:**

a. The Applicant requests approval for a seasonal outdoor (farmers) retail market.

b. No change to drainage patterns or increases in impervious surface are proposed under this application.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms with Section 3.12; existing drainage patterns will not be altered in a manner which causes an undue adverse impact on neighboring properties, town highways or surface waters.

21. **Section 3.16(C)(7) – Outdoor Lighting:**

a. The market will operate during daytime hours – 10:00am – 2:00pm. No outdoor lighting is proposed.

Conclusion: Based upon the above finding, the DRB concludes that the project does not involve the installation of outdoor lighting and therefore Section 3.16(C)(7) is not applicable.

Flood Hazard Overlay District (FHOD) – Section 7

a. Majority of the farmers market site is within the FHOD, including the temporary shed and portable toilets. These temporary structures will be anchored to prevent flotation.

b. Notice of the application was sent to the State Floodplain Coordinator on March 8, 2024. Asa Brayton, Regional Floodplain Manager with the Vermont Department of Conservation, provided a written response confirming the project meets the requirements of the Flood Hazard District regulations.

c. The Applicant proposes to anchor the temporary shed and portolets in the same manner as was done for the prior market season – by cabling the structures to the existing power poles in the field adjacent to the market area to prevent flotation, collapse and/or lateral movement.

d. The structures will have no electrical, heating, ventilation, plumbing or air conditioning equipment within them.

e. According to FIRM 5000660076E, the base flood elevation at the location of the temporary structures is 835'. The State Floodplain Coordinator confirmed that the area around the temporary structures is between 838' and 839', which places the development at least two (2') feet above the base flood elevation.

Conclusion: Based upon the above findings, the DRB concludes the project conforms to the applicable requirements set forth in Section 7.

22. **Meadowland Overlay District – (Section 8.4(1))**

a. The proposal involves a temporary shed and a portable toilet enclosure. No permanent structures are proposed.

b. The temporary structures will be removed at the end of the 2025 and 2026 market season.

Conclusion: Based upon the above findings, the DRB concludes the project conforms to the applicable requirements set forth in Section 8.4.

DECISION

The DRB hereby approves the Applicant's request for combined conditional use and site plan review (Project 7544) for a seasonal outdoor farmers market as described in the application dated 01/30/2025 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, are:

   a. Town of Stowe Development Application, dated 01/30/2025;
   b. Topnotch Resort Events Field Contract – 2025/2026 Stowe Farmers Market, dated 01/20/2025;

c. Application Narrative, prepared by Stowe Farmers Market, dated 03/01/2024;
d. Letter, prepared by Stowe Farmers Market, dated 03/12/2024;
e. Site Plan 'Stowe Farmers Market' prepared by Mumley Engineering, Sheet C-1, revision date 03/12/2024;
f. DRB Decision – Project #7333, dated 05/07/2024;
g. Permit 7415 – relocation of temporary shed and portolet enclosure, approved 07/23/2024;
h. VTrans Permit ID 46505 – 19 VSA § 1111 Permit, dated 05/08/2024;
i. Email from Vermont State Floodplain Coordinator Asa Brayton, dated 04/08/2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Within one (1) week of installation of the temporary structures, the Applicant shall contact the Planning and Zoning Department to arrange for a site inspection to verify that the structures have been securely anchored in accordance with the approved plans.
4. The Applicant must install temporary directional and no parking signage to guide market visitors. All temporary signage must be removed at the conclusion of each daily market and be sized in accordance with Section 14.
5. The Applicant must provide an on-site vehicular parking attendee to assist in the parking and circulation of vehicles.
6. Vehicular parking is strictly prohibited along VT-108/Mountain Road. These areas shall be clearly marked with traffic cones or appropriate temporary signage restricting vehicular parking and continuously monitored for compliance by market staff.
7. Temporary tents and structures associated with the outdoor retail market must not be erected any sooner than twenty-four (24) hours prior to each daily market and must be dismantled and removed off-site at the conclusion of each daily market.
8. Temporary tents and structures erected within the parking area, market area, or approved project site shall not be occupied overnight or used for dwelling purposes.
9. The temporary storage shed, portable toilets, and toilet area enclosure must be removed from the property at the conclusion of each market season.
10. Outdoor music is restricted to the hours of 11:00 am to 2:00 pm. Music equipment shall be positioned to minimize noise impacts to nearby properties.
11. Operating days and hours for the outdoor retail market shall be limited to Sundays from 10:00 am - 2:00 pm, mid-May through mid-October for both the 2025 & 2026 market seasons. The market shall accommodate no more than sixty (60) vendors.
12. All temporary structures associated with the market shall be removed from the site by October 31, 2025 & 2026.
13. The zoning permit for this approved project shall expire on October 31, 2026.
14. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the permittee and his successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Peter Roberts, and Patricia Gabel.
Voting to deny: None

Motion PASSED 7-0
Dated at Stowe, Vermont this the 6th day of May 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7558		
Application Date	2/20/2025		
Physical Location	5041 MOUNTAIN RD		
Map ID	12-055.000	**Tax ID**	26009
Project Description	EXPAND EXISITNG BUILDING FOOTPRINT WITHIN THE RIPARIAN SETBACK. EXPANSION IS LESS THAN 50% ALLOWABLE PER SECTION		
Owner	BRUCE TRAIL CABIN LLC		
Applicant	GRENIER ENGINEERING PC JOHN GRENIER		
Applicant Address	PO BOX 445 WATERBURY VT 05676		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	5/6/2025	6/5/2025	6/5/2027	APPROVED

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law

PROJECT# 7558

SUBJECT PROPERTY 5041 Mountain Road; Tax Map # 12-055.000

PROPERTY OWNER
Bruce Trail Cabin LLC
c/o Burton Snowboard
80 Industrial Trail Parkway
Burlington, VT 05401

APPLICANT
John D. Grenier
Grenier Engineering, PC
PO Box 445
Waterbury, VT 05676

APPLICATION

The Applicant, John D. Grenier of Grenier Engineering, PC on behalf of property owner Bruce Trail Cabin LLC (herein referred to as 'Applicant') requests approval to expand a pre-existing nonconforming structure- a single-family dwelling. The existing structure, which encroaches into the fifty (50') foot riparian buffer of Ranch Brook, was constructed circa 1973, prior to the adoption of the Town of Stowe Zoning Regulations.

The subject parcel, consisting of ±0.60 acres and located at 5041 Mountain Road (#12-055.000), is in the Rural Residential 5 (RR5) Zoning District. The application has been reviewed by the Development Review Board (DRB) under applicable standards of the Town of Stowe Zoning Regulations (effective January 31, 2024) (the "Regulations") for the purpose of nonconforming structures review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A development application was filed by Applicant John D. Grenier on February 19, 2025. The application was accepted as administratively complete by Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for April 15, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on March 27, 2025. The Applicant provided a Certificate of Service notifying the abutters on March 28, 2025.

The public hearing to consider the application convened on April 15, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Peter Roberts, and Patricia Gabel. The DRB adjourned the hearing that evening, marking the start of the 45-day period for the issuance of a written decision.

PARTICIPANTS & INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

- John D. Grenier, Grenier Engineering, PC, PO Box 445, Waterbury Center, VT 05676
- Jeff Kamuda, Birdseye Architecture, 3104 Huntington Road, Richmond, VT 05477
- John Yates, Birdseye Architecture, 3104 Huntington Road, Richmond, VT 05477

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

a. Development Application with Project Narrative, dated 02/19/25;
b. Project Narrative, prepared by Chris Austing, dated 02/19/2025;
c. Drainage Site Plan, Sheet C-1, prepared by Grenier Engineering, PC, dated 04/04/2025;
d. Aerial Looking North, Page 12, prepared by Birdseye, dated 02/2025;
e. Driveway Looking East, Page 13, prepared by Birdseye, dated 02/2025;
f. Existing Structure Looking East, Page 14, prepared by Birdseye, dated 02/2025;
g. Looking Southwest, Page 15, prepared by Birdseye, dated 02/2025;
h. Aerial Looking West, Page 16, prepared by Birdseye, dated 02/2025;
i. Drawings Cover Sheet, Page 17, prepared by Birdseye, dated 02/2025;
j. Existing Floor Plans, Page 18, prepared by Birdseye, dated 02/2025;
k. Proposed First Floor Plan, Page 19, prepared by Birdseye, dated 02/2025;
l. Proposed Second Floor Plan, Page 20, prepared by Birdseye, dated 02/2025;
m. Proposed Elevations, Page 21, prepared by Birdseye, dated 02/2025;
n. Proposed Elevations, Page 22, prepared by Birdseye, dated 02/2025;

The following supplemental/replacement materials were submitted 04/08/2025, prior to the 04/15/2025 DRB public hearing:

o. Site Regional Scale, Page 3, prepared by Birdseye, dated March 2025;
p. Existing Floor Plans, Page 10, prepared by Birdseye, dated March 2025;
q. Proposed First Floor Plans, Page 11, prepared by Birdseye, dated March 2025;
r. Proposed Second Floor Plans, Page 12, prepared by Birdseye, dated March 2025;
s. Proposed Elevations, Page 14, prepared by Birdseye, dated March 2025.

BACKGROUND & PROCEDURAL HISTORY

The existing structure was constructed circa 1973, prior to the adoption of the Town of Stowe Zoning Regulations. No known subdivision approvals pertain to the nonconforming ±0.60 acre lot as it was also created prior to the adoption of Subdivision Regulations. Town of Stowe Zoning Permits Z-92-125 & Z-98-87 were issued in 1992 and 1998, respectively, to construct rear additions to the pre-existing structure, outside the Ranch Brook riparian buffer. Additionally, Zoning Permit Z-05-95, issued in 2005, approved the construction of a detached garage. Most recently, Zoning Permit 7559 was issued for the portions of the proposed replacement building which are located outside the riparian buffer. The Applicant now proposes an expansion to the existing structure, a portion of which being within the riparian buffer which is subject to review under Sections 3.9 and 3.10.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request was reviewed by the DRB for conformance with applicable requirements of the Town of Stowe Zoning Regulations (effective January 31, 2024) including the following:

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards

- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Dimensional Requirements:

1. **Zoning District.** The subject parcel is located in the Rural Residential 5 (RR5) Zoning District as shown on the Official Town of Stowe Zoning Map.

2. **Lot Area, Lot Width.** The subject parcel is an existing small lot at ±0.60 acres in area. No changes to lot area or lot width are proposed under this application.

3. **Setbacks.** The subject parcel is located in the RR5 Zoning District. However, since it is a pre-existing small lot (±0.60 acres / 26,130 sq ft), the setbacks of the VR20 Zoning District apply, as per Section 3.4(6). The VR20 setbacks are as follows: front yard twenty (20') feet, side yard ten (10') feet, and rear yard forty (40') feet. With the exception of a nineteen (19') foot section along the east property line, the parcel is surrounded by public and private road right-of-ways (VT 108 and Ranch Brook Road – a Class #4 town highway). As a result, the minimum twenty (20') foot front yard setbacks apply on all sides of the parcel. With the exception of the southern end of the existing structure, the Drainage Site Plan shows that the project will conform with the required twenty (20') foot setbacks.

   The southern end of the existing structure lies within both the fifty (50') riparian buffer and the twenty (20') foot front yard setback. The riparian buffer is the controlling regulation because it is the more restrictive setback as it extends deeper into the existing building footprint.

4. **Maximum Building Coverage.** There is no building coverage requirement in the RR5 Zoning District. Not applicable.

5. **Use.** The parcel contains an existing single-family dwelling unit. The proposal is to expand the existing single-family dwelling. *Dwelling Unit, Single-family,* is a permitted use within the RR5 Zoning District.

6. **Height.** The maximum building height in the RR5 Zoning District is twenty-eight (28) feet. The plans indicate that the expanded structure will be 23'-4" in height.

7. **Density.** Density in the RR5 Zoning District is limited to one (1) single-family or one (1) two-family dwelling per five (5) acres. The property is an existing small lot, ±0.60 acres in size, and contains an existing single-family dwelling which the Applicant proposes to expand.

Conclusion: Based upon the above findings, the DRB concludes that the project meets all applicable use and dimensional requirements as set forth for the RR5 district.

Section 3.9 – Nonconforming Uses and Nonconforming Structures:

8. **Section 3.9(2)(b)**

   a. The existing structure extends into both the front yard setback and a fifty (50') foot riparian buffer. In association with Section 3.10 below, the Applicant proposes to reconstruct the portion of the existing structure lying within the riparian buffer.

b. The width of the existing structure within the riparian buffer/front yard setback is 16' 3 ¼". Fifty (50%) percent of the existing nonconforming length is 8' 1 5/8". The proposal extends the existing nonconformity by an additional 7' 5 ¼", which is less than the allowed fifty (50%) percent increase. The Proposed First Floor Plan shows the expanded structure, including overhangs, to be 24.34' feet in length and thus in compliance with the fifty (50%) expansion requirement.

c. The nonconforming structure does not encroach any further into the riparian buffer.

Conclusion: Based on the above findings, the DRB concludes the proposal complies with Section 3.9(2)(b).

Section 3.10 – Setbacks from Watercourses:

9. **Section 3.10:**

a. Section 3.10(2) allows for the DRB to approve an expansion of a pre-existing building within a riparian buffer, in accordance with Section 3.9.

b. The existing structure is setback thirty-seven (37') feet from the top of the stream bank. The replacement structure will maintain the existing setback.

c. The Applicant proposes to expand the existing 16' 3 ¼" foot wide structure with a 24.34' foot wide structure, which represents the fifty (50%) percent lengthwise enlargement allowed under Section 3.9(b).

d. The Applicant testified that all measurements are based on building eaves/overhangs.

Conclusion: Based on the above findings, the DRB concludes the proposal complies with Section 3.10.

DECISION

The DRB hereby approves the Applicant's request to expand an existing nonconforming structure within a riparian buffer (Project 7558) as described in the application dated 02/19/2025 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans are:

   a. Development Application with Project Narrative, dated 02/19/25;
   b. Project Narrative, prepared by Chris Austing, dated 02/19/2025;

c. Drainage Site Plan, Sheet C-1, prepared by Grenier Engineering, PC, dated 04/04/2025;
d. Site Regional Scale, Page 3, prepared by Birdseye, dated March 2025;
e. Existing Floor Plans, Page 10, prepared by Birdseye, dated March 2025;
f. Proposed First Floor Plans, Page 11, prepared by Birdseye, dated March 2025;
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k. Aerial Looking West, Page 16, prepared by Birdseye, dated 02/2025;
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n. Proposed First Floor Plan, Page 19, prepared by Birdseye, dated 02/2025;
o. Proposed Second Floor Plans, Page 12, prepared by Birdseye, dated March 2025;
p. Proposed Elevations, Page 14, prepared by Birdseye, dated March 2025;
q. Proposed Elevations, Page 22, prepared by Birdseye, dated 02/2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. The expanded single-family dwelling within the riparian buffer shall be setback no closer than thirty-seven (37') feet from the top of the stream bank and shall be no wider than 24'34".
4. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-E) including:
    a. The amount of soil exposed at any one time must be kept to a minimum.
    b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e. The stormwater drainage system must be continuously maintained to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
5. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that the project has been completed as approved by the Development Review Board, as required under Section 2.10 of the Regulations. Prior to the issuance of a Certificate of Occupancy, the Applicant must provide the following:
    a. Reasonable proof that all required setbacks have been satisfied. Reasonable proof may include a survey, certification of setbacks by a surveyor, or demonstrating physical location of property boundaries.
6. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant and his successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Peter Roberts and Patricia Gabel.
Voting to deny: None

The motion PASSED, 7-0

Dated at Stowe, Vermont this the 6th day of May 2025

By: _____

Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of $25/page is required for recording.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7329		
Application Date	3/1/2024		
Physical Location	2393 WATERBURY RD		
Map ID	03-053.020	**Tax ID**	03026-100
Project Description	SUBDIVIDE 3.69 ACRES FROM THE 16.4 ACRE PARCEL		
Owner	SSB LLC		
Applicant	SSB LLC		
Applicant Address	PO BOX 1463 STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	5/7/2024	6/6/2024	11/2/2024	
DRB DECISION	5/6/2025	6/5/2025	6/5/2027	APPROVED

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT 7329

SUBJECT PROPERTY 2393 Waterbury Road (Tax Map# 03-053.020)

PROPERTY OWNER/APPLICANT
SSB, LLC
116 Points North Road
Stowe, VT 05672

APPLICATION

The Applicant and property owner, SSB, LLC (herein referred to as the "Applicant"), requests re-approval of a previously approved final subdivision for a 2-lot subdivision. The subject ±16.3-acre property was previously approved to be subdivided as follows: Lot 1 being ±12.61 acres and Lot 2 being ±3.69 acres. Under this application, the proposed subdivision has been modified as follows: Proposed Lot 1 being ±12.36 acres and Proposed Lot 2 being ±3.93 acres. Proposed Lot 1 contains an existing non-conforming commercial business, Salvas Paving, with existing structures and an outdoor material storage area. The existing structures consist of an office/garage building, a secondary garage, and a barn. Proposed Lot 2 is undeveloped and is designed to support a future residential use. The property contains two (2) existing access locations off VT 100/Waterbury-Stowe Road. The northernmost access will provide driveway access to Lot 2 via a twenty-five (25') foot wide access easement through Lot 1. The southernmost access will continue to provide access to Lot 1. The property is a split-lot, with lands in more than one zoning district; Lot 1 being entirely in the Rural Residential 2 (RR2) zoning district and Lot 2 being entirely within the Rural Residential 3 (RR3) zoning district. The subject property is Lot 1 of the Jerome Salvas subdivision, approved by the Development Review Board (DRB) under application S-04-27 and recorded in the Town of Stowe Land Records in 2004. The application was reviewed by the DRB under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of final subdivision review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

The original application for final subdivision review was filed by Applicant SSB, LLC (Dean Salvas) on March 1, 2024. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. The public hearing to consider the application convened on April 16, 2024 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision. The DRB rendered a written decision on May 7, 2024 requiring the Applicant record in the Stowe Land Records the approved subdivision plat within 180 days – no later than November 2, 2024. The 180-day deadline to record the approved subdivision plat lapsed and the DRB approval subsequently expired.

The Town of Stowe Subdivision Regulations allow the Applicant to request re-approval by the DRB within twelve months from the date of the DRB decision. The DRB may re-approve the final plan for recording if the DRB finds there are no changes proposed from the previous approval and there have been no bylaw changes that would affect the previous approval.

The Applicant requested re-approval per Section 3.5(1). A public hearing of the DRB was scheduled for April 15, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on March 27, 2025. The Applicant provided the

Certificate of Service notifying the abutters on March 3, 2025. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Peter Roberts, Patricia Gabel, and Andrew Volansky. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Dean Salvas, SSB, LLC, 116 Points North Road, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 03/01/2024;
2. Subdivision of Lands of SSB, LLC, prepared by Richard W. Bell Land Surveying, Inc., received 03/01/2024.
3. Town of Stowe Development Application, dated 01/30/2025;
4. VTrans 19 VSA §1111 Permit - #46787;
5. Project #7329 DRB Decision, dated 05/07/2024:
6. Subdivision of Lands of SSB, LLC, Sheet 1 of 1, prepared by Richard W. Bell Land Surveying, Inc., dated March 2025.

SUBDIVISION REGULATIONS – SECTION 3.5 – SUBDIVISION PLAT FILING REQUIREMENTS:

1. Under Section 3.5, the approval of the final subdivision application shall expire 180 days from such approval, unless, within such 180-day period, a final subdivision plat shall have been duly filed or recorded in the office of the Town Clerk.

2. The Zoning Administrator may extend the date for filing the plat by an additional 90 days, if final local or state permits or approvals are still pending.

3. The Applicant did not request an extension.

4. If a final subdivision plat has not been recorded within the 180 deadline (or 90-day extension), the Applicant may request re-approval by the DRB within 12 months from the date of the DRB decision. The DRB may re-approve the final plan for recording if the DRB finds there are no changes proposed from the previous approval and there have been no bylaw changes that would affect the previous approval.

5. Project #7329 to subdivide the property of SSB, LLC at 2393 Waterbury Road into two (2) lots was approved by the DRB on May 7, 2024.

6. As per Section 3.5, final subdivision plats must be recorded in the Office of the Town Clerk within one hundred eighty (180) days from approval. The DRB approved Project #7329 on May 7, 2024. One hundred eighty (180) days from the approval date was November 2, 2024. The Applicant did not file the final subdivision plat with Town Clerk's office by November 2, 2024, and as a result the DRB approval expired.

7. The area of Lots 1 and 2 have been modified by approximately ±0.25 acres each, resulting in Lot 1 being ±12.36 acres in size and Lot 2 being ±3.93 acres in size. There have been no changes to either the Town of

Stowe Zoning Regulations or Subdivision Regulations that would affect the previous approval nor the slightly adjusted lot sizes.

8. With the exception of a slight change in lot areas, the final subdivision remains the same as what was previously approved by the DRB on May 7, 2024.

Conclusion: Based upon the above findings, the DRB concludes that because of proposed minor changes to the previously approved lot area the DRB must review the subdivision in its entirety again, as the modified proposal no longer is eligible for automatic re-approval under the Regulations.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact:

The Applicant's request for final subdivision approval was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcel is located within the Rural Residential 2 (RR2) zoning district and the Rural Residential 3 (RR3) zoning district.

2. **Lot Area, Lot Width.** The minimum lot area in the RR2 district is two (2) acres; the minimum required lot width is 200 feet. The minimum lot area in the RR3 district is three (3) acres; the minimum required lot width is 250 feet. The Applicant proposes a 2-lot subdivision as follows: Lot 1 being ±12.36 acres, entirely within the RR2 district and approximately ±790 feet wide; and Lot 2 being ±3.93 acres, almost entirely in the RR3 district and approximately ±690 feet wide. A ±0.24 acre portion of Lot 2 is in the RR2 district, leaving the remaining ±3.45 acres in the RR3 district.

3. **Setbacks.** Setbacks within the RR2 district are as follows: Front 60 ft; Side 50 ft; Rear 50 ft. With the exception of the existing office/garage building, all structures on Lot 1 comply with the minimum setback requirements. The office/garage building is approximately 40 ft from the front property line and will remain as-is. The proposed lot line created by this subdivision will not increase the degree of nonconformity.

   Setbacks within the RR3 district are as follows: Front 70 ft; Side 60 ft; Rear 60 ft. The building zone shown on Lot 2 complies with the minimum setback requirements.

4. **Use.** Lot 1 contains an existing excavation and paving company, Salvas Inc. Industrial uses are not an allowed use in the RR2 district, however the business pre-dates the adoption of the Regulations as it commenced in 1969. It is therefore considered a legal pre-existing nonconforming use.

   Proposed Lot 2 is undeveloped. The subdivision plan indicates a future single-family dwelling. One (1) family and two (2)-family dwellings are permitted uses in the RR3 district.

5. **Density.** In the RR2 & RR3 districts, density is allowed at a rate of one (1) single or two-family dwelling per two (2) and three (3) acres, respectively.

Conclusion: Based upon the above findings, the Board concludes the proposed subdivision conforms to the applicable dimensional requirements.

SECTION 3.6 – LOTS LYING IN MORE THAN ONE ZONING DISTRICT (SPLIT LOTS)

6. **Section 3.6(4):**

   a. Lot 1 (±12.36 acres) will lie entirely within the RR2 zoning district, where the minimum lot size requirement is two (2) acres. Lot 2 (±3.93 acres) will be split-zoned with ±3.69 acres lying within the RR3 zoning district, where the minimum lot size requirement is three (3) acres, and a ±0.24 acre portion lying within the RR2 zoning district.

Conclusion: Based upon the above finding, the DRB concludes proposed Lot 1 will occupy its respective zoning district entirely, and Lot 2 will be a split lot between the RR3 and RR2 districts. The DRB concludes that because proposed Lot 2 contains more than three (3) acres within the RR3 district, and will contain the future single-family dwelling, compliance with Section 3.6 is satisfied.

SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:

7. **Section 5.1(1) – Character of Land for Subdivision:**

   a. Lot 1 contains an existing nonconforming commercial business, with related structures, an outdoor material storage area, and site improvements.

   b. Lot 2 is undeveloped. However, the subdivision plan shows a proposed building site for a future dwelling and related site improvements.

   c. Lot 1 is served by a private off-site well, and an onsite wastewater system.

   d. The Applicant testified that Lot 2 will also be served by an onsite well and wastewater system.

   e. The proposed lots sit amongst other similarly sized rural residential lots.

   Conclusion: Based on the above findings, the DRB concludes the proposal conforms to Section 5.1(1), Character of Land for Subdivision.

8. **Section 5.1(2) – Natural and Scenic Features:**

   a. A mapped stream runs along the south property line of Lot 2, and through Lot 1, eventually crossing VT 100. An existing culvert is in place for an existing internal road which will ultimately serve as the driveway for the future dwelling on Lot 2.

b. A section of prime agricultural soil is shown across a portion of an already developed portion of Lot 1. No prime agricultural soil is shown to exist on Lot 2.

c. No water bodies, ground water resources or wetlands; scenic meadowland; important forest resources; aesthetic resources and scenic vistas will be impacted by this project.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms to Section 5.1(2), Natural and Scenic Features.

9. **Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities:**

   a. According to the ANR Natural Resources Atlas, the proposed subdivision does not contain any significant natural communities, natural communities, or wetlands.

   b. A Level 5 (out of 10) priority habitat block exists across the southern section of Lots 1 and 2.

   c. A small portion of a mapped deer wintering area lies in the southeastern section of Lot 2, however it is not located within close proximity of the proposed building site.

Conclusion: Based on the above findings, the DRB concludes the proposal will not adversely impact any identified significant Wildlife Habitat and Natural Communities.

10. **Section 5.1(4) – Historic Resources and Community Character:**

    a. The subject parcel is within a rural area, as defined under the Regulations.

    b. The proposed subdivision will not adversely impact historic sites or the character of the Town.

Conclusion: Based on the above findings, the DRB concludes the proposal is in conformance with Section 5.1(4), Historic Resources and Community Character.

11. **Section 5.1(5) – Reserved Strips:**

    a. No reserved strips are proposed. Lot 1 contains direct access from VT 100. A twenty-five (25') foot wide access easement through Lot 1 will serve Lot 2.

Conclusion: Based on the above finding, the DRB concludes the proposed subdivision does not involve any reserved strips.

12. **Section 5.1(6) – Screening and Landscaping:**

    a. No landscaping is proposed.

    b. The application identifies existing and future development on both lots. Minimal tree removal is anticipated for the proposed building site on Lot 2 since much of the building zone is already cleared.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms to applicable requirements of Section 5.1(6), Screening and Landscaping.

13. **Section 5.1(7) – Pedestrian Access:**

    a. The project is in a rural area of town where pedestrian improvements are limited.

Conclusion: Based on the above finding, the DRB concludes no pedestrian improvements are proposed or required to serve the proposal.

14. **Section 5.1(8) – Traffic:**

    a. The subdivision plan shows future residential development on Lot 2.

    b. The proposed subdivision and creation of one additional residential lot is not expected to create unreasonable traffic congestion or unsafe conditions.

Conclusion: Based on the above findings, the DRB concludes the proposal will not create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways.

15. **Section 5.1(9) – Municipal Facilities:**

    a. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

    b. No Municipal Department review forms were returned, indicating that the proposed development will not have any adverse impact on existing or planned community facilities and services.

Conclusion: Based on the above findings, the DRB concludes the proposal will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

16. **Section 5.1(10) – Lot Configuration:**

    a. Lot 1 will maintain much of the irregular shape of the existing property. Lot 2 will be nearly rectangular in shape.

Conclusion: Based on the above finding, the DRB concludes the proposed lot configuration is of regular shape and conforms with Section 5.1(10).

17. **Section 5.1(11) – Building Zone:**

    a. The subdivision plan shows the designated building zone on Lot 2, which complies with the setback requirements of the RR3 zoning district.

Conclusion: Based on the above finding, the DRB concludes the proposed subdivision provides adequate building sites for the proposed subdivision.

18. **Section 5.1(12) – Fire Protection Facilities:**

    a. No Fire Department comments were received.

    b. The subdivision plan shows a twenty (20') foot wide driveway within a twenty-five (25') foot wide access easement through Lot 1. Given existing development on Lot 1, there is adequate room to maneuver emergency vehicles. The driveway extends an additional two hundred (200') feet through Lot 2 until it reaches the proposed dwelling site. The subdivision plan includes a turnaround area at the dwelling site on Lot 2 that provides adequate area for an emergency vehicle turnaround.

    c. The driveway serving Lot 2 will have an average grade of eight (8%) percent.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision conforms to Section 5.1(12).

19. **Section 5.1(13) – Disclosure of Subsequent Development Plans:**

    a. The subdivision plan identifies a proposed building site for a future dwelling on Lot 2.

Conclusion: Based on the above finding, the DRB concludes the proposed subdivision conforms to Section5.1(13).

20. **Section 5.1(14) – Private Enforcement Mechanisms:**

    a. The Applicant notes that both lots will have onsite wastewater disposal systems. Lot 1 obtains water from a private off-site well. A new well will be drilled for future development on Lot 2.

    b. Both lots will utilize the existing access from VT-100.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision conforms to Section 5.1(14).

21. **Section 5.2 – Prominent Hillsides and Ridgelines:** Does not apply.

22. **Section 5.3 – Open Space and Cluster Development:** Does not apply.

23. **Section 5.4 – Road Standards and Coordination with Public Highways:**

    a. Lots 1 and 2 will utilize the existing shared access from VT-100.

    b. The Applicant submitted a copy of VTrans 19 VSA §1111 permit (#46787) from the Vermont Agency of Transportation for the subdivision.

Conclusion: Based on the above findings, the DRB concludes the proposed subdivision, as conditioned, conforms to applicable requirements of Section 5.4 – Road Standards and Coordination with Public Highways.

24. **Section 5.5 – Utilities and Stormwater Management:**

    a. Proposed development on Lot 2 will result in approximately ±8,000 sf of impervious surfaces and ±0.45 acres of ground disturbance.

    b. Utilities serving future development on Lot 2 will be installed below ground.

Conclusion: Based on the above findings, the DRB concludes the proposed subdivision will have adequate provisions for stormwater and required utilities.

DECISION

The DRB hereby reapproves the Applicant's request for the 2-lot subdivision (Project 7329) of parcel #03-053.020 as described in the application dated 03/01/2024 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, include:

   a) Town of Stowe Development Application, dated 03/01/2024;
   b) VTrans 19 VSA §1111 Permit - #46787;
   c) Project #7329 DRB Decision, dated 05/07/2024;
   d) Town of Stowe Development Application, dated 01/30/2025;
   e) Subdivision of Lands of SSB, LLC, Sheet 1 of 1, prepared by Richard W. Bell Land Surveying, Inc., dated March 2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale, and no street or utility construction shall be started until a subdivision plat, prepared in accordance with the requirements of the regulations, has been approved as per these regulations, and has been recorded in the office of the Stowe Town Clerk.
4. Pursuant to 24 VSA Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations and shall include the following notation:

   a. *This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office.*

5. The Applicant shall file the final survey plat, amended herein, signed by the Chair or other authorized representative of the Development Review Board, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
6. Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors.
7. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his or her successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Peter Roberts, and Patricia Gabel

Voting to deny: None

Motion PASSED 7-0

Dated at Stowe, Vermont this the 6th day of May 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7568		
Application Date	3/6/2025		
Physical Location	444 STERLING WOODS RD		
Map ID	16-005.120	**Tax ID**	19067-060
Project Description	SINGLE FAMILY HOME		
Owner	JACK MITRANI HANNAH MITRANI		
Applicant	IMMERSIVE LLC NELSON RILEY		
Applicant Address	866 RIVER RD STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	5/20/2025	6/19/2025	6/19/2027	APPROVED

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT# 7568

SUBJECT PROPERTY 444 Sterling Woods Road, Stowe, VT (#16-005.120)

PROPERTY OWNER
Jack & Hannah Mitrani
444 Sterling Woods Road
Stowe, VT 05672

APPLICANT
Immersive LLC
866 River Road
Stowe, VT 05672

APPLICATION

The Applicant, Immersive LLC, on behalf of property owner Jack & Hannah Mitrani (herein referred to as the "Applicant") requests approval of a waiver from the double setback created under the Sterling Woods Community Planned Residential Development (PRD) in order to construct a new single-family dwelling. The subject property, 444 Sterling Woods Road (#16-005.120), is Lot 13 (±8.53 acres) of the Sterling Woods Community PRD, approved by the Planning Commission on September 26, 1983 (S-83-22). On May 29, 2024, the Development Review Board (DRB) approved the Boundary Line Adjustment of Monica Wood (Project #7343), which reduced the size of the subject parcel to ±5.08 acres. Neither the PRD nor Boundary Line Adjustment established clearing limits or a building zone. As part of the original approved PRD, a double setback of one hundred fifty (150') feet was established from the perimeter boundary. Lot 13's east property line is also the PRD perimeter which requires the double setback. The Applicant is requesting a waiver from the double setback to allow for a seventy-five (75') foot rear yard setback, which is the standard rear yard setback of the Rural Residential 5 (RR5) district. The subject parcel is currently undeveloped. The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective January 31, 2024) for the purpose of PRD double setback waiver review and a subdivision amendment under the Town of Stowe Subdivision Regulations (effective July 16, 2012). The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by Applicant Immersive LLC on March 6, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for May 6, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on April 17, 2025. The Applicant provided the completed certificate of service notifying the abutters on April 21, 2025.

The public hearing to consider the application convened on May 6, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Mary Black, David Kelly, Peter Roberts, Patricia Gabel, Michael Diender, and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Hannah Mitrani, 444 Sterling Woods Road, Stowe, VT 05672

2. Nelson Riley, Immersive LLC, 866 River Road, Stowe, VT 05672
3. Monica Wood, 452 Sterling Woods Road, Stowe, VT 05672
4. Tyler Mumley, Mumley Engineering, Inc., 46 Hutchins Street, Morrisville, VT 05661
5. Susan Fisher, 432 Sterling Woods Road, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 03/06/2025;
2. Project Narrative, prepared by Nelson Riley and Hannah & Jack Mitrani, no date;
3. Letter to DRB from Susan Fisher & Bob Rose, no date;
4. Letter to DRB from Will Spencer, no date;
5. Letter to DRB from Monica Wood, no date;
6. Letter to DRB from Henry Robert Rose & Susan Fisher, dated 02/24/2025;
7. Boundary Line Adjustment, prepared by Gilson Land Surveying, Inc., dated 02/19/2024, approved by DRB on 06/17/2024;
8. Mitrani Residence building packet, prepared by Michael Casey Architect, PLLC, dated 03/04/2025:
    a. Cover Sheet
    b. General Notes/Abbreviations/Drawing Index, Sheet G-001
    c. Construction Plan, Sheet A-101
    d. Roof Plan, Sheet A-102
    e. Building Elevations, Sheet A-201
    f. Building Elevations, Sheet A-202
    g. Building Sections, Sheet A-301
    h. Exterior Lighting Plan, Sheet A-111
9. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., dated 02/26/2025;
10. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., dated 02/26/2025;
11. B-K Lighting Catskill LED light fixture spec sheets, no date;
12. Lotus LED Lights light fixture spec sheet, no date.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for PRD double setback waiver approval was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 13- Planned Unit Development

Town of Stowe Subdivision Regulations (effective through July 16, 2012)

- Section 2- General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

Dimensional Requirements

1. **Zoning District.** The subject parcel is located within the Rural Residential 5 (RR5) zoning district as shown on the Official Town of Stowe Zoning Map.

2. **Lot Area, Lot Width.** The minimum size requirement in the RR5 zoning district is five (5) acres and the minimum lot width is three hundred (300') feet. The subject parcel is ±5.08 acres in size and ±338 feet wide. No changes to lot area or width are proposed.

3. **Setbacks.** Setbacks within the RR5 District are as follows: front seventy (70') feet, side seventy-five (75') feet, rear seventy-five (75') feet.

4. As required under Section 13.4(5)(B), along the outside boundary of the project, building setbacks shall be twice the setback requirement for the district in which it is located. The setback shall be free of all buildings, structures, and parking areas, but may contain signs and may be crossed by necessary access driveways.

5. The Applicant requested a waiver to the one-hundred fifty (150') foot rear yard setback requirement reduced to the standard RR5 District setback of seventy-five (75') feet. Section 13.4(5)(B) of the Zoning Regulations allows for the reduction of the double setback requirement (waiver) for PRDs.

6. Driveways in the RR5 zoning district are required to be setback a minimum distance of twenty-five (25') feet from property lines unless the abutting property owner(s) agrees to a lesser setback (§15.6).

7. The site plan (Sheet C-1) shows the proposed driveway setback eleven (11') feet from the south property line. Henry Robert Rose & Susan Fisher, abutting property owners at 432 Sterling Woods Road, provided a letter indicating that they agree to the lessened driveway setback.

8. **Use**. The Applicant proposes to construct a single-family dwelling with associated site improvements on the parcel. One (1) family and two (2)-family dwellings are permitted uses in the RR5 zoning district.

9. **Density.** In the RR5 District, density is allowed at a rate of one (1) single-family dwelling/two-family dwelling per five (5) acres. Based on a lot size of ±5.08 acres, a single-family dwelling unit or two-family dwelling unit is allowed.

10. **Height.** The RR5 zoning district limits building height to twenty-eight (28') feet. The building plans included in the application packet show a total building height of seventeen feet one inch (17' 1").

Conclusion: Based upon the above findings, the DRB concludes the proposal meets applicable dimensional requirements for the RR5 District, except whereas otherwise noted.

Section 13.4 – Planned Residential Development

7. The DRB may grant a waiver from the double setback requirement when all of the criteria are found to be met.

8. The site features natural barriers such as trees and elevation changes that will remain in place, ensuring continued privacy.

9. The proposed landscaping plan includes additional plantings and screening to further mitigate any potential impact on adjacent properties. There are no structures or uses planned within the setback area that would compromise privacy.

10. The proposed house site is best suited for the lot itself, the neighbors' privacy and concerns, and to preserve the character of Sterling Woods Road.

11. The original PRD from 1983 which created the parcel, and the boundary line adjustment from 2024, established no clearing limits or building zones.

12. The proposed dwelling location respects the privacy of the two (2) adjacent properties at 432 & 452 Sterling Woods Road.

13. The abutting property to the east is within Morristown and is a large forested and conserved property. No dwellings exist across the town line that are within a thousand (1,000') feet of the proposed building site on the subject parcel.

14. The DRB finds the double setback is not found necessary to protect the privacy of neighboring properties due to topography, existing vegetation to remain, proposed landscaping and other mitigation measures being proposed by the Applicant.

15. The proposed development does not impact the scenic or natural beauty of the area. The project design is in harmony with the surrounding landscape and will maintain its aesthetic integrity.

16. There are no historic sites, rare ecosystems, or irreplaceable natural areas within the affected setback area. The preservation of existing vegetation and the thoughtful integration of new landscaping will ensure the project remains visually harmonious with its surroundings.

17. The surrounding area is heavily forested with residential development scattered to the south, west, and northwest.

18. There are no historic structures or sites near the subject property.

19. The parcel was created with the intention of residential development.

20. The DRB finds the double setback is not found necessary to protect the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

21. The waiver will not negatively affect the character of the zoning district. The project aligns with the intent and purpose of the district, maintaining consistency with surrounding properties.

22. The scale, density, and design of the development are in keeping with the existing built environment, ensuring that the area retains its intended uses and atmosphere.

23. The proposal supports the district's purpose by balancing responsible development with environmental and community considerations.

24. The project conforms to the general purposes of Rural Residential Districts.

25. The DRB finds the double setback is not found necessary to protect the character of the area affected as defined by the purpose of the RR5 District.

Conclusion: Based upon the above findings, the DRB concludes the proposal meets the double setback waiver criteria of Section 13.4(5)(B).

DECISION

Based upon the above findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for a double setback waiver from the perimeter boundary of the Sterling Woods Community Planned Residential Development, as outlined in the application dated March 6, 2025, and supplemental materials, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans include:

    1. Town of Stowe Development Application, dated 03/06/2025;
    2. Project Narrative, prepared by Nelson Riley and Hannah & Jack Mitrani, no date;
    3. Letter to DRB from Susan Fisher & Bob Rose, no date;
    4. Letter to DRB from Will Spencer, no date;
    5. Letter to DRB from Monica Wood, no date;
    6. Letter to DRB from Henry Robert Rose & Susan Fisher, dated 02/24/2025;
    7. Boundary Line Adjustment, prepared by Gilson Land Surveying, Inc., dated 02/19/2024, approved by DRB on 06/17/2024;
    8. Mitrani Residence building packet, prepared by Michael Casey Architect, PLLC, dated 03/04/2025:
        a. Cover Sheet
        b. General Notes/Abbreviations/Drawing Index, Sheet G-001
        c. Construction Plan, Sheet A-101
        d. Roof Plan, Sheet A-102
        e. Building Elevations, Sheet A-201
        f. Building Elevations, Sheet A-202
        g. Building Sections, Sheet A-301
        h. Exterior Lighting Plan, Sheet A-111
    9. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., dated 02/26/2025;
    10. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., dated 02/26/2025;
    11. B-K Lighting Catskill LED light fixture spec sheets, no date;
    12. Lotus LED Lights light fixture spec sheet, no date.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. The approved PRD double setback waiver allows for a seventy-five (75') foot setback from the subject parcel's east property line, which is also the perimeter boundary of the Sterling Woods Community Planned Residential Development. All other setback requirements of the underlying zone shall apply.
4. Clearing shall be restricted to the areas shown on the approved 'Site Plan' prepared by Mumley Engineering, Inc. (Sheet C-1, dated 02/26/2025). Lands outside of the shown clearing limits shall be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest.
5. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use of the future dwelling unit to ensure that it has been constructed as approved by the DRB. Prior to the issuance of a Certificate of Occupancy the Applicant shall submit the following:
    a. Confirmation of setbacks in accordance with Section 2.10 of the Regulations.
6. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, David Kelly, Peter Robers, Patricia Gabel, Michael Diender, and Scot Baraw

Dated at Stowe, Vermont this the 20th day of May 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

Your DRB project listed below was recently denied by the Development Review Board. Attached is a copy of the DRB decision for your records.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7526		
Application Date	12/16/2024		
Physical Location	3285 WATERBURY RD		
Map ID	03-103.000	**Tax ID**	03001
Project Description	PROPOSED 4-LOT SUBDIVISION ONE LOT IN RR2 & 2 LOTS IN RR5 & RHOD. NO DEVELOPMENT PROPOSED		
Owner	THOMAS C MICHELSON		
Applicant			
Applicant Address	534 NEBRASKA VALLEY RD STOWE VT 05672		

ACTIONS

Action Taken	Date	End of Appeal Period	
OTHER	12/16/2024		PAID
DRB DECISION	5/28/2025	6/27/2025	DENIED

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT # 7526

SUBJECT PROPERTY 3285 Waterbury Road (Tax Map# 03-103.000)

PROPERTY OWNER
Tom Michelson
87 Farr Hill Road
Stowe, VT 05672

APPLICANT
Andrew Chmura
534 Nebraska Valley Road
Stowe, VT 05672

APPLICATION

The Applicant, Andrew Chmura (herein referred to as the 'Applicant'), on behalf of property owner Tom Michelson, requests combined preliminary and final subdivision review of a 4-lot subdivision. As proposed, the existing ±35.94-acre property will be subdivided into four (4) lots: Lot 1 being ±6.02 acres, Lot 2 being ±6.55 acres, Lot 3 being ±6.03 acres, and Lot 4 being ±17.34 acres. Lots 1-3 include proposed building zones for future residential development. Lot 4 is identified as 'Remaining Lands' and proposed to remain undeveloped for the foreseeable future. The subject parcel utilizes an existing access drive off Waterbury Road (VT Route 100), which will serve the four (4) proposed lots. The project is within the Rural Residential 2 (RR2) and the Rural Residential 5 (RR5) zoning districts. Proposed Lot 1 is entirely within the RR2 zoning district, whereas Lots 2-4 are split containing lands within both the RR2 and RR5 districts. The eastern portions of Lots 2-4 are also within the Ridgeline and Hillside Overlay District (RHOD). The subject parcel is not part of a previous subdivision. The application was reviewed by the DRB under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of combined preliminary and final subdivision review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by Applicant Andrew Chmura on December 16, 2024. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for March 4, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on February 13, 2025. The Applicant provided the Certificate of Service on February 14, 2025.

The public hearing to consider the application convened on March 4, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Patricia Gabel, and Peter Roberts. The DRB continued the hearing to a time and date certain of April 15, 2025 to obtain additional information from the Applicant. On April 15, 2025, the DRB re-opened the continued hearing. Members who participated in the continued review included Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Peter Roberts and Patricia Gabel. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following

persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, Mumley Engineering, Inc., 46 Hutchins Street, Morrisville, VT 05661
2. Andrew Chmura, 534 Nebraska Valley Road, Stowe, VT 05672
3. Tom Michelson, 87 Farr Hill Road, Stowe, VT 05672
4. Jeff Parsons, Arrowwood Environmental, 950 Bert White Road, Huntington, VT 05462
5. Robert Zaino, Vermont Fish & Wildlife Department, 5 Perry Street, Suite 40, Barre, VT 05641-4266
6. Amy Marshall-Carney, 251 Russell Road, Waterbury Center, VT 05677
7. Jodi Adams, 2949 Waterbury Road, Stowe, VT 05672
8. April & William Knight, PO Box 141, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application; dated 12/16/2024;
2. Project Narrative, prepared by Mumley Engineering, Inc., dated 12/13/2024;
3. View Analysis, prepared by Mumley Engineering, Inc., dated 12/19/2024;
4. Wildlife and Wildlife Habitat Analysis, prepared by Arrowwood Environmental, dated 02/25/2025;
5. VTRANS 19 VSA 1111 Permit – ID 46930, dated 12/30/2024;
6. Site Plan, sheet C-1, prepared by Mumley Engineering, Inc., dated 12/12/2024;
7. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 12/24/2024.

The following materials were submitted in advance of the April 15, 2025 hearing and entered into the hearing record:

8. Email from Tyler Mumley, dated 03/31/2025;
9. Email from Tyler Mumley, dated 04/07/2025;
10. Email from Tyler Mumley, date 04/10/2025;
11. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 04/04/2025;
12. Shutesville Hill Wildlife Corridor packet, 5 pages, prepared by Mumley Engineering, Inc., dated 04/04/2025;
13. Supplemental Information provided by Tom Michelson including 'Michelson Subdivision Areas Over and Under 20% Slope by Zoning District' sheet, prepared by Glenn R. Towne, no date.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact & Conclusions of Law:

The Applicant's request for combined preliminary and final subdivision was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 9- Ridgeline and Hillside Overlay District

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcel is a split lot, containing lands within both the Rural Residential 2 (RR2) and the Rural Residential 5 (RR5) zoning districts. Proposed Lot 1 is entirely within the RR2 District, whereas Lots 2-4 are split, containing lands within both the RR2 and RR5 Districts.

2. **Lot Area, Lot Width.** The minimum lot area in the RR2 District is typically two (2) acres; the minimum required lot width is two hundred (200') feet. The minimum lot area in the RR5 District is typically five (5) acres; the minimum required lot width is three hundred (300') feet. However, Section 9.5(3) – Standard 12 requires an increased minimum lot area for any lot created after August 3, 1998. For these proposed lots, the minimum lot area must be calculated based on the underlying district, excluding any portion of the lot with an average steepness (slope gradient) in excess of twenty (20%) percent, and shall have an area four times (4x) the minimum lot area identified in the underlying district for that portion of the parcel.

3. The Applicant proposes a 4-lot subdivision as follows: Lot 1 being ±6.02 acres and approximately 630 feet in width; Lot 2 being ±6.55 acres and approximately 310 feet in width; Lot 3 being ±6.03 acres and approximately 595 feet in width; and Lot 4 being ±17.34 acres and approximately 545 feet in width.

4. The Site Plan contains a steep slopes analysis which calculates the minimum lot area required as under Section 9.5(3) Standard 12 for proposed Lots 2 and 3. The Applicant did not provide a steep slopes analysis for Lot 4.

5. The Applicant's steep slopes analysis incorrectly calculates the minimum lot area required for Lots 2 and 3. Standard 12 requires that the acreage with over twenty (20%) percent slopes be multiplied by four (4), not divided by four (4) – as presented in the Applicant's analysis.

6. Lot 2 contains ±1.18 acres of twenty (20%) percent or greater slopes. The ±1.18 acres must be multiplied by four (4), not divided (1.18 acres x 4 = 4.72 acres), which is then added to the minimum lot size requirement of the underlying zoning district. As a result, the RR5 portion of the lot is required, at minimum, to contain ±9.72 acres. Lot 2 is proposed to contain ±6.55 acres.

7. Lot 3 contains ±1.14 acres of twenty (20%) percent or greater slopes. The ±1.14 acres must be multiplied by four (4), not divided (1.14 acres x 4 = 4.56 acres), which is then added to the minimum lot size requirement of the underlying zoning district. As a result, the RR5 portion of the lot is required, at minimum, to contain ±9.56 acres. Lot 3 is proposed to contain ±6.03 acres.

8. **Setbacks.** Setbacks within the RR2 District are as follows: front sixty (60') feet; side fifty (50') feet; rear fifty (50') feet. Setbacks within the RR5 District are as follows: front seventy (70') feet; side seventy-five (75') feet; rear seventy-five (75') feet. The Site Plan (Sheet C-1) shows all applicable setbacks for Lots 1-3; setbacks for the 'Remaining Lands' lot, Lot 4, are not shown, however Lot 4 is being reserved as 'Remaining Lands', a deferred lot, with no proposed development under this application.

9. **Use.** While no uses are proposed under this subdivision application, each lot is expected to accommodate a single-family or two-family dwelling. The Applicant testified that single-family dwellings are proposed for Lots 1-3. However, the location of septic systems and potable water sources have not been identified on

the subdivision plan, nor has a wastewater permit been provided. One (1) family and two (2) family dwellings are permitted uses in the RR2 and RR5 Districts.

10. **Density.** In the RR2 District, density is typically allowed at a rate of one (1) single-family or one (1) two-family dwelling per two (2) acres. In the RR5 District, density is typically allowed at a rate of one (1) single-family or one (1) two-family dwelling per five (5) acres. However, Section 9.4(3)(C)(1)-(2) includes additional standards applying for 'all land to be subdivided within the RHOD'. The eastern portions of Lots 2, 3 and 4 are within the RHOD.

11. Section 9.4(3)(C)(1) requires the Applicant to provide a slope-density analysis to determine the allowable density for the subject parcel(s). The slope density analysis must identify the average slope and total area of parcel with the average slope steeper than twenty (20%) percent. The Regulations provide a guidance example to assist applicants.

12. Both the Applicant and Planning and Zoning Department staff testified that the example equation in the Regulations (§9.4(3)(C)(1)) contains a typo and should read *'... (i.e. 100 acres = [60 acres < 20%/5 acres = 12 lots] + [40 acres > 20%/5 acres / 4 = 2 lots] = 14 units/lots).'*.

13. The Applicant provided the required slope-density analysis, as shown on Site Plan (Sheet C-1)

14. Lot 2 is proposed to be ±6.55 acres and is a split-lot. The area of Lot 2 having slopes twenty (20%) percent or less totals ±5.37 acres, with ±1.0 acres in the RR2 District and ±4.37 acres in the RR5 District. This allows for a total of 1.37 units. The area of Lot 2 having slopes over twenty (20%) percent totals ±1.18 acres and is entirely within the RR5 District. This allows for a total of 0.06 units. The maximum density allowed on Lot 2 is 1.43 units.

15. Lot 3 is proposed at ±6.03 acres and is a split-lot. The area of Lot 3 having slopes twenty (20%) percent or less totals ±4.89 acres, with ±0.77 acres in the RR2 District and ±4.12 acres in the RR5 District. This allows for a total of 1.2 units. The area of Lot 3 having slopes over twenty (20%) percent totals ±1.14 acres and is entirely within the RR5 District. This allows for a total of 0.06 units. The maximum density allowed on Lot 3 is 1.26 units.

16. The Applicant testified that Lot 4 is to be left undeveloped at this time.

17. A density analysis was not provided for Lot 4. Lot 4 is proposed at ±17.34 acres in size and is a split-lot. Over half of the lot is outside of the RHOD and within the RR2 District, where the density allowance could support single-family or two-family dwellings, at a minimum.

Conclusion: Based upon the above findings, the DRB concludes the proposed subdivision does not conform to the minimum lot size requirement as set forth in Section 9.5(3)- Standard 12. The Applicant provided a steep slopes analysis which incorrectly calculates the minimum lot areas for Lots 2 and 3, as per Section 9.5(3) – Standard 12, thus resulting in substandard lot sizes and nonconformance with the standard. As a result of this, the DRB concludes that the project does not conform with the dimensional requirements of the underlying zoning districts when applying lot size requirements set forth in Section 9.5(3) – Standard 12.

SECTION 3.6 – LOTS LYING IN MORE THAN ONE ZONING DISTRICT (SPLIT LOTS)

Section 3.6(4) – Subdividing a Split Lot:

18. The subject property is ±35.94 acres in area and contains lands within both the RR5 and the RR2 Districts.

19. There is approximately ±17.04 acres within the RR2 District and ±18.90 acres within the RR5 District.

20. As calculated under the Regulations, the ±35.94 acre property allows the following: for RR2 – ±17.04 / 2 acres per lot = 8.52 (lots). In the RR5 District containing ±18.90 / 5 acres per lot = 3.78 (lots). A total of 12.30 or twelve (12) lots is allowed under the Regulations. The Applicant proposes four (4) lots.

Conclusion: Based upon the above findings, the DRB concludes the proposed subdivision conforms to Section 3.6(4).

SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:

Section 5.1(1) – Character of Land for Subdivision:

21. The subject parcel is undeveloped.

22. Lots 1-3 are designed to contain single-family dwellings. Lot 4 is proposed to remain as 'Remaining Lands'.

23. As proposed, the lots are anticipated to be served by on-site wastewater disposal systems and potable water.

24. No wastewater permits have been provided and the Applicant has not provided evidence that the proposed lots can acquire septic systems.

25. The hearing record does not contain information on the location of potable water supply or septic systems, nor evidence that the project can obtain a State wastewater permit.

26. The hearing record does not contain designs or details for the driveways that will serve the proposed lots.

27. Lots 1-3 sit amongst other similarly sized rural residential lots. Lot 4 will remain a large acre lot (±17.34 acres), similar to a few nearby parcels.

Conclusion: Based on the above findings, the DRB concludes the proposed subdivision does not conform to the requirements of Section 5.1(1), Character of Land for Subdivision. The Applicant has not provided sufficient evidence to meet the burden of proof required to establish compliance with this standard.

Section 5.1(2) – Natural and Scenic Features:

28. A mapped stream runs through the western portion of Lots 1 and 4, as shown on the Stowe Parcel and Zoning Map and the ANR Natural Resources Atlas. The Site Plan contains a note, however, that states *'Note: Stream does not exist as shown, as per existing topography and site visit confirmation by Mumley Engineering, Inc.'*.

29. There is an inconsistency between the mapped stream on the Town of Stowe Zoning Map and what has been observed onsite. The mapped stream does not exist where it is mapped and there are two (2) other streams that have been observed onsite. The Applicant testified that the Site Plan (Sheet C-1) accurately shows the actual location of both streams (as located in the field) and their associated fifty (50') foot buffers. One (1) stream runs along Waterbury Road (VT Route 100) and the other starts in Lot 3 and runs in a northwesterly direction to Waterbury Road (VT Route 100). Both streams run through existing culverts: one (1) under the existing driveway where it comes off Waterbury Road (VT Route 100), and the other under the existing driveway serving proposed Lot 3.

30. The Applicant testified that the subdivision will not create any impacts to the streams. The stream along Waterbury Road (VT Route 100) and its associated fifty (50') foot buffer lie within the sixty (60') foot front

yard setback of Lots 1 and 4, where no building zones are proposed. No building zones are proposed within the fifty (50') foot buffer of the stream running through Lot 3.

31. The subject property has not been professionally delineated for wetlands, nor have any indications of wetlands been observed. The ANR Natural Resources Atlas does not identify any wetlands on the subject property. The DRB therefore finds there are no known or identified wetlands located on the property.

32. April Knight (2999 Waterbury Road, Stowe, VT) testified that there are several springs on the subject property that provide drinking water to the existing adjacent properties.

33. The Applicant responded by including the approximate location of two (2) existing spring wells to the subdivision plan. One (1) spring well is shown within the boundaries of 3145 Waterbury Road (#03-101.000). The other spring well is shown to be on the property line shared by 3145 Waterbury Road and the subject parcel.

34. There are no vernal pools on the subject parcel.

35. The Applicant testified that the subdivision will not create an undue adverse effect on water bodies, ground water resources, prime agricultural soils, farmland resources or scenic meadowlands, forest resources, aesthetic resources or scenic vistas.

36. Except as identified above, there are no other water bodies, wetlands, streams, or ground water resources; farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas that will be impacted by this project.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms to Section 5.1(2), Natural and Scenic Features.

Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities:

37. According to the ANR Natural Resources Atlas, the proposed subdivision does not contain any significant natural communities, however the entire property is identified as a deer wintering area and a level 5 (out of 10) priority habitat block-the property is located on the western edge of this habitat block. Future residential development on Lots 1-3 will be located within both of these areas.

38. The entire property is within the Shutesville Wildlife Corridor connecting the Green Mountains and Worcester Range.

39. Wildlife biologist Jeff Parsons of Arrowwood Environmental testified on behalf of the Applicant.

40. Mr. Parsons testified that no significant natural communities were identified during his site visit on February 12, 2025. Mr. Parsons also testified that given the property's proximity to Waterbury Road (VT Route 100) and surrounding residential development and associated activities, the parcel does not support a productive deer wintering area.

41. Mr. Parsons also testified that due to the absence of concentrated oak stands, bear-scarred American beech trees, and wetlands dominated by herbaceous plant species favored by bears, the site is not considered likely to provide suitable black bear habitat.

42. Mr. Parsons testified that the Agency of Natural Resources (ANR) Atlas does not map the site as a connecting wildlife corridor and there are no vernal pools or rare amphibian habitats on the property.

43. The hearing record contains testimony from adjoining and nearby property owners William Knight (2999 Waterbury Road, Stowe, VT) and Amy Marshall-Carney (251 Russell Road, Waterbury Center, VT). Both provided testimony regarding the presence of various wildlife, including deer, bear, and amphibians that have been regularly observed on the subject property and nearby.

44. Robert Zaino, Natural Community Ecologist with the Vermont Fish and Wildlife Department, provided expert testimony in accordance with Section 5.1(3). Mr. Zaino testified that the subject property connects the forest block to the west with the Worcester Range Forest block to the east, and the North Hill block sits in between. Mr. Zaino testified that the project location is situated where the North Hill block is immediately across Waterbury Road (VT Route 100) and adjacent to a forested portion of the Mansfield block, and that this proximity provides structural connectivity between the forested areas.

45. Mr. Zaino testified that there is substantial scientific research showing that development, including single-family dwellings, impact forests, with effects radiating as far as two hundred (200) meters from the development. Forest fragmentation and the creation of new development will displace some wildlife.

46. Testimony provided by Mr. Zaino established that the subject property contains a significant wildlife corridor that supports species movement between forest blocks, which is essential for both daily survival and long-term genetic diversity.

47. The corridor lies within a recognized regional pinch point critical for ecological connectivity between the Adirondacks, Maine, and the Gaspé Peninsula. The southern portion of the property, where Lots 1, 2, and 3 are proposed for development, represents a key remaining forest connection and is more ecologically sensitive than the northern portion, which is already impacted by nearby development and lacks suitable habitat. The Vermont Fish and Wildlife Department began mapping habitat blocks in 2006, ranking blocks from one (1) to ten (10) based on various ecological factors, with size being the most significant consideration. Additional work with the Vermont Conservation Design revealed that only protecting large blocks was insufficient and that pattern of habitat blocks, including smaller blocks in between is crucial for connectivity.

48. The North Hill block is identified as a 'highest-priority' connectivity block in the Vermont Conservation Design. From a connectivity standpoint, the North Hill block is ranked a ten (10) out of ten (10) priority block. Landscape changes over time have created pinch points where past development has created narrow connections between habitat blocks; these narrow connections carry a higher risk of connectivity loss due to the limited space.

49. The subdivision proposes three (3) residential lots within the aforementioned pinch point.

50. Testimony provided by Mr. Zaino established that three (3) new residential lots in the proposed locations will contribute to additional loss of connectivity between these identified habitat blocks. Additional residential development and associated activities will adversely impact wildlife habitat and wildlife movement through the aforementioned pinch point.

Conclusion: The DRB concludes that the proposed subdivision will result in an undue adverse impact on identified significant wildlife habitat and therefore does not comply with Section 5.1(12) of the Town of Stowe Zoning Regulations. The Board finds the expert testimony of Robert Zaino, Ecologist with the Vermont Fish and Wildlife Department, to be credible and compelling. Mr. Zaino testified that the southern portion of the subject parcel—where Lots 1, 2, and 3 are proposed—is a critical component of a remaining forest connection within a regionally significant wildlife corridor. This area is part of the North Hill forest block, which is identified as a "highest-priority" connectivity block in the Vermont Conservation Design. The Board finds this testimony directly contradicts the Applicant's assertion that the parcel does not contain highly important wildlife habitat. Additional testimony from interested persons confirms regular observation of deer and black bear on the property, further

supporting the conclusion that the site serves as functional wildlife habitat. The proposed subdivision, which includes three residential house lots and associated improvements in this area, would fragment the habitat and degrade the ecological connectivity of the corridor. Based on the foregoing findings, the DRB concludes that the project, as proposed, will cause an undue adverse impact on significant wildlife habitat. To address this impact, the Applicant is encouraged to consider project modifications that preserve open space and limit development in the southern portion of the parcel. Mitigation or conservation strategies should be incorporated to avoid the parcelization, isolation, or destruction of wildlife habitat and to protect the ecological integrity of this critical natural resource area.

Section 5.1(4) – Historic Resources and Community Character:

51. The subject parcel is within a rural area, as defined under the Regulations.

52. Individual lots and building zones on Lots 1-3 have been delineated to mitigate any visual impact of new development on views from existing roadways, adjacent properties, and offsite vantage points through design techniques utilizing existing topography and proposed clearing limits.

53. The proposed building zones on Lots 1-3 have been located in areas of non-visibility considering site topography and proposed clearing limits.

54. There is no evidence in the hearing record to indicate that the proposed subdivision will adversely impact historic sites or the character of the town.

Conclusion: Based on the above findings, the DRB concludes the proposal is in conformance with Section 5.1(4).

Section 5.1(5) – Reserved Strips:

55. No reserved strips are proposed.

56. Lots 1-4 will gain access from the private road off Waterbury Road (VT Route 100) via a fifty (50') foot right-of-way.

Conclusion: Based on the above findings, the DRB concludes the proposed subdivision conforms with Section 5.1(5).

Section 5.1(6) – Screening and Landscaping:

57. No landscaping is proposed.

58. The Site Plan identifies existing treelines for Lots 1-3 and proposed clearing limits for Lots 1 and 2. Lot 1 is shown to have two (2) clearing areas, one (1) each on either side of the private road. The proposed clearing limits on Lot 2 avoid the RHOD.

59. The Applicant testified that they desire a future lot owner to have the option of choosing which of the two (2) clearing areas to construct a new dwelling on, and that neither proposed clearing sites will be visible from Waterbury Road (VT Route 100).

60. Proposed clearing limits on Lots 3 and 4 are not shown on the Site Plan. The Applicant testified that future development on Lot 3, including clearing, will be subject to further DRB review and RHOD approval. Lot 4 is intended to remain undeveloped as a deferred lot.

61. Clearing limits proposed on Lots 1 and 2 will provide appropriate screening for future residential development.

62. Existing topography and wooded areas will provide screening of possible future areas of development or otherwise soften and/or lessen the impact of development on natural features and scenic vistas.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms to applicable requirements of Section 5.1(6).

Section 5.1(7) – Pedestrian Access:

63. The project is in a rural area of town where pedestrian improvements are limited. The proposed subdivision does not include any pedestrian improvements.

Conclusion: Based on the above finding, the DRB concludes no pedestrian improvements are proposed or required to serve the proposal.

Section 5.1(8) – Traffic:

64. The subject parcel is undeveloped.

65. The subdivision will create four (4) new lots, three (3) of which are expected to be developed with residential uses. The fourth lot consists of the 'Remaining Lands' with development deferred at this time.

66. With the construction of three (3) new dwellings in the future, and potentially a fourth on Lot 4, unreasonable traffic congestion or unsafe conditions are not expected.

67. The Applicant testified that single-family development typically creates one (1) to two (2) peak hour vehicle trips. This is well below the standard seventy-five (75) peak hour trips where a traffic study would be needed.

68. The project will have a minimal impact on Waterbury Road (VT Route 100) traffic.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms with Section 5.1(8) and will not create unreasonable traffic congestion or cause unsafe conditions of existing roadways.

Section 5.1(9) – Municipal Facilities:

69. Staff requested comments on the proposal from the respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation. No Municipal Department review forms were returned, indicating that the proposed development will not have any adverse impact on existing or planned community facilities and services.

70. The proposed lots are proposed to be served by on-site septic and potable water sources. The future dwellings will not be connected to the municipal water or sewer systems.

71. The DRB incorporates by reference into this section's findings its findings under § 5.1(12) – Fire Protection Facilities, below, as if more fully stated herein.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms with Section 5.1(9). The proposed subdivision will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

Section 5.1(10) – Lot Configuration:

72. The subject property is large (±36 acres) and overall is of regular shape.

73. This section prohibits flag lots, elongated lots, and other odd shaped lots which include narrow strips of land.

74. Lots 2-3 are irregular in shape. Lot 2 contains a narrow strip of land extending to the northwest which directly affects the shape of Lot 3.

75. Lot 4 maintains the existing shape of the northern half of the subject parcel.

Conclusion: Based on the above findings, the DRB finds that the proposed subdivision creates irregularly shaped lots for no particular purpose and does not demonstrate conformance with Section 5.1(10).

Section 5.1(11) – Building Zone:

76. The Site Plan identifies the location of building zones within Lots 1-3.

77. No building zone is identified for Lot 4. Lot 4 is to be reserved as 'Remaining Lands' with development deferred at this time.

78. The Site Plan indicates two (2) proposed building zones on Lot 1.

79. The building zones are designed to comply with the minimum setback requirements.

Conclusion: Based on the above findings, the DRB concludes the proposed subdivision provides adequate building sites for each lot. However, the Applicant requests two (2) building zones on Lot 1 but has not restricted building zones on this lot to a specific building site. Lot 1 will have to be designed for one (1) specific building zone.

Section 5.1(12) – Fire Protection Facilities:

80. The proposed lots will be served by private drilled wells and will not be connected to the municipal water system. As such, there are no fire hydrants proposed.

81. No comments were received by the Fire Department.

82. The proposed subdivision will be served by a private road. The Site Plan shows the private road as being sixteen (16') feet in width, less than the required twenty-four (24') foot requirement per the Fire Department Construction Guidelines.

83. The Fire Department Construction Guidelines for roads include requirements for a road to be within a fifty (50') right-of-way, a maximum grade of ten (10%) percent but up to sixteen (16%) percent in mountainous terrain, a road width of twenty-four (24') feet, and emergency pull-offs every five hundred (500') feet for roads longer than one thousand (1,000') feet.

84. The Site Plan identifies the private road to be sixteen (16') feet in width within a fifty (50') foot right-of-way, with an average slope of ±8-10%. The private road is ±1,000 feet in length with a 'roundabout' at its terminus. The Site Plan does not include emergency pull-offs.

85. The Applicant testified that the proposed 'roundabout' on Lot 3, of which Lots 2-4 will gain access off, has a diameter or one hundred fifty (150') feet and will provide adequate maneuvering space for emergency vehicles. The Applicant testified that the roundabout satisfies the need for emergency vehicle turnarounds.

86. The average grade of the private road is eight (8%) to ten (10%) percent, within the ten (10%) percent grade allowance of the Fire Department Construction Guidelines. The Applicant testified that they believe the project has been designed to meet Fire Department standards but has not provided supporting evidence for the record.

87. The hearing record does not contain evidence demonstrating how the project meets the Fire Department Construction Guidelines. The project lacks information and/or plans for adequate water storage or distribution facilities such as ponds and dry fire hydrants.

88. Lots 1-4 will be served by individual driveways off the shared driveway/private road. There is no evidence in the hearing record regarding the construction details of the proposed individual driveways and access road. The DRB therefore cannot determine whether the proposed driveways meet current fire department standards and are adequate to provide emergency access.

Conclusion: Based on the findings above and the evidence presented in the hearing record, the DRB finds that the proposed subdivision does not demonstrate conformance with Section 5.1(12). The Applicant has not provided sufficient evidence to meet the burden of proof required to establish compliance with this standard and has not incorporated the required emergency pull-offs ever five hundred (500) feet, adequate water storage facilities, nor provided construction details for the access road and driveways serving each lot.

Section 5.1(13) – Disclosure of Subsequent Development Plans:

89. The Applicant testified that Lots 1-3 are intended for the future construction of single-family dwellings, and no development is proposed on Lot 4 as it is a deferred lot.

90. The Applicant testified that should development ever be proposed on Lot 4, it will require further DRB review and approval.

91. Lot 3 does not identify proposed clearing limits, they have been removed at the request of the DRB, since additional RHOD review (and approval) will be required prior to development of Lot 3.

Conclusion: Based on the above findings, the DRB concludes the project complies with Section 5.1(13).

Section 5.1(14) – Private Enforcement Mechanisms:

92. The Applicant did not provide draft private enforcement or homeowners association documents but rather indicated that in the event that the landowner decides to sell any of the lots to separate various other landowners, there will be the formation of a homeowners association, consisting of the owners of all properties within the subdivision that share the common driveway, to ensure the continual maintenance of shared driveways and other shared facilities.

93. The Applicant testified that each lot will have private wastewater systems and potable water.

94. Lots 1-4 will gain shared access off the private road within the fifty (50') foot right-of-way.

95. The Applicant testified that a shared maintenance agreement for the private road would be created at the time of homeowners association establishment.

Conclusion: Based on the above findings and the information presented in the hearing record, the DRB is unable to conclude the proposed subdivision conforms to Section 5.1(14). The Applicant has not provided sufficient evidence to ensure the continual maintenance of the private road, shared driveways, and other shared facilities, and thus has not met the burden of proof for demonstrating conformance with this standard.

Section 5.2 – Prominent Hillsides and Ridgelines:

96. The DRB incorporates by reference into this section's findings its findings under Section 9 -RHOD, below, as if more fully stated herein.

Section 5.3 – Open Space and Cluster Development: Not applicable.

Section 5.4 – Road Standards and Coordination with Public Highways

97. The Applicant proposes to utilize the existing private driveway to serve the four (4) lots. The driveway was constructed as part of Project #6886 for a single-family dwelling on what is proposed to be Lot 2. Construction on the single-family dwelling has not commenced.

98. Since the existing shared driveway will serve more than three (3) dwelling units, it is required to be improved and reclassified a private road. Section 5.4(4) outlines private road standards, in addition, to the Stowe Fire Department driveway and road standards (§ 5.1(12)). The hearing record does not contain sufficient information for the DRB to determine whether the existing shared driveway requires improvements to meet the private road standards identified in §5.4(4)

99. The existing driveway/proposed private road connects to Waterbury Road (VT Route 100), a State Highway, and is within a fifty (50) right-of-way.

100. The Applicant testified that the average grade of the shared driveway between Waterbury Road (VT Route 100) and the roundabout on Lot 3 is eight (8%) to ten (10%) percent.

101. VTRANS 19 VSA 1111 Permit – ID 46930, dated 12/30/2024, grants approval for improvements to the existing residential access to VTrans commercial standards. The subdivision plan shows that the driveway will be improved with a paved apron, but the paved apron has not yet been installed.

102. The DRB incorporates by reference into this section's findings its findings under § 5.1(12) – Fire Protection Facilities, above, as if more fully stated herein.

Conclusion: Based on the above findings and the information presented in the hearing record, the DRB is unable to conclude the proposed subdivision conforms to Section 5.4. The Applicant has not provided sufficient evidence to meet the burden of proof for demonstrating conformance with this standard, specifically the private road provisions of Section 5.4(4).

Section 5.5 – Utilities and Stormwater Management:

103. The existing driveway (proposed to be reclassified as a private road) is less than one half (1/2) acre of impervious surface -±19,570 sf.

104. The Applicant did not provide estimated calculations for proposed impervious surfaces. Future residential development on Lots 1-3 will bring impervious surfaces above the one half (1/2) threshold, where additional stormwater management requirements will be required.

105. The Applicant testified that there is no stormwater management currently proposed because there is no development proposed. Future project disturbing over half an acre will require erosion control and anything over

106. The Applicant testified that there is an existing overhead power line connecting into the property, running from Waterbury Road (VT Route 100) to the southern end of Lot 4. From this location, underground utilities will serve Lots 1-3.

Conclusion: Based on the above findings and the information presented in the hearing record, the DRB is unable to conclude the proposed subdivision conforms to Section 5.5. The Applicant has not provided sufficient evidence to meet the burden of proof for demonstrating compliance with this standard.

SECTION 9 – RIDGELINE AND HILLSIDE OVERLAY DISTRICT

107. Under the provisions of the Regulations, the application was reviewed under the applicable provisions of Section 9- Ridgeline and Hillside Overlay District.

108. Upon review the DRB finds the following standards are not applicable. The project will have no impact on the following:

Section 9.5(3) – Standard 2 – Forest Management and Timber Harvesting
Section 9.5(3) – Standard 3 – Standard Forest Management Activities
Section 9.5(3) – Standard 5 – Exposure of Buildings
Section 9.5(3) – Standard 6 – Order and Harmony of the Landscape Patterns
Section 9.5(3) – Standard 7 – Trees Identified for Landscaping
Section 9.5(3) – Standard 9 – Building Design
Section 9.5(3) – Standard 10 – Massing of a Project
Section 9.5(3) – Standard 11 – Offsite Light Impacts

Section 9.4(3)(C)(1) – Coordination with Subdivision Review

109. Section 9.4(3)(C)(1)-(2) includes additional standards applying for 'all land to be subdivided within the RHOD'.

110. The eastern portions of Lots 2, 3 and 4 are within the RHOD.

111. Section 9.4(3)(C)(1) requires the Applicant to provide a slope-density analysis to determine the allowable density for the subject parcel(s). The slope -density analysis must identify the average slope and total area of parcel with the average slope steeper than twenty (20%) percent. The Regulations provide a guidance example to assist applicants.

112. Section 9.4(3)(C)(2) authorizes the DRB to grant subdivision approval with conditions related to lot clearing, landscaping, house siting, architectural design or other relevant issues necessary to ensure compliance with the Regulations.

113. The DRB incorporates by reference into this section's findings its findings under Dimensional Requirements- Density, above, as if more fully stated herein.

Conclusion: Based on the above findings, the DRB concludes the proposed subdivision conforms to the density provisions of Section 9.4(3)(C)(1). Lots 2 and 3 are of sufficient area to support future single-family dwellings when considering the area of slopes exceeding twenty (20%) percent. Lot 4 is to remain undeveloped as a deferred lot.

Section 9.5(1) – General Requirements

114. The Applicant proposes a 4-lot subdivision of a ±35.94-acre parcel.

115. The property is below 1,000 ft in elevation. The eastern portions of Lots 2, 3, and 4 are within the RHOD. The Site Plan (Sheet C-1) identifies the location of the RHOD boundary through the property.

116. The proposed building zone on Lot 3 is entirely within the RHOD. The proposed building zone on Lot 2 is partially within the RHOD. There is no proposed building zone on Lot 4.

Conclusion: Based upon the above findings, the DRB concludes that the proposal has been designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town.

Section 9.5(2) – Designation of Vantage Points

117. The Regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties.

118. The application includes a view analysis which includes photographs from identified vantage points: Black Bear Run, Shaw Hill Road, West Shaw Hill Road, and Waterbury Road (VT Route 100).

119. The analysis concludes that development of the property will not be visible from these vantage points and that future development on Lots 2, 3 and/or 4 will be subject to RHOD review by the DRB should it occur within the RHOD.

120. The Applicant testified that due to existing topography and treelines to be retained, future dwellings on Lots 2 and 3 will not be visible from any identified vantage points.

Conclusion: Based on the above findings, the DRB concludes that the proposed subdivision has been designed to limit potential view impacts from public vantage points and there will be no undue adverse impacts as a result of the subdivision.

Section 9.5(3) – Standard 1.1

121. The driveway approved to serve the single-family dwelling permitted under Project 6886 has been constructed. The proposed subdivision will be served by this existing driveway, which requires reclassification and improvements to be a private road.

122. The easternmost fifteen (±15') feet of the roundabout extends into the RHOD. Proposed driveways extending from the proposed roundabout serving Lots 2 and 3 will be within the RHOD as well. The roundabout has not yet been constructed.

123. The Applicant testified that the driveway into Lot 2 has already been constructed as part of the development of Project 6886. This driveway begins off the roundabout on Lot 3, extending south into Lot 2 where it comes out of the RHOD and into the proposed building area.

124. The Applicant testified that the existing road is less than one half (1/2) an acre of impervious area.

125. The Site Plan identifies proposed clearing limits on Lots 1 and 2, all of which are outside the RHOD. Clearing on Lot 2 has been partially completed as part of Project 6886 which is almost entirely outside the RHOD.

126. The Applicant testified that the proposed building area for Lot 3 is entirely within the RHOD and that a separate development application will be submitted when development of the lot is proposed. As a result, proposed clearing limits on Lot 3 have been omitted from the Site Plan.

127. The Applicant testified that peak stormwater discharge from the site after development will not exceed pre-development levels for a two (2) year/twenty-four (24) hour storm event. The Applicant also testified that existing drainage patterns will not be altered in a manner that will cause an adverse impact on neighboring properties, town highways, or surface waters.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms to Standard 1.1. Omitting proposed clearing limits on Lot 3 is acceptable. The identified building zone is within the RHOD, and all development on Lot 3 within the RHOD will be subject to a new DRB review.

Section 9.5(3) – Standard 4

128. Standard 4 protects fragile environments, including designated wetlands, wildlife habitats, streams, steep and extremely steep slopes and unique features.

129. The entire parcel is within a deer wintering area. The majority of the property is within a Level 5 (out of 10) priority habitat block, as per the ANR Natural Resources Atlas.

130. The Applicant submitted a Wildlife and Wildlife Habitat Analysis, prepared by Arrowwood Environmental, into the record. The analysis concludes that the property lacks deer use due to the presence of Waterbury Road (VT 100) and the constant presence of loud vehicular noise and nearby human activity. The analysis also concludes that there is a lack of bear presence on the parcel given the lack of concentrated oak trees, bear-scarred American beech trees, and wetlands dominated by herbaceous plant species which are preferred by bears.

131. Robert Zaino, Natural Community Ecologist with the Vermont Fish and Wildlife Department, provided additional testimony. The subject property is within the North Hill forest block, which is a pinch-point corridor between the Worcester Range Forest block to the east and the Mansfield block to the west. As a result, the North Hill forest block is rated as a 'highest-priority' connectivity block in the Vermont Conservation Design.

132. There are no wetlands present on the property but a mapped stream exists along the western boundary of the property. The Applicant testified that the stream is not accurately mapped and there are two (2) other unmapped streams on the parcel. The location of these unmapped streams is shown on the Site Plan including their associated fifty (50') riparian buffers.

133. Fragile environments on the subject parcel include wildlife habitat, streams and steep slopes.

134. The DRB incorporates by reference into this section's findings its findings under § 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities, above, as if more fully stated herein.

Conclusion: Based on the above findings, the DRB concludes the proposed subdivision will create an undue adverse impact on fragile environments. The DRB finds the expert testimony of Vermont Fish and Wildlife Ecologist Robert Zaino to be credible and persuasive, establishing that the southern portion of the subject

property—where Lots 1, 2, and 3 are proposed—is a critical forest connectivity area within a significant wildlife corridor. The Applicant has not taken appropriate measures to protect/preserve such areas but rather claims that the parcel does not support important wildlife habitat. Testimony from interested persons further supports regular use of the property by deer and bear. It is for these collective reasons that the DRB concludes that the project, as proposed, will result in an undue adverse impact on fragile environments.

Section 9.5(3) – Standard 8

135. Standard 8 contains requirements for driveway grades. Under RHOD Standard 8, driveway grades shall not exceed fifteen (15%) percent and shall have an average grade that does not exceed twelve (12%) percent.

136. The Site Plan identifies the private road to have an average slope of ±8-10%.

Conclusion: Based on the above findings and the information presented in the hearing record, the DRB concludes that the proposed subdivision conforms with Section 9.5(3) – Standard 8. The private road has an average slope that does not exceed twelve (12%), nor grades exceeding fifteen (15%) percent.

Section 9.5(3) – Standard 12

137. The Site Plan contains a steep slopes analysis which calculates the minimum lot area required as under Standard 12 for proposed Lots 2 and 3.

138. The Applicant's steep slopes analysis incorrectly calculates the minimum lot area required for Lots 2 and 3. Standard 12 requires that the acreage with over twenty (20%) percent slopes be multiplied by four (4), not divided by four (4) – as presented in the Applicant's analysis.

139. The DRB incorporates by reference into this section's findings its findings under Dimensional Requirement – Minimum Lot Area, above, as if more fully stated herein.

Conclusion: Standard 12 requires that the minimum lot area for any lot created after August 3, 1998 be as established for the underlying district, excluding any portion of the lot with an average steepness (slope gradient) in excess of twenty (20%) percent, and shall have an area four times (4x) the minimum lot area identified in the underlying district for that portion of the parcel. The Applicant incorrectly calculated the minimum lot areas for Lots 2 and 3, as per Section 9.5(3) – Standard 12, thus resulting in substandard lot sizes and nonconformance with this standard. The area of slopes greater than twenty (20%) percent slope must be multiplied by four (4), not divided by four (4) as the Applicant has done, and then added to the minimum lot size requirement of the underlying zoning district. As a result, proposed Lots 2 and 3 are substandard in size and do not comply with Standard 12. Therefore, based on the above findings, the DRB concludes that project does not conform to Section 9.5(3) – Standard 12.

DECISION

Based upon the above findings and conclusions, the DRB hereby denies the Applicant's request for combined preliminary and final subdivision review (Project #7526) as described in the application dated 12/16/2024 and associated supporting materials.

1. The project is not in compliance with lot area dimensional requirements of the underlying zoning districts when applying lot size requirements set forth in Section 9.5(3) – Standard 12.
2. The project causes an undue adverse impact on existing wildlife habitat, as outlined in Section 5.1(3) and Section 9.5(3) - Standard 4.

3. The Applicant has not met the burden of proof to demonstrate compliance with Section 5.1(1).
4. The proposed lot configuration does not conform to the standards of Section 5.1(10) and must be revised to meet this requirement.
5. The Applicant has not met the burden of proof to demonstrate compliance with Section 5.1(12).
6. The Applicant has not met the burden of proof to demonstrate compliance with Section 5.1(14).
7. The Applicant has not met the burden of proof to demonstrate compliance with Section 5.4.
8. The Applicant has not met the burden of proof to demonstrate compliance with Section 5.5.
9. The Applicant has not met the burden of proof to demonstrate compliance with Section 9.5(3) - Standard 4.
10. The project is not in compliance with Section 9.5(3) – Standard 12.

Voting in favor:

Voting to deny: Tom Hand, Drew Clymer, Mary Black, David Kelly, Andrew Volansky, Patricia Gabel, and Peter Roberts

Dated at Stowe, Vermont this the 28th day of May 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7569		
Application Date	3/7/2025		
Physical Location	0 SPRUCE PEAK		
Map ID	14-011.000	**Tax ID**	25080
Project Description	REVISED PLANS FOR MANSFIELD HOUSE SQFT REDUCTION TO 122,989SSQFT BALCONIES AND RELATED OUTDOOR LIGHTING ELIMINATED		
Owner	SPRUCE PEAK REALTY LLC		
Applicant	SPRUCE PEAK REALTY LLC		
Applicant Address	7320 MOUNTAIN RD STOWE VT 05672		

APPROVALS ON RECORD

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law

PROJECT# 7569

SUBJECT PROPERTY 192 Red Sled Drive; #14-011.000 (Lot 31)

PROPERTY OWNER/APPLICANT
Spruce Peak Realty LLC
7320 Mountain Road
Stowe, VT 05672

OVERVIEW

The Applicant/Property Owner, Spruce Peak Realty LLC, requests amended conditional use review for modifications to the previously approved Mansfield House (Building C). On September 19, 2023, the Development Review Board (DRB) approved Project #7180 which generally described the project as the construction of a five (5) story mixed-use building containing fifty-six (56) dwelling units, commercial restaurant and retail spaces, covered parking, and related site improvements. The Applicant proposes to modify the project as follows: reduce the approved building square footage from 156,398 sf to 122,989 sf; remove all residential outdoor balconies and related lights; reduce the building height from seventy-five (75') feet to sixty-three (63') feet; and minor changes to the previously approved landscape plans. The Mansfield House will still contain fifty-six (56) residential units with fifty-six (56) indoor parking spaces, three (3) handicapped spaces and fifteen (15) outdoor drop-off spaces. Recently, a boundary line adjustment (Project #7590) was administratively approved to adjust the lot lines of the subject property to accommodate the proposed revisions to the Mansfield House, resulting in the subject property being ±0.929 acres in size. The proposed project is located in the Rural Residential 5 (RR5) zoning district and within a designated SKI-PUD. The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective January 31, 2024) for the purpose of conditional use review. The DRB's procedural history and relevant findings are attached.

PROCEDURAL HISTORY

The SKI-PUD was approved by the Stowe Planning Commission on May 5, 2003, under S-03-05 recorded in Map Book 14 pages 2-17. The roadways, utilities, infrastructure, and related items were later approved by the Stowe Planning Commission as part of the SKI-PUD amendment (S-03-05). Most recently, the SKI-PUD was amended under Project 5757 to include an additional ±2.87 acres for a total of ±3188 acres. Conceptual development of the Spruce Peak Master Plan/ SMR 2000 (the "Master Plan") was approved by the DRB on March 10, 2004 (BA-14-002-25) and included the following project elements:

- 371 residential units in twenty (20) buildings;
- Three (3) retail buildings;
- A multi-story parking garage;
- Amenities including a spa, performing arts center, and a community pool;
- The Spruce Base Lodge;
- Utility tank farm and telecommunications building;
- An 18-hole golf course, club house, and maintenance facility;
- Expanded snowing making pump house;
- The "Tom Lot" snowmaking reservoir;
- Six (6) ski lifts;
- Three (3) new parking lots;
- Two new Spruce ski trails;
- Two mountain maintenance facilities;

- Expanded employee housing at the AIG dorm.

As noted in previously approved DRB decisions, the Master Plan was the result of several years of collaborative planning with representatives from the Town of Stowe and other interested parties. The DRB's decision approving the Master Plan noted that given the relatively large scope of the project, the DRB would first issue a Master Findings of Fact and Conclusions of Law for all criteria that would apply project wide and individual project elements would be reviewed separately with individual Findings of Fact and Conclusions of Law for each project element. The Applicant now seeks approval of the project described above and presented in the supporting application materials.

The application has been reviewed by the DRB for the purpose of conditional use amendment review under applicable standards of the Regulations (effective January 31, 2024), as well as prior DRB decisions and applicable conditions of approval including the following:

- Project BA-14-002-25 (i.e. SMR 2000 Spruce Peak Master Plan decision); dated 3/10/2004
- BA-14-002-25(F) dated 4/18/2004 *[expired]*
- Project 4707 (i.e. approval to extend Phase I construction to 3/10/2024); DRB Decision dated 12/26/2012.
- Project 7180 (i.e. approval to construct a five-story mixed-use building), DRB Decision dated 09/19/2023.

[Note: The above list contains the identified applicable prior approvals; there may be additional prior approvals not identified above.]

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

An application for conditional use amendment review was filed by Applicant Spruce Peak Realty on March 7, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for May 6, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on April 17, 2025. The Applicant provided the completed certificate of service notifying the abutters on April 14, 2025.

The public hearing to consider the application convened on May 6, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Mary Black, David Kelly, Peter Roberts, Patricia Gabel, Michael Diender, and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Sam Gaines & Rob Apple, Spruce Peak Realty LLC, 7320 Mountain Road, Stowe, VT 05672

2. Architect George Janson, Bull Stockwell Allen, 300 Montgomery Street, Suite 600 San Francisco, CA 94104
3. Engineer Dave Marshall, 10 Mansfield View Lane, South Burlington, VT 05403

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Development Application dated 3/7/25
2. Spruce Peak Amendment Application Plans, prepared by Bull Stockwell Allen February 2025
3. Table of Contents, prepared by Bull Stockwell Allen, February 2025, page 2
4. Parking and Area Comparison, prepared by Bull Stockwell Allen, February 2025, page 3.
5. Context, prepared by Bull Stockwell Allen, February 2025, page 4
6. Volume Comparison, prepared by Bull Stockwell Allen, February 2025, page 5
7. Material Comparison, prepared by Bull Stockwell Allen, February 2025, page 6
8. Resort Map, prepared by Bull Stockwell Allen, February 2025, pages 7
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14. Building Visualization and Character, prepared by Bull Stockwell Allen, February 2025, view from Market Plaza, page 13
15. Building Visualization and Character, view from Village Town homes, Bull Stockwell Allen, February 2025, page 14
16. Retail, Food, and Beverage, prepared by Bull Stockwell Allen, February 2025, page 15
17. Building Lighting Diagram, prepared by Bull Stockwell Allen, February 2025, page 16
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22. Floor Plan Level 3-4, prepared by Bull Stockwell Allen, February 2025, page 21
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25. Existing Conditions/Demolition Plan, C1.10, prepared by Civil Engineering Associates, dated 1/31/25
26. Existing Conditions/Demolition Plan, C1.20, prepared by Civil Engineering Associates, dated 1/31/25
27. Existing Parcel Plan, C1.30, prepared by Civil Engineering Associates, dated 1/31/25
28. Proposed Parcel Plan, C1.31, prepared by Civil Engineering Associates, dated 1/31/25
29. Proposed Conditions Plan, C2.00, prepared by Civil Engineering Associates, dated 1/31/25
30. Proposed Conditions Plan, C2.10, prepared by Civil Engineering Associates, dated 1/31/25
31. Proposed Grading and Drainage Plan, C2.20
32. Proposed Grading and Drainage Plan, C2.30
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73. Planting Plan Enlargement, L5.03, prepared by VHB, dated 1/31/25
74. Planting Details, L5.04, prepared by VHB, dated 1/31/25
75. DRB Decision Project 7180

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact

The Applicant's request for conditional use amendment approval was reviewed by the DRB for conformance with applicable requirements of the Town of Stowe Zoning Regulations (effective January 31, 2024), including the following:

- Section 2- Administration and Enforcement
- Section 3- General Regulations

- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 13- Planned Unit Development
- Section 15- Parking Regulations

DIMENSIONAL REQUIREMENTS:
Zoning District.

1. The subject parcel is located within the Rural Residential 5 (RR5) Zoning District as shown on the Official Town of Stowe Zoning Map (effective January 31, 2024).

Lot Area, Lot Width.

2. The Rural Residential 5 (RR5) Zoning District requires a minimum lot area of five (5) acres and a minimum lot width of three hundred (300') feet.

3. The parcel is part of a SKI-PUD approved by the Stowe Planning Commission on May 5, 2003 under S-03-05. Section 13.4(3) allows the Board the authority to modify applicable dimensional requirements of the underlying zoning districts in association with PUD approval. No changes to lot area or lot width are proposed under this application.

Setbacks.

4. The parcel is part of a SKI-PUD approved by the Stowe Planning Commission on May 5, 2003 under S-03-05. Setback requirements within a SKI-PUD are outlined under Section 13.6(4)(B), as discussed below.

Maximum Building Coverage.

5. Does not apply to the RR5 district.

Use.

6. The Applicant received DRB approval on September 19, 2023 for the construction of a mixed-use building containing fifty-six (56) dwelling units, and commercial restaurant and retail spaces (Project 7180). Allowed uses within SKI-PUDs are outlined in Section 13.6(3). Uses allowed in the Highway Tourist District and in the Village Commercial District are allowed as conditional uses in a SKI-PUD.

7. The conditional use amendment will not change the uses approved under Project 7180. Multi-family dwellings, retail, and restaurants are all allowed uses subject to conditional use review.

Density.

8. The Applicant provided a Development Plan Summary outlining the total dwelling units completed and under construction (313), and the total number of dwelling units for future development, including the proposed Mansfield House condos. The density table notes that the planned community is permitted for 400 dwelling units, twenty-four (24) of which are not allocated in the

table and are available for future use. The proposed building (Mansfield House) is shown to include fifty-six (56) dwelling units.

9. As proposed, there is sufficient density to support the project.

Height.

10. As noted within the application materials and shown on the architectural drawings the proposed building height is sixty-three (63') feet. Project 7180 originally approved the building to be seventy-five (75') feet. Within a SKI-PUD there is no maximum building height (see Section 13.6(G) states "*maximum building height by review of each individual building.*")

11. The DRB finds the proposed building height is acceptable and similar to other surrounding buildings within the Spruce Peak hamlet.

Section 13.6 SKI – PUD.

12. The entire SKI-PUD is comprised over ±3188 acres of multiple private and public entities. Section 13.6(1)(B) requires "Upon submission of an application for a Ski PUD, or an amendment to an existing Ski PUD, the owner shall submit a density affidavit stating the acreage available for density." Section 13.6(1)(C) further states "Upon issuance of required local permits, the owner shall amend the affidavit to confirm and maintain a current record of the total acreage, including those that have been allocated for density purposes, that have been sold, and that have been retained by the owner. The amended affidavit shall be approved by the DRB and recorded in the land records in accordance with this section." As noted above, the Applicant provided a development plan summary showing the completed and planned number of dwelling units. See discussion above. There are no proposed changes of total land area/acres in the SKI-PUD.

13. Additional specific requirements of SKI-PUDs include private internal road system, supplementary fire and police protection, density of development, and maximum building height based on review of individual buildings.

14. Section 13.6(4)(B) outlines the standards of development and requires building containing conditional uses be setback not less than permitted by the Vermont Department of Fire Safety. The project will require a permit from the Vermont Division of Fire Safety.

15. The project area to be developed is of gentle grade and in conformance with Section 13.6(A)(B)(B) which restricts development within SKI-PUDs on areas characterized by slopes of twenty (20%) percent or greater.

Conclusion: Based upon the above findings, the DRB concludes the application conforms to the applicable dimensional requirements and applicable requirements for SKI-PUDs as set forth in Section 13.6.

Section 3.7 – Standards of review (Conditional Use Applications):

16. Upon review, the DRB finds the following standards were reviewed under Project 7180 and do not change as a result of this proposed amendment:

Section 3.7(4)(A)- Capacity of existing or planned community facilities and services
Section 3.7(4)(B)- Traffic on roads and highways in the vicinity
Section 3.7(4)(C)- The character of the area affected
Section 3.7(4)(E)- Utilization of renewable energy resources
Section 3.7(4)(F)- Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.
Section 3.7(4)(G)- Will not result in undue water, noise, or air pollution

17. **Section 3.7(4)(D) – Regulations and ordinances in effect**: Applicable bylaws include the Zoning Regulations (effective January 31, 2024). The Applicant proposes connecting to municipal sewer and water services under the Town's Sanitary Sewer Ordinance. No other municipal bylaws or ordinances apply to this project.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms with Section 3.7(4)(D) – Regulations and ordinances in effect. The amended project will have no impact on the remaining conditional use criteria.

Section 3.16 – Standards of review (Site Plan Review):

18. Upon review, the DRB finds the following standards were reviewed under Project 7180 and do not change as a result of the proposed amendments:

    Section 3.16(C)(1)- Access management
    Section 3.16(C)(2)- Shared access
    Section 3.16(C)(3)- Circulation and Parking
    Section 3.16(C)(4)- Pedestrian circulation and access
    Section 3.16(C)(6)- Stormwater management

19. **Section 3.16(C)(3) – Circulation and Parking:** The DRB approval of Project 7180 required a total of fifty-six (56) parking spaces specifically for the fifty-six (56) residential units in the building. Under that decision, the DRB applied its discretion per Section 15.3 to not require specific allocated parking for the proposed ancillary uses as they were not expected to draw a significant number of visitors that are not otherwise visiting the resort and whose vehicles will utilize the required residential, lodging, and/or misc. required parking located on the east side of VT-108 or existing Stowe Mountain Resort parking located on the west side of VT-108. The proposed amendment includes the required fifty-six (56) parking spaces.

20. **Section 3.16(C)(5) – Landscaping and Screening:** The regulations require landscaping details and screening of garbage collection areas, outdoor storage, commercial ventilation systems over two square feet; loading and unloading areas and other outdoor utilities, including solar installations, be provided as part of proposed site development plans. The Applicant provided revised planting plans prepared by vhb. A mix of deciduous trees, evergreen trees, shrubs, grasses, and perennials are proposed surrounding the building and along Hourglass Drive and Red Sled Drive. A planting schedule with botanical name, common name, size/quantity was provided in the application.

Conclusion: Based upon the above findings, the DRB concludes the amended proposal conforms with Section 3.16(C)(3) and Section 3.16(C)(5).

DECISION

Based upon the above findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for conditional use amendment of Project 7569, as outlined in the application dated March 7, 2025, and supplemental materials, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:

    1. Development Application dated 3/7/25
    2. Spruce Peak Amendment Application Plans, prepared by Bull Stockwell Allen February 2025
    3. Table of Contents, prepared by Bull Stockwell Allen, February 2025, page 2
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74. Planting Details, L5.04, prepared by VHB, dated 1/31/25
75. DRB Decision Project 7180

2. All prior conditions of approval, including the conditions of Project 7180, unless amended herein, remain in full force and effect.

3. Landscaping shall be installed as shown in provided plans. Any dead and dying plants and trees as shown on said plans shall be replaced within one (1) year of death.

4. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of a permit, the permittee and his successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, David Kelly, Peter Roberts, Patricia Gabel, Michael Diender, and Scot Baraw,
Voting to deny: none

The motion PASSES, 7-0

Dated at Stowe, Vermont this the 10th day of June 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7545		
Application Date	1/31/2025		
Physical Location	505 ALPINE VIEW RD		
Map ID	10-100.000	**Tax ID**	19016
Project Description	SETBACK WAIVER REQUEST FOR RESIDENTIAL ADDITION		
Owner	GREG TAYLOR HEATHER TAYLOR		
Applicant	VOLANSKY STUDIO ARCHITECTURE & PLANNING ANDREW VOLANSKY		
Applicant Address	135 LUCE HILL ROAD STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
INCOMPLETE APP	2/3/2025		
DRB DECISION	6/10/2025	7/10/2025	7/10/2027

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law

PROJECT# 7545

SUBJECT PROPERTY 505 Alpine View Road, Stowe, VT (#10-100.000)

PROPERTY OWNER:
Greg & Heather Taylor
505 Alpine View Road
Stowe, VT 05672

APPLICANT:
Andrew Volansky, Volansky Studio
135 Luce Hill Road
Stowe, VT 05672

APPLICATION

The Applicant, Andrew Volansky of Volansky Studio, on behalf of property owners Greg and Heather Taylor (herein referred to as 'Applicant') requests a dimensional setback waiver to construct a future addition to the existing single-family dwelling within a side yard setback. The Applicant seeks to reduce the required sixty (60') foot side yard setback to forty-eight (48') feet. The subject parcel, consisting of ±3.6-acres, and located at 505 Alpine View Road [#10-100.000], is in the Rural Residential 3 (RR3) Zoning District. The parcel is Lot 5 of the Covered Bridge Co., Inc Subdivision, created in 1972, prior to the adoption of Town of Stowe Subdivision and Zoning Regulations. The existing single-family dwelling received a zoning permit on March 26, 1992 (Z-92-12). The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective January 31, 2024) for the purpose of setback waiver review. The DRB has the authority to grant setback waivers under Section 3.4(8) of the Regulations. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

An application for setback waiver review was filed by Applicant Andrew Volansky on January 31, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for May 6, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on April 17, 2027. The Applicant provided the completed certificate of service notifying the abutters on March 24, 2025.

The public hearing to consider the application convened on May 6, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Mary Black, David Kelly, Peter Roberts, Patricia Gabel, Michael Diender and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. John Grenier, Grenier Engineering, PC, PO Box 445, Waterbury, VT 05676

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 01/31/2025;
2. Site Plan, Sheet A1.0, prepared by Volansky Studio, dated 04/30/2025;
3. Elevations, Sheet A3.1, prepared by Volansky Studio, dated 04/30/2025;
4. Elevations, Sheet A3.2, prepared by Volansky Studio, dated 04/30/2025;
5. Lot 5 Covered Bridge Co., Inc to Philo R & Virginia H King, recorded 10/18/1972;
6. John Lukens and Mary Slayton survey, recorded 02/03/1986;
7. Land of Pamela Susan Plummer – Covered Bridge Subdivision Lots 5-8 survey, recorded 02/17/2004;
8. Covered Bridge Subdivision Lots 5-8 survey, recorded 05/19/2005;
9. Covered Bridge Subdivision Lots 5-8 survey, recorded 08/21/2006;
10. Proposed Site Plan & Septic System for Lot 5 – Covered Bridge Development, prepared by Charles Burnham, Inc., dated 03/1992;
11. Warranty Deed, recorded 12/08/2011;
12. Warranty Deed, recorded 08/01/2024.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for setback waiver approval was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Dimensional Requirements

1. **Zoning District.** The subject parcel is located within the Rural Residential 3 (RR3) zoning district as shown on the Official Town of Stowe Zoning Map.

2. **Lot Area, Lot Width.** The minimum lot size in the RR3 zoning district is three (3) acres, and the minimum lot width is two hundred fifty (250') feet. The subject parcel is ±3.6 acres and the lot width is ±170 feet. No changes to lot area or width are proposed.

3. **Setbacks.** Setbacks within the RR3 district are as follows: front seventy (70') feet, side sixty (60') feet, rear sixty (60') feet. The site plan indicates compliance with all property line setbacks. However, a mapped stream bisects the property, and the existing dwelling is within the fifty (50') foot stream buffer. A waiver to the watercourse setback is not being sought. As proposed, the addition will only encroach into the eastern side yard setback. As per Section 3.4(8), the DRB may grant up to a twenty (20%) percent setback waiver. See Section 3.4(8) below.

4. **Use.** The subject parcel contains a single-family dwelling. One (1) family and two (2)-family dwellings are permitted uses in the RR3 District. The Applicant intends to construct an addition to the existing single-family dwelling in the future.

5. **Height.** The RR3 zoning district limits height to twenty-eight (28') feet. The Applicant provided renderings of a possible addition for the purposes of this setback waiver review. However, no actual building plans were submitted for the purposes of this DRB review. Any ensuing zoning permit will require that the building height not exceed twenty-eight (28') feet.

Conclusion: Based upon the above findings, the DRB concludes the proposal will meet applicable dimensional requirements for the RR3 District if constructed in conformance with the approved setback waiver. A zoning permit application shall be submitted and approved in accordance with the Regulations and the setback waiver approved under this Project.

Section 3.4 – Lot and Yard Requirements

6. The Applicant requests approval for a dimensional setback waiver to accommodate an addition to the existing single-family dwelling. The 'Setback Study' on the Site Plan states, *Irregular lot configuration (abandoned adjacent property),* as the factor to consider for the requested setback waiver. The abandoned adjacent property the Applicant refers to is a thirty (30') foot wide strip of land (abandoned property) running along the east side of the subject parcel that once provided access to Lots 6, 7 and 8 of the original subdivision.

7. The thirty (30') foot wide strip of land now only provides access to the subject parcel and Lot 6 of the original subdivision.

8. The Applicant testified that if the owners had success in locating the owner of the 'abandoned property', they would have tried to purchase it, combine it with their parcel, and create a shared access easement for the benefit of their parcel and Lot 6. Another benefit of that would have been that the proposed addition could be permitted without the need for a setback waiver.

9. The thirty (30') foot wide strip of land still remains today.

10. The Applicant seeks to reduce the required sixty (60') foot side yard setback from the east property line to forty-eight (48') feet. This represents the twenty (20%) percent waiver allowance of Section 3.4(9).

11. The Applicant testified that the subject parcel has an irregular lot configuration and the building site is pinched by a stream, its associated riparian buffer, and the abandoned adjacent property to the east.

12. The subject parcel was created in 1972, prior to the adoption of the Subdivision Regulations.

13. Renderings of an addition have been included in the application packet, but the Applicant is only seeking a setback waiver at this time.

Conclusion: Based on the above findings, the DRB concludes that a waiver is necessary to allow for reasonable expansion of the existing dwelling given the irregular lot configuration of the subject parcel.

14. **Section 3.4(9)**: The character of the surrounding area is dominated by single-family dwellings on individually subdivided lots. The surrounding dwellings are similar in scale and design.

15. The requested side yard setback waiver does not exceed 20%.

16. The proposed addition will not impinge upon sight distances on public and private roads. The parcel is served by a shared driveway off Alpine View Road.

17. The proposed addition will not adversely impact the use of adjacent parcels.

Conclusion: Based upon the above findings, the DRB concludes that the waiver meets all criteria of Section 3.4(9).

DECISION

The DRB hereby approves the Applicant's request for a setback waiver to construct an addition to the existing single-family dwelling (Project 7545) at 505 Alpine View Road (Parcel #10-100.000) as described in the application dated 01/31/2025 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:

    1. Town of Stowe Development Application, dated 01/31/2025;
    2. Site Plan, Sheet A1.0, prepared by Volansky Studio, dated 04/30/2025;
    3. Elevations, Sheet A3.1, prepared by Volansky Studio, dated 04/30/2025;
    4. Elevations, Sheet A3.2, prepared by Volansky Studio, dated 04/30/2025;
    5. Lot 5 Covered Bridge Co., Inc to Philo R & Virginia H King, recorded 10/18/1972;
    6. John Lukens and Mary Slayton survey, recorded 02/03/1986;
    7. Land of Pamela Susan Plummer – Covered Bridge Subdivision Lots 5-8 survey, recorded 02/17/2004;
    8. Covered Bridge Subdivision Lots 5-8 survey, recorded 05/19/2005;
    9. Covered Bridge Subdivision Lots 5-8 survey, recorded 08/21/2006;
    10. Proposed Site Plan & Septic System for Lot 5 – Covered Bridge Development, prepared by Charles Burnham, Inc., dated 03/1992;
    11. Warranty Deed, recorded 12/08/2011;
    12. Warranty Deed, recorded 08/01/2024.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. The approved setback waiver only applies to the proposed addition on the east side of the existing single-family dwelling, as illustrated within the application and approved plans. Any changes to the approved plans which do not comply with the underlying setback requirements shall require further review by the DRB under Section 3.4(8) and/or the Regulations in effect at the time of application.
4. A zoning permit demonstrating conformance with the approved reduced setback (and all other applicable Regulations) shall be obtained prior to the commencement of construction and no later

than one year from the date of this approval. Failure to obtain a zoning permit within this one-year period shall render this DRB approval null and void.

5. A Certificate of Occupancy must be obtained from the Zoning Administrator prior to occupancy and use to ensure that the project has been completed as approved by the DRB, as required under Section 2.10 of the zoning regulations. Prior to the issuance of a Certificate of Occupancy, the Applicant must provide the following:
    a. Reasonable proof that the project has been completed in accordance with the approved plans and approved reduced setbacks. Reasonable proof may include a survey, certification of setbacks by a surveyor, or demonstrating physical location of property boundaries.
6. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, David Kelly, Peter Roberts, Patricia Gabel, Michael Diender, and Scot Baraw

The motion passed, 7-0.

Dated at Stowe, Vermont this the 10th day of June 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

Your DRB project listed below was recently denied by the Development Review Board. Attached is a copy of the DRB decision for your records.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7495		
Application Date	10/18/2024		
Physical Location	47 PARK ST		
Map ID	7A-151.000	**Tax ID**	02151
Project Description	DEMOLITION OF EXISTING UNION BANK & XPRESS BUILDINGS. CONSTRUCTION OF NEW MIXED-USE BUILDINGS WITH UNDERGROUND PARKING		
Owner	UNION BANK		
Applicant	UNION BANK		
Applicant Address	PO BOX 667 STOWE BRANCH MORRISVILLE VT 05661		

ACTIONS

Action Taken	Date	End of Appeal Period	
DRB DECISION	6/10/2025	7/10/2025	DENIED

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT: 7495

SUBJECT PROPERTY: 47 Park Street, Stowe, Vermont; 7A-151.000

PROPERTY OWNER/APPLICANT:
Union Bank
PO Box 667
Morrisville, VT 05661

APPLICATION

The Property Owner/Applicant, Union Bank (herein referred to as the "Applicant"), requests combined conditional use, site plan, and design review to demolish the existing Union Bank building at 47 Park Street and the existing 'Xpress' building at 73 Pond Street and construct a new mixed-use building(s), including underground parking and related site improvements. The proposed mixed use building(s) are designed to contain an expanded bank with a drive-through, three (3) retail units consisting of a total of ±6,136 square feet of retail space, ten (10) residential dwelling units, and ±7,871 square feet dedicated for professional office/bank use. The subject property, consisting of ±0.61 acres and located on Tax Map #7A-151.000, is in the Village Commercial 10 (VC10) Zoning District and the Stowe Historic Overlay District (SHOD). The property is bounded on three (3) sides by Class 3 town-maintained highways: Park Street to the west, School Street to the east, and Pond Street to the south. The application has been reviewed by the Development Review Board (DRB) under applicable standards of the Town of Stowe Zoning Regulations (as effective January 31, 2024) for the purposes of combined conditional use, site plan, and design review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by Applicant Union Bank on August 26, 2024. The application was first referred to the Stowe Historic Preservation Commission (SHPC) on September 4, 2024 and again on October 16, 2024, where the SHPC offered a positive recommendation. The Applicant then filed supplemental information on October 18, 2024 to support further review by the DRB. The application and HPC recommendation was then referred to the DRB for a public hearing. A public hearing was scheduled for January 7, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on December 19, 2024. The Applicant provided a certificate of service in accordance with the Regulations on November 22, 2024.

The public hearing to consider the application convened January 7, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the January 7th hearing included: Drew Clymer, Tom Hand, Mary Black, Andrew Volansky, Peter Roberts, Patricia Gabel, and Lynn Altadonna. The DRB unanimously voted to continue the hearing to a time and date certain of February 18, 2025. Members participating in the February 18th review included: Drew Clymer, Mary Black, Andrew Volansky, Peter Roberts, Patricia Gabel, and Lynn Altadonna. Tom Hand could not attend the February 18th hearing, however he reviewed the hearing recording and additional submittals to enable his continued participation. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

At its regular meeting on March 18th, the DRB discussed the possibility of reopening the hearing to allow for additional evidence and testimony. However, the Applicant requested that the hearing remain closed. After consideration, the DRB elected not to reopen the hearing.

At its regular meeting on March 25th, the Applicant requested the DRB re-open the public hearing to allow additional testimony and evidence. The DRB granted the Applicant's request and re-warned the public hearing to be re-opened during a special meeting to be held on April 29, 2025. The purpose of reopening the hearing was to provide an opportunity for the Applicant and other participants to submit additional information and testimony for the DRB's consideration.

The warned re-opened hearing convened on April 29th at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the April 29th hearing included: Drew Clymer, Mary Black, Peter Robers, Patricia Gabel, and Lynn Altadonna. Tom Hand and Andrew Volansky could not attend the April 29th hearing, however reviewed the hearing recording and additional submittals to enable their continued participation. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Graham & Christina Mink, PO Box 728, Stowe, VT 05672
2. Tyler Mumley, Mumley Engineering, Inc., 46 Hutchins Street, Morrisville, VT 05661
3. Christian Carey, 33 Sylvan Park Road, Stowe, VT 05672
4. Karen Sentuff, Union Bank, 40 IDX Drive, South Burlington, VT 05403
5. Cynthia Silvey, Wagner Hodgson Landscape Architecture, 7 Marble Avenue, Burlington VT 05401
6. Paul & Laura Biron, 574 West Shaw Hill Road, Stowe, VT 05672
7. Jared & Cassie Annello, PO Box 1115, Stowe, VT 05672
8. Colin Moffatt, 14 West View Road, Stowe, VT 05672
9. Patrick & Ashley Ciapciak, 95 School Street, Stowe, VT 05672

The following persons provided written public comments, however are not considered interested persons:

1. Wendy Parrish, 932 Campbell Road, Morristown, VT 05661 (written comments dated 12/23/2024);
2. Nicole Steele, 90 Benjamin Trail, Stowe, VT 05672 (written comments dated 11/14/2024, 12/23/2024, 01/17/2025, & 04/27/2025);
3. Donna Snow, 2003 Pucker Street, Stowe, VT 05672 (written comments dated 01/04/2025);
4. Evie Dworetzky, 835 Cross Road, Stowe, VT 05672
5. Walter Frame, PO Box 3402, Stowe, VT 05672 (written comments dated 04/29/2025)

The following persons provided verbal public comments, however are not considered interested persons:

1. Elizabeth Gadbois, 846 West Hill Road, Stowe, VT 05672
2. Tom & Natalie Hubbs, 312 Westview Heights Drive, Stowe, VT 05672
3. Michael Puddicombe, 6 Stowe Hollow Road, Stowe, VT 05672
4. Michelle & Frank Kessler, 127B Palisades Street, Stowe, VT 05672
5. Jill Boardman, no address provided
6. Jo Sabel Courtney, no address provided
7. Nancy Tieg, no address provided

The above participants provided verbal and/or written comments but did not request interested person status, nor document how they met the requirements or definition of an interested person. The DRB therefore accepts their

public comments, however does not consider them part of the hearing record or interested persons with rights to appeal.

THE HEARING RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 08/26/2024;
2. Project Narrative, prepared by Mumley Engineering, dated 10/18/2024;
3. Project Narrative, prepared by Mumley Engineering, revised 10/28/2024;
4. Project Narrative, prepared by Mumley Engineering, revised 12/23/2024;
5. Proposed Mixed-Use Development – Senior Living narrative, prepared by Graham Mink, dated 12/23/2024;
6. Lumec building mount lighting spec sheet, no date;
7. Sea Gull recessed light fixture spec sheet, no date;
8. Stowe Fire Department comment sheet, dated 10/20/2024;
9. Email from Harry Shepard including marked up site plan, dated 12/03/2024 & 11/05/2024;
10. Email from Harry Shepard, dated 01/07/2025;
11. SHPC Meeting Minutes from 09/04/2024;
12. SHPC Meeting Minutes from 10/16/2024;
13. SHPC Meeting Minutes from 12/18/2024;
14. Existing Conditions, Sheet C-1, prepared by Mumley Engineering, Inc., revised 12/23/2024;
15. Site Plan, Sheet C-2, prepared by Mumley Engineering, Inc., revised 12/23/2024;
16. Utility & Landscape Plan, Sheet C-3, prepared by Mumley Engineering, Inc., revised 12/23/2024;
17. Details, Sheet C-4, prepared by Mumley Engineering, Inc., revised 12/23/2024;
18. First Floor Plan, Sheet A1.1, prepared by Christian C. Carey Architect, P.C. revised 12/20/2024;
19. Second Floor Plan, Sheet A1.2, prepared by Christian C. Carey Architect, P.C., revised 12/20/2024;
20. Third Floor Plan, Sheet A1.3, prepared by Christian C. Carey Architect, P.C., revised 12/20/2024;
21. Schematic Elevations, Sheet A2.1, prepared by Christian C. Carey Architect, P.C., revised 12/20/2024;
22. Schematic Elevations, Sheet A2.2, prepared by Christian C. Carey Architect, P.C., revised 12/20/2024;
23. Landscape Plan, Sheet LI00, prepared by WHLA Wagner Hodgson, dated 12/23/2024;
24. Conceptual Landscape Plan, prepared by WHLA Wagner Hodgson, dated 12/20/2024;
25. Conceptual Landscape Elevations – North and East, prepared by WHLA Wagner Hodgson, dated 12/20/2024;
26. Conceptual Landscape Elevations – South and West, prepared by WHLA Wagner Hodgson, dated 12/20/2024;
27. Hardscape Materials, prepared by WHLA Wagner Hodgson, no date;
28. Deciduous and Evergreen Trees, prepared by WHLA Wagner Hodgson, no date
29. Shrubs and Perennials, prepared by WHLA Wagner Hodgson, no date;
30. Renderings of Proposed Mixed-Use Development, prepared by Mumley Engineering, Inc., no date;
31. Project #4461 Approved Site Plan, prepared by Silver Ridge Design, dated 07/21/2011;
32. Email Comments from Harry Shepard, Department of Public Works Director, dated 01/07/2025; and
33. Written Comment from Patrick & Ashley Ciapciak, dated 01/07/2025.

The following materials were submitted by the Applicant in advance of the February 18, 2025 continued hearing and entered into the record:

34. Project Narrative, prepared by Mumley Engineering, Inc., revised date 02/07/2025;
35. Union Bank Traffic Impact Study, prepared by vhb, dated 01/31/2025;
36. Illumination Plan, prepared by Green Mountain Electric Supply, no dated;
37. ANP Lighting MBVF12 LED fixture spec sheet, no date;
38. Morgantown Lamp Post fixture spec sheet, no date;
39. Kingston Wall Bracket fixture spec sheet, no date;

40. Renderings of Proposed Mixed-Use Development, prepared by Mumley Engineering, Inc. & G4 Design Studios;
    a. View from Park Street (looking southeast);
    b. View from corner of Pond Street and Park Street (looking northeast);
    c. View from corner of Pond Street and Park Street (looking northeast w/out trees);
    d. View from corner of Pond Street and School Street (looking northwest);
    e. View from corner of Pond Street and School Street (looking northwest w/out trees);
    f. View from School Street (looking southwest);
41. First Floor Plan, Sheet A1.1, prepared by Christian C. Carey Architect, P.C. revised 02/18/2025;
42. Second Floor Plan, Sheet A1.2, prepared by Christian C. Carey Architect, P.C., revised 02/18/2025;
43. Third Floor Plan, Sheet A1.3, prepared by Christian C. Carey Architect, P.C., revised 02/18/2025;
44. Schematic Elevations, Sheet A2.1, prepared by Christian C. Carey Architect, P.C., revised 02/18/2025;
45. Schematic Elevations, Sheet A2.2, prepared by Christian C. Carey Architect, P.C., revised 02/18/2025;
46. Landscape Plan, Sheet LI00, prepared by WHLA Wagner Hodgson, dated 12/23/2024;
47. Conceptual Landscape Plan, prepared by WHLA Wagner Hodgson, dated 12/20/2024;
48. Conceptual Landscape Elevations – South and West, prepared by WHLA Wagner Hodgson, dated 12/20/2024;
49. Conceptual Landscape Elevations – South and West, prepared by WHLA Wagner Hodgson, dated 12/20/2024;
50. Existing Conditions, Sheet C-1, prepared by Mumley Engineering, Inc., revised 02/07/2025;
51. Site Plan, Sheet C-2, prepared by Mumley Engineering, Inc., revised 02/07/2025;
52. Utility & Landscape Plan, Sheet C-3, prepared by Mumley Engineering, Inc., revised 02/07/2025;
53. Details, Sheet C-4, prepared by Mumley Engineering, Inc., revised 02/07/2025;
54. Construction Plan, Sheet C-5, prepared by Mumley Engineering, Inc., dated 02/07/2025;
55. HPC Meeting Minutes from 02/05/2025; and
56. Email from Harry Shepard, dated 02/18/2025.

The following materials were submitted for consideration during the April 29, 2025 re-opened hearing and entered into the record:

57. Project Narrative, prepared by Mumley Engineering, Inc., dated 04/21/2025;
58. Demolition Letter, prepared by Christian C. Carey Architect, P.C., dated 04/09/2025;
59. Park Street, Pond Street, School Street – Buildings in the Area, dated 04/21/2025;
60. SHPC Letter of Project Recommendation, dated 04/22/2025;
61. Existing Conditions, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 03/13/2025;
62. Site Plan, Sheet C-2, prepared by Mumley Engineering, Inc., revision date 04/21/2025;
63. Utility & Landscape Plan, Sheet C-3, prepared by Mumley Engineering, Inc., revision date 04/21/2025;
64. Details, Sheet C-4, prepared by Mumley Engineering, Inc., revision date 03/13/2025;
65. Construction Plan, Sheet C-5, prepared by Mumley Engineering, Inc., revision date 04/21/2025;
66. Conceptual Landscape Plan, prepared by WHLA, dated 04/23/2025;
67. Landscape Plan, Sheet L100, prepared by WHLA, dated 04/23/2025;
68. Village Context Elevations, Sheet A2.0, prepared by Christian C. Carey Architect, P.C., dated 03/06/2025;
69. Emailed Comments from Scott Reeves, Stowe Interim Fire Chief, dated 04/22/2025; and
70. Written Comments from Cassie Annello, dated 04/29/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law:

The Applicant's request for combined conditional use, site plan, and design review was reviewed by the DRB for conformance with applicable requirements including the following:

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 10- Stowe Historic Overlay District
- Section 14- Signs
- Section 15- Parking Regulations

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject property is located in the Village Commercial 10 (VC10) Zoning District and the Stowe Historic Overlay District (SHOD), as shown on the Official Town of Stowe Zoning Map.

2. **Lot Area, Lot Width.** The existing lot area contains ±0.61 acres. No changes to lot area or lot width are proposed under this application.

3. **Setbacks.** The minimum setbacks required in the VC10 District are: front ten (10') feet, side ten (10') feet, and rear ten (10') feet. The Applicant requested front yard setback waivers from the Park Street and Pond Street rights-of-way to accommodate proposed roof overhangs and entry porches. The proposed building footprint otherwise meets the required setbacks, however the entry porches and overhangs are proposed to slightly encroach into the front yard setbacks as measured from Park Street and Pond Street.

4. Along the Park Street frontage, the proposed entry porch will have a setback of 5' 1½". The proposed building overhang will have a setback of 8'6" from the Park Street right-of-way. The Applicant seeks a setback waiver for these proposed building features.

5. Along the Pond Street frontage, the proposed entry porch will have a setback of 3'11". The proposed building overhang will have a setback of 8'7" from the Pond Street right-of-way. The Applicant seeks a setback waiver for these proposed building features.

6. The proposed building is setback approximately twenty (20) feet from School Street.

7. The proposed building is setback approximately ten feet six and a half inches (10'6 ½") from the side yard (north) property line.

8. The existing historic buildings in the surrounding area are positioned close to the street and do not conform to the minimum front setback requirements. The Applicant's request for a setback waiver is consistent with this historically established development pattern. Under Section 10.9 of the Regulations, the DRB is authorized to grant setback waivers when the proposed project supports the preservation or renovation of a historic building, or maintains the historic pattern of land use in the surrounding area.

9. The SHPC reviewed the requested setback waivers and recommended approval of the project as presented during their October 16, 2024 meeting.

10. **Maximum Building Coverage**. The VC10 District has no maximum building coverage requirement. This provision is not applicable.

11. **Use**. The subject property contains two (2) existing commercial buildings which are proposed to be demolished and replaced with a new mixed-use building(s). The proposed mixed-use building(s) will include

retail, banking, and office uses, as well as ten (10) dwelling units - all of which are conditional uses as set forth in Table 6.1 of the Regulations.

12. **Density.** In the VC10 District, allowed density for multi-family dwellings is one (1) unit per two thousand five hundred (2,500) square feet of lot area. A ±0.61-acre lot (26,484 sq. ft.) can support up to ten (10) dwelling units. The application proposes ten (10) multi-family dwelling units. Commercial uses do not require density.

13. **Height.** The maximum building height in the VC10 District is twenty-eight (28) feet or thirty-five (35) feet when certain criteria are satisfied. Footnote #4 on Table 6.2, as applicable to the VC10 District, allows for the maximum building height not to exceed thirty-five (35) feet above the ground elevation of the Main Street side of the Akeley Memorial Building/Stowe Town Offices when fifty (50%) percent or more of the required parking is located under the building.[1]

14. As proposed, more than fifty (50%) percent of the required parking located below the building within the parking garage.

15. The existing grade at the Main Street side of the Akeley Building is approximately elevation 722' which allows a maximum allowed building height to be 722' plus thirty-five (35') vertical feet, resulting in a maximum elevation of 757 feet.

16. The architectural plans indicate that the southeast corner of the subject property has an elevation of 717.5 feet, and the southwest corner and western side of the property has an elevation of 718.5 feet.

17. The top of the proposed buildings are 755.8 feet (Park Street building) and 752.5 feet (bank building), both of which are below the maximum allowed elevation of 757 feet. The proposed building is designed in accordance with the allowed maximum building height.

Conclusion: Based on the above findings, the DRB concludes that the proposed project complies with all applicable dimensional and use requirements of the VC10 District—specifically lot area, lot width, use, density, and building height—except for the required front setbacks. With regard to the requested front setback waivers, the DRB finds that Section 10.9 of the Regulations grants the DRB broad discretion to approve dimensional waivers when the proposed project preserves or reinforces the historic character or land use pattern of the surrounding area. The requested waiver pertains only to minor architectural features—specifically, porch and entrance overhangs—which are consistent with the traditional village streetscape and uniform setbacks of the historic district. The DRB finds that granting the waiver supports the preservation of the historic development pattern of the Stowe Village and larger historic district. Therefore, the DRB concludes that the requested front setback waivers are justified and can be granted under Section 10.9.

Section 3.7 – Standards of review (Conditional Use Applications):

Section 3.7(4)(A)- Capacity of existing or planned community facilities and services.

1. Planning & Zoning staff requested comments on the proposal from the respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

2. No Municipal Department review forms returned indicated that the proposed development would have any undue adverse impact on existing or planned community facilities and services.

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[1] Footnote #4 reads: *Where the elevation and topography of the building site allows, the maximum building height may exceed 35 ft however the maximum building height not to exceed 35 ft above the ground elevation of the Main Street side of the Akeley Memorial Building/Stowe Town Offices when 50% or more of the required parking is located under the building.*

3. The project is designed to connect to municipal water and sewer systems. Water and sewer allocations will be required from the Town Water & Sewer Commissioners to serve the project. The Director of Public Works provided confirmation that the Town has adequate water and sewer capacity to serve the proposed project.

4. Stowe Fire Department provided comments (Exhibit 8) with standard Fire Department requirements to service the project. These included: the installation of a Fire Dept. Knox box, the building(s) be sprinklered, the fire alarm control panels be located within six (6') feet of the main building entrance, the fire alarm system be programmed to indicate the level, room number or designation and nature of the alarm, a Fire Department Pre-Plan survey be held with the Fire Department, and that the necessary Fire Department markings and signage be installed as per Fire Department requirements.

5. Stowe Fire Department provided additional comments (Exhibit 69) stating that the Fire Department also requires the installation of standpipes for firefighting in the stairwells.

6. On December 4th, the Applicant and the Department of Public Works staff met onsite to discuss the identified concerns and move toward an agreeable plan to satisfy public works requirements.

7. Department of Public Works Director Harry Shepard provided written comments (Exhibits 9 & 32) with two recommended conditions relating to the installation of public infrastructure: 1) a sidewalk easement be dedicated to the Town for the backside of the proposed sidewalks that are not within the town highway right-of-way, and 2) a Public Works Development Agreement between the Developer and the Town be in place for all work within the town highway right-of -way prior to the issuance of a zoning permit.

8. The required agreement would contain provisions regarding the construction and staging, impacts on public sidewalks, and measures to ensure public road stability due to excavation near the curb line. The development agreement would also include a requirement for a full-time, onsite project superintendent to ensure coordination and oversight.

9. No other municipal department comments were received.

Conclusion: Based on the above findings, the DRB concludes the proposal will not result in an undue adverse effect on the Town's existing or planned facilities or services.

Section 3.7(4)(B) – Traffic on roads and highways in the vicinity.

1. The Applicant requests approval to redevelop the property and construct mixed-use building(s) consisting of retail, bank, and office space, along with ten (10) multi-family dwelling units, and related site improvements.

2. The project has been intentionally designed to minimize reliance on automobiles by encouraging pedestrian activity and walkability. By locating residential uses within the downtown village core, the project is expected to promote walking to nearby restaurants, jobs, and local services, thereby reducing the number of vehicle trips.

3. The Applicant proposes utilizing the existing two-way access entrance off School Street and a one-way exit onto Pond Street. This two-lane exit onto Pond Street consists of two (2) drive-through bank lanes.

4. VT Agency of Transportation guidelines specify that a traffic study should be considered if the proposed development will generate seventy-five (75) or more peak hour trips.

5. As proposed, the bank service/office will generate an approximate fifty-eight (58) peak hour vehicle trips, the office space will generate approximately ten (10) peak hour vehicle trips, the retail uses will generate approximately fifty-six (56) peak hour vehicle trips, and the ten (10) residential units will generate

approximately five (5) peak hour vehicle trips, for a total of one hundred twenty-nine (129) peak hour vehicle trips.

6. The existing bank generates approximately fifty-four (54) peak hour vehicle trips. The existing Xpress building generates approximately thirty-two (32) peak hour trips, resulting in a total combined eighty-six (86) existing peak hour trips.

7. The proposed uses will result in approximately forty-three (43) additional peak hour trips. These additional vehicle trips will be absorbed by the immediate village traffic network of Park Street, Pond Street, and School Street and surrounding streets of Main Street and Depot Street. The project will create less than a three (3%) percent increase in traffic in the surrounding area during peak hours, resulting in a negligible impact on existing traffic conditions.

8. The Applicant provided a traffic study prepared by VHB. The capacity analysis documents that the access driveway approach to School Street will experience good operations with a delay of eight (8) seconds per vehicle, while the primary northbound and southbound movements on School Street will operate with little to no delay per vehicle respectively after occupancy.

9. The capacity analysis at the site exit on Pond Street shows that during PM peak hour, the site exit operates with two (2) seconds of delay per vehicle. The primary movements on Pond Street maintain a delay of less than one (1) second for each direction.

10. According to the Applicant's study, all vehicular movements at the site driveway will operate efficiently. These levels are within acceptable limits for unsignalized, two-way stop-controlled intersections. Once constructed, the project is not anticipated to significantly impact the adjacent roadway network.

11. Main Street (VT Route 100) through the Stowe village experiences high daily traffic volumes. The additional vehicle trips generated by the project are expected to be *de minimis* in comparison.

12. During construction, workers will park offsite and will have the option of walking to the construction site or utilizing shared rides.

13. Road closures are expected to be minimal and limited to utility installations (e.g., water service and stormwater connections). Coordination with the Department of Public Works will ensure appropriate traffic management using detour signage, flaggers, and police as needed. Road closures during construction will be restricted to weekdays between 9:00 AM and 3:00 PM and will not occur on weekends or holidays. Night work may be considered with prior approval from the Department of Public Works.

14. Construction-related deliveries will occur within project boundaries and are restricted to between 9:00 AM and 11:00 AM.

15. The Applicant testified that the required Development Agreement with the Town will address all details regarding the use of town highways and public sidewalks. The intent is to avoid full closure(s) of School Street unless necessary.

Conclusion: Based on the above findings, the DRB concludes that the proposed project is likely to result in an undue adverse effect on traffic during construction due to its location within the village core and the anticipated disruptions to traffic flow, temporary road closures, altered circulation patterns, and potential delays. However, this impact is temporary in nature and can be adequately mitigated through the execution of a development agreement with the Town. The agreement must include enforceable provisions for managing construction-related activities such as delivery schedules, material staging, contractor parking, and traffic control to minimize disruption to public highways in the vicinity. With respect to post-construction traffic impacts, the DRB concludes

that although the project will increase the total number of peak hour vehicle trips and adversely contribute to existing traffic conditions, the project once constructed is not expected to have an undue adverse effect on traffic on roads and highways in the vicinity. The anticipated additional vehicular trips do not represent a significant deviation from typical village traffic patterns or number of trips generated. Therefore, the DRB concludes the project, with required construction-phase mitigation measures in place, complies with the applicable traffic standards and will not result in an undue adverse impact on traffic on roads and highways in the vicinity.

Section 3.7(4)(C) – The character of the area affected.

1. The proposed project is located within the VC10 District. As set forth in the Regulations, the general purpose of this district is "*to promote the sound economic development of Stowe, to carry out the objectives of the Municipal Plan, to maintain Stowe Village as the center of community activity and to encourage the best use of land in central sections for general business.*" The specific purpose of the VC10 District is "*to maintain a denser pattern of development in the immediate center of the Village.*"

2. The subject property contains the existing Xpress (commercial printing services) building and the Union Bank. The property is bounded by School Street to the east, Park Street to the west, and Pond Street to the south.

3. The subject property is surrounded by a mix of residential, commercial, and institutional uses. To the north, the two (2) abutting parcels contain the Butler House Inn, Butler's Pantry restaurant, Smuggler's Notch Distillery Tasting Room, the Avocado Pit, and several multi-family residential units. To the east, across School Street, are additional commercial businesses including Cork restaurant, the Stowe Reporter office, and Black Cap Coffee & Bakery. To the west, across Park Street, there is a residential property and a mixed-use building. To the south, across Pond Street, are two (2) four-unit multi-family buildings and the Stowe Free Library and Elementary School.

4. The Applicant provided architectural renderings illustrating how the proposed buildings will appear in relation to surrounding buildings and the streetscape (Exhibit 67).

Conclusion: Based on the above findings, the DRB concludes that the proposed project will not have an undue adverse impact on the character of the area as defined in the Regulations. The project aligns with the stated purpose of the VC10 District by supporting a denser village development pattern and contributes to the vitality of Stowe's designated downtown. Furthermore, the proposal is consistent with clearly written community standards in the Stowe Town Plan, which encourages high-density, mixed-use development within the village core.

Section 3.7(4)(D) – Regulations and ordinances in effect.

1. Applicable bylaws include the Zoning Regulations (effective January 31, 2024).

2. The proposed building(s) will be connected to the municipal water and sewer systems. Connections to the municipal sewer system are regulated under the Town of Stowe Sewer Ordinance.

3. The project does not conform with the minimum setback requirements. As such, the Applicant requested a setback waiver. Setback waivers are regulated under Section 10.9. As noted above, the DRB grants the Applicant's request for a setback waiver upon finding it is consistent with and maintains the historic pattern of land use in the surrounding area.

4. No other known or identified municipal bylaws or ordinances apply to this project.

Conclusion: Based on the above findings, the DRB concludes the proposal, except where otherwise noted, is in conformance with Regulations and ordinances in effect.

Section 3.7(4)(E) – Utilization of renewable energy sources.

1. The proposed project involves the construction of a mixed-use building(s) consisting of retail, bank and office uses, ten (10) multi-family dwelling units and related site improvements.

2. No renewable energy generation or development is proposed with this project.

3. Adjacent property owners Jared and Cassie Annello (32 Park Street) testified that the proposed three-story building will be significantly taller than their two-story single-family home located across Park Street (to the west). These abutters expressed concern that the proposed building would block morning sunlight. However, they did not provide evidence to support their concerns or how the proposed building would otherwise interfere with their ability to use or access renewable energy resources.

4. As required under state laws, the project will be required to be constructed in conformance with the State of VT Building Energy Standards.

Conclusion: Based on the above findings, the DRB concludes the project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.

Section 3.7(4)(F) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

1. The subject property contains two (2) existing buildings which have no historical or architectural significance. Although located within the Stowe Historic Overlay District, both of the existing buildings are considered noncontributing- meaning they do not contribute to the overall significance of the historic district.

2. The existing noncontributing buildings are proposed to be demolished, however neither are considered historic sites or historic buildings. The DRB therefore finds the proposed project will not have an undue adverse effect on historic sites.

3. According to the ANR Natural Resources Atlas there are no rare or endangered species, deer wintering areas, habitat blocks, or inventoried wetlands on or near the parcel. The parcel does not contain any rare and irreplaceable natural areas. The DRB therefore finds the project will have no impact on any rare and irreplaceable natural areas.

4. The scenic and natural beauty of the project area can generally be characterized as a classic New England village with a compact mix of commercial, residential, civic, and mixed-use historic buildings. The area can generally be described as a densely settled village composed of diverse streetscapes with a variety of architectural styles.

5. The visual surroundings of the project area can generally be characterized as a variety of historic buildings of various architectural styles and building materials ranging between one (1) and three (3) stories in height. The dominant roof form of the immediate surrounding area are various pitched gable roofs, some of which contain dormers.

6. The proposed project involves redeveloping an entire village block bounded by town highways on three (3) sides. Although the project involves the construction of two (2) separate buildings, the proposed building(s) are connected by a two-floor 'bridge' which allows drive-thru vehicles to exit onto Pond Street.

7. The proposed buildings are designed in an 'L' shape with the corner positioned on the intersection of Park and Pond Streets. The building facade positioned north/south along Park Street is designed to extend nearly the entire length of Park Street – approximately 108'. The building facade positioned east/west along Pond Street

is designed to extend nearly the entire length of Pond Street – approximately 170'. The Park Street elevation is articulated with balconies and entrances. The Pond Street elevation contains entrances and a two-floor 'bridge' with drive-thru vehicles existing below.

8. The massing of these street-facing facades is visually softened through the incorporation of fenestration, varied cladding materials, and architectural detailing. However, these façades still present substantial uninterrupted wall planes, with minimal modulation or articulation of the building footprint to create depth or visual interest at the pedestrian scale.

9. The proposed building(s) are each designed to contain three (3) floors with a mix of flat and gable roof forms.

10. The architectural design employs a mix of building materials and colors to reduce massing, however the uninterrupted wall planes and building footprints are extensively long and overwhelm the pedestrian scaled streetscapes of Pond and Park Streets.

11. Concerns were raised during the hearing regarding the building mass, height, and potential to overwhelm the immediate streetscape and block views of the nearby Stowe Community Church.

Conclusion: Based upon the above findings, the DRB concludes the project will have no impact on historic sites or rare and irreplaceable natural features and therefore limits its review under this standard to the project's anticipated impact on scenic or natural beauty of the area and aesthetics. When reviewing whether the proposed project will have an impact on scenic or natural beauty of the area, the DRB considers the existing characteristics of the surrounding built environment. In this case, the project is located within the Stowe historic village – a traditional Vermont historic district comprised of a dense collection of historic buildings focused on diverse streetscapes with a variety of forms and openings. When reviewing the aesthetic impacts of a project the DRB generally considers whether the project blends in with its visual surroundings, if it detracts from the surroundings, and if it is in harmony with the surroundings.

This section requires that the DRB apply a two-part test to determine whether a project satisfies this standard. First, it must determine whether the project will have an adverse effect. The DRB considers whether the proposed project will be in harmony with its surroundings and whether it will 'fit' the context within which the project will be located. In making this evaluation, the DRB may examine a number of specific factors, including but not limited to the nature of the project's surroundings, the compatibility of the project's design with those surroundings, the suitability for the project's context of the colors and materials selected for the project, the locations from which the project can be viewed, and the potential impact of the project on open space. If the project "fits" its context, then the project is not adverse and the review under this standard ends. If the DRB concludes that the project has an adverse effect under this standard, the DRB must move to the second part of the test and evaluate whether the adverse effect is "undue".

Based on these considerations and factors, the DRB concludes that the project is located within the core of Stowe Village, an area defined by a dense collection of historic buildings characterized by variation in form, height, and architectural rhythm. The proposed building(s)—due to their overall size, continuous massing, height, and limited articulation—do not reflect this established pattern. The project does not adequately break up the building massing to mirror the scale or rhythm of the adjacent historic streetscapes along Park and Pond Streets. As such, the DRB concludes the project will have an adverse aesthetic impact and will adversely affect the scenic and natural beauty of the area.

When considering whether these adverse impacts are undue, the DRB evaluated whether the project violates a clearly written community standard intended to preserve the aesthetics or scenic beauty of the area. Upon review of the Stowe Town Plan, the DRB concludes the project does not violate any clearly written community standards related to aesthetics or scenic beauty of the area. While the Stowe Town Plan encourages compatible and appropriately scaled infill development in the village, it does not contain mandatory design prescriptions sufficient

to satisfy this question. However, the DRB does find that the design, massing, and height of the proposed building(s) are so out of scale and design character with the surrounding historic village streetscape that they would be considered shocking to the average person. The uninterrupted length, height, and bulk of the proposed building(s) exceed the established rhythm and form of the existing neighborhood and result in a dominant presence that overwhelms the historic streetscape. Furthermore, the DRB finds that the applicant has not adequately incorporated available mitigating measures that would reduce the project's adverse aesthetic impact. Specifically, strategies such as breaking up the building massing, reducing overall height, and introducing greater articulation in the building footprint and design elements could have improved compatibility with the surrounding built environment but were not adequately incorporated. Based on these findings and the evidence presented during the hearings, the DRB concludes that the project will result in an undue adverse effect on the scenic and natural beauty of the area, specifically with respect to aesthetics. Therefore, the application fails to fully satisfy this criterion.

Section 3.7(4)(G) - Project will not result in undue water, noise or air pollution.

1. The Applicant requests approval to construct a mixed-use building(s) consisting of retail, bank, office, ten (10) multi-family dwelling units and related site improvements.

2. The proposed building(s) contains rooftop HVAC units that will be screened by rooftop parapets.

3. The entrance will remain opened and offer some natural air flow throughout the underground parking area. There will also be one (1) fan in full-time operation to support air circulation. An additional fan will turn on automatically if high levels of carbon monoxide are detected.

4. Days and hours of construction will be limited to weekdays, between the hours of 7:00am and 6:00pm and commercial business hours will be limited to 7:00am to 9:00pm. Noise is to be expected from construction activity but otherwise anticipated noise levels and comparable to existing uses in the area.

5. Nothing within the hearing record indicates that the project will create undue noise, water, or air pollution.

Conclusion: Based on the above findings, the DRB concludes the project will not result in undue water, noise or air pollution.

Section 3.16(C)(1) –Access Management.

1. The property currently contains undefined vehicular access off School and Pond Streets. Currently, most of the Pond Street frontage is largely open and provides a direct connection to off-street parking. The proposed development will reduce and reconfigure the existing Pond Street access, while generally maintaining and improving the existing access off School Street.

2. The proposed two-way twenty (20) foot wide vehicular entrance off School Street will provide the property's only ingress. Egress is also provided at this access point.

3. A two-lane egress will connect to Pond Street. This two-lane egress consists of the drive-thru lanes to support the bank.

4. There are no vehicular access points proposed along Park Street.

Conclusion: Based on the above findings, the DRB concludes that the proposed access management is adequate for the intended use and complies with applicable provisions.

Section 3.16(C)(2) – Shared Access.

1. The proposed vehicular access will only serve the subject property and the anticipated uses it will contain. This provision is not applicable.

Conclusion: Based on the above finding, the Board concludes that Section 3.16(C)(2) is not applicable to the project.

Section 3.16(C)(3) – Circulation and Parking.

1. The property will be accessed by two (2) improved vehicular entrances: one (1) off School Street (ingress/egress) and one (1) off Pond Street (egress only).

2. The Applicant proposes to reconfigure existing parking and circulation to serve the project.

3. Table 15.2 contains the following parking requirements: one (1) space per dwelling unit and one (1) space for every three hundred (300) square feet of gross floor area for retail stores, offices, banks and service establishments.

4. Based on ±14,007 square feet of retail, office, and banks use, forty-seven (47) parking spaces are required.

5. Section 15.3(3)(A) allows for a fifty (50%) percent reduction to the required number of parking spaces for commercial uses in the VC-10 District. The Regulations allow for the forty-seven (47) required parking spaces to be reduced to twenty-four (24) parking spaces.

6. Ten (10) parking spaces are required for the ten (10) proposed residential dwelling units.

7. A total of thirty-four (34) parking spaces are required for the proposed residential and commercial uses.

8. The project proposes thirty-four (34) parking spaces: twenty (20) spaces in the parking garage and fourteen (14) parking spaces in the uncovered surface parking area.

9. Two (2) ADA parking spaces are shown on the site plan: one (1) in the underground parking area and one (1) in the outdoor surface parking area.

10. The two-way travel aisles within the underground parking garage and surface parking area comply with the twenty-four (24') foot minimum width requirement.

11. The vehicular entry/exit off School Street, leading to the parking area is twenty (20') feet wide. According to the site plan (Sheet C-2), all proposed parking spaces meet the minimum dimensional requirements (9'x18' and 12'x18' for ADA).

12. The property fronts along three (3) public streets: School Street, Park Street and Pond Street. Parking will be located behind the proposed buildings, but within the front yard facing School Street. However, this front yard parking is a reconfiguration of the existing parking lot layout approved by the DRB on 08/23/2011 under Project #4461 (Exhibit 31).

13. The parking spaces located in the underground parking garage will be assigned. There will be several fifteen (15) minute parking spaces in the outdoor surface parking area for temporary parking.

14. Parking for electric vehicles is not included in the project plans.

Conclusion: Based on the above findings, the DRB concludes that the proposed circulation and parking improvements represent safe and adequate access and circulation to support the existing and proposed uses.

Section 3.16(C)(4) – Pedestrian Circulation and Access.

1. The Regulations require pedestrian circulation within the site, and access through the site to adjacent properties along public roads, be provided.

2. The site plan depicts walkways connecting parking areas and building entrances. Some pedestrian traffic will need to travel across the parking lot to access the walkways.

3. There are sidewalks along the three (3) streets surrounding the development that will allow for easy pedestrian access to all building entrances. Pedestrian ingress/egress from the underground parking area will be via a staircase at the north end of the structure or via the staircase/elevator exiting toward Pond Street.

Conclusion: Based on the above findings, the DRB concludes the proposed site layout, including pedestrian circulation and access, represents safe and adequate pedestrian access and circulation for the intended use.

Section 3.16(C)(5) – Landscaping and Screening.

1. Landscape plans prepared by WHLA Wagner Hodgson were submitted and identify all proposed landscaping to be installed. The plans include a variety of trees, shrubs, perennials, and grasses.

2. Colored renderings/elevations illustrate the project including all sides of the proposed buildings.

3. A proposed dumpster enclosure is located next to the underground parking entrance. The enclosure is proposed to be of a decorative concrete block material and chain-link gate with privacy slats.

4. Exterior mechanical units will be located on the roof (Exhibit 43). The parapets will be raised in key sections to aid in screening these units. Given the height of the building, raised parapets, and centralized location of the rooftop units, visual impacts will be minimal.

Conclusion: Based on the above findings, the DRB concludes the proposed landscaping and screening meets the standards outlined in Section 4.6.

Section 3.16(C)(6) – Stormwater Management.

1. Section 3.12(2) provides stormwater and erosion control standards for construction-related activities associated with any new construction.

2. The project will not create an additional ½ acre of impervious surfaces and/or grading.

3. The site plan shows the location of catch basins and storm drains.

4. The project will not result in an increase in impervious surfaces and will connect the new collection systems to the existing village stormwater system.

5. The project will follow typical stormwater management guidelines and practices to avoid erosion and runoff during construction; the project is not expected to have any significant impacts on neighboring properties.

6. A proposed construction plan is provided that shows two (2) phases of the project for construction and includes various erosion prevention and sedimentation control (EPSC) measures.

7. Existing impervious surfaces include two (2) buildings, paved parking areas, and pedestrian walkways. The proposal will not result in additional impervious surfaces.

8. The Applicant has provided a construction plan (Sheet C-5) which includes erosion control measures.

Conclusion: Based on the above findings, the DRB concludes the proposal has been designed in accordance with Section 3.12; existing drainage patterns will not be altered in a manner which causes an undue adverse impact on neighboring properties, town highways or surface waters.

Section 3.16(C)(7) – Outdoor Lighting.

1. The Regulations require that all outdoor lighting be installed in accordance with the standards in Section 4.8.

2. The hearing record contains manufacturer cutsheets for the proposed outdoor lighting. The building elevations show the location of these light fixtures.

3. Four (4) fixture types are proposed: a wall mounted fixture (ANP Lighting MBVF12 model), a lamp post parking lot fixture (Morgantown Lamp Post), a wall mounted fixture (Kingston Wall Bracket), and recessed fixtures (Sea Gull Lighting). The specification sheets do not include the seal confirming that the fixtures are dark sky compliant. However, the Applicant testified that the fixtures comply with the general standards of Section 4.8(5).

4. The building elevations show the location of the exterior light fixtures. Wall mounted fixtures will illuminate some of the building entrances and illuminate portions of the parking area. Recessed lighting is located within the covered building entrance and over the vehicular drive-through/exit lane leading to Pond Street. The lamp post fixture is located along the north property line and will provide parking lot illumination.

5. The illumination plan, prepared by Green Mountain Electric Supply, notes a total lumens/SF of 1.3 in compliance with Section 4.8(8).

6. The exterior lights will be on timers.

Conclusion: Based on the above findings, the DRB concludes the project conforms to the applicable requirements set forth in Section 4.8.

Section 3.16(D).

1. The project incorporates a two-way vehicular access off School Street and one (1) one-way vehicular exit onto Pond Street. Both access points have pedestrian crosswalks and connecting sidewalks along each street frontage. Curbing is included as part of the sidewalk construction within the public rights of way, clearly defining the driveway entrances.

2. No new parking or outdoor storage is identified within any front yard; these areas are reserved for landscaping and sidewalks.

3. Proposed parking is located internally within the project area, not within/along public rights-of-way.

4. Each building entrance has a walkway providing direct access to the nearest public sidewalk. With the exception of the seven (7) parking spaces along the north property line, pedestrians can exit their vehicles and utilize walkways along either building to gain access.

5. The proposed site plan incorporates appropriate sidewalks along all frontages.

6. The proposed buildings are designed to front toward each public right-of-way forming a consistent setback. The front elevations each include main entryways to their respective use/business.

Conclusion: Based on the above findings, the DRB concludes the proposal has been designed in accordance with applicable provisions set forth in Section 3.16(D)(1) – Additional VC Standards.

Section 4: Specific Use Standards

Section 4.6 Landscaping Standards. See discussion above.

Section 4.8 Outdoor Lighting. See discussion above.

Section 4.22 Drive Through Facilities.

1. The proposed drive-thru consists of two (2) lanes, each with teller access and one (1) with ATM access. Both stacking lanes are long enough to accommodate three (3) vehicles. The proposed drive-thru will replace the existing bank drive-thru.

2. The proposed drive-thru stacking lanes are located internal to the development, to the side of the bank building, facing Pond Street.

3. Both stacking lanes will be clearly marked 'Drive Thru'. Arrows will be painted on the ground to indicate traffic circulation, as shown on the proposed Site Plan.

4. There will be no parking spaces, loading or service areas blocked by the stacking lanes.

5. The stacking lanes do not separate parking from the bank building.

6. The stacking lane/space is outside minimum required setbacks.

7. The proposed drive-thru lanes total fifty-four (54') feet in length, with a minimum width of nine and a half (9.5') feet- long enough to accommodate three (3) stacking spaces.

8. The service area is covered by an upper story building connection that connects the bank building to the mixed-use building facing Park Street.

9. The drive-thru facility meets the required setbacks and will be screened to the sides by the new building(s).

10. Vehicles exiting the drive-thru will exit onto Pond Street. The vehicular headlights exiting the drive-thru may illuminate the building across the street at 70 Pond Street after dark. Proposed business hours for the bank, including the drive-thru, are 8:30am to 4:00pm Monday through Thursday, 8:30am to 6:00pm on Fridays, and 9:00am to 12:00pm on Saturdays. The bank is closed on Sundays. Given the limited nature of this light trespass, it will not create an adverse impact.

11. The Applicant submitted a Union Bank Traffic Impact Study, prepared by vhb (dated 01/31/2025) concluding the *'redevelopment of the bank drive-through lanes are anticipated to handle vehicle flow effectively.'* The DRB finds this report to be acceptable.

Conclusion: Based on the above findings, the DRB concludes the project has been designed in accordance with applicable provisions of Section 4.22 – Drive Through Facilities.

Section 10 – Stowe Historic Overlay District and Historic Buildings

Section 10.7 Demolition and Partial Demolition of Structures

1. The subject property is within the Stowe Historic Overlay District, regulated under Section 10 of the Regulations. The HPC reviewed the development proposal during various public meetings in 2024 and 2025.

2. At the November 16th meeting, the HPC unanimously recommended approval of the project as proposed, including the requested setback waiver.

3. On December 18, 2024, the HPC reviewed amendments to the plans that included revised window muntin patterns and revised exterior lighting. The HPC unanimously recommended approval of the amendments as presented.

4. On February 5, 2025, the HPC reviewed amendments to exterior light fixtures and unanimously recommended approval.

5. On March 25, 2025, the DRB voted unanimously to re-open the public hearing on Project 7495. As part of the re-opened hearing, the DRB remanded the application back to the HPC for their further review and recommendation on the proposed demolition of the two (2) existing buildings.

6. On April 16, 2025, the HPC reviewed the Applicant's request to demolish the existing Union Bank and Xpress buildings. The Applicant requested demolition under Criterion A of Section 10.7(2), which states: *The SHPC has determined that the structure does not have historical or architectural significance or does not make a positive contribution to the district's streetscape.*

7. The Applicant provided a letter from Christian C. Carey, AIA, NCARB, dated April 9, 2025, requesting approval for the demolition of the existing Union Bank building (47 Park Street) and the existing Xpress building (73 Pond Street) under Section 10.7(2)(A). The letter explained that both buildings have no historical or architectural significance and neither make a positive contribution to the streetscape.

8. The National Register of Historic Places classifies both buildings as "N" – Noncontributing.

9. The HPC found that the proposed demolitions are in accordance with Section 10.7(2)(A) and voted unanimously to recommend demolition approval to the DRB (Exhibit 59).

10. The hearing record contains photographs that document the existing buildings to be demolished.

11. The Applicant provided a phasing and construction plan. The construction of the proposed development will commence shortly after demolitions, within the six (6) month window. The first phase of the project involves the demolition of the Xpress building and construction of the proposed bank building. Once the bank building is complete, the second phase will begin, which consists of demolishing the existing Union Bank building and starting construction of the new mixed-use building. (Exhibit 64).

Conclusion: Based upon the above findings, the DRB concludes the project complies with applicable provisions set forth in Section 10.7.

Section 10.9 – Dimensional Waivers for Historic Buildings and All Buildings Within the Overlay District

1. The DRB incorporates by reference into this section's findings its findings under setbacks and dimensional requirements, above, as if more fully stated herein.

Section 10.13 – Standards for New Construction

1. The DRB incorporates by reference into this section's findings its findings under Section 3.7(4)(F), above, as if more fully stated herein.

2. The Applicant testified that the building's design elements are intentional to emphasize the purposeful material changes in the façade to contribute to a varied appearance.

3. Section 10.13(1)(B) does not apply to this project. The project is located within the historic district.

4. The scale and massing of the proposed building(s) exceed the majority of nearby historic structures – specifically 32 Park Street, 82 Park Street, 77 Park Street, and 49 School Street.

5. Adjacent properties to the south, west and east contain buildings that are less than three-stories in height.

6. The scale and massing of the proposed building(s) may block northbound views of historic structures along Main Street, particularly the iconic Stowe Community Church.

7. The proposed building(s) includes a variety of shapes and materials, including brick siding, wooden clapboard & vertical siding, metal standing seam and asphalt shingle roofing, a mix between flat, hip, and gable roof forms, and a variety of window type, however the overall size of the proposed building(s) are not compatible in scale or massing.

8. Adjacent buildings offer a mix of roof forms, however many of the surrounding buildings primarily have gable roofs.

9. The proposed roof line along Pond Street offers ±172 feet of variation, between flat, gabled, and hipped roofs. These architectural features comply with Section 10.13(1)(E).

10. The existing buildings on the subject property, although noncontributing, primarily contain brick. The bank portion of the proposed building will also be constructed of brick, whereas the rest of the building will alternate between wood clapboard and vertical siding.

11. Except for the buildings fronting Main Street, existing buildings in the surroundings are mostly two (2) to two and a half (2.5) stories in height. Being three (3) stories, the proposed building(s) will exceed the existing heights of surrounding buildings.

12. The proposed building(s) includes balconies along the Park Street façade, and the north and west façade of the Park Street building.

13. The flat roof sections of the proposed building(s) include cornices and entablatures. A variety of windows are proposed throughout – commercial sized on the ground level retail spaces, and a variety of double-hung windows with various muntin patterns for the upper story residential units and the bank building.

14. As proposed, windows at the residential levels and throughout the entire bank building will consist of a variety of muntin patterns. These vary between 2/1, 4/1, 6/1, and 6/6 patterns.

15. The building materials are similar in dimensions and appearance to those of other buildings in the surrounding area. As noted above, the primary building materials include wooden clapboard and vertical siding, brick siding, metal standing seam, and asphalt shingle roofing.

16. The overall size of the proposed building(s) is large in comparison to nearby structures and out of touch with human scale. The proposed building(s) design lacks a sense of pedestrian friendliness.

17. Along the Park Street façade exists a discernable 'main block' of the building. The Applicant testified that the northern and southern thirds of the Park Street fronting building serve as 'bookends', with a centralized main block which offers a covered access porch and entrance. This façade is continuous and appears out of scale with the surroundings.

18. Along the Pond Street façade, a 'main block' is not clear since the proposed building is long and contains what appears to be two (2) main blocks – the western half containing the retail space and upper dwelling units, and the eastern half containing the bank use.

19. No accessory structures are proposed.

Conclusion: Based on the evidence presented during the DRB hearings and the above findings, the DRB rejects the HPC's recommendations and concludes that the project does not conform with the following standards for new construction: §§10.13(A), (C), (D), & (M). The project therefore must be redesigned to respect the surrounding historic structures in terms of scale and massing; be sensitive to the overall character and context of the Stowe Historic Overlay District and adjacent buildings; be compatible with the varied heights of existing adjacent buildings or in the surrounding area; and possess a human scale, both in terms of their overall size and in their details and materials, in order to promote a sense of pedestrian friendliness.

Section 14: Signs

1. Signage is reviewed by the Zoning Administrator and not subject to DRB review. The submitted elevation plans show four (4) Union Bank wall signs: two (2) on the south elevation and two (2) on the east elevation. The number of signs alone exceed what is permissible under the current Regulations. The Applicant will need to submit a separate sign permit application to the Planning and Zoning Department for review and approval prior to the installation of any exterior signage.

Conclusion: Based on the above finding, the DRB concludes that all signage depicted on the project plans are not included as part of this application and the Applicant will have to submit a separate zoning permit application(s) for all future signage.

Section 15: Parking Requirements

1. The DRB incorporates by reference into this section's findings its findings under Section 3.16(C)(3), above, as if more fully stated herein.

DECISION

Based upon the above findings and conclusions, the DRB hereby denies without prejudice the Applicant's request for combined conditional use, site plan, and design review (Project #7495) as described in the application dated 08/26/2024 and associated supporting materials.

1. The project, as presented, will result in an undue adverse effect on the scenic and natural beauty of the area and aesthetics. As such, the project fails to fully comply with Section 3.7(4)(F).

2. The project, as presented, fails to comply with the following new construction standards of Section 10-Stowe Historic Overlay District: §§10.13(A), (C), (D), & (M).

Voting to approve: Tom Hand, Lynn Altadonna
Voting to deny: Drew Clymer, Andrew Volansky, Mary Black, Peter Roberts, Patricia Gabel

Dated at Stowe, Vermont this the 10th day of June 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a notice of appeal that specifies the basis for the request with the Secretary of the Development Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised on appeal have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of $25/page is required for recording.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7548		
Application Date	2/5/2025		
Physical Location	0 JEANS WAY		
Map ID	09-041.040	**Tax ID**	24010-040
Project Description	PROPOSED REVISION OF PREVIOUSLY APPROVED BUILDING SETBACKS ON LOT D OF THE ORIGINAL GODIN PRD		
Owner	JEANS WAY 2 LLC		
Applicant	JEANS WAY 2 LLC		
Applicant Address	638 S. MAIN ST STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	6/17/2025	7/17/2025	7/17/2027

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT # 7548

SUBJECT PROPERTY 0 Jeans Way (Tax Map# 09-041.040)

PROPERTY OWNER/APPLICANT
Jeans Way 2 LLC
638 South Main Street
Stowe, VT 05672

APPLICATION

The Applicant/Property Owner, Jeans Way 2 LLC (herein referred to as the "Applicant"), requests a subdivision amendment to expand the previously approved building zone for Lot D of the Jean Audrey & Lawrence Lyman Godin Planned Residential Development (PRD), approved by the Planning Commission on January 9, 2001 under S-00-24. The subject parcel, Lot D, is ±1.4 acres in area and within the Rural Residential 5 (RR5) zoning district. The application was reviewed by the Development Review Board (DRB) under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of a PRD/subdivision amendment. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by Applicant Jeans Way 2 LLC on February 5, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for May 6, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on April 17, 2025. The Applicant provided the Certificate of Service on April 9, 2025.

The public hearing to consider the application convened on May 6, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Mary Black, David Kelly, Patricia Gabel, Peter Roberts, Michael Diender and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, 46 Hutchins Street, Morrisville, VT 05661
2. Ivo Pereira, Jeans Way 2 LLC, 638 South Main Street, Stowe, VT 05672
3. Lawrence and Sandra Godin, 51 Jeans Way, Stowe, VT 05672
4. Audrey Godin, 182 Jeans Way, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 02/05/2025;
2. Project Narrative, prepared by Mumley Engineering, Inc., dated 02/03/2025;
3. Revised Project Narrative, prepared by Mumley Engineering, Inc., revised date 02/10/2025;
4. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., dated 11/05/2024;
5. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., dated 01/30/2025;
6. 4 Lot PRD Subdivision Land of Jean Audrey & Lawrence Lyman Godin, dated 01/2001.
7. Plot Plan Lots C & D, Sheet 1 of 2, prepared by Larsen Applied Earth Science LLC, dated 05/22/2023:
8. Site Plan & Construction Details, Sheet 2 of 2, prepared by Larsen Applied Earth Science LLC, dated 05/22/2023;
9. Planning Commission Meeting Minutes 01/09/2001.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact & Conclusions of Law:

The Applicant's request for a PRD/subdivision amendment was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

Section 2.16 Flexibility and Finality in the Permitting Process (Stowe Club Test):

1. In order to determine if it is appropriate under the circumstances to allow an amendment of a permit or approval, the DRB shall evaluate any application that proposes an amendment of a final approval and assess the competing policies of flexibility and finality in the permitting process.

2. An amendment is considered a request to modify the project plans, exhibits, and /or representations by the applicant that lead to the decision and which have been incorporated into the approval through a specific or general condition. Conditions include all stated conditions in a decision and elements of a recorded plat or plan.

3. The Jean Audrey & Lawrence Lyman Godin Planned Residential Development (Godin PRD) included building zones and setbacks for the subject property – Lot D. The Godin PRD (Project S-00-24) was approved by the Planning Commission on January 9, 2001.

4. The Godin PRD also included proposed leach field locations for each lot. The leach field proposed for the subject lot is shown to be in the western portion of Lot D.

5. The Applicant provided an approved wastewater plan (WW-5-9246) showing the wastewater system to be located in the eastern portion of Lot D, and partially within the building zone established by the Godin PRD. Wastewater permit WW-5-9246 was approved on May 30, 2023, after the original PRD was approved.

6. The Applicant testified that the building zone was planned for the eastern portion of Lot D, with the proposed wastewater disposal system being in the western portion of the lot. However, the wastewater system was approved by the State of Vermont in the eastern portion of the lot, with the future house in the middle portion- the house and the leach field locations were essentially swapped.

7. The Applicant is requesting to expand the approved building zone/setbacks of Lot D to accommodate a future single-family dwelling further to the west, beyond the building zone approved under the original Godin PRD.

8. The Applicant's request to modify the approved building zone and setbacks will alter a previously approved project (S-00-24). The established building zone was included on the approved and recorded PRD plat.

9. The PRD application was reviewed by the Planning Commission on October 24, 2000 and January 9, 2001. Neither Planning Commission meeting minutes nor conditions of PRD approval required the need for the building zone and leachfield on Lot D to be located where shown on the PRD.

10. The minimum setback for one (1) and two (2) family dwellings on individual interior lots of a PRD is ten (10') feet.

11. Lot D's approved building zone has setbacks of fifty (50') feet from the front property line, thirty (30') foot and forty (40') foot setbacks from the side yards, and a one hundred (100') foot rear yard setback.

12. The Applicant proposes to expand the building zone westward, with the fifty (50') foot front yard and thirty (30') foot and forty (40') foot side yard setbacks still maintained. The rear setback will be reduced to thirty (30') feet.

13. The Applicant testified that by expanding the building zone further to the west as proposed, it will provide improved separation from the wastewater system and neighboring lots.

14. Overall, Lot D complies with the one hundred fifty (150') foot double setback from the perimeter of the PRD.

15. The Applicant testified that the expanded building zone will create no visual impact from nearby vantage points. Lot E of the PRD is a one hundred fifty (150') foot wide designated open space lot running along the perimeter of the entire PRD. This open space lot will continue to be forested and will continue to screen the PRD.

16. The site plan provided shows steep slopes along the northern portion of Lot D, with the 'Top of Bank' demarcated thereon. Portions of the existing and proposed building zone run along the 'Top of Bank'.

17. The approved wastewater system location cuts slightly into the eastern end Lot D's approved building zone.

18. The Applicant testified that the PRD plan, as approved by the Town, was apparently revised and different from the site plan that was approved by the State of Vermont for the Potable Water and Wastewater Permit (WW-5-9246). The WW Permit included a site plan that had a leachfield on the east side of the lot, which reduced and restricted the space for a future dwelling within the original building zone.

Conclusion: Section 2.16 requires the DRB to evaluate any application proposing an amendment to a final approval by balancing the competing policies of flexibility and finality. The key question is whether the amendments sought by the Applicant necessitate a Stowe Club analysis under Section 2.16. To determine this, the DRB must consider whether the amendment involves altering a condition that was originally included to address a critical issue. If so, the DRB must apply the Stowe Club analysis when reviewing the proposed amendment. If not, the DRB may proceed with reviewing the application based solely on its merits. The Godin PRD (S-00-24) established a building zone and a location for a future leachfield on Lot D. Nothing within the hearing record leads the DRB to conclude the established building zone was necessary to resolve a critical issue or concern. Therefore, based upon the above findings, the DRB concludes that the previously established building zone on Lot D was not intended or required to resolve a critical issue; the Stowe Club Analysis is not applicable. The DRB can continue review of the application on its merits.

DIMENSIONAL REQUIREMENTS:

19. **Zoning District.** The subject parcel is located within the Rural Residential 5 (RR5) zoning district as shown on the Official Town of Stowe Zoning Map.

20. **Lot Area, Lot Width.** The minimum lot area requirement in the RR5 zoning district is five (5) acres and the minimum lot width is three hundred (300') feet. The subject parcel is part of the Godin PRD and is ±1.4 acres in area and two hundred twenty-five (225') wide. No changes to lot area or width are proposed.

21. **Setbacks.** Setbacks within the RR5 District are as follows: front seventy (70') feet, side seventy-five (75') feet, rear seventy-five (75') feet. As required under Section 13.4(5)(B), along the outside boundary of the project (PRD), building setbacks shall be twice the setback requirement for the district in which it is located. The setback shall be free of all buildings, structures, and parking areas, but may contain signs and may be crossed by necessary access driveways. Lot E of the Godin PRD represents the PRD's open space and thus accommodates the required double setback (150').

22. The subject parcel, Lot D, is ±150 feet from the outside boundary of the PRD. In accordance with Section 13.4 (5)(C), setbacks for one (1) or two (2) family dwellings on individual internal lots are ten (10') feet.

23. The PRD created internal lot setbacks greater than ten (10') feet. The subject parcel, Lot D, shows a forty (40') foot setback from a dotted line, a line that is not Lot D's property line, to one (1) side of the building zone and a fifty (50') foot setback from the front property line to the front of the building zone. The reasoning for the dotted line that the forty (40') foot side yard setback is based off is unclear.

24. The Applicant testified that the dotted line appears to be an arbitrary line and the building zone actually has a sixty (60') feet from the actual side yard property line.

25. The Applicant is proposing to expand Lot D's building zone which will result in the following setbacks: front fifty (50') feet, north side forty (40') feet, south side thirty (30') feet, and rear thirty (30') feet. All setbacks will exceed the minimum ten (10') foot setback allowance for internal PRD lots.

26. **Height.** No development is proposed under this project. Any ensuing zoning permit will require that the building height not exceed twenty-eight (28') feet in height.

27. **Use.** While no development is proposed as part of this project, one (1) family and two (2)-family dwellings are permitted uses in the RR5 zoning district.

28. **Density.** In the RR5 district, Density is allowed at a rate of one (1) single-family dwelling/two-family dwelling per five (5) acres. The subject parcel is Lot D (±1.4 acres) of the Godin PRD, which was created as a developable PRD lot. A single-family dwelling unit or two-family dwelling unit is possible.

Conclusion: Based upon the above findings, the DRB concludes the proposed PRD amendment conforms to the applicable dimensional requirements.

SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:

29. Upon review by the DRB, the DRB concludes the following standards are not applicable. The proposed amendment will have no impact on the following:

Section 5.1(1) – Character of the Land for Subdivision
Section 5.1(2) – Natural and Scenic Features
Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities
Section 5.1(4) – Historic Sites and Community Character
Section 5.1(5) – Reserved Strips
Section 5.1(6) – Screening
Section 5.1(7) – Pedestrian Access
Section 5.1(8) – Traffic
Section 5.1(9) – Municipal Facilities
Section 5.1(10) – Lot Configuration
Section 5.1(12) – Fire Protection Facilities
Section 5.1(13) – Disclosure of Subsequent Development Plans
Section 5.1(14) – Private Enforcement Mechanisms
Section 5.2 – Subdivision within the Ridgeline and Hillside Overlay District (RHOD)
Section 5.3 – Open Space and Planned Unit Development
Section 5.4 – Road Standards and Coordination with Public Highways
Section 5.5 – Utilities and Stormwater Management

30. **Section 5.1(11) – Building Zone:**

31. The DRB shall find that the proposed subdivision provides adequate building sites for each proposed lot. Such sites may be restricted to a specific building zone, to be depicted on the plat, located and sized to ensure compliance with all of the provisions of Section 5 of these regulations.

32. The proposed expanded building zone on Lot D will continue to exceed the minimum ten (10') foot setback requirement for internal lots of a PRD.

33. The proposed building zone will continue to avoid the 'Top of Bank', as shown on the Godin PRD.

34. The Applicant testified that the expanded building zone will not create any new visual impacts from vantage points. The one hundred fifty (150') foot wide, designated open space Lot E will continue to be forested and provide adequate screening for the PRD.

Conclusion: Based on the above findings, the DRB concludes the proposed PRD amendment provides an adequate building site for Lot D.

DECISION

Based upon the above findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for a PRD amendment to expand the building zone on Lot D of the Godin PRD, as outlined in the application dated February 5, 2025, and supplemental materials, subject to the following conditions of approval.

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning and Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans include:

    1. Town of Stowe Development Application, dated 02/05/2025;
    2. Project Narrative, prepared by Mumley Engineering, Inc., dated 02/03/2025;
    3. Revised Project Narrative, prepared by Mumley Engineering, Inc., revised date 02/10/2025;
    4. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., dated 11/05/2024;
    5. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., dated 01/30/2025;
    6. 4 Lot PRD Subdivision Land of Jean Audrey & Lawrence Lyman Godin, dated 01/2001.
    7. Plot Plan Lots C & D, Sheet 1 of 2, prepared by Larsen Applied Earth Science LLC, dated 05/22/2023:
    8. Site Plan & Construction Details, Sheet 2 of 2, prepared by Larsen Applied Earth Science LLC, dated 05/22/2023.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale, and no street or utility construction shall be started until a subdivision plat, prepared in accordance with the requirements of the regulations, has been approved as per these regulations, and has been recorded in the office of the Stowe Town Clerk.
4. Pursuant to 24 VSA Chapter 117, the PRD survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations.
5. The Applicant shall file the final survey plat, amended herein, signed by the Chair or other authorized representative of the Development Review Board, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
6. Future structures constructed on Lot D shall be located within the designated building zone. No additional DRB approval is needed for structures, uses of improvements located within a building zone which otherwise require only administrative approval under the Regulations.
7. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his or her successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, Michael Diender, Scot Baraw, Peter Roberts and Patricia Gabel

Voting to deny: David Kelly

Dated at Stowe, Vermont this the 6th day of June 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

Your DRB project listed below was recently denied by the Development Review Board. Attached is a copy of the DRB decision for your records.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7518		
Application Date	11/25/2024		
Physical Location	157 WEST RIDGE RD		
Map ID	06-101.110	**Tax ID**	26074-110
Project Description	TREE CLEARING FOR DRIVEWAY RELOCATION		
Owner	RIDGERUNNER LLC C/O DAVID RONTAL		
Applicant	RIDGERUNNER LLC		
Applicant Address	PO BOX 470857 BROOKLINE MA 02447		

ACTIONS

Action Taken	Date	End of Appeal Period	
INCOMPLETE APP	12/19/2024		EMAILED APPLICANT 12/19/24
DRB DECISION	6/17/2025		DENIED

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT # 7518

SUBJECT PROPERTY 157 West Ridge Road (Tax Map# 06-101.110)

PROPERTY OWNER/APPLICANT
Ridgerunner LLC/David Rontal
PO Box 470857
Brookline, MA 02447

APPLICATION

The Property Owner/Applicant, Ridgerunner LLC/David Rontal (herein referred to as 'Applicant'), seeks approval for a combined subdivision amendment, boundary line adjustment, and review under the Ridgeline and Hillside Overlay District [RHOD]. The combined proposal can generally be described as relocating the existing driveway and associated right-of-way across the property at 97 West Ridge Road, which provides access to 157 West Ridge Road, minor adjustments to the shared property boundary line between Lots 11 & 12, and amendments to the previously approved clearing limits on Lots 1 & 11.

The subject property, 157 West Ridge Road, contains ±5.32-acres (Tax Map 06-101.110) and is Lot 11 of the Upper Birch Hill Development Subdivision, approved by the Town of Stowe Planning Commission on July 18, 1988 (S-88-8) and recorded in the Town of Stowe Land Records under Map Book 6, Page 97. The other involved property is 97 West Ridge Road, which contains ±3.05 acres (Tax Map 06-101-010) and is Lot 1 of the above named previously approved subdivision. On October 24, 2000, the Planning Commission approved S-00-19 for the realignment of the thirty (30') foot wide driveway easement serving Lot 11 through Lot 1 to encompass the as-built driveway location. The Applicant now proposes the following:

1. Relocate the thirty (30') foot wide easement through Lot 1 serving Lot 11. The purpose of moving this easement is to accommodate the relocation of the existing driveway over Lot 1 which provides access to Lot 11- 157 West Ridge Road.
2. Amend the approved clearing limits on Lots 1 and 11, as established by S-88-8, to accommodate the proposed driveway relocation.
3. Adjust the shared property line between Lots 11 and 12, both of which are owned by the Applicant.

All of the involved lots are in the RR3 zoning district, RHOD, and the Source Protection Overlay District. The application was reviewed by the DRB under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of combined subdivision amendment, boundary line adjustment, and RHOD review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by Applicant Ridgerunner LLC/David Rontal on November 25, 2025. The application was determined to be incomplete and returned to the Applicant with a request for additional information in order to meet the minimum submittal requirements. Following submittal of additional information on February 17, 2025, the application was then accepted as administratively complete by Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for May 6, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on April 17, 2025. The Applicant provided the Certificate of Service on April 9, 2025.

The public hearing to consider the application convened on May 6, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Mary Black, David Kelly, Patricia Gabel, Peter Roberts, Michael Diender and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, 46 Hutchins Street, Morrisville, VT 05661
2. Emily Leventhal & David Rontal, PO Box 470857, Brookline, MA 02447
3. Alison DiPiano, 97 West Ridge Road, Stowe, VT 05672
4. Marcia Gnagey & John Hueber, 47 Beaver Pond Road, Lincoln, MA 41773 (property owners of 266 High Ridge Road)
5. Jon Anderson, Primmer, Piper, Eggleston, & Cramer PC, PO Box 1489, Burlington, VT 05402-1489 (representing Marcia Gnagey & John Hueber)

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 11/25/2024;
2. Project Narrative, prepared by Tyler Mumley, revision date 02/12/2025;
3. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc, revision date 01/06/2025;
4. Overall Site Plan, Sheet C-2, prepared by Mumley Engineering, Inc., revision date 02/12/2025;
5. Email from Jim DePiano, dated 01/21/2025;
6. Plan of Lots at the Upper Birch Hill Development Subdivision, S-88-8;
7. Survey for Raymond Cabral, S-00-19;
8. Written Letter from Jon Anderson of Primmer Piper Eggleston & Crammer PC, dated 5/6/2025;
9. DRB Decision – Project 3744;
10. DRB Decision – Project 3861;
11. DRB Decision – Project Z-0585:
    a. Proposed Site Plan, Sheet RHOD.1, prepared by Cushman Design Group, dated 05/13/2005;
    b. Landscape Site Plan, Sheet L1.0, prepared by Ambler Design, dated 07/14/2006;
12. Planning & Zoning Department Staff Review for Project 7518.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact & Conclusions of Law:

The Applicant's request for combined subdivision amendment, boundary line adjustment and RHOD approval was reviewed by the DRB, for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards

- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 9 – Ridgeline and Hillside Overlay District (RHOD)

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

Section 2.16 Flexibility and Finality in the Permitting Process (Stowe Club Test)

1. In order to determine if it is appropriate under the circumstances to allow an amendment of a permit or approval, the DRB shall evaluate any application that proposes an amendment of a final approval and assess the competing policies of flexibility and finality in the permitting process.

2. An amendment is considered a request to modify the project plans, exhibits, and /or representations by the applicant that lead to the decision and which have been incorporated into the approval through a specific or general condition. As stated in Section 2.16, conditions include all stated conditions in a decision and elements of a recorded plat or plan.

3. The Applicant seeks to amend the previously approved clearing limits to accommodate the proposed driveway/right-of-way relocation. As proposed, relocating the driveway and associated right-of-way will require approximately ±14,000 sf of tree clearing and removal; as proposed, ±3,500 sf will occur on Lot 11 and ±10,500 sf will occur on Lot 1.

4. The DRB must decide if the Applicant is requesting an amendment to a final approval, and if so, if the changes sought by Applicant trigger a Stowe Club analysis.

5. The underlying subdivision approval of the lots, S-88-8, established specific clearing limits for the subject properties (Lots 1 & 11). These approved clearing limits were identified on the plat approved by the Town of Stowe Planning Commission, as recorded in the Town of Stowe Land Records under Map Book 6, Page 97. The changes sought by the Applicant propose to amend the previously approved clearing limits of the underlying subdivision, S-88-8. The DRB therefore finds the Applicant is seeking an amendment to a final approval.

6. A preliminary step to the Stowe Club analysis requires the DRB to distinguish between conditions involving "critical" issues and non-critical issues.

7. In the Planning Commission's meeting minutes approving S-88-8, the Applicant stated that the plat shows tree lines, but there is no guarantee they would remain. The Applicant *'felt that they wanted the clearing to be limited to the tree line shown, and so stipulated that on the plat.'*

8. The Planning Commission's meeting minutes approving S-88-8 included a specific condition that a clear-cutting limitation be put on the recorded plat.

9. Section 2.16(2) lists three (3) kinds of changes that justify altering a condition of a permit or approval.

10. Section 2.16(2)(A) allows an amendment when the Applicant can demonstrate '*Changes in factual or regulatory circumstances beyond the control of a permittee*'. There is no evidence in the hearing record to support a positive finding under this provision.

11. Section 2.16(2)(C) allows an amendment when the Applicant can demonstrate '*Changes in technology*'. There is no evidence in the hearing record to support a positive finding under this provision.

12. The Applicant is requesting to relocate the driveway and associated right-of-way serving Lot 11, and the approved clearing limits of Lot 1 and Lot 11. The Applicant cites Section 2.16(2)(B) '*Changes in the construction or operation of the permittee's project not reasonably foreseeable at the time the permit was issued'* as the applicable provision.

13. The previously approved Upper Birch Hill Development Subdivision (S-88-8) established a thirty (30') foot wide right-of-way and clearing limits for Lots 1 and 11. The Applicant seeks to modify these elements of the approved plat.

14. The right-of-way serving Lot 11 was slightly modified in 2000 under an approved subdivision amendment S-00-19, to correctly encompass the as-built location of the driveway serving Lot 11. The amendment slightly shifted the angle of the right-of-way, it did not entirely relocate the right-of-way within Lot 1, nor did it alter the clearing limits established under the original approved subdivision (S-88-8).

15. The Applicant testified that the existing driveway needs to be relocated to reduce its grade. The existing driveway has an average grade of fifteen (15%) percent. The project involves relocating the driveway and right-of-way to the northeast where a realigned driveway grade of ten (10%) percent can be achieved. In order to complete this a portion of the hillside will need to be cleared. This tree removal will impact the previously approved clearing limits.

16. The Applicant testified that the existing driveway serving Lot 11 is steep and dangerous in the wintertime. Due to the driveway slope, vehicles exiting Lot 11 are required to accelerate over the top of the driveway, where it meets the parking area of Lot 1, creating the dangerous possibility of a collision with vehicles leaving Lot 1.

17. Emily Leventhal testified that the proposed clearing is strictly for a relocated driveway and that this is not a project intended to improve scenic views from the property. The existing driveway to be relocated will revegetate naturally.

18. Alison DiPiano, owner of Lot 1, testified that the proposed driveway relocation will improve vehicular safety for those exiting Lot 11.

19. The Applicant testified that the proposed driveway grade will allow for a swale to manage stormwater runoff. Erosion control for the proposed driveway will consist of silt fencing. A substantial amount of fill will be needed to provide stabilization of the proposed driveway.

20. The hearing record contains no proposed plans for revegetation of the existing driveway proposed to be relocated.

21. Marcia Gnagey testified that the trees to be removed to accommodate the proposed driveway relocation consist of mature hemlocks. Removal of these trees will create visual impacts onto and arising from the site.

22. The Applicant testified that the relocation of the driveway is necessary for safe access and enjoyment of the Applicant's residence. The existing driveway has an average grade of fifteen (15) percent and is directly in line with the residence, which, during inclement weather, creates a potential risk of vehicles sliding toward the residence.

23. The Applicant testified that the relocated driveway will have an average grade of ten (10) percent and will rotate at the bottom to reduce the threat of vehicles sliding into the residence.

24. The Applicant testified that both the residence and driveway on Lot 11 were constructed in 2010. The residential use of the property and driveway has operated in the same configuration since the original construction.

25. Attorney Jon Anderson, representing Marcia Gnagey and John Hueber, provided written testimony stating that neither topography in the area nor the location of the driveway in relation to the existing home has changed, which results in no change in circumstances and therefore the Applicant's permit conditions should not be altered.

26. Mr. Anderson's written testimony also stated that even if the DRB were to allow the driveway to be altered, there is no justification for allowing about a third of an acre of mature forests to be cleared.

27. The application to amend the location of the right-of-way and approved clearing limits on Lots 1 and 11 will alter the finality of S-88-8.

28. The original subdivision, S-88-8 established the locations of the right-of-way and clearing limits for Lots 1 and 11. These site improvements have been operational since Lot 11 was first developed in 2010.

Conclusion: Section 2.16 requires the DRB to evaluate any application proposing an amendment to a final approval by balancing the competing policies of flexibility and finality. The central question is whether the amendments sought by the Applicant necessitate a Stowe Club analysis (§2.16). To determine this, the DRB must first consider whether the amendment involves altering a final condition that was originally included to address a critical issue. If so, the DRB must apply the Stowe Club analysis when reviewing the proposed amendment. If not, the DRB may proceed with reviewing the application based solely on its merits.

The Applicant seeks to modify previously approved clearing limits that were purposefully shown on a recorded plat and included as a specific condition of approval under S-88-8. The DRB therefore concludes that the Applicant's request to modify the approved clearing limits on Lots 1 & 11 constitutes an amendment to a final approval and must be reviewed under the Stowe Club analysis. However, before doing so the DRB must determine whether the changes sought by the Applicant involve a condition that was included to resolve a critical issue. In reviewing the procedural history of the subject property, the DRB concludes the approved clearing limits established under S-88-8 were imposed to resolve a critical issue and therefore the Applicant must demonstrate compliance with the Stowe Club Test before the DRB can authorize changes to this critical element of the approved plan.

The Applicant argues that the proposed modification is justified under §2.16(2)(B), which allows for amendments due to changes in the construction or operation of the project that were not reasonably foreseeable at the time the permit was issued. The evidence and testimony presented weighs heavily on the fact that the existing driveway is steep and causes alleged difficulties for vehicles entering and exiting the property in a safe manner. The existing driveway and dwelling on Lot 11 were constructed in 2010, or thereabouts, and have been utilized since that time with no documented incidents. After reviewing the testimony and supporting evidence, the DRB finds that the existing driveway (and its associated right-of-way) has functioned adequately and that the driveway's limitations were foreseeable at the time of the original approval. The DRB therefore concludes that the Applicant has not demonstrated any change in construction or operation that was not reasonably foreseeable, and has not met the

standards required under the Stowe Club Test to justify amending the previously approved clearing limits on Lots 1 and 11.

With respect to the Applicant's request for a boundary line adjustment and relocation of the right-of-way, the DRB finds no evidence that the existing location of the shared property line or right-of-way was intended to address a critical issue. Therefore, these elements do not independently trigger the Stowe Club analysis, except insofar as they impact the previously approved clearing limits. Because the right-of-way and driveway relocation cannot occur without modifying those limits—and the DRB has found no justification for such modification—this portion of the application is not reviewed further. The DRB proceeds to evaluate only the proposed boundary line adjustment on its individual merits.

Dimensional Requirements

29. **Zoning District.** The subject parcel(s) are located within the Rural Residential 3 (RR3) zoning district, the RHOD, and the Source Protection Overlay District.

30. **Lot Area, Lot Width.** The minimum lot area in the RR3 District is three (3) acres; the minimum required lot width is two hundred fifty (250') feet.

31. Lot 11 is ±5.32 acres in size, with a lot width of ±300 feet.

32. Lot 12 is ±7.18 acres in size, with a lot width of ±290 feet.

33. Following the proposed boundary line adjustment, Lot 11 will be ±5.57 acres in size, with a lot width of ±339.34 feet, and Lot 12 will be ±6.93 acres in size, with a lot width of ±250 feet.

34. **Setbacks.** Required minimum district setbacks for the RR3 District are: front seventy (70') feet, side sixty (60') feet and rear sixty (60') feet.

35. Lot 11 contains an existing single-family dwelling. Lot 12 is undeveloped.

36. The proposed lot line adjustment only adjusts the northeast side yard property line of Lot 11, increasing the existing dwelling's side yard setback to approximately one hundred (100) feet.

Conclusion: Based on the above findings, the DRB concludes that the proposed boundary line adjustment conforms to the applicable dimensional requirements of the RR3 District.

DECISION

Based upon the above findings and conclusions, the DRB hereby denies the Applicant's request (Project #7518) as described in the application dated 11/25/2024 and associated supporting materials.

1. The Applicant seeks to amend a critical condition of the original subdivision approval (S-88-8); however, the requirements of Section 2.16(2) for justifying a modification to a final approval have not been satisfied.

Voting to deny: Drew Clymer, Mary Black, David Kelly, Patricia Gabel, Peter Roberts, and Scot Baraw

Voting to approve: Michael Diender

Dated at Stowe, Vermont this the 17th day of June 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of $25/page is required for recording.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7528		
Application Date	12/18/2024		
Physical Location	26 TINKER LN		
Map ID	09-014.000	**Tax ID**	04085
Project Description	PROPOSED 3-LOT PRD ON ELIZABETHS LN IN RR2. INCLUDING A PARTIAL REDUCTION OF DOUBLE SETBACKS.		
Owner	PERCY PAUL E TRUSTEE PERCY FARM TRUST		
Applicant	PAUL PERCY PERCY PAUL E TRUSTEE		
Applicant Address	29 PERCY HILL RD STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
INCOMPLETE APP	1/6/2025			EMAILED APPLICANT 1/6/25
OTHER	1/31/2025			COMPLETE, REFER TO DRB
DRB DECISION	6/17/2025	7/17/2025	7/17/2027	APPROVED WITH CONDITIONS

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT# 7528

SUBJECT PROPERTY Lot 3 – Elizabeths Lane (#09-014.000)

PROPERTY OWNER/APPLICANT
Paul Percy
29 Percy Hill Road
Stowe, VT 05672

APPLICATION

The Applicant/Property Owner, Paul Percy (herein referred to as the "Applicant"), requests final subdivision review of a two-lot (re)subdivision. The Applicant proposes to subdivide the existing ±6.06-acre undeveloped parcel as shown on Tax Map # 09 Parcel # 014.000 into two (2) residential lots. The Applicant initially submitted a proposal for a three-lot Planned Residential Development (PRD), which included requests for dimensional waivers. However, during the review process, the project was revised to reduce the number of proposed lots to two (2) and redesigned in a way that eliminates the need for any dimensional waivers. The Applicant is no longer pursuing a PRD and is instead seeking approval for a traditional subdivision.

The project is generally described as the (re)subdivision of the previously approved Lot 3 of the 'Paul Percy Three-Lot Subdivision' approved by the Development Review Board (DRB) in 2006 under Project #3121. The Applicant now proposes to (re)subdivide the parcel into two (2) lots as follows: Lot 3A being ± 4.06 acres and Lot 3B being ±2.00 acres. At the time of original subdivision approval, Lot 3 was approved as a deferred lot which required by condition of approval "*no development can occur on Lot 3 without further review and approval*" of the DRB. The property boundaries and area of Lot 3 were further modified and reduced to the present ±6.06 acres through a boundary line adjustment approved under Project # 4003- a minimal alteration. The subject property is located in the Rural Residential 2 (RR2) district and is accessed from Elizabeths Lane, a privately owned and maintained roadway. The northern property boundary coincides with the shared boundary between the Towns of Morristown and Stowe. The application was reviewed by the DRB under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) (the "Regulations"). The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A development application was received by the Town of Stowe Department of Planning & Zoning on December 18, 2024. The application was initially deemed incomplete by Zoning Administrator Sarah McShane and returned to the Applicant for additional information. Upon submission of additional information, the application was deemed administratively complete and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for April 1, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on March 13, 2025.

The public hearing to consider the application convened on April 1, 2025, with a quorum of the DRB present. The hearing was held at the Stowe Town Office, with remote participation available via Zoom. No *ex parte* communications or conflicts of interests were reported. Members participating in the April 1st review included: Drew Clymer, Tom Hand, Mary Black, Peter Roberts, David Kelly, Andrew Volansky, and Lynn Altadonna. The DRB continued the hearing to a time and date certain of June 3, 2025 to give the Applicant the opportunity to amend the project plans. The same members participated in the continued public hearing on June 3rd; however, Tom Hand was unable to attend and instead reviewed the hearing recording and submitted materials. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

PARTICIPANTS & INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, Mumley Engineering, 46 Hutchins Street, Morrisville, VT 05661
2. Ryan Percy, 1556 Weeks Hill Road, Stowe, VT 05672
3. Paul Percy, 29 Percy Hill Road, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Development Application, Paul Percy, dated 12/17/2024
2. Project Narrative, Mumley Engineering Inc., dated 12/17/2024
3. Site Plan, Sheet C-1, Mumley Engineering Inc., dated 12/17/2024
4. (Revised) Project Narrative and waiver request, Mumley Engineering Inc, dated 1/20/2025
5. (Revised) Project Narrative, Mumley Engineering Inc., dated 5/23/2025
6. Site Plan, Sheet C-1, Mumley Engineering Inc., dated 12/17/2024 /last revised 5/23/2025
7. Partial Site Plans & Details, Sheet C-2, Mumley Engineering Inc., dated 12/17/2024/last revised 5/23/2025
8. Details, Sheet C-3, Mumley Engineering Inc., dated 12/17/2024/last revised 5/23/2025
9. EPSC Plan, Sheet C-4, Mumley Engineering Inc., dated 12/17/2024/last revised 5/23/2025
10. (Revised) Project Narrative, Mumley Engineering Inc., dated 5/29/2025
11. Site Plan, Sheet C-1, Mumley Engineering Inc., dated 12/17/2024 /last revised 5/29/2025

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact

The Applicant's request for final subdivision approval was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Town of Stowe Subdivision Regulations (effective through July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

Dimensional Requirements

1. **Zoning District.** The subject parcel is located within the Rural Residential 2 (RR2) zoning district, as shown on the Official Town of Stowe Zoning Map.

2. **Lot Area, Lot Width.** The existing parcel, Lot 3, contains ±6.06 acres. The Applicant proposes to (re)subdivide Lot 3 into two (2) residential lots as follows: Lot 3A being ±4.06 acres and Lot 3B being ±2.00 acres.

3. The minimum lot area in the RR2 District is two (2) acres. The minimum lot width in the RR2 District is 200 feet.

4. Lot 3B contains approximately 303' of lot width. As such, Lot 3B is designed to meet the minimum lot width.

5. Lot 3A contains approximately 278' of lot width. As such, Lot 3A is designed to meet the minimum lot width.

6. **Setbacks.** Setbacks within the RR2 District are as follows: front/sixty (60) feet; side/fifty (50) feet; rear/fifty (50) feet. The building zones are designed to meet the minimum required setbacks and are labeled accurately on the site plan, Sheet C-1.

7. In the RR2 District, driveways must be setback a minimum of ten (10) feet from the property line. The proposed driveway on Lot 3B clearly meets the required setback. The shared driveway serving Lot 3A meets the required setback and is labeled on the revised plans with a notation 'new driveway shall be a 10' minimum from property line.' The Applicant testified that the edge of the shared driveway will be a minimum of ten (10) feet off the property line.

8. **Use.** The Applicant proposes a 2-lot subdivision consisting of the future construction of three (3) anticipated single-family dwellings. Single-family dwellings are a permitted use in the RR2 District.

9. **Building Coverage.** Does not apply.

10. **Density.** In the RR2 District, density is allowed at a rate of one (1) dwelling units per two (2) acres. The existing property contains ±6.06 acres which contains sufficient land area to support three (3) dwelling units. Sufficient density exists to support the proposal.

11. Lot 3A is designed to support two (2) future dwellings. Footnote 3 of Table 6.3 allows a second single-family dwelling as follows: '*A second single-family dwelling, tiny house, or two-family dwelling on one parcel is a permitted use when the parcel is equal or greater than double the minimum acreage for that district. Minimum separation between dwellings shall be twice the side yard setback for the district.*'

12. At this time the Applicant only seeks subdivision review, a separate development application will need to be filed when the Applicant (or future property owner(s)) seeks to develop any of the lots. Any future proposed development will be reviewed under the regulations in effect at the time of application. As shown, the separation between the two (2) dwellings is approximately 164'.

Conclusion: Based upon the above findings, the DRB concludes the project, as proposed, meets the minimum dimensional requirements.

Section 5.1 – General Planning Standards (Subdivision Regulations)

Section 5.1(1) – Character of Land for Subdivision

13. The Applicant proposes a traditional 2-Lot subdivision and related improvements including driveways, shared driveways, onsite potable water and septic systems, etc.

14. As proposed, the dwellings will be connected to privately maintained onsite septic and potable water sources.

15. The parcel is presently undeveloped.

16. Nothing within the hearing record indicates the land is unable to support the proposed development.

Conclusion: Based on the above findings, the DRB concludes the application has been designed in conformance with Section 5.1(1); the land can be used for the intended purposes without undue adverse impact on public health or safety, or the environment or, neighboring properties or the rural and historic character of the community.

Section 5.1(2) – Natural and Scenic Features

17. All subdivisions shall be designed to prevent undue adverse impact on: brooks, streams, water bodies, ground water resources and wetlands; prime agricultural soils, farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas, including views onto and arising from subject property.

18. There are no identified brooks, streams, or water bodies on the property.

19. There are no identified ground water resources or wetlands on the property.

20. The subject property was previously operated as a gravel pit, with topsoil subsequently placed over the disturbed area. The Applicant testified that any prime agricultural soils originally present were removed during gravel extraction activities, and the current topsoil was added after the site was altered. The land has not been tilled since the removal of the gravel.

21. The property does not contain any identified important forest resources that will be impacted by the project.

22. The property is setback off from any public highways and public vantage points. Although the future house sites will be visible from surrounding private properties, the subdivision will not have an adverse impact on scenic vistas.

Conclusion: Based on the above findings, the DRB concludes the application has been designed in conformance with Section 5.1(2), Natural and Scenic Features. The Applicant has given reasonable consideration to the visual impacts on neighboring landowners, the community, and on the scenic resources.

Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities

23. According to the ANR Natural Resources Atlas, the parcel does not contain any significant natural communities, deer wintering areas, natural communities, or wetlands.

Conclusion: Based on the above findings, the DRB concludes the project has been designed in conformance with Section 5.1(3), Protection of Significant Wildlife Habitat and Natural Communities.

Section 5.1(4) – Historic Resources and Community Character

24. The subject parcel is within a rural area, as defined under the Regulations.

25. The property to be subdivided contains an open agricultural field. It does not contain any forested mountains or forested hillside.

26. The property is accessed via Elizabeths Lane, a privately owned and maintained roadway. The property is not visible from any public roadways.

27. The two (2) house sites on Lot 3A are placed near the rear setback, preserving majority of Lot 3A to be maintained in its open condition.

28. The Applicant testified that there are approximately eighteen houses either recently constructed, or under construction, on adjacent property. The surrounding area consists of residential uses and the two additional proposed residential lots is consistent with the surroundings.

Conclusion: Based on the above findings, the DRB concludes the application has been designed in conformance with Section 5.1(4), Historic Resources and Community Character.

Section 5.1(5) – Reserved Strips

29. No reserved strips are proposed. Lot 3B is accessed directly from Elizabeths Lane – a privately owned and maintained roadway. Lot 3A gains access via a fifty (50) right-of-way connecting to Elizabeths Lane.

Conclusion: Based on the above findings, the DRB concludes the application has been designed in conformance with Section 5.1(5), Reserved Strips.

Section 5.1(6) – Screening and Landscaping

30. No landscaping is proposed. The DRB finds given the location and limited scope of the subdivision, no landscaping is necessary.

Conclusion: Based on the above findings, the DRB concludes no landscaping is necessary given the project location and scope.

Section 5.1(7) – Pedestrian Access

31. The project is located in a rural area of town where pedestrian improvements are limited. Given the low density and auto dependency of this area, pedestrian connections are not necessary.

Conclusion: Based on the above findings, the DRB concludes no pedestrian improvements are necessary given the project location and scope.

Section 5.1(8) – Traffic

32. The Applicant proposes two (2) residential lots designed to support three (3) dwelling units.

33. The project is anticipated to create one (1) trip per peak hour per dwelling unit for a total increase of three (3) vehicle trips when fully developed.

34. The project is not expected to create unreasonable traffic congestion or unsafe conditions.

Conclusion: Based on the above findings, the DRB concludes the application has been designed in conformance Section 5.1(8), Traffic.

Section 5.1(9) – Municipal Facilities

35. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

36. No Municipal Department review forms returned indicated that the proposed development would have any adverse impact on existing or planned community facilities and services.

37. The project will be served by onsite water and septic.

38. Fire protection exists via existing pond on adjoining property.

39. No additional municipal comments were received. The proposed subdivision will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

Conclusion: Based on the above findings, the DRB concludes the application conforms with Section 5.1(9), Municipal Facilities.

Section 5.1(10) – Lot Configuration

40. The Applicant proposes to subdivide the existing parcel into two (2) lots. Each lot is designed to be of regular shape.

Conclusion: Based on the above findings, the DRB concludes the project conforms with Section 5.1(10) – Lot Configuration.

Section 5.1(11) – Building Zone

41. Each lot is designed to contain a building zone of adequate size.

Conclusion: Based on the above findings, the DRB concludes the project conforms with Section 5.1(11) – Building Zone.

Section 5.1(12) – Fire Protection Facilities

42. Lot 3A is designed to be accessed via twelve (12) foot shared driveway. Lot 3B will be served by a twelve (12) foot driveway. Each lot is shown to contain a turn-around area for emergency vehicles.

43. The Applicant provided a typical gravel driveway section containing proposed construction measures for the two (2) planned residential driveways.

44. The shared driveway serving Lot 3A is proposed to be less than 1000 ft in length and therefore does not require pull-offs at every 500 ft intervals.

45. Fire protection is provided for using the existing fire pond on neighboring property.

Conclusion: Based on the above findings, the DRB concludes the project conforms with Section 5.1(12) – Fire Protection Facilities.

Section 5.1(13) – Disclosure of Subsequent Development Plans

46. Except as otherwise noted, no future development plans are noted in the application materials.

Conclusion: Based on the above findings, the DRB concludes the application conforms with Section 5.1(13), Discloser of Subsequent Development Plans.

Section 5.1(14) – Private Enforcement Mechanisms

47. The Applicant did not provide draft homeowner's association documents or shared maintenance agreements. The only shared improvement is the driveway serving Lot 3A. Should Lot 3A be developed with two (2) dwellings of separate ownership, common ownership documents would need to be developed.

48. The Applicant testified that Lot 3B will also serve as a future access point to the adjacent Flaherty property to the south. Pursuant to 19 V.S.A. § 2702, when multiple parties benefit from the use of a private road, each party is required to contribute proportionally to the cost of its maintenance.

Conclusion: Based on the above findings, the DRB concludes the application conforms with Section 5.1(14), Private Enforcement Mechanisms.

Section 5.2 – Prominent Hillsides and Ridgelines

49. The property is not within the RHOD. The DRB finds this provision does not apply.

Section 5.3 – Open Space and Cluster Development

50. The DRB finds this provision does not apply.

Section 5.4 – Road Standards and Coordination with Public Highways

51. Section 16.59 of the Zoning Regulations define the term driveway to mean: *A roadway used to access not more than three (3) dwelling units that is in private ownership.*

52. The proposal does not involve the development of any roads; rather a single driveway to serve Lot 3B and a shared driveway to serve two (2) planned house sites on Lot 3A.

53. Lot 3B will contain two (2) driveway entrances. Given less than 600 feet of frontage, the regulations do not allow this on a town highway – however, Elizabeths Lane is a private road, therefore Section 3.1(6) does not apply.

Conclusion: Based on the above findings, the DRB concludes the project has been designed in conformance with Section 5.4.

Section 5.5 – Utilities and Stormwater Management

54. Sheet C-1 (last revised 5/23/25) identifies the proposed impervious area and disturbed area. This sheet identifies the proposed disturbed area to be ±0.48 acres and the impervious surfaces to be ±0.66 acres; however the Applicant testified that this note is an error and the numbers were inadvertently reversed.

55. The Applicant provided a EPSC Plan – Sheet C-4 showing erosion prevention measures. This plan satisfies the requirements for projects involving more than ½ acre of disturbance.

56. The Applicant testified less than ½ acre of impervious surfaces are proposed.

57. The proposed utilities will be installed below ground entering into development. The project will be served by Morristown Water & Light.

Conclusion: Based on the above findings, the DRB concludes the application has been designed in conformance with applicable Section 5.5, Utilities and Stormwater Management.

DECISION

Based upon the above findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for Final Subdivision Review of a 2-Lot Subdivision and related site improvements as described in the application #7528 and associated supporting materials, subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, include:

   a) Development Application, Paul Percy, dated 12/17/2024
   b) Partial Site Plans & Details, Sheet C-2, Mumley Engineering Inc., dated 12/17/2024/last revised 5/23/2025
   c) Details, Sheet C-3, Mumley Engineering Inc., dated 12/17/2024/last revised 5/23/2025
   d) EPSC Plan, Sheet C-4, Mumley Engineering Inc., dated 12/17/2024/last revised 5/23/2025
   e) (Revised) Project Narrative, Mumley Engineering Inc., dated 5/29/2025
   f) Site Plan, Sheet C-1, Mumley Engineering Inc., dated 12/17/2024 /last revised 5/29/2025

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Prior to the issuance of any zoning permit for the development of Lot 3A or Lot 3B, the Applicant must complete and/or submit the following to the Zoning Administrator:

   a) Pursuant to 24 VSA Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations and shall include the following notation:

      "This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office".

4. The Applicant shall file the final survey plat, signed by the Chair or other authorized representative of the Development Review Board, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
5. Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors.

6. The approved building zones on Lots 3B & 3A must be clearly shown and labeled on the recorded subdivision plat. Future buildings and structures constructed on Lots 3A & 3B shall be located within the designated building zone. No additional DRB approval is needed for structures, uses or improvements located within a building zone which otherwise require only administrative approval under the Regulations.
7. The electrical and other utilities to serve Lots 3B and 3A shall be installed below ground, unless otherwise approved by the DRB.
8. The driveway and shared driveway shall be designed, constructed, and maintained in accordance with the approved plans.
9. The electrical and other utilities shall be installed below ground, unless otherwise approved by the DRB.
10. Site construction shall adhere to the approved EPSC plan and the standards outlined in Section 3.12(2)(A-E) including:
    a) The amount of soil exposed at any one time must be kept to a minimum.
    b) Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c) Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d) Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e) The existing drainage patterns shall not be altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
11. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his successors agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, Peter Roberts, David Kelly, Andrew Volansky, Tom Hand, and Lynn Altadonna.

Voting to deny: None

Dated at Stowe, Vermont this the 17th day of June 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7572		
Application Date	3/11/2025		
Physical Location	277 SOUTH MAIN ST		
Map ID	7A-005.000	**Tax ID**	01005
Project Description	SINGLE FAMILY RESIDENCE W/ GARAGE AND APARTMENT REQUEST SETBACK VARIANCE		
Owner	LEOPOLD LISA WOODARD LEOPOLD ROBERT KELLY		
Applicant	ALANGUAZZONI DESIGN ALAN GUAZZONI		
Applicant Address	PO BOX 1051 STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	6/17/2025	7/17/2025	7/17/2027

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT: 7572

SUBJECT PROPERTY: 277 South Main Street #7A-005.000

PROPERTY OWNER:
Robert & Lisa Leopold
888 Camp Road
Elmore, VT 05657

APPLICANT:
Alan Guazzoni Design
PO Box 1051
Stowe, VT 05672

APPLICATION:

The Applicant, Alan Guazzoni Design, on behalf of property owners Robert and Lisa Leopold (herein referred to as 'Applicant') requests a variance of the front yard setback to construct a single-family dwelling and a detached garage with an accessory dwelling unit in the second floor. As proposed, the project will meet the required side and rear yard setbacks, however the Applicant requests a variance of the required front yard setback to three (3') feet. The subject parcel, consisting of ±0.7 acres, is located in the Village Residential 40 (VR40) and is a pre-existing small lot as defined in the regulations.

The application has been reviewed by the Development Review Board (DRB) under the dimensional requirements and variance criteria of the Town of Stowe Zoning Regulations (effective January 31, 2024). The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS:

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A development application was filed by Applicant Alan Guazzoni on February 14, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Director Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for June 3, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on May 15, 2025 and publicly posted at the Stowe Town Office, Stowe Library, and Stowe Police Department. The Applicant provided the completed certificate of service notifying abutters on March 31, 2025.

The public hearing to consider the application convened on June 3, 2025, with a quorum of the DRB present. The public hearing was held at the Stowe Town Office with remote participation available via Zoom. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, David Kelly, Mary Black, Peter Roberts, Andrew Volansky, Lynn Altadonna, and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

PROCEDURAL HISTORY

On February 16, 2022, the Zoning Administrator approved Project 6664 for the demolition of the pre-existing dwelling and the construction of a new dwelling unit and detached garage with an apartment on the second floor. The pre-existing dwelling, constructed c. 1840, encroached several feet into the highway right-of-way (South Main Street). Project 6664 was administratively approved to allow the replacement structures, still partially within the highway right-of-way, but setback further than the previous structure. The pre-existing dwelling was demolished in 2022, but construction of the approved project never took place, and the zoning permit for Project 6664 expired on March 3, 2025. Because the pre-existing structure

has been removed for more than two (2) years, its pre-existing nonconforming structure status, in accordance with Section 3.9(2)(G), has also expired, meaning new development must comply with the dimensional requirements of the underlying zoning district. The Applicant now requests a variance to re-permit the same project approved under Project 6664, however the proposed building is now located entirely outside of the town highway right-of-way.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Alan Guazzoni, PO Box 1051, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 02/14/2025;
2. Project Narrative, prepared by Alan Guazzoni, dated 03/07/2025;
3. Zoning Permit, Project #6664, dated 02/16/2022;
4. Leopold Residence Cover Sheet, Sheet C, prepared by Tektonika Studio Architects, revision date 01/06/2022;
5. Site Plan, Sheet L1, prepared by Tektonika Studio Architects, revision date 01/06/2022;
6. Floor Plans, Sheet A1, prepared by Tektonika Studio Architects, revision date 01/06/2022;
7. Exterior Elevations, Sheet A2, prepared by Tektonika Studio Architects, revision date 01/06/2022;
8. Exterior Elevations, Sheet A3, prepared by Tektonika Studio Architects, dated 12/27/2021;
9. Exterior Details, Sheet A4, prepared by Tektonika Studio Architects, revision date 02/07/2022;
10. Exterior Perspectives, Sheet A5, prepared by Tektonika Studio Architects, dated 12/27/2021;
11. Letter from Stowe Electric Department, dated 05/14/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for a variance was reviewed by the DRB for conformance with applicable requirements of the Town of Stowe Zoning Regulations (effective January 31, 2024), including the following:

- Section 2- Administration and Enforcement
  - Section 2.12 Variances
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

1. **Zoning District.** The subject parcel is located within the Village Residential 40 (VR40) zoning district as shown on the Official Town of Stowe Zoning Map (effective January 31, 2024).

2. **Lot Area, Lot Width.** The subject parcel consists of ±0.7 acres and is approximately 250 in width. The pre-existing small lot (30,492 sf) is undersized for the district as the VR40 district requires a minimum lot size of forty thousand (40,000) square feet. No changes to lot area or width are proposed.

3. **Setbacks.** Setbacks in the VR40 district are: front thirty (30') feet, side twenty-five (25') feet, and rear fifty (50') feet. The Applicant requests a variance to the front yard setback to construct a 19' 7" x 20' 8" single-family dwelling and a ±27' x 24' detached garage with an accessory dwelling unit on the second floor. The Applicant proposes a front yard setback of three (3') feet for both new structures.

4. **Maximum Building Coverage**. The maximum building coverage allowance of the VR40 district is fifteen (15%) percent. As proposed, building coverage will total three (3%) percent of the property.

5. **Height.** The maximum building height in VR40 district is 28' feet. The regulations define building height as the "*Vertical* distance *measured from the average elevation of the proposed finished grade at the front or rear of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the highest ridge and its contiguous eave for other types of roofs. On sloping sites the height will be measured on the uphill side*." The proposed building height is seventeen (±17') feet.

SECTION 2.12- VARIANCE CRITERIA- The DRB may grant a variance and render a decision in favor of the appellant only if all the facts set forth in Section 2.12 are found, and the findings are specified in its written decision:

6. The South Main Street highway right-of-way creates the western property line.

7. The parcel is generally rectangular in shape, however, is encumbered with steep slopes which limit buildable area to approximately the front thirty (30') to forty (40') feet. The Applicant did not create these unique physical circumstances.

8. The steep slope is a physical condition or constraint that encumbers the parcel.

9. Rear portions of the parcel are steep and cannot be developed.

10. The ±0.7-acre parcel is undersized for the district it is located in. The minimum lot size in the VR40 district is forty thousand (40,000) square feet. The parcel is considered a lawful pre-existing small lot.

11. If the Applicant developed the structures in accordance with the front setback requirement, thirty (30') feet as measured from the town highway right-of-way, the structures would be forced to locate on an unbuildable steep slope.

12. During the hearing the Applicant testified that the proposed dwelling will be located completely outside of the town highway right-of-way.

13. The proposed structures occupy a smaller combined footprint than the pre-existing structure - ±1,056 square feet versus ±1,724 square feet.

14. The project will not be out of character with the neighborhood and district. Nearby development includes residential, commercial and municipal uses.

Conclusion: Based upon the above findings, the DRB concludes the application meets the variance criteria of Section 2.12.

Section 10: Stowe Historic Overlay District and Historic Buildings

15. The subject parcel is within the Stowe Historic Preservation Overlay District (SHOD).

16. Project 6664 was reviewed by the Historic Preservation Commission (HPC) on January 12, 2022. The HPC recommended approval to demolish the pre-existing structure and construct the proposed single-family dwelling and detached garage with an accessory dwelling unit on the second floor.

17. The zoning permit (Project 6664) was issued on February 16, 2022, with an expiration date of March 3, 2025. The pre-existing structure on the subject parcel was demolished in 2022 and the site has been left undeveloped since.

18. On February 14, 2025, the Applicant re-applied for the same project approved under Project 6664 with the only modification being the shifting of the structures so that they would be out of the highway right-of-way. Project # 7572 was assigned to this new application.

19. The newly submitted application was reviewed by the HPC on February 19, 2025, where the Commission unanimously voted to recommend re-approval of the project as presented.

Conclusion: Based on the above findings, the DRB concludes the application conforms to the design review requirements of Section 10.

DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the DRB hereby approves Project 7572, as presented in the application dated 02/14/2025 and the supporting materials, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning and Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans include:

    a. Town of Stowe Development Application, dated 02/14/2025;
    b. Project Narrative, prepared by Alan Guazzoni, dated 03/07/2025;
    c. Zoning Permit, Project #6664, dated 02/16/2022;
    d. Leopold Residence Cover Sheet, Sheet C, prepared by Tektonika Studio Architects, revision date 01/06/2022;
    e. Site Plan, Sheet L1, prepared by Tektonika Studio Architects, revision date 01/06/2022;
    f. Floor Plans, Sheet A1, prepared by Tektonika Studio Architects, revision date 01/06/2022;
    g. Exterior Elevations, Sheet A2, prepared by Tektonika Studio Architects, revision date 01/06/2022;

h. Exterior Elevations, Sheet A3, prepared by Tektonika Studio Architects, dated 12/27/2021;
i. Exterior Details, Sheet A4, prepared by Tektonika Studio Architects, revision date 02/07/2022;
j. Exterior Perspectives, Sheet A5, prepared by Tektonika Studio Architects, dated 12/27/2021;
k. Letter from Stowe Electric Department, dated 05/14/2025.

2. All relevant prior conditions of approval, unless amended herein, remain in full force and effect.
3. The approved variance allows for a three (3') foot front yard setback, as measured from the closest portion of the structures. All other setback requirements of the underlying zone shall apply.
4. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that is has been constructed as approved by the Development Review Board, as required under Section 2.10 of the Zoning Regulations. Prior to the issuance of a Certificate of Occupancy, a licensed engineer or surveyor must provide written and stamped certification that the project was constructed in accordance with the setbacks shown in the approved plans and the completed building and associated parking improvements have been constructed entirely outside of the highway right-of-way.
5. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of a permit, the permittee agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting favor: Drew Clymer, David Kelly, Mary Black, Peter Robers, Andrew Volansky, Lynn Altadonna, and Scot Baraw

Voting to deny: None

Dated at Stowe, Vermont this the 17th day of June 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7593		
Application Date	4/16/2025		
Physical Location	512 MOUNTAIN RD		
Map ID	07-107.000	**Tax ID**	25001
Project Description	INCREASE LICENSED CAPACITY FROM 40 STUDENTS AND 5 STAFF TO 70 STUDENTS AND 8 STAFF CONVERT RIDE FITNESS 2ND FLOOR TO SCHOOL SPACE		
Owner	TJVT LLC		
Applicant	MOUNTAIN VILLAGE SCHOOL		
Applicant Address	PO BOX 1432 STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	6/17/2025	7/17/2025	7/17/2027

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT# 7593

SUBJECT PROPERTY 512 Mountain Road, Stowe, VT (#07-107.000)

PROPERTY OWNER
TJVT LLC
PO Box 1507
Stowe, VT 05672

APPLICANT
Mountain Village School
PO Box 1432
Stowe, VT 05672

APPLICATION

The Applicant, Mountain Village School, on behalf of property owner TJVT LLC (herein referred to as the Applicant), requests conditional use review to increase enrollment from forty (40) students to seventy (70), and increase the number of staff from five (5) to eight (8), for a total occupancy of seventy-eight (78) persons. The existing school/day care use has operated out of Level A (bottom floor) of the existing building on the property since 2020 (Project #6265). The Applicant now proposes to increase the student enrollment and number of staff and expand into Level B (second floor) of the building, where Ride Indoor Cycling currently operates. No exterior alterations to the existing building or site are proposed.

The subject parcel, consisting of ±2.5 acres and located at 504 Mountain Road (#07-107.000), is in the Highway Tourist (HT) zoning district. The parcel contains commercial and residential uses within three (3) different buildings. Mountain Village School operates out of the mixed-use building (addressed as 512 Mountain Road) located near the northwest property line. The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective January 31, 2024) for the purpose of conditional use review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A development application was filed by Mountain Village School on April 16, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for June 3, 2025, and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on May 15, 2025. The applicant provided the completed certificate of service notifying the abutters on May 9, 2025.

The public hearing to consider the application convened on June 3, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, David Kelly, Mary Black, Andrew Volansky, Peter Roberts, Lynn Altadonna and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Sarah Tousignant, Mountain Village School, PO Box 1432, Stowe, VT 05672
2. David Wolfgang, PO Box 1507, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 4/16/2025;
2. Project Narrative, prepared by Sarah Tousignant, no date;
3. 'Previously Approved Site Plan', sheet A-4, prepared by Kim Brown Projects, dated 3/18/2013;
4. Level A Plan (floor plan), Sheet A-1, prepared by Kim Brown Projects, dated 7/3/2020;
5. Level B Plan (floor plan), Sheet A1.1 prepared by Kim Brown Projects, dated 6/9/2010;
6. Level C Plan (floor plan), Sheet A1.2, prepared by Kim Brown Projects, dated 6/9/2010;
7. Level D Plan (floor plan), Sheet A1.3, prepared by Kim Brown Projects, dated 6/9/2010;
8. North Elevation, Sheet A-4, prepared by Kim Brown Projects, dated 07/03/2020;
9. Parking Requirements, no date.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the Board made the following Findings of Fact:

The Applicant's request for conditional use approval was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2 – Administration and Enforcement
- Section 3 – General Regulations
- Section 4 – Specific Use Standards
- Section 5 – Zoning Districts
- Section 6 – Uses, Dimensional Requirements and Density
- Section 15 – Parking Regulations

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The parcel is located in the Highway Tourist (HT) zoning district, as shown on the Official Town of Stowe Zoning Map.

2. **Lot Area, Lot Width.** The existing lot area is ±2.5 acres. No changes to lot area or lot width are proposed under this application.

3. **Setbacks.** Required minimum district setbacks in the HT zoning district are front fifty (50') feet, side fifty (50') feet, and rear fifty (50') feet. No changes to existing setbacks are proposed under this application.

4. **Maximum Building Coverage.** No change to the existing lot coverage is proposed.

5. **Use.** The subject parcel currently contains commercial and residential uses. Mountain Village School has operated onsite on the ground floor of the existing building at 512 Mountain Road since 2020 (Project #6265). Schools and Daycare Centers are both conditional uses in the HT district. The project involves expanding occupancy of the existing school use into the second floor of the building, replacing Ride Indoor Cycling which operated out of the second floor.

6. **Height.** No change to the existing building height is proposed.

7. **Density.** The application does not propose any new dwellings or lodging units.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to the applicable dimensional requirements of the HT district.

Section 3.7(4)(A) – Standards of review (Conditional Use Applications): The DRB must determine that the use will conform to the following set of standards and will not result in an undue adverse effect on the following:

8. Following review, the DRB finds the below criteria are not applicable. The project will have no impact the following standards:

   - Section 3.7(4)(E) – Utilization of Renewable Energy Resources
   - Section 3.7(4)(F) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics historic sites, or rare and irreplaceable natural areas
   - Section 3.7(4)(G) – Will not result in undue water, noise or air pollution

9. **Section 3.7(4)(A) – Capacity of existing or planned community facilities and services:**

   a. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

   b. No Municipal Department review forms returned indicated that the proposed development would have any undue adverse impact on existing or planned community facilities and services.

   c. No comments were received from any Municipal Department.

   d. The Applicant testified that the increase in capacity will require additional water and sewer allocations from the Public Works Department. The Applicant has been working with the Public Works Department toward obtaining the necessary allocations.

   Conclusion: Based on the above findings and as conditioned, the DRB concludes the proposal will not result in an undue adverse effect on the Town's existing or planned facilities or services. The property is, and will continue to be, connected to municipal water and sewer.

10. **Section 3.7(4)(B) – Traffic on roads and highways in the vicinity:**

    a. The Applicant requests approval to increase the occupancy of the existing Mountain Village School from forty-five (45) persons to seventy-eight (78) persons – including both student enrollment and the number of staff. The school operates year-round.

    b. The Applicant testified that the school operates between 7:30AM to 5:30 PM and that student drop-offs and pick-ups occur between 7:30AM to 8:30AM and 3:00PM to 5:00PM. Drop-offs and pick-ups usually take between five (5) to ten (10) minutes.

    c. The Applicant testified that the subject parcel is only accessed off of Mountain Road (VT 108). There is no vehicular access to Weeks Hill Road.

    d. The Applicant testified that in addition to drop-offs and pick-ups, the school utilizes two (2) buses to transport students from the surrounding area – Waterbury, Stowe and Morrisville.

    Conclusion: Based on the above findings, the DRB concludes the project represents a nominal increase in traffic on roads and will not create an undue adverse impact on traffic on roads and highways in the vicinity.

11. **Section 3.7(4)(C) – The character of the area affected:**

a. The subject parcel is in the HT zoning district.

b. The purpose of the HT district outlined in the Zoning Regulations is *"To control development along the portion of the 'lower' Mountain Road between designated growths centers in a manner that encourages continued moderate-density commercial and residential land uses while maintaining high quality development and site design."*

c. The parcel is developed and contains a mix of residential and commercial uses.

d. Dominant land uses in the vicinity include a mix of commercial and tourism related services.

Conclusion: Based on the above findings, the DRB concludes the proposal will not adversely affect the character of the area as defined under the Regulations.

12. **Section 3.7(4)(D) – Regulations and ordinances in effect:**

a. The application requires review under applicable Conditional Use Review criteria.

b. Applicable bylaws include the Stowe Zoning Regulations, effective January 31, 2024.

c. Additional municipal water and sewer allocations are required to serve the project. These allocations will require review of the sewer ordinance.

d. No other known or identified municipal bylaws or ordinances apply to this project.

Conclusion: Based on the above findings, the DRB concludes the proposal, as conditioned, is in conformance with identified regulations and ordinances in effect.

13. **Table 15.2 – Minimum Parking Requirements:**

a. The Applicant proposes to expand the existing Mountain Village School into Level B of the existing structure, 512 Mountain Road. The expansion also consists of increasing the student enrollment to seventy (70) and the staff count to eight (8).

b. The application includes a parking chart that identifies the various existing uses on the subject property and corresponding parking counts. The parking chart identified eight (8) parking spaces allotted to Mountain Village School for eight (8) staff members.

c. Level B of the building is ±2,724 square feet and has been occupied by Ride Indoor Cycling. Based on this area, Ride Indoor Cycling would have a parking requirement of nine (9) spaces.

d. Under Table 15.2, Schools and Daycare Centers do not have a prescribed parking requirement. They are subject to the *'Any use not otherwise named in this Table'* parking requirement, which requires *'1 space for every 400 sq. ft. of gross floor area. The DRB may increase or decrease this standard if deemed appropriate to accommodate the parking needs of an individual applicant. The DRB shall seek to require sufficient parking spaces to meet anticipated demand but also seek to avoid excess parking areas.'*

e. The Applicant testified that currently there are four (4) staff members that park onsite all day, and that under this application, the total number of school staff members will total eight (8). As noted above, the parking chart has eight (8) parking spaces specifically allotted to Mountain Village School.

Conclusion: Based on the above findings, the DRB concludes the project conforms to the applicable requirements set forth in Section 15.

DECISION

Based upon the above findings and conclusions, the DRB hereby approves the Applicant's request for conditional use review (Project #7593) as described in the application dated 4/16/2025 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans include:

    a. Town of Stowe Development Application, dated 4/16/2025;
    b. Project Narrative, prepared by Sarah Tousignant, no date;
    c. 'Previously Approved Site Plan', sheet A-4, prepared by Kim Brown Projects, dated 3/18/2013;
    d. Level A Plan (floor plan), Sheet A-1, prepared by Kim Brown Projects, dated 7/3/2020;
    e. Level B Plan (floor plan), Sheet A1.1 prepared by Kim Brown Projects, dated 6/9/2010;
    f. Level C Plan (floor plan), Sheet A1.2, prepared by Kim Brown Projects, dated 6/9/2010;
    g. Level D Plan (floor plan), Sheet A1.3, prepared by Kim Brown Projects, dated 6/9/2010;
    h. North Elevation, Sheet A-4, prepared by Kim Brown Projects, dated 07/03/2020;
    i. Parking Requirements, no date.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. No parking space shall be used for any purpose that interferes with its availability for required parking, including the location of trash or recycling dumpsters.
4. Required parking spaces shall be maintained (plowed) for winter use.
5. Prior to occupancy within Level B, the Applicant shall obtain all necessary municipal water and sewer allocation permits from the Department of Public Works.
6. A Certificate of Occupancy must be obtained from the Zoning Administrator prior to occupancy and use to ensure that the project has been completed as approved by the DRB, as required under Section 2.10 of the Regulations.
7. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, David Kelly, Mary Black, Peter Roberts, Lynn Altadonna, and Scot Baraw

Voting to deny: None

Abstaining: Andrew Volansky

Dated at Stowe, Vermont this the 17th day of June 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7533		
Application Date	12/24/2024		
Physical Location	1243 NORTH HOLLOW RD		
Map ID	08-061.020	**Tax ID**	13022-020
Project Description	CONSTRUCT SINGLE-FAMILY DWELLING ON UNDEVELOPED WOODED LOT W/ CLEARING PROPOSED - RHOD REVIEW		
Owner	DONALDSON FAMILY TRUST TRUSTEES: MARK V & REBECCA L DONALDSON		
Applicant			
Applicant Address	1375 MAPLE TREE PLACE #1102 WILLISTON VT 05495		

APPROVALS ON RECORD

Action Taken	Date	Effective Date	Expiration Date	
INCOMPLETE APP	1/6/2025			EMAILED APPLICANT 1/6/25
OTHER	1/31/2025			COMPLETE- REFER TO DRB
DRB DECISION	7/15/2025	8/14/2025	8/14/2027	

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT# 7533

SUBJECT PROPERTY 1243 North Hollow Road, Stowe, Vermont (Tax Map #08-061.020)

PROPERTY OWNER & APPLICANT
Donaldson Family Trust
c/o Mark & Rebecca Donaldson
1375 Maple Tree Place #1102
Williston, VT 05495

APPLICATION

The Applicant/Property Owner Donaldson Family Trust (herein referred to as the "Applicant") requests combined review for a subdivision amendment and Ridgeline and Hillside Overlay District [RHOD] review to develop a previously approved subdivided lot with a single-family dwelling and related site improvements. The subject property consists of ±7.06 acres as shown on Tax Map # 08-061.020 and is located within the Rural Residential 5 (RR5) zoning district and the RHOD. The parcel is accessed directly from North Hollow Road, a Class 3 town highway. The subject property, Lot 2, is part of the Beattie Family Trust subdivision approved by the Development Review Board (DRB) in 2020 under Project # 6378. The DRB decision approved Lot 2 as a 'deferred' lot requiring additional DRB review prior to any "*Any future clearing or development of Lot 2 shall require additional review by the DRB.*" The application was reviewed by the DRB under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) ("Subdivision Regulations") and under applicable standards of the Town of Stowe Zoning Regulations (the "Zoning Regulations") (effective January 31, 2024) for the purpose of RHOD review and a subdivision amendment. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by Applicant Donaldson Family Trust on December 24, 2024. The application was initially deemed incomplete by the Town of Stowe Zoning Administrator Sarah McShane and returned to the Applicant with instructions to submit the minimum submissions required under the Regulations. Upon receipt of additional information, the application was accepted as administratively complete and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for April 1, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on March 13, 2025. The Applicant submitted the certificate of service notifying the abutters as required under §2.14.

The public hearing to consider the application convened on April 1, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Lynn Altadonna, and Peter Roberts. The DRB continued the hearing to a time and date certain of June 3, 2025 in order to obtain additional information from the Applicant. Tom Hand later recused himself from participating following *ex parte* communications. On June 3rd the DRB re-opened the continued hearing. Members who participated in the continued review included: Drew Clymer, Mary Black, David Kelly, Andrew Volansky, Lynn Altadonna, and Peter Roberts. Following testimony, DRB member Mary Black inquired whether a site visit might be appropriate to make further observations. DRB members agreed and continued the hearing to a time and date certain of June 17th with a site visit to be held on the property prior to at 4:00 pm. Members attending the site visit included: Drew Clymer, Mary Black, David Kelly, Lynn Altadonna, and Peter Roberts.

The Applicant's representative, Tyler Mumley, and Tony Whitaker, representing the adjoining property owner, also attended the site visit. Following the site visit, the DRB reopened the continued hearing at the Akeley Memorial Building on June 17th and, after receiving all evidence and testimony, closed the hearing that same evening—officially starting the 45-day period for issuing written findings and a decision.

INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, Mumley Engineering, 46 Hutchins St, Morrisville, VT 05661
2. Mark & Rebecca Donaldson, 1375 Maple Tree Place #1102, Williston, VT 05495
3. Bari Dreissigacker, 1893 Taber Hill Road, Stowe, VT 05672
4. Chelsea & Darren Orr, 1115 North Hollow Road, Stowe, VT 05672
5. Eduardo and Martine Stern, 1400 North Hollow Road, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 12/19/24
2. Narrative, prepared by Mumley Engineering, dated 12/19/24
3. Site Plan, C-1, prepared by Mumley Engineering, dated 12/19/24
4. Viewshed Analysis, Overview of Viewshed Analysis prepared by Mumley Engineering, dated 12/19/24
    a. Viewpoint #1Mountain Rd (near Mountain Glen Rd)
    b. Viewpoint #2 Trapps Family Lodge
    c. Google Street view from Trapps Family Lodge
    d. Photo from Trapps Family Lodge taken 12/13/24
    e. Viewpoint #3 Stowe Hollow Rd (Farmhouse BnB)
    f. Google Street View from Stowe Hollow Rd
    g. Photo from Stowe Hollow Rd taken on 12/13/24
    h. Viewpoint #4 Dewey Hill Road at Ayers Farm Rd
    i. Google Street view from Dewey Hill Road
    j. Photo from Dewey Hill Road Taken on 12/13/24
    k. View from Putnam Forest Rd (Adjacent Roadway)
    l. Google Earth with view lines
    m. Site plan with view lines
5. Architectural Plans, prepared by Custom Home Designs, dated 9/27/24
    a. A-1 Elevations of Roof Plan
    b. A-2 Elevations
    c. A-3 First Floor Plan
    d. A-4 Basement Floor Plan
    e. A-5 Foundation Plan
6. Outdoor Lighting Specs
7. Revised Narrative, prepared by Mumley Engineering, dated 1/20/25
8. Driveway Entrance Permit, Approved by Chris Jolly, 1/17/25
9. Interested person email, Bari Dreissigacker, dated 3/10/25

10. 1115 N. Hollow Rd Survey, dated 9/24/20, provided 3/24/25
11. Site Plan, C-1, prepared by Mumley Engineering, revised 3/24/25
12. Profile, C-2, prepared by Mumley Engineering, dated 3/24/25
13. Interested person follow up email, Bari Dreissigacker, dated 3/10/25
14. Boundary Survey 'Property of Donaldson Family Trust', DWG #25024, dated 3/31/25

The following additional materials were submitted for the June 3rd hearing and entered into the hearing record:

15. Revised Narrative, prepared by Mumley Engineering, dated 5/23/25
16. Site Plan, C-1, prepared by Mumley Engineering, revised 5/23/25
17. Site Plan, C-2, prepared by Mumley Engineering, revised 5/23/25
18. Viewshed Analysis, prepared by Mumley Engineering, revised 5/23/25
19. Architectural Plans, prepared by Yankee Barn Homes
    a. A-1.1 Basement Plan, revised 5/19/25
    b. A-1.2 First Floor Plan, revised 5/19/25
    c. A-2.1 Exterior Elevations, revised 5/23/25
    d. A-2.2 Exterior Elevations, revised 5/23/25
20. Lighting specifications, provided 5/23/25
21. Memo from Darren & Chelsea Orr and Eduardo & Martine Stern, dated 5/23/25.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for a subdivision amendment and RHOD approval was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 9- Ridgeline and Hillside Overlay District (RHOD)

Town of Stowe Subdivision Regulations (effective through July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

Dimensional Requirements

1. **Zoning District.** The subject property is located within the Rural Residential 5 (RR-5) zoning district and the RHOD.

2. **Lot Area, Lot Width.** The subject parcel is ±7.06 acres in area with an estimated lot width of ±674 feet. No changes to lot width or lot area are proposed under this application.

3. **Setbacks.** Required minimum setbacks for the RR5 District are front seventy (70') feet, side seventy-five (75') feet and rear seventy-five (75') feet. The location of the proposed dwelling and attached garage and required setback lines are shown on the site plan. As proposed, the project is designed to meet the minimum required setbacks, however, is positioned very close to the front setback. Section 2.10 allows confirmation of setbacks as part of the Certificate of Occupancy process.

4. The property contains a mapped stream along the northern property boundary and within the eastern portion of the lot. This mapped stream requires a fifty (50) foot undisturbed setback per §3.10. As designed, the proposal complies. This rirparian buffer will be required to be left undisturbed.

5. **Use.** The Applicant proposes to construct a single-family dwelling. Single-family dwellings are a permitted use in the RR5 District.

6. **Density.** The RR5 District allows one (1) single-family dwelling per five (5) acres. The subject parcel is ±7.06 acres. The proposal meets the density requirements.

7. **Height.** The maximum building height in the RR5 District is 28' feet.

8. The Regulations define building height as the "*Vertical distance measured from the average elevation of the proposed finished grade at the front or rear of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the highest ridge and its contiguous eave for other types of roofs. On sloping sites the height will be measured on the uphill side.*"

9. The architectural plans indicate a maximum proposed building height of 18'10". The dwelling is designed with a finished floor elevation of ±1346 a roof height of ±1364.5.

Conclusion: Based upon the above findings, the DRB concludes the proposal meets applicable dimensional requirements for the RR5 District.

Subdivision Regulations.

10. The subject property, Lot 2, is part of the Beattie Family Trust subdivision approved by the DRB in 2020 under Project # 6378. The DRB decision approved Lot 2 as a 'deferred' lot requiring additional DRB review prior to any "*Any future clearing or development of Lot 2 shall require additional review by the Development Review Board.*" The Applicant seeks review under this condition to develop Lot 2.

Section 5.1(1) – Character of Land for Subdivision.

11. The Applicant proposes to develop a previously approved Lot 2 being ±7.06 acres with a single-family dwelling and related site improvements including stormwater management and a residential driveway.

12. The property will be served with an on-site wastewater system and privately drilled well. A State of VT Wastewater & Potable Water (WW) permit has been obtained. This demonstrates that the property can be serviced with the necessary utilities to support a residential dwelling.

13. There is no evidence in the hearing record to indicate that the proposal will have an undue adverse impact on public health or safety, or the environment, neighboring properties or the rural and historic character of the community.

Conclusion: Based upon the above findings, the DRB concludes the proposed amended subdivision can be used for the intended purposes without undue adverse impact on public health or safety, or the environment or, neighboring properties or the rural and historic character of the community.

Section 5.1(2) – Natural and Scenic Features.

14. The Applicant proposes to develop Lot 2 with a single-family dwelling and related site improvements. Portions of the lot will be cleared and graded to support the proposed dwelling and allow for installation of driveway and supporting utilities.

15. The property is located within the RR5 District amongst a mix of residential, agricultural, and forestry uses.

16. A mapped stream runs along the northern property boundary. These mapped watercourses are protected under §3.10 and require a fifty (50) foot buffer, as measured from the top of bank.

17. Proposed tree lines are shown on the site plan and are discretely designed to prevent undue adverse impacts on natural and scenic features.

Conclusion: Based on the above findings, the DRB concludes the proposal will not have an undue adverse impact on natural and scenic features.

Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities.

18. According to the Significant Wildlife Habitat & Natural Communities Map in the Stowe Town Plan, the parcel does not contain any noted significant areas but a small portion of the lot along the northern streambank contains a highest priority habitat and connecting block. This area will generally be left intact as it is outside of the building zone. The project will not have an undue adverse impact on any significant wildlife habitat and natural communities.

Conclusion: Based on the above finding, the DRB concludes the proposal will not have an undue adverse impact any significant wildlife habitat and natural communities.

Section 5.1(4) – Historic Resources and Community Character.

19. The Regulations define 'rural area' to mean: any area in the Town of Stowe not defined as a village area. The subject property is within a rural area.

20. The Applicant seeks to develop previously deferred Lot 2 with a single-family dwelling and related site improvements. Clearing limits are shown on the plans and have been designed to support the dwelling and related site improvements.

21. There are no open fields located on the subject parcel. The parcel is forested. The proposed clearing limits are designed to avoid large interruptions to the existing forested areas.

22. The proposed clearing limits will allow for the installation of utilities, a driveway, and the construction of the dwelling. Sensitive riparian areas have been mapped and protected. The project is designed to avoid these sensitive riparian areas.

Conclusion: Based on the above findings, the DRB concludes the proposal is in conformance with Section 5.1(4) and has been designed to minimize any undue adverse impact on the rural landscape.

Section 5.1(5) – Reserved Strips.

23. No reserved strips are proposed.

24. The property is proposed to be directly served North Hollow Road, a Class 3 town highway.

Conclusion: Based on the above findings, the DRB concludes no reserved strips are proposed.

Section 5.1(6) – Screening and Landscaping.

25. As proposed, Lot 2 is designed with limits of clearing to accommodate a single-family dwelling and related improvements. Clearing is limited along North Hollow Road to primarily only allow for the driveway and driveway entrance. The existing forested area along North Hollow Road will provide filtered screening from the right-of-way.

Conclusion: Based on the above findings, the DRB concludes the existing forested areas provide screening in conformance with §5.1(6).

Section 5.1(7) – Pedestrian Access.

26. No pedestrian improvements are proposed under this application.

27. The proposed parcels are located within the RR5 District in a rural part of town where public sidewalks are not common.

Conclusion: Based on the above findings, the DRB concludes no pedestrian improvements are required to serve this large existing rural lot.

Section 5.1(8) – Traffic.

28. Lot 2 is proposed to be developed with a single-family dwelling resulting in a minor increase of traffic on North Hollow Road and the surrounding area. The proposed amended subdivision will not have an adverse impact on traffic.

Conclusion: Based on the above finding, the DRB concludes the proposal will not create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways.

Section 5.1(9) – Municipal Facilities.

29. Staff requested comments on the proposal from the respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

30. No municipal department review forms returned indicated that the proposed development on Lot 2 would have any adverse impact on existing or planned community facilities and services.

31. The proposed lot has access to North Hollow Road, a Class 3 town highway and will be served by on-site septic and potable water.

32. A driveway entrance permit from the Department of Public Works was issued on January 17, 2025.

33. No additional municipal comments were received.

Conclusion: Based on the above findings, the DRB concludes the proposal will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

Section 5.1(10) – Lot Configuration.

34. The Applicant seeks a subdivision amendment to develop previously 'deferred' Lot 2. The lot shape and size have already been established and previously approved. No changes to lot shape or size are proposed under this application.

Conclusion: Based on the above finding, the DRB concludes the previously approved lot configuration is of regular shape, and avoids flag and elongated lots.

Section 5.1(11) – Building Zone.

35. The Applicant seeks a subdivision amendment to develop previously deferred Lot 2. The proposed building zone is shown on the site plan and will be required to be shown on the recorded plat.

36. The proposed building zone provides an adequate building site.

Conclusion: Based on the above findings, the DRB concludes the proposed amended subdivision provides an adequate building site for Lot 2.

Section 5.1(12) – Fire Protection Facilities.

37. Comments from the Stowe Fire Chief were requested, however none were received.

38. There is no municipal water available at this location, therefore no fire hydrants are provided.

39. A twelve (12) foot wide gravel driveway will serve the proposed dwelling. An emergency vehicle turnaround area is provided for.

40. The site plan identifies the driveway construction details. The proposed driveway grade has a maximum slope of ten (10) percent. The turnaround is of adequate size for emergency vehicles.

Conclusion: Based on the above findings, the DRB concludes the project is designed in conformance with applicable provisions of §5.1(12) – Fire Protection Facilities.

Section 5.1(13) – Disclosure of Subsequent Development Plans.

41. The Applicant seeks to develop previously deferred Lot 2 to accommodate a single-family dwelling and related site improvements. No further development is proposed or anticipated. The only development proposed will be located within the building zone.

Conclusion: Based on the above finding, the DRB concludes this provision is not applicable.

Section 5.1(14) – Private Enforcement Mechanisms.

42. There are no shared improvements. This provision does not apply.

Conclusion: Based on the above finding, the DRB concludes the proposed subdivision does not include any shared improvements or infrastructure. This provision does not apply.

Section 5.2 – Prominent Hillsides and Ridgelines:

43. Portions of Lot 2 are within the RHOD. The DRB incorporates by reference into this section's findings its findings in the RHOD, below, as if more fully stated herein.

Conclusion: Based on the above finding, the DRB concludes the project conforms to the applicable RHOD standards.

Section 5.3 – Open Space and Cluster Development:

44. The Applicant seeks a subdivision amendment to develop previously deferred Lot 2. No additional lots or dwellings are proposed under this application. This provision does not apply.

Conclusion: Based on the above finding, the DRB concludes this provision does not apply.

Section 5.4 – Road Standards and Coordination with Public Highways:

45. The Applicant seeks a subdivision amendment to develop previously deferred Lot 2.

46. Lot 2 is served by an individual residential driveway connecting to North Hollow Road, a Class 3 town highway.

47. North Hollow Road can support the limited number of additional vehicle trips generated by the proposed single-family dwelling. No roadway improvements are needed.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms with applicable provisions set forth in §5.4.

Section 5.5 – Utilities and Stormwater Management:

48. Electricity and other utilities will be below ground as they enter the property.

49. There are no streets proposed under this application; therefore, no street lighting is proposed.

50. Approximately ±0.14 acres of impervious surfaces are proposed. The DRB incorporates by reference into this section's findings its findings in RHOD Standard (1.1), below, as if more fully stated herein.

51. Approximately ±0.82 acres of disturbance are proposed under this application. The Applicant provided an erosion control plan illustrating proposed methods for erosion prevention and sediment control. The location of silt fencing is shown on the site plan.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms with applicable provisions set forth in §5.5.

Section 9 – Ridgeline and Hillside Overlay District.

52. Under the provisions of the Regulations, the application was reviewed under the applicable provisions of Section 9- RHOD. The Zoning Administrator referred the application to the DRB upon determining that the project was not eligible for an exemption under §9.4(2).

53. Upon review, the DRB concludes the following standards are not applicable:

    Section 9.5(3) – Standard 2 – Forest Management and Timber Harvesting
    Section 9.5(3) – Standard 3 – Standard Forest Management Activities
    Section 9.5(3) – Standard 12 – Development Density

Standard (1) General Requirements:

54. The Applicant proposes to construct a single-family dwelling and related improvements.

55. The subject property, Lot 2, was previously approved as a deferred lot with no pre-approved clearing limits. The Applicant now seeks a subdivision amendment and RHOD review to develop the lot. The DRB finds the proposal meets all applicable planning standards within the Subdivision Regulations.

56. The application contains all of the submittals required under §9.4(4).

Conclusion: Based upon the above findings, the DRB concludes that the proposal has been designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town.

Standard (2) Designation of Vantage Points:

57. The Regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties.

58. The Applicant identified four (4) public vantage points: Mountain Road near Mountain Glen Road, Trapp Family Lodge, Stowe Hollow Road at the Farmhouse Bed and Breakfast, and Dewey Hill Road at Ayers Farm Road.

59. The site plan identifies proposed limits of clearing and preserves existing sixty (60) foot tree canopy to shield and screen the dwelling.

60. Due to multiple factors including site elevation, the lay of the land, and existing vegetation to remain, the proposed dwelling will not be visible from any identified vantage point.

Conclusion: Based upon the above findings, the DRB concludes the proposal will not be visible from public vantage points and therefore there will be no undue adverse impacts as a result of the project.

Standard (1.1)

61. The Applicant proposes to construct a single-family dwelling and related improvements.

62. Clearing and grading are proposed and necessary to accommodate the project. Limits of disturbance are shown on the plan.

63. A stormwater detention pond and drainage swale are proposed in the northeastern corner of the property. An additional drainage swale is located east of the proposed dwelling and will collect run-off from the upper portion of the property. The Applicant's engineer agreed to slightly extend this upper swale to capture run-off from North Hollow Road and draining onto the property.

64. A stormwater detention pond is proposed to collect run-off from the developed portion of the property. The stormwater overflow will drain north towards the stream. An existing old woods road in the northwestern portion of the property currently collects stormwater which drains downward towards the Orr property. During the hearing the Applicant's engineer testified that the proposed stormwater pond may need to be shifted slightly to the north in order to prevent stormwater from being captured by the old roadway bed.

65. The peak stormwater discharge from the site after development will not exceed pre-development levels for a two (2) year/twenty-four (24) hour storm event.

66. The two-year storm is estimated to generate approximately ±1.29 cubic feet per second of runoff. Under post-development conditions, the site will release less runoff than it does under existing pre-development conditions.

67. The project involves less than ½ acre of new impervious surfaces. The total disturbed area is estimated to be ±0.82 acres.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 1.

Standard (4)

67. According to the Significant Wildlife Habitat & Natural Communities Map in the Stowe Town Plan, the parcel does not contain any noted significant areas but a small portion of the lot along the northern streambank contains a highest priority habitat and connecting block. This area is generally being left intact. The project will not have an undue impact on any significant wildlife habitat and natural communities.

68. According to the ANR Natural Resources Atlas, the property is mostly on steep slopes (>15%). The proposed single-family dwelling is shown to be on slopes between 5- 20%.

69. No unique features are identified on the property.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 4.

Standard (5)

70. The Applicant proposes to construct a single-family dwelling. Clearing is proposed to accommodate the dwelling and ancillary residential improvements. Based on the profile view, the dwelling will not be significantly exposed.

Conclusion: Based upon the above finding, the DRB concludes the proposal conforms to Standard 5.

Standard (6)

71. The property is presently forested. There are no open meadows or agricultural fields on the property.

72. Proposed clearing limits restrict the area to be cleared and will not detract from the order or landscape patterns. The property is among other rural subdivided lots with similarly cleared areas.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 6.

Standard (7)

73. The site plan illustrates existing and proposed tree lines/limits of clearing. Limits of disturbance are clearly identified.

74. As proposed, Lot 2 is designed with limits of clearing to accommodate a single-family dwelling and related improvements. The trees to remain and be protected during construction are identified.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 7. Trees identified on the site plan will be adequately protected during construction.

Standard (8)

75. The Regulations require driveway grades to not exceed fifteen (15) percent and have an average grade of less than twelve (12) percent.

76. The site plan illustrates the driveway construction details. The maximum driveway grade is ten (10) percent.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 8.

Standard (9)

77. The proposed dwelling does not exceed the height of surrounding trees.

78. The site plan identifies proposed limits of clearing and preserves existing sixty (60) foot tree canopy to shield and screen the dwelling.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 9.

Standard (10)

79. The proposed dwelling is a one-story with walkout basement. The walkout elevation contains two (2) exposed stories.

80. The proposed building materials include a standing seam metal roof with vertical and horizontal wood clapboard, which will minimize any visual impact of the building. The dwelling is proposed to be a dark grey with natural wood trim. The garage is proposed to be built of either brown wooden clapboard or cedar shingles. The rear elevation facing west contains numerous windows with an open deck.

Conclusion: Based upon the above findings, the DRB concludes that the proposal has been designed in conformance with Standard 10.

Standard (11)

81. The Applicant provided two (2) outdoor lighting specification sheets for a wall mounted fixtures. The location of the outdoor light fixtures are shown the architectural renderings. Both fixtures contain the 'dark sky' seal of approval.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 11.

DECISION

Based upon the foregoing findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for combined RHOD and subdivision amendment approval to construct a single-family dwelling and related improvements as outlined in the application dated December 19, 2024, and supplemental materials, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:
    1. Development Application, dated 12/19/24
    2. Narrative, prepared by Mumley Engineering, dated 12/19/24
    3. Site Plan, C-1, prepared by Mumley Engineering, dated 12/19/24
    4. Viewshed Analysis, Overview of Viewshed Analysis prepared by Mumley Engineering, dated 12/19/24
        a. Viewpoint #1Mountain Rd (near Mountain Glen Rd)
        b. Viewpoint #2 Trapps Family Lodge
        c. Google Street view from Trapps Family Lodge
        d. Photo from Trapps Family Lodge taken 12/13/24
        e. Viewpoint #3 Stowe Hollow Rd (Farmhouse BnB)
        f. Google Street View from Stowe Hollow Rd
        g. Photo from Stowe Hollow Rd taken on 12/13/24
        h. Viewpoint #4 Dewey Hill Road at Ayers Farm Rd
        i. Google Street view from Dewey Hill Road
        j. Photo from Dewey Hill Road Taken on 12/13/24

k. View from Putnam Forest Rd (Adjacent Roadway)
l. Google Earth with view lines
m. Site plan with view lines

5. Architectural Plans, prepared by Custom Home Designs, dated 9/27/24
    a. A-1 Elevations of Roof Plan
    b. A-2 Elevations
    c. A-3 First Floor Plan
    d. A-4 Basement Floor Plan
    e. A-5 Foundation Plan
6. Outdoor Lighting Specs
7. Revised Narrative, prepared by Mumley Engineering, dated 1/20/25
8. Driveway Entrance Permit, Approved by Chris Jolly, 1/17/25
9. 1115 N. Hollow Rd Survey, dated 9/24/20, provided 3/24/25
10. Site Plan, C-1, prepared by Mumley Engineering, revised 3/24/25
11. Profile, C-2, prepared by Mumley Engineering, dated 3/24/25
12. Boundary Survey 'Property of Donaldson Family Trust', DWG #25024, dated 3/31/25
13. Revised Narrative, prepared by Mumley Engineering, dated 5/23/25
14. Site Plan, C-1, prepared by Mumley Engineering, revised 5/23/25
15. Site Plan, C-2, prepared by Mumley Engineering, revised 5/23/25
16. Viewshed Analysis, prepared by Mumley Engineering, revised 5/23/25
17. Architectural Plans, prepared by Yankee Barn Homes
    a. A-1.1 Basement Plan, revised 5/19/25
    b. A-1.2 First Floor Plan, revised 5/19/25
    c. A-2.1 Exterior Elevations, revised 5/23/25
    d. A-2.2 Exterior Elevations, revised 5/23/25
18. Lighting specs, provided 5/23/25

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Pursuant to 24 VSA Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with §4.3 of the Subdivision Regulations and shall include the following notations:

    "This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office".

4. The recorded plat shall clearly identify the approved limits of clearing and building zone and shall clearly identify each on the legend.
5. The Applicant shall file the final survey plat, signed by the Chair or other authorized representative of the DRB, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and §4.3 of the Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
6. Prior to the issuance of the zoning permit, the Applicant must complete/submit the following:
    a. The approved amended subdivision plat must be recorded in the Stowe Land Records, as noted above.

b. A revised site plan extending the upper drainage swale closer to North Hollow Road and shifting the stormwater detention pond slightly to the north to prevent stormwater from being captured by the old roadway bed.
c. A licensed engineer or surveyor shall submit stamped written confirmation to the Zoning Administrator verifying that the fifty (50) foot riparian buffers, the approved limits of clearing, and the limits of disturbance—as depicted on the approved plans—have been accurately and clearly flagged on the site. These markings shall be maintained in good condition and remain visible for the full duration of construction.

7. Clearing shall be restricted to the areas shown on the approved plan, last revised 5/23/2025, prepared by Tyler Mumley Engineering (Sheet C1) and as shown on the recorded plat. Lands outside of the shown clearing limits shall be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest.
8. The fifty (50) foot riparian buffer along the mapped watercourse shall be left in an undisturbed state with the exception of minimal clearing necessary to accommodate the development allowed under §3.10.
9. Future forest management and timber harvesting shall, at a minimum, adhere to the guidelines included in the publication Acceptable Management Practices for Maintaining Water Quality on Logging Jobs.
10. The installation of outdoor light fixtures is limited to those described and depicted within the application.
11. All outdoor lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property.
12. Site construction shall adhere to the standards outlined in §3.12(2)(A-F) including:
    a. The amount of soil exposed at any one time must be kept to a minimum.
    b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e. Existing drainage patterns must not be altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
13. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that the project has been constructed as approved by the DRB. Prior to the issuance of a Certificate of Occupancy the Applicant shall submit the following to the Zoning Administrator:
    a. A licensed surveyor or engineer shall submit written stamped certification confirming that: (1) the as-built dwelling conforms to the front setback as defined under the Regulations; (2) the clearing was completed in conformance with the approved plans; and (3) the finished floor elevation is ±1346.0 and roof height is ±1364.5.
    b. A licensed architect shall provide written certification that the dwelling was constructed per the approved plans.
    c. A licensed engineer shall provide written stamped certification that the approved site improvements, including but not limited to the driveway, turnaround, and stormwater improvements have been constructed in conformance with the approved plans.

14. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, David Kelly, Andrew Volansky, Lynn Altadonna, and Peter Roberts
Recused: Tom Hand

Dated at Stowe, Vermont this the 15th day of July 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

Your DRB project listed below was recently denied by the Development Review Board. Attached is a copy of the DRB decision for your records.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7462		
Application Date	8/29/2024		
Physical Location	EAGLE RIDGE ROAD		
Map ID	7A-101.000	**Tax ID**	02101
Project Description	24 UNIT PRD LOCATED ALONG EAGLE RIDGE IN VC-30 AND VR-40		
Owner	LC1 OWNER STOWE VT LLC		
Applicant	LC1 OWNER STOWE VT LLC		
Applicant Address	175 PORTLAND ST FL 4 BOSTON MA 02114		

ACTIONS

Action Taken	Date	End of Appeal Period
DRB DECISION	7/15/2025	8/14/2025

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT# 7462

SUBJECT PROPERTY Eagle Ridge Road, Stowe, VT (Tax Map #7A-101.000)

PROPERTY OWNER/APPLICANT
LC1 Owner Stowe VT LLC
175 Portland Street Fl 4
Boston, MA 02114

APPLICATION

The Property Owner/Applicant, LC1 Owner Stowe VT LLC (herein referred to as 'Applicant') requests approval of a proposed subdivision amendment and a Planned Residential Development (PRD) consisting of twenty-four (24) single-family dwellings and related site improvements. The proposed project is located on Lot A of the previously approved LC1 Owner Stowe VT LLC/ Golden Eagle Resort subdivision, recorded on May 24, 2023, totaling ±14.8 acres and approved by the Development Review Board (DRB) under Project #7021. The property is a 'split lot', as defined under the Regulations, with lands within both the Village Residential 40 (VR40) and the Village Commercial 30 (VC30) zoning districts. A small portion of the property also lies within the Stowe Historic Overlay District (SHOD); however, no development is proposed within this area. The proposed project will be accessed via Eagle Ridge Road, a privately owned and maintained roadway. Two (2) internal roads are planned within the project to provide shared access to the proposed dwellings. This application was reviewed by the DRB under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of combined PRD, subdivision amendment, and conditional use review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by Applicant LC1 Owner Stowe VT LLC on August 29, 2024. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for November 19, 2024 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on October 31, 2024. The Applicant failed to provide the proper notification to abutting property owners and the hearing was rescheduled to January 21, 2025. The rescheduled hearing was rewarned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on January 2, 2025.

The public hearing to consider the application convened on January 21, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Patricia Gabel, Peter Roberts, and Andrew Volansky. The DRB continued the hearing to a time and date certain of March 18, 2025 to obtain additional information and testimony. Prior to the start of the continued hearing, the DRB held a site visit on the property on March 18, 2025. Members who participated in the site visit included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Patricia Gabel, Peter Roberts and Andrew Volansky. Following the site visit, the DRB re-opened the continued hearing on March 18th. Members who participated in the continued hearing included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Patricia Gabel, Peter Roberts and Andrew Volansky. The DRB again continued the hearing to a time and date certain of March 25, 2025 to obtain additional information and testimony. Members who participated in the continued hearing of March 25th included: Drew Clymer, Tom Hand, Mary Black, David Kelly, Patricia Gabel, Peter Roberts and Andrew Volansky. The DRB then continued the hearing to a time and date certain of April 29, 2025, to

allow for additional information and testimony. Members who participated in the continued hearing on April 29th included: Drew Clymer, Mary Black, David Kelly, Patricia Gabel, and Peter Roberts. Tom Hand and Andrew Volansky reviewed the hearing recording and submitted evidence to continue participating in the decision-making process. The DRB again continued the hearing to a time and date certain of June 3, 2025 to allow additional information and testimony. Members who participated in the continued hearing of June 3rd included: Drew Clymer, Mary Black, David Kelly, Peter Roberts, and Andrew Volansky. Tom Hand and Patricia Gabel reviewed the hearing recording and submitted evidence to continue participating in the decision-making process. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, Mumley Engineering, Inc., 46 Hutchins Street, Morrisville, VT 05661
2. Hannah Wingate, Mumley Engineering, Inc., 46 Hutchins Street, Morrisville, VT 05661
3. Mike Gallerstein, LC1 Owner Stowe VT LLC, 175 Portland Street Fl 4, Boston, MA 02114
4. John McGoldrick, Churchill James, 175 Portland Street Fl4, Boston, MA 02114
5. Thomas Keane, Churchill James, 175 Portland Street Fl 4, Boston, MA 02114
6. Harry DiLeo, Churchill James, 175 Portland Street Fl 4, Boston, MA 02114
7. Caleb Johnson, Woodhull, 93 High Street, Portland, ME 04101
8. Patrick Boothe, Woodhull, 93 High Street, Portland, ME 04101
9. Seth Kimball, Aceto Kimball Landscape Architecture, 424 Fore St. #3B, Portland, ME 04101
10. Britney Aube, Stackpole & French, PO Box 819, Stowe, VT 05672
11. Ed French, Stackpole & French, PO Box 819, Stowe, VT 05672
12. Skyler Fike, Woodhull, 93 High Street, Portland, ME 04101
13. Jeff Parsons, Arrowwood Environmental, 950 Bert White Road, Huntington, VT 05462
14. Alvin Fagen & Claire Berger, 1155 Rene Levesque Boulevard West, Montréal, QC Canada H3B 2J8, (owners of 229 Mountain Road, Stowe, VT 05672)
15. Todd, Wendy & Tyler Renz, 243 Mountain Road, Stowe, VT 05672
16. Kenzie Brunner, Stowe Trails Partnership, PO Box 3722, Stowe, VT 05672
17. Wally Young, 409 Mountain Road, Stowe, VT 05672
18. Neil Van Dyke, 400 Eagle Ridge Road, Stowe, VT 05672
19. Lisa and Tyson Bry, PO Box 215, Stowe, VT 05672
20. Evan Chismark/Ranch Camp, 311 Mountain Road, Stowe, VT 05672

The following individuals provided verbal or written public comments. These individuals did not request status as interested persons, nor did they provide documentation demonstrating that they meet the statutory criteria for such status. Accordingly, while the DRB acknowledges and accepts their public comments, it does not consider these comments part of the official hearing record or testimony. Furthermore, the DRB does not consider the individuals named below as interested persons with rights to appeal.

1. Chris Wilcox, 4925 Randolph Road, Morrisville, VT 05661
2. Sandi Kuhl, 175 Birch Hill Road, Stowe, VT 05672 *(written comments)*
3. Tim Meehan, 54 River Road, Stowe, VT 05672
4. Chris Pelletier, 115 Park Street, Stowe, VT 05672
5. Scott Fine, no address provided
6. Carol Schaal, 24 Parker Lane, Stowe, VT 05672
7. Josi Kytle, no address provided

8. Jeff Clarke, 2251 Mountain Road, Stowe, VT 05672
9. Paula Ratchford, 62 Palisades Street, Stowe, VT 05672
10. Peter Schmeeckle, no address provided
11. Michael Krancer, 789 Bull Moose Ridge Road, Stowe, VT *(written comments)*

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 8/29/2024;
2. Project Narrative, prepared by Mumley Engineering, Inc., dated 8/15/2024;
3. Project 7021 DRB Decision, dated 01/21/2023;
4. Foster-Taber Corporation to Stuart Baraw, SR. & L.C. Paul and Helga McGraw Right-of-Way agreement, dated 06/07/1967;
5. Wildlife Study, prepared by Arrowwood Environmental, dated 11/17/2023;
6. ANR Atlas, dated 11/13/2024;
7. Existing Conditions Plan, Sheet C-1, prepared by Mumley Engineering Inc., revision date 01/09/2025;
8. Site Plan, Sheet C-2, prepared by Mumley Engineering Inc., revision date 01/16/2025;
9. Partial Site Plan, Sheet C-3, prepared by Mumley Engineering Inc., revision date 01/09/2025;
10. Partial Site Plan, Sheet C-4, prepared by Mumley Engineering Inc., revision date 01/09/2025;
11. Partial Site Plan, Sheet C-5, prepared by Mumley Engineering Inc., revision date 01/09/2025;
12. Road 'A' Plan & Profile, Sheet C-6, prepared by Mumley Engineering Inc., revision date 01/09/2025;
13. Road 'B' Plan & Profile, Sheet C-7, prepared by Mumley Engineering Inc., revision date 01/09/2025;
14. Sewer Line Plans & Profiles, Sheet C-8, prepared by Mumley Engineering Inc., revision date 01/09/2025;
15. Eagle Ridge Road Sewer Plan & Profile, Sheet C-9, prepared by Mumley Engineering Inc., revision date 01/09/2025;
16. Stormwater Pond Plans, Sheet C-10, prepared by Mumley Engineering Inc., revision date 01/09/2025;
17. Details, Sheet C-11, prepared by Mumley Engineering Inc., revision date 01/09/2025;
18. Details, Sheet C-12, prepared by Mumley Engineering Inc., revision date 01/09/2025;
19. Erosion Control Plan, Sheet C-13, prepared by Mumley Engineering Inc., revision date 01/09/2025;
20. Site Sections, Sheet A-910, prepared by Woodhull, dated 11/04/2024;
21. Surrounding View Studies, Sheet A-920, prepared by Woodhull, dated 11/04/2024;
22. Surrounding View Studies, Sheet A-921, prepared by Woodhull, dated 11/04/2024;
23. Cover Sheet, Sheet G-000, prepared by Woodhull, dated 11/04/2024;
24. Foundation Plan, Sheet A-100, prepared by Woodhull, dated 08/15/2024;
25. 1st Floor Plan, Sheet A-101, prepared by Woodhull, dated 08/15/2024;
26. 2nd Floor Plan, Sheet A-102, prepared by Woodhull, dated 08/15/2024;
27. Roof Plan, Sheet A-103, prepared by Woodhull, dated 08/15/2024;
28. 1st Floor RCP, Sheet A-111, prepared by Woodhull, dated 08/15/2024;
29. Building Elevations, Sheet A-201, prepared by Woodhull, dated 08/15/2024;
30. Building Elevations, Sheet A-202, prepared by Woodhull, dated 08/15/2024;
31. Door, Window, Plumbing Schedules, Sheet A-601, prepared by Woodhull, dated 08/15/2024;
32. Exterior Renderings, Sheet A-900, prepared by Woodhull, dated 08/15/2024;
33. Planting Plan, Sheet L1-00, prepared by Aceto Landscape Architects, dated 11/01/2024;
34. Enlarged Sample Site Plan, Sheet L2-00, prepared by Aceto Landscape Architects, dated 11/01/2024;
35. Eagle Ridge Illustrative Plan, prepared by Mumley Engineering Inc., Woodhull, and Aceto Landscape Architects, no date;
36. Emailed comments from DPW Director Harry Shepard, dated 11/15/2024;
37. Emailed comments from Stowe FD Interim Chief Scott Reeves, dated 11/08/2024;
38. Email from DPW Harry Shepard with marked up plans (Sheets C-2, C-3, C-4, C-5), dated 12/04/2024;
39. Email from Tyler Mumley, dated 12/05/2024;
40. Response to TWR & FTR Questions/Notes, prepared by LC1 Owner Stowe VT LLC, dated 01/07/2025;

41. Project Narrative, prepared by Mumley Engineering, Inc., dated 01/07/2025;
42. Signed Abutters Certificate, dated 01/09/2025;
43. VTrans Guidance Document #46464, dated 01/14/2025;
44. TWR & FTR Questions/Notes, dated 11/19/2024;
45. Email from Tyler Renz with attached photos, dated 11/30/2024;
46. Email from Todd Renz with attached photos, dated 11/30/2025;
47. Letter from Lisa and Tyson Bry, dated 01/17/2025;
48. Email from Alvin Fagan, with attached letter, dated 01/19/2025;
49. Email from Todd Renz, with attached photos and questions, dated 01/20/2025;
50. Email from Todd Renz with attached photos, dated 01/21/2025; and
51. Email from Tyler Renz with attached photos and questions, dated 01/21/2025;

Exhibits submitted prior to the March 18, 2025 continued hearing:

52. Applicant Narrative prepared by Mumley Engineering, Inc., dated 03/10/2025;
53. Wildlife Study, prepared by Jeffrey Parsons – Arrowwood Environmental, dated 03/07/2025;
54. Email from Noel Dodge to Tyler Mumley, dated 03/07/2025;
55. Email communications with Harry Shephard, Public Works Director, 03/10/2025;
56. Email from Christopher Clow, VTrans, to Tyler Mumley/Nathan Covey, dated 01/16/2025;
57. Homeowners Association Agreement for Eagle Ridge Road, no date;
58. Eagle Ridge Homes Development Review Board Meeting #2 – 03/18/2025 Packet:
    a. Team Introductions
    b. Eagle Ridge – Site Context
    c. Eagle Ridge – Access
    d. Eagle Ridge – Limit of Disturbance
    e. Eagle Ridge – Proposed Tree Plantings
    f. Key Map
    g. Above Views of Proposed Development, 11 pages
    h. Google Maps Street View
    i. View from Stowe Community Church Parking Lot
    j. View from Stowe Community Church Parking Lot – Simulated, with Proposed Buildings
    k. View from Stowe Cemetery Road
    l. View from Stowe Cemetery Road
    m. View from Stowe Highway 100
    n. View from Highway 100
    o. View from Stowe W Hill Road
    p. View from W Hill Road
    q. View from Mayo Farm Road
    r. View from Mayo Farm Road
    s. View from Mountain Road
    t. View from Mountain Farm Road
    u. Site Plan
    v. Tradition & Proposed Buildings with Clear Cutting vs Selective Cutting & Replanting
    w. Key Map & Section A-A
    x. Key Map & Section B-B
    y. Key Map & Section C-C
    z. Key Map & Section D-D
59. Planting Plan, Sheet L1-00, prepared by Aceto Landscape Architects, dated 11/01/2024;
60. Eagle Ridge – Illustrative Plan, prepared by Aceto Landscape Architects, no date;
61. Enlarged Sample Site Plan, Sheet L2-00, prepared by Aceto Landscape Architects, dated 11/01/2024;
62. Eagle Ridge – Example Planting Plan, prepared by Aceto Landscape Architects, no date;

63. Eagle Ridge – View 1 – Site Entrance, prepared by Aceto Landscape Architects, no date;
64. Eagle Ridge – View 2 – Building 15 Overlook, prepared by Aceto Landscape Architects, no date;
65. Eagle Ridge – View 3 – Front of Building 11, prepared by Aceto Landscape Architects, no date;
66. View Off Porch, prepared by Aceto Landscape Architects, no date;
67. View Toward Unit, prepared by Aceto Landscape Architects, no date;
68. Existing Conditions Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 03/07/2025;
69. Site Plan, Sheet C-2, prepared by Mumley Engineering, Inc., revision date 03/07/2025;
70. Partial Site Plan, Sheet C-3, prepared by Mumley Engineering, Inc., revision date 03/07/2025;
71. Partial Site Plan, Sheet C-4, prepared by Mumley Engineering, Inc., revision date 03/07/2025;
72. Partial Site Plan, Sheet C-5, prepared by Mumley Engineering, Inc., revision date 03/07/2025;
73. Road 'A' Plan & Profile, Sheet C-6, prepared by Mumley Engineering, Inc., revision date 03/07/2025;
74. Road 'B' Plan & Profile, Sheet C-7, prepared by Mumley Engineering, Inc., revision date 03/07/2025;
75. Sewer Line Plans & Profiles, Sheet C-8, prepared by Mumley Engineering, Inc., revision date 03/07/2025;
76. Eagle Ridge Road Sewer Plan & Profile, Sheet C-9, prepared by Mumley Engineering, Inc., revision date 03/07/2025;
77. Stormwater Pond Plans, Sheet C-10, prepared by Mumley Engineering, Inc., revision date 03/07/2025;
78. Details, Sheet C-11, prepared by Mumley Engineering, Inc., revision date 03/07/2025;
79. Details, Sheet C-12, prepared by Mumley Engineering, Inc., revision date 01/09/2025;
80. Construction Plan, C-13, prepared by Mumley Engineering, Inc., revision date 03/07/2025;
81. Pre-Development Drainage Area Map, Sheet D-1, prepared by Mumley Engineering, Inc., dated 03/10/2025;
82. Routing Diagram for Eagle Ridge Stormwater Design, prepared by Mumley Engineering, Inc. (5 pages) 03/04/2025;
83. Post Development Drainage Area Map, Sheet D-2, prepared by Mumley Engineering, Inc., dated 03/10/2025;
84. Routing Diagram for Eagle Ridge Stormwater Design. prepared by Mumley Engineering, Inc. (26 pages), dated 03/04/2025;
85. Email from Scott Reeves, dated 03/13/2025; and
86. Email from Tyler Renz with attached comments, dated 04/11/2025.

Exhibits submitted prior to the April 29, 2025 continued hearing:

87. Draft HOA – Declaration of Eagle Ridge Road Planned Community, no date;
88. Email from Interim Fire Chief Scott Reeves, dated 03/13/2025;
89. Existing Conditions Plan, Sheet C-1, prepared by Mumley Engineering, Inc., dated 03/07/2025;
90. Site Plan, Sheet C-2, prepared by Mumley Engineering, Inc., revision date 04/21/2025;
91. Partial Site Plan, Sheet C-3, prepared by Mumley Engineering, Inc., revision date 04/21/2025;
92. Partial Site Plan, Sheet C-4, prepared by Mumley Engineering, Inc., revision date 04/21/2025;
93. Partial Site Plan, Sheet C-5, prepared by Mumley Engineering, Inc., revision date 04/21/2025;
94. Road 'A' Plan & Profile, Sheet C-6, prepared by Mumley Engineering, Inc., revision date 04/21/2025;
95. Road 'B' Plan & Profile, Sheet C-7, prepared by Mumley Engineering, Inc., revision date 04/21/2025;
96. Sewer Line Plans & Profiles, Sheet C-8, prepared by Mumley Engineering, Inc., revision date 04/21/2025;
97. Eagle Ridge Road Sewer Plan & Profile, Sheet C-9, prepared by Mumley Engineering, Inc., revision date 04/21/2025;
98. Stormwater Pond Plans, Sheet C-10, prepared by Mumley Engineering, Inc., revision date 04/21/2025;
99. Details, Sheet C-11, prepared by Mumley Engineering, Inc., revision date 03/07/2025;
100. Details, Sheet C-12, prepared by Mumley Engineering, Inc., revision date 01/09/2025;
101. Construction Plan, Sheet C-13, prepared by Mumley Engineering, Inc., revision date 04/21/2025;
102. Planting Plan, Sheet L1-00, prepared by Aceto Landscape Architects, dated 11/01/2024;
103. Enlarged Sample Site Plan, Sheet L2-00, prepared by Aceto Landscape Architects, dated 11/01/2024;
104. First Floor Plan, prepared by Woodhull, no date; submitted 04/21/2025;
105. Second Floor Plan, prepared by Woodhull, no date; submitted 04/21/2025;

106. Exterior Rear Rendering, prepared by Woodhull, no date; submitted 04/21/2025;
107. Exterior Front Rendering, prepared by Woodhull, no date; submitted 04/21/2025;
108. Letter from Edward B. French Jr., Esq., Stackpole & French, dated 04/22/2025;
109. Email from Harry Shepard, dated 04/24/2025;
110. Email from Tyler Renz with attached photos and questions, dated 03/19/2025; and
111. Email from Todd Renz with TWR & FTR comments/photos, dated 03/24/2025.

Exhibits submitted prior to the June 3, 2025 continued hearing:

112. Email from Harry Shepard, dated 05/20/2025;
113. Email from Tyler Mumley, dated 05/27/2025;
114. Email correspondence between Tyler Mumley and Harry Shepard, dated 05/28/2025;
115. Site Plan, Sheet C-2, prepared by Mumley Engineering, Inc., revision date 05/28/2025;
116. Partial Site Plan, Sheet C-3, prepared by Mumley Engineering, Inc., revision date 05/28/2025;
117. Partial Site Plan, Sheet C-4, prepared by Mumley Engineering, Inc., revision date 05/28/2025;
118. Partial Site Plan, Sheet C-5, prepared by Mumley Engineering, Inc., revision date 05/28/2025;
119. Road 'A' Plan & Profile, Sheet C-6, prepared by Mumley Engineering, Inc., revision date 05/28/2025;
120. Road 'B' Plan & Profile, Sheet C-7, prepared by Mumley Engineering, Inc., revision date 05/28/2025;
121. Sewer Line Plans & Profiles, Sheet C-8, prepared by Mumley Engineering, Inc., revision date 05/28/2025;
122. Eagle Ridge Road Sewer Plan & Profile, Sheet C-9, prepared by Mumley Engineering, Inc., revision date05/28/2025;
123. Stormwater Pond Plans, Sheet C-10, prepared by Mumley Engineering, Inc., revision date 05/28/2025;
124. Construction Plan, Sheet C-13, prepared by Mumley Engineering, Inc., revision date 05/28/2025;
125. Letter from Edward B. French, Jr., Esq., Stackpole & French Law Offices, dated 05/29/2025; and
126. Eagle Ridge Comments from Tyler and Todd Renz, dated 06/01/2025.

PROCEDURAL HISTORY

On January 31, 2023, the DRB granted final subdivision approval of Project 7021 for a three (3) lot subdivision as follows: (1) 1865 House Lot at ±1.23 acres; (2) Resort Lot at ±15.32 acres; and (3) Lot A at ±14.82 acres. The subdivision was recorded in the Town of Stowe Land Records under Map Book 24, Pages 88-91 on May 25, 2025. At the time of prior subdivision approval Lot A was considered a deferred lot with no planned development and is now the subject of the current application before the DRB. Condition #3 of Project 7021 required any future land development on Lot A be reviewed by the DRB as a subdivision amendment. As part of the original subdivision approval, the DRB required the Applicant to submit a wildlife habitat assessment- prepared by a qualified wildlife biologist or similar professional- prior to seeking development on Lot A. This assessment was to identify any potentially impacted wildlife habitat on the property. The condition of approval also allows the DRB to require the Applicant to mitigate and/or manage any identified impacts to wildlife habitats. The Applicant now seeks review of a proposed subdivision amendment (and PRD) designed to support the future residential development of twenty-four (24) dwelling units and related site improvements. In compliance with Condition #3 of Project 7021, the Applicant submitted a wildlife habitat assessment for the DRB's consideration. The DRB accepted this assessment and entered it into the hearing record.

FINDINGS OF FACT

During its review of the application, the DRB made the following Findings of Fact

The Applicant's request for final PRD and subdivision amendment approval was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations

- Conditional Use Standards
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 13- Planned Unit Development

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2- General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

Section 13.4 – Planned Residential Development

1. The purpose of a PRD is to enable and encourage flexibility of development of land to preserve open space, to integrate housing of various types into a harmonious grouping and to facilitate adequate and economical provision for streets and utilities.

2. The Applicant proposes a twenty-four (24) unit residential PRD on ±14.82 acres of land. The proposal also includes designated open space.

3. The project exceeds the three (3) acre lot area minimum to be eligible for consideration as a PRD in the VR40 District. Within the VC30 District, no minimum lot size is required for a PRD. In all cases, however, PRDs regardless of zoning district must consist of a minimum of three (3) dwelling units. The project meets these requirements.

4. §13.4(5)(B) outlines the double perimeter setback requirement for PRDs. Within the VR District, double perimeter setbacks are required. Double perimeter setbacks are not required within the VC District except on that line which abuts RR zones. The project does not abut any RR Districts. The project is designed to meet the double perimeter setback within the VR40 District portions of the project site. In the VC District, a standard perimeter setback of twenty (20) feet is proposed in compliance with the Zoning Regulations.

5. §13.4(5)(C) outlines the minimum separation requirement for single and two-family dwellings within a PRD – twenty (20') feet. Each dwelling is separated by a minimum distance of twenty (20') feet from one another.

6. All PRDs require designated open space.

7. §13.4(8)(A) requires designated open space within PRDs to '*take fullest advantage of all natural features, such as natural watercourses and drainage, topography, existing trees, outlook and other features.*' Land that is not included in building lots, streets, rights-of-way, or utility easements, *shall be reserved as open space for recreation, conservation, agriculture or the enhancement of the natural environment.*

8. Approximately ±6.8 acres of designated open space is proposed throughout the overall project.

9. The open space occupies areas that are not dwelling unit sites, roads, or other required infrastructure areas and easements. The designated open space consists of fragmented lands between the three (3) tiered areas proposed to be developed. It also encompasses the one (1) Class 2 wetland between Units 22-24 and Units 16-21.

10. The designated open space does not contain any buildings or development.

11. The construction of the project is anticipated to take longer than five (5) years. The Applicant provided a phasing plan. The project will be completed in four (4) phases. Sheet C-13 outlines the estimated construction schedule and dates.

12. The DRB incorporates by reference into this section's findings its findings under §5.3, below, as if more fully stated herein.

Section 3.7–Conditional Use Review

1. Per §13.2, in addition to the submission requirements of the Subdivision Regulations, an application for a PUD/PRD, or an amendment to an existing PUD/PRD, shall be reviewed as a conditional use. The DRB must determine that the use will conform to and will not result in an undue adverse effect on the applicable criteria set forth in §3.7 of the Zoning Regulations.

Section 3.7(4)(A)- Capacity of existing or planned community facilities and services.

1. The Applicant proposes to construct twenty-four (24) single-family dwellings units and related site improvements. As originally submitted, the entirety of the project was proposed to connect to both municipal water and sewer systems utilizing the existing utility infrastructure along Eagle Ridge Road.

2. The Planning & Zoning Department solicited comments on the application from respective municipal departments including the Department of Public Works (DPW), Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation. Written comments were received from DPW and Stowe Fire Department and entered into the hearing record.

3. The proposed project will be served by Eagle Ridge Road – a privately owned and maintained roadway. Eagle Ridge Road connects to VT 108/Mountain Road – a state highway maintained by the Vermont Agency of Transportation ('VTrans').

4. The proposed private roads are designed to Class 3 road standards and include stormwater infrastructure to manage drainage and sub-base.

5. The proposed private road widths of twenty (20') feet and shared driveway widths of sixteen (16') feet, each with one (1') foot shoulders, are acceptable to the Stowe Fire Department (Exhibit #79).

6. The plans show the location of proposed emergency vehicle turnarounds. The proposed turnarounds are located near Unit 4, Unit 15, and between Units 19 & 20. The Applicant provided verbal testimony that emergency vehicles could also utilize the individual driveways, however the hearing record does not contain verbal or written testimony from the Fire Department that the project meets turnaround requirements as set forth in the Fire Department Construction Guidelines. The Applicant did not provide the specific details or dimensions of these turn-around areas for the DRB or Fire Department to review.

7. The subject property is located within the municipal sewer service area. Parts of the property are below the maximum elevation (±830 feet) that can be served by the Sunset Pressure Zone of the municipal water system, which drains to the Lower Village Sewer Pump Station.

8. Interested Person Tyler Renz testified that municipal water service is not available to serve the project, and the sewage treatment plant is at capacity, however provided no further evidence to support these claims.

9. Depending on the distribution system hydraulics, the maximum elevation the municipal water system can serve with adequate pressure is approximately ±830 feet in elevation. The existing municipal water system does not have the capacity to serve the higher elevation dwellings, Units 16-24, as originally proposed.

10. Based on feedback from the DPW, the Applicant modified the project so that proposed lower Units 1-15 would be served by both municipal water and sewer systems, and the upper Units 16-24 would be served by private drilled potable water sources and municipal sewer. Units 1-15 are below 830 feet in elevation. Units 16-24 are above 830 feet in elevation.

11. The DPW provided technical feedback (Exhibits 36 & 109) to the Applicant regarding the proposed water and sewer systems. The DPW requested additional information and project revisions in order to service the project with municipal water and sewer.

12. The water and sewer systems serving the existing dwelling at 268 Eagle Ridge Road and the existing sewer system serving the dwelling at 400 Eagle Ridge Road are not owned or under the operational control of the Town. The Applicant is the owner of the lower portions of these systems and is party to a private maintenance agreement between themselves and the owners of the two (2) existing upper elevation residential lots served [268 & 400 Eagle Ridge Road].

13. The proposed water system and sewer collection system partly relies on these existing water and sewer collection systems that are not owned or under the operational control of the Town. The Town is not party to the private maintenance agreement and cannot serve customers with municipal water and sewer without either ownership, or at a minimum, operational control of the water distribution and/or sewer collection systems which provide service to customers. The latter is typically achieved by Consecutive System Agreements, typically with the developer and future homeowners association. The Applicant has not entered into a Consecutive System Agreement with the Town to serve the existing and/or proposed water and sewer customers.

14. The Applicant did not incorporate the necessary revisions recommended by the DPW to ensure the project can be served by municipal water and sewer. Instead the Applicant requested the DRB impose these revisions as conditions of approval, to be resolved between the Applicant and DPW at a later date. Based on the designs presented to the DPW, the DPW Director testified that the Town does not have the capacity to serve the project with municipal water and sewer (Exhibit #112).

15. Following this testimony, the Applicant further revised the project to propose that all dwelling units, including those located above elevation 830 feet, be connected to the municipal water system. The revised plans were submitted on May 28, 2025 (Exhibits 115-124) and included revised water services, the construction of a future pump house and future fire water supply tanks, removing the private drilled well details, and revised the project phasing.

16. As revised, Phases 1 and 2 (Units 1–12) would connect directly to the municipal water system without the need for a booster pump. A booster pump is proposed to be installed during Phase 3 (Units 13–15) to serve the remaining units (Units 13–24). Phase 4 consists of Units 16-24. There is no evidence in the hearing record demonstrating that the proposed project amendments are acceptable to DPW, nor is there evidence indicating that the project, as revised, can be adequately serviced by both the municipal water and sewer systems.

17. The proposed booster pump well house is located on the adjacent parcel at 89 Golden Eagle Drive, near the beginning of Eagle Ridge Road. This parcel is under the same ownership as the parcel subject to this application.

18. Written testimony (Exhibit 114) from Edward B. French, Jr., Esq, was received on May 29, 2025 stating that the Applicant now proposes to construct a new Shared Private Water Conveyance System and Shared Private Sewer Collection System to serve the project, the existing Dileo parcel (268 Eagle Ridge Road), and the two (2) existing Van Dyke parcels (sewer only) (0 & 400 Eagle Ridge Road). LC1 Owner Stowe VT LLC will be exclusively responsible for all costs associated with the design, permitting, installation, maintenance and repair of these proposed new systems, with the exception of individual service lines and components exclusively serving the Dileo and Van Dyke parcels. These systems will require a Consecutive Water Agreement and Consecutive Sewer Agreement with the Town of Stowe and an Amended Easement Location and Maintenance Agreement and will address the rights, obligations, and responsibilities of the Parties.

19. The Applicant's Engineer provided testimony regarding these project modifications during the June 3rd hearing, however there is no verbal or written testimony in the record that DPW reviewed this newly submitted evidence by the Applicant or Mr. French or with these project amendments is able to serve the project.

20. No additional municipal department comments were received.

Section 3.7(4)(B)- Traffic on roads and highways in the vicinity.

1. The project will be served with direct access to Eagle Ridge Road, a privately owned and maintained road. Eagle Ridge Road connects to the heavily travelled Mountain Road (VT-108), a state highway.

2. VTrans guidelines specify that a traffic study should be considered if the proposed development will generate seventy-five (75) or more peak hour trips.

3. The project will produce an estimated twenty-five (25) peak hour trips on weekdays, which is expected to be easily absorbed into the surrounding road network.

4. The Applicant's traffic analysis was completed using the ITE Trip Manual for single-family residential dwellings during peak hour uses, in accordance with standard traffic analysis practices. The estimated twenty-five (25) peak hour trips are well below the seventy-five (75) or more peak hour trips that would require a traffic impact analysis.

5. The entrance of Eagle Ridge Road where it intersects with Mountain Road (VT-108) was recently improved to meet VTrans requirements.

6. Christopher Clow of VTrans confirmed that the estimated peak hour analysis of twenty-five (25) trips is accurate and there is no need for improvements to the intersection of Eagle Ridge Road and Mountain Road (VT-108).

7. VTrans Guidance Document #46464, dated January 14, 2025, documents that a Section 1111 permit is not required for the project.

8. Christopher Clow also provided written testimony (Exhibit 48) that a left turn lane on Mountain Road (VT-108) is not recommended.

9. Interested persons Tyler and Todd Renz submitted testimony noting that there are traffic issues on Mountain Road (VT-108), primarily during busy peak tourism times and powder days, which will cause delays to emergency vehicle response time. It is their position that traffic will be negatively impacted by the additional traffic created by the project.

Section 3.7(4)(C)- The character of the area affected.

1. The proposed project is located within the VR40 and VC30 Districts. The subject property is undeveloped and contains a mature forest cover.

2. The property is located behind a variety of existing uses fronting Mountain Road (VT-108). These uses include lodging, retail, restaurant, office, and residential.

3. The purpose of the VR40 District is *"to provide an adequate site when municipal water and/or sewer cannot serve it, or when dictated by severe slope or soil conditions."*

4. The general purpose of the Village Commercial Districts is *"to promote the sound economic development of Stowe, to carry out the objectives of the Municipal Plan, to maintain Stowe Village as the center of community activity and to encourage the best use of land in central sections for general business."* The specific purpose of the VC30 District is as follows: *"VC30: adjacent to the central core of the Village, to allow a more uncongested development pattern and, in appropriate areas, to allow for density bonuses to encourage compact settlement patterns."*

5. More than half of the property is within the VC District. The purpose of this district encourages development that avoids overcrowding or overuse of land and allows for density bonuses to encourage compact development patterns.

6. The Applicant testified that it is their intent to create a forested residential development on the edge of the village area, while also leaving areas for forested open space.

7. Two (2) existing single-family dwellings are located along Eagle Ridge Road, immediately adjacent to the proposed development.

Section 3.7(4)(D)- Regulations and ordinances in effect.

1. Applicable bylaws include the Town of Stowe Zoning Regulations, effective January 31, 2024, and the Town of Stowe Subdivision Regulations, as amended through July 16, 2012.

2. The project proposes to connect to the municipal water and sewer systems, however the DPW Director testified that these systems do not have the capacity to serve the proposed project, as initially designed.

3. Connections to the municipal sewer system are regulated under the Town of Stowe sewer ordinance.

4. Allocations for municipal water and/or sewer services will be required to support the project. These allocations require approval by the Town of Stowe Water & Sewer Commissioners.

5. No other identified municipal bylaws or ordinances apply to this project.

Section 3.7(4)(E)- Utilization of renewable energy sources.

1. The project is generally described as a twenty-four (24) unit PRD intended for residential uses, and related site improvements. Each building is proposed to be less than twenty-eight (28) feet in height and adequately separated.

2. No renewable energy generation or development is proposed with this project.

3. As required under state laws, the buildings will be required to be constructed in conformance with the State of VT Building Energy Standards.

Section 3.7(4)(F)- Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

1. The existing scenic, natural beauty, and aesthetics qualities of the area can be generally characterized as a forested hillside overlooking a historic New England village.

2. The proposed project consists of the future construction of twenty-four (24) single-family dwellings and associated site improvements situated on a forested hillside perched above the Stowe historic district and Mountain Road (VT-108). Existing land uses within the immediate area include a mix of residential, commercial, restaurants, offices, lodging, and retail uses. Two (2) single-family dwellings exist at the upper end of Eagle Ridge Road. To the south and west of the project is Cady Hill Forest, undeveloped conserved lands owned by Town of Stowe, which contain an array of hiking and mountain bike trails.

3. The project is nearby the Stowe Historic Overlay District (SHOD); several historic buildings along Mountain Road (VT-108) are within close proximity to the project. Additionally, a small section of the SHOD crosses through subject property, to the east of proposed Units 10, 11 and 12, however no development is proposed within this area. The property itself does not contain any historic sites.

4. Interested persons Tyson and Lisa Bry provided written testimony that the Applicant failed to meet the burden of proof regarding aesthetic impacts, particularly the project's impact on the adjacent historic district, arguing that the project is directly visible from the majority of the historic district, Stowe Rec Path and Main Street, and that the proposed modern modular architecture is not 'in-keeping' with the surrounding buildings and character of the historic district. The Brys allege that the renderings presented do not accurately represent the actual impact that the development will have on the historic district and nearby historic homes.

5. Alvin Fagen provided written testimony that the proposed project "*will destroy the natural beauty of the forest*", questioning the amount of outdoor light pollution that will be generated from the project.

6. Proposed architectural renderings provided by the Applicant illustrate that the project will be visible from nearby town highways and nearby properties -including the historic district.

7. Proposed landscaping and screening, in addition to the retention of existing forested cover and vegetation, are intended to mitigate the adverse visual and aesthetic impacts. However, the Applicant is uncertain whether blasting will be necessary to construct the project, and acknowledges that such activity could damage or destroy the existing forest relied upon for visual screening. Without this existing vegetation and screening, the project will be highly visible from public vantage points.

8. Renderings illustrate the architecture, design, and building materials of the proposed dwelling units. The project has been designed to carefully blend into the surrounding forest environment. Natural materials, building colors, and dark-colored roofs are intended to partially mitigate the visual impacts of the project.

9. The design intent of the project is for the dwellings to have a more natural appearance and blend into the surrounding forested landscape. Renderings (Exhibit 50) illustrate the existing vegetation to be retained and screen the project. These renderings illustrate anticipated views of the projects from various vantage points including the Stowe Community Church, the Quiet Path parking lot, Cemetery Road, VT Route 100, West Hill Road, Mayo Farm Road, and Mountain Road (VT 108).

10. Proposed clearing limits have been designed to maintain the appearance of a forested hillside with many existing trees planned to remain. The topography of the property offers a natural advantage by creating three (3) 'tiers' or 'bands'. Each tier is designed to retain existing trees to mitigate visual impacts. The design intent is for the project to appear nestled within the existing forest.

11. According to the Applicant's testimony, construction management and site supervision practices will be implemented to ensure the preservation of trees throughout the construction process. Areas with trees to be retained will be fenced or clearly marked to prevent disturbance and damage.

12. The modular dwellings will be constructed utilizing cranes operating from the interior roadways to place the individual dwellings. This approach is intended to minimize disturbance to the surrounding grounds, preserve existing trees, and protect root systems designated for preservation.

13. Draft 'Declaration of Eagle Ridge Road' (Exhibit 78) (Homeowner's Association covenants) establishes provisions for tree replacement in the event of a natural disaster. If an event causes significant impacts to the existing tree cover - resulting in altered views into the development from surrounding areas- the association is required to consult with a qualified forester or arborist to develop a management strategy that promotes the long-term health of the forest and supports the natural regrowth of visual screening. The draft declaration document itself does not contain specific provisions but rather requires the association to consult with a 'qualified forester or arborist as to a management plan' if an event occurs.

14. Todd and Tyler Renz testified that the Applicant has not provided soil test borings or a pre-blasting survey for the project. They allege that the proposed development is in an area that contains existing ledge at grade and the project will require significant blasting. According to their testimony, blasting is a conductor of vibration, which could cause adverse impacts to nearby development, particularly historic buildings within the historic district and within three hundred (300') feet of the project site.

15. The Applicant testified that the Town's Zoning and/or Subdivision Regulations do not contain specific criteria related to blasting protocols.

16. The immediate surrounding area contains historic buildings at lower elevations along Mountain Road (VT 108) – specifically buildings located at 125, 161, 229, 243 and 299 Mountain Road. The Applicant testified that given the lay of the land and the project location, impacts to historic buildings, natural areas and identified vantage points will not be adversely impacted given the retention of existing forest to remain, proposed landscaping, and architectural design.

17. The DRB incorporates by reference into this section's findings its findings under §§5.1(2) and 5.1(6), below, as if more fully stated therein.

Section 3.7(4)(G)- Project will not result in undue water, noise or air pollution.

1. Each dwelling is anticipated to utilize heat pumps, which consist of exterior mechanical units. Noise associated with these heating systems are customary to residential development. Construction-related noise is also anticipated, however, will be temporary and limited to during construction.

2. If blasting or jackhammering should be needed, the Applicant testified they will follow standard protocols as required by the State of Vermont which includes, among other items, hiring a blasting company that has an established methodology which includes a pre-blasting survey of adjacent properties for insurance purposes.

3. The Applicant testified they want to avoid blasting as much as possible. The building design includes pinning the buildings to ledge, utilizing cantilevered architecture, etc., rather than blasting or excavating for foundations.

4. The Applicant testified that blasting might be necessary to install water and sewer lines.

5. The Applicant testified that construction times would be limited to Mondays-Fridays – 7:00am to 5:00pm, Saturdays – 8:00am to 4:00pm, and no construction on holidays or Sundays. Noise is to be expected from

construction activity, but otherwise, anticipated noise levels will be comparable to existing residential uses in the area.

6. The project is proposed to be completed in four (4) phases, each taking approximately two (2) years to complete. Per the construction schedule (Exhibit #113), Phase 1 consists of Units 1-6, Phase 2 consists of Units 7-12, Phase 3 consists of Units 13-15, and Phase 4 consists of Units 16-24.

7. The parcel contains one (1) Class 2 wetland, which is shown on the plans along with its associated buffer. The project is designed to avoid impacting or fragmenting this wetland area.

8. Nothing within the hearing record indicates that the project will create undue noise, water, or air pollution.

Section 4.23 – Areas Served by Municipal Water and Sewer Infrastructure

1. The provisions of §4.23 only apply to land development in areas served by municipal water and sewer infrastructure.

2. The term 'served by municipal water and sewer infrastructure' is defined under §16.162. This term is also defined under 24 V.S.A. §4303(42)(A).

3. The Applicant seeks to apply the density standards allowed under §4.23(C), which allows a maximum density of five (5) dwelling units per acre unless the underlying zoning district allows for additional residential density.

4. The Applicant is not seeking a building height waiver or an affordable housing density bonus. §4.23(D) does not apply.

5. The Applicant seeks to apply the building coverage requirements of the underlying zoning district. §4.23(E) does not apply.

6. Parking requirements will be applied to each individual single-family dwelling, as set forth in §15.

7. The project gains access from the existing Eagle Ridge Road. §4.23(G) does not apply.

8. According to testimony received from the DPW, the Town does not have the capacity to serve the project with municipal water or sewer service. Residential connections to serve this project are not available due to these identified capacity constraints.

9. The DRB incorporates by reference into this section's findings its findings under Section 3.7(4)(A)- capacity of existing or planned community facilities and services, above, and dimensional requirements/density, below, as if more fully stated herein.

Dimensional Requirements

1. The subject parcel is located within the VR40 and VC30 zoning districts as shown on the Town of Stowe Zoning Map.

2. No changes to lot area or width are proposed.

3. Required setbacks within the VR40 District are as follows: front thirty (30') feet, side twenty-five (25') feet, rear fifty (50') feet. Setbacks within the VC30 District are as follows: front ten (10') feet; side twenty (20') feet; rear twenty (20') feet. As required under §13.4(5)(B), along the outside boundary of the project, building setbacks shall be twice the setback requirement for the district in which it is located. The setback

shall be free of all buildings, structures, and parking areas, but may contain signs and may be crossed by necessary access driveways. The site plan shows applicable double setbacks in the VR40 portion of the property. In the VC District, regular setbacks shall apply, except on that line which abuts RR zones. The property does not abut any RR District(s).

4. The boundary between the VR40 and the VC30 Districts cuts through the property. Unit 12, while within the VR40 District, lies within one hundred (100') feet of the VC30 District and, as a result, may utilize the VC30 setback requirement. Therefore a twenty (20') foot side yard setback is the applicable requirement.

5. Both the VC30 and VR40 Districts limit building height to twenty-eight (28') feet. The building elevations demonstrate a proposed 22'7" building height. Given the topography throughout the overall project, the height of each dwelling unit may likely vary.

6. Each dwelling will require its own zoning permit where compliance with the twenty-eight (28') foot building height limitation will need to be demonstrated. The Applicant is not seeking a zoning permit for any of the buildings proposed under this PRD. Building height will be reviewed when each building is separately applied for.

7. The Applicant testified that the units will not exceed 22'7" in height and that they will submit individual zoning permit applications for each unit where building height will be individually reviewed.

8. The VR40 District has a maximum building coverage allowance of fifteen (15%) percent. The VC30 District has a maximum building coverage allowance of thirty (30%) percent.

9. Exhibit 104 documents building coverage calculations demonstrating compliance with the maximum building coverage allowances. Within the VR40 District, building coverage will total 5.6% and within the VC30 District, building coverage will total 8.9%. The Applicant testified that building coverage is based on building overhangs/drip edges.

10. The Applicant proposes twenty-four (24) single-family dwelling units. One (1) family and two (2)-family dwellings are permitted uses in the VR40 and VC30 Districts.

11. Table 6.3 – Density Standards – lists the density requirements for each zoning district. In the VR40 District, density is allowed at a rate of one (1) single-family dwelling/two-family dwelling per forty thousand (40,000) square feet. In the VC30 District, density is allowed at a rate of one (1) single-family dwelling/two-family dwelling per thirty thousand (30,000) square feet.

12. The site plan identifies the VR40 District as containing ±8.34 acres (±363,290 sq. ft.), which allows for a total of nine (9) dwelling units, and the VC 30 District containing ±6.32 acres (±275,299 sq. ft.), which allows for a total of nine (9) dwelling units.

13. The Applicant proposes twenty-four (24) single-family dwelling units, whereas only eighteen (18) units are allowed based on the density allowances of the underlying zoning districts.

14. The project cannot utilize the density allowance provided under §4.23(C) since the project is not within an 'area served by municipal water and sewer infrastructure' and therefore cannot benefit from the added density of five (5) units per acre.

15. The DRB incorporates by reference into this section's findings its findings under Section 3.7(4)(A)- capacity of existing or planned community facilities and services and §4.23, above, as if more fully stated herein.

Town of Stowe – Subdivision Regulations

Section 5.1(1) – Character of Land for Subdivision.

1. The Applicant requests approval to construct twenty-four (24) single-family dwelling units and related site improvements.

2. The property contains frontage on Eagle Ridge Road, a private road that also serves three (3) existing parcels – 0, 268, and 400 Eagle Ridge Road. 268 and 400 Eagle Ridge Road both contain single-family dwellings.

3. The parcel is presently undeveloped and contains a mature forest mix of coniferous and deciduous trees. The DRB conducted a site visit to the property on March 18th to observe existing conditions and develop a clearer understanding of the proposed project layout. During the site visit, the forest did not appear to be in a healthy condition.

4. The topography of the property naturally creates three (3) tiers or bands. The Applicant proposes to utilize these natural contours and has concentrated development and site improvements within these tiered areas, each designed with a private road/driveways and dwellings. The tiered areas are separated with existing forested areas proposed to remain.

5. Portions of the property contain steep and very steep slopes ranging between 20-25%+. These steep slopes are primarily located within the designated open space areas and are intended to remain forested. The project, including the proposed house sites, roadways, utilities, and stormwater infrastructure, has been designed to avoid these steep slopes where possible.

6. The project is approximately sixty (60') to eighty (80') feet higher in elevation than existing development along Mountain Road (VT 108).

7. The Applicant proposes connection to the municipal water and sewer systems however based on testimony from the DPW, these systems do not have the capacity to serve the proposed project.

8. Tyler Renz testified that given the amount of ledge throughout the subject parcel, blasting will likely be required.

9. The Applicant testified that no soil boring tests have been conducted to determine whether blasting will be required, though they expressed a desire to avoid blasting if possible. However, the Applicant acknowledged that blasting may be necessary for utility installation. If such activity is needed, the Applicant testified they will follow standard protocols required by the State of Vermont.

10. The hearing record lacks blasting information and whether blasting will be required to construct the project.

11. The proposed landscaping and screening, along with the preservation of existing forest cover, are intended to mitigate visual and aesthetic impacts of the project. However, the Applicant is uncertain whether blasting will be required for construction and acknowledges that such activity could damage or eliminate the existing vegetation and forest canopy relied upon for screening. Without this natural vegetative buffer, the project will be highly visible from public vantage points.

Section 5.1(2) – Natural and Scenic Features.

1. The proposed project is located on a forested hillside which contains a mature mixed coniferous and deciduous forested cover. Other than as a timber resource, there is no evidence in the record that the existing tree canopy is an *important* forest resource. The project has been designed to preserve as much this existing forested cover, primarily within the designated open space areas.

2. The subject parcel contains a Class 2 wetland between Units 16-21 and Units 22-24. The associated fifty (50') foot buffer is shown on the plan. The project has been designed to avoid any impact on this wetland and its buffer.

3. There are also three (3) Class 3 wetlands in the lower eastern portion of the property. Class 3 wetlands are not regulated by the State of Vermont under the State Wetland Rules.

4. There are no identified vernal pools on the property.

5. There are no identified brooks, streams, or water bodies located on the property.

6. The property is not within the Source Protection Overlay Area. There are no identified ground water resources that will be impacted by the project.

7. According to the ANR Natural Resources Atlas small portions of the property contain prime agricultural soils. These soils are located to the rear of the existing adjacent lodge building and will be minimally impacted by the project.

8. There are no identified farmland resources and/or scenic meadowlands that will be impacted by the project.

9. Renderings depicting the anticipated impacts illustrate the views from public vantage points, as well as anticipated views onto and arising from subject property. The project will be visible from nearby town highways and surrounding properties.

10. Visual impacts will be mitigated by a variety of measures including: existing topography, the preservation of the existing forest within designated open space areas, proposed landscaping, and building design.

11. The view analysis (Exhibit 50) shows anticipated views from various locations including the Stowe Community Church and its parking lot, the Quiet Path parking lot on Cemetery Road, VT Route 100, West Hill Road, Mayo Farm Road, and Mountain Road (VT 108).

12. The view analysis illustrates that the development will be visible from various vantage points with filtered screening by existing forest vegetation and supplemented landscaping.

13. The Applicant claims that the proposed development will not result in undue adverse impacts on views on to or arising from the property due to the proposed locations and planned orientations of roads, driveways, and buildings, including elevation differences, and the maintenance of the existing wooded areas to provide screening of the project.

14. According to the Draft HOA – Declaration of Eagle Ridge Road Planned Community (Exhibit # 87) should a natural disaster occur that affects a significant number of trees meant to be preserved and utilized to mitigate views into the development, the HOA is required to consult with a qualified arborist or forester as to a management plan that promotes the long-term health of the forest and natural regrowth of screening. The draft HOA documents do not contain specific measures to be taken to ensure the survival, and if necessary replacement, of designated landscaping during and after the construction.

15. The DRB incorporates by reference into this section's findings its findings under Section 3.7(4)(F), above, and Section 5.1(6), below, as if more fully stated herein.

Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities.

1. According to the ANR Natural Resources Atas, the property proposed to be developed contains deer wintering areas, wildlife habitat blocks, and a class 2 wetland area. The deer wintering areas are shown on the Stowe Town Plan (2018) Significant Wildlife Habitat & Natural Communities Map.

2. Todd and Tyler Renz provided written testimony and photographs documenting their observations that the subject parcel is heavily used by deer and black bears.

3. The property contains a Class 2 wetland in the area between Units 16-21 and Units 22-24. The project has been designed to avoid any impacts to this wetland and its fifty (50') foot protective buffer.

4. The Applicant provided a Wildlife Study prepared by Jeff Parsons of Arrowwood Environmental (Exhibit 5) which assesses wildlife activity and habitat on the subject parcel. Based on a number of factors, the study concludes that the property contains no significant wildlife habitats including deer wintering habitats, and that there is an absence of rare, threatened or endangered species or significant natural communities.

5. Jeff Parsons provided a supplemental wildlife study (Exhibit 45), making a similar conclusion to his initial wildlife study. The revised Wildlife Study involved two (2) site visits by Arrowwood Environmental: one (1) in late February and another one (1) in early March. During the site visit in late February, Jeff Parsons walked the property with Noel Dodge (Wildlife Biologist, VT Fish and Wildlife). The final report states that they did not find conclusive evidence that the area is used as a deer wintering area.

6. Noel Dodge, representing VT Fish & Wildlife, provided written testimony (Exhibit 46), confirming that the site is not a valued deer wintering area, nor bear habitat, and mitigation measures are not warranted. Mr. Dodge concluded that he did not consider the site as a significant deer yard, did not consider it to be impactful to deer yarding, and that no mitigation will be sought by the State of Vermont for this project.

7. The Applicant testified that since the project is also an Act 250 project, Mr. Dodge's determination fulfills the VT Fish and Wildlife's Act 250 review, agreeing that the subject property is not a deer yard and that the proposed project does not warrant impacts or any mitigation.

8. Tyler Renz testified that the property is a mapped deer wintering area and evidence of deer activity on the parcel has been observed year-round.

9. The report by Jeff Parsons (Exhibit 45) and the email from Noel Dodge (Exhibit 46) addresses bear activity in the area. Both conclude that there are bears in the area but the property is not a significant bear habitat.

10. Jeff Parsons is not a certified wildlife biologist, however Mr. Parsons testified that he has been accepted as an expert witness in Act 250 and local hearings.

11. The project site has none of the characteristics that support bear habitat, which as defined by the State of Vermont includes fall, spring and early summer feeding habitats for black bear. The fall feeding habitat primarily consists of American Beech trees and the beech nuts that they produce. Spring and early summer habitat for black bear include large, secluded wetlands that have preferred species that black bear like to graze upon when they leave their dens in the early spring. The third type of habitat that has been protected in the past has been identified bear corridors.

12. According to Mr. Parsons testimony the property has none of the characteristics that support bear habitat. There are no bear scarred beech trees on the property, and there are only a few northern red oak trees which produce acorns that bears may consume.

13. According to Mr. Parsons' testimony, bears are drawn to the area because of the presence of large amounts of food scraps, garbage, and other sources of food. The property does contain evidence of bear use; however, it lacks the characteristics to support bear habitat.

14. Todd and Tyler Renz provided photographs showing deer and bear activity within or near the project area.

15. The property does not contain the type of forest structure typically found in functional deer wintering areas (deer yards) in Stowe, particularly during severe winters such as the current year.

16. White-tailed deer concentrate their winter activity in preferred evergreen forests that help reduce snow depth beneath the canopy and provide insulation from cold air by acting as a visual and physical barrier.

17. The forest on the property is dominated by white pine, which is the least preferred evergreen species for white-tailed deer in Vermont's central highlands.

18. Preferred evergreen species for deer wintering habitat include hemlock, white cedar, spruce, and fir, due to their superior ability to intercept snow and maintain a continuous canopy cover that conserves energy for deer during winter months.

19. The property lacks sufficient canopy cover to provide meaningful shelter or thermal protection for deer during severe winter conditions.

20. The presence of people recreating in the area, along with noise from nearby roads, disturbs deer and reduces the property's suitability as a wintering area.

21. Due to poor forest structure, insufficient cover, and frequent human activity, the property holds very limited value as functional deer wintering habitat.

22. The property is contiguous with the 300+ acre conserved property Cady Hill Forest which also contains a medium priority habitat block and protected deer wintering areas.

23. The VT Department of Fish & Wildlife provides mitigation guidelines for residential development, which include analysis of alternatives as well as protecting deer wintering area in perpetuity with a conservation easement or other legal habitat protection mechanisms which restrict the development of a specified area of deer wintering areas.

24. According to the homeowner's association documents, streetside garbage pick-up within the development will be prohibited so as not to lure bears to the development. The draft homeowner's association agreement includes this restriction in Section 7.2(b) (Exhibit 78).

Section 5.1(4) – Historic Resources and Community Character.

1. The project is located within a village area, as defined under the Regulations.

2. Subdivisions in or adjacent to existing village areas, including Stowe Village, Lower Village, Moscow and designated growth centers, shall be designed to reflect traditional village settlement patterns characterized by an appropriate scale of development, an interconnected street network with development oriented to the streetscape, a mix of land uses and pedestrian access.

3. The project involves the future construction of twenty-four (24) single-family dwellings and related site improvements. The project only involves a single residential use – single-family dwellings. A mix of land uses is not proposed.

4. The project location is characterized as a forested hillside, above existing residential and commercial development along Mountain Road (VT 108). The topography of the property creates three (3) natural 'tiers' or 'bands' for development. The internal roadways/shared driveways are designed to follow these natural contours.

5. Exhibits 104-107 identify the location of proposed dwelling units and the internal private roads/shared driveways.

6. A proposed internal private roadway is designed to follow the lower tiered contour. This roadway will serve a total of fifteen (15) dwellings. Some of these proposed dwellings are served by individual driveways, others by shared driveways. This proposed roadway is a dead-end, ending at Unit #12, and abuting lands owned by the Town of Stowe and Van Dyke (Life Estate).

7. These proposed lower dwelling units are not clustered but rather grouped in threes along the private roadway.

8. The middle-tiered area of development is also served by a dead-end private roadway with each dwelling (Units 16-21) served by an individual driveway.

9. The upper tiered area of development contains a shared driveway, serving units 22-24. This area of the project is generally bounded on three (3) sides by the existing Eagle Ridge Road which surrounds the west, north, and eastern sides of this upper tiered area. This shared driveway terminates at unit #23.

10. The project layout does not contain an interconnected street network, nor are the dwellings oriented towards the proposed roads. While the project layout responds to natural contours and conditions, it does not reflect a traditional village settlement pattern.

11. Pedestrian access throughout the site is proposed to occur via the internal private roadways. The project does not include sidewalks, as the Applicant has designed the development at a relatively low density, which is expected to result in limited traffic and, according to their testimony, reduce the need for separate pedestrian infrastructure.

12. The DRB incorporates by reference into this section's findings its findings under §5.1(7), below, as if more fully stated herein.

Section 5.1(5) – Reserved Strips.

1. The Regulations prohibit privately owned reserved strips which control access to any part of the subdivision or to any other parcel of land from any street or from any land dedicated to public use shall be permitted.

2. The project will be served by Eagle Ridge Road, a private road that gains direct access off Mountain Road (VT 108), a state highway.

3. The subject parcel also contains frontage on Mountain Road (VT 108) via a fifty (50') right-of-way. This right-of-way runs between 287 Mountain Road and 393 Mountain Road.

4. The proposed PRD involves a single parcel and will be under one (1) common ownership. After construction the dwellings will be individually sold and under the control of a homeowner's association.

5. No reserved strips are proposed.

Section 5.1(6) – Screening and Landscaping.

1. Exhibits 33 and 34 depict the proposed landscaping throughout the project site. The plans identify proposed plantings and a list of proposed species. Landscaping will include trees, shrubs and sods to be planted around each dwelling, within the existing forest canopy to remain.

2. The project is designed to soften the impact of the development by utilizing natural features consisting of existing forest canopy, topography and additional landscaping.

3. The proposed dwellings will be located close to the internal roadways and are not designed using traditional construction methods that typically require extensive clearing and significant grade changes for basement installation.

4. The proposed dwellings will be anchored to the ground using step-footings to accommodate grade variations and will be cantilevered to minimize ground disturbance.

5. No basements are proposed as part of the project. This is in an effort to preserve the existing tree canopy and reduce site disturbance.

6. The project is designed to blend into the forest setting while creating as little impact as possible. Architectural renderings illustrate how the proposed units are anticipated to appear in relation to the surrounding forest.

7. Existing trees twelve (12") inches or greater within the construction areas have been identified on the landscaped plans and will be preserved to the greatest extent possible when constructing the proposed buildings.

8. Landscaping will be installed between the buildings and within the foreground to repair impacts created during the construction phase and restore the overall sense of forest. Landscaping will consist of a mix of pine, birch and maple trees, and ground regeneration around the buildings with ferns and native shrubs.

9. All disturbed areas will be re-seeded with a native woodland mix, and on the downhill side of each unit there will be additional shrubs planted to aid in erosion and stormwater runoff control.

10. The view studies illustrate how the project will be screened by the existing downhill trees proposed to remain. The existing trees range between fifty (50') and seventy (70') feet tall. Many of the taller evergreen trees have canopies that are higher up on the tree, resulting in tree trunks that extend upwards and do not provide adequate screening. However, as the elevation drops on the site, and on adjacent properties below, the existing trees descend in elevation as well, which results in a steady canopy of trees as viewed from offsite.

11. Tyler Renz testified that the view studies submitted by the Applicant do not accurately depict the existing tree canopy, particularly regarding mature trees with elevated canopies and the number of deciduous trees versus coniferous trees.

12. The Applicant testified that the project design intent is to maintain large wooded canopies and groupings of trees which will aid in the preservation of individual trees. When a large tree is standing by itself, it is more susceptible to damage or falling over because of a lack of surrounding protection.

13. Should a tree be damaged or fall within the existing canopies proposed to remain, the surrounding canopy is able to naturally allow for the re-establishment of new trees, which over time will replace fallen dead or diseased trees.

14. The 'Declaration of Eagle Ridge Road', covenants for the project, outline a plan for if a natural disaster is to occur that affects a significant number of trees, altering views into the development. The plan identifies that the declarant, and subsequently the homeowner's association, shall consult with a qualified forester or arborist as to a management plan that promotes the long-term health of the forest and the natural regrowth of screening. This declaration document does not include specific plans for tree replacement in the event of a natural disaster.

15. The Applicant testified that there will be site supervision and construction management to ensure that the project is constructed per the plans. The project area will be demarcated for construction and under site supervision. An individual will be onsite during construction to ensure the protection of treed areas demarcated for preservation.

16. Todd Renz testified that the project area contains a lot of ledge and that nearby existing historic homes are built on ledge. He asked that a pre-blast survey for the project area, as well as a geotechnical study, be completed as part of the DRB's review. He testified that blasting would likely be required for not only the proposed dwellings, but also for the installation of utilities and roadways.

Section 5.1(7) – Pedestrian Access.

1. Pedestrian access throughout the site is intended to utilize internal roadways. Access to VT-108/Mountain Road requires a short walk along Eagle Ridge Road from the development.

2. The project purposely excludes sidewalks because the relatively low-density nature of the project reduces traffic and therefore the Applicant is not proposing separate pedestrian improvements.

3. A one (1') foot stabilized shoulder is proposed on both sides of each roadway to support internal pedestrian connections.

4. The Applicant testified that sidewalks would increase the disturbance of the site, require wider roads and result in higher likelihood of offsite visibility from neighboring properties, as well as increase impermeable surfaces.

5. Existing trails on the property will continue to provide pedestrian access to the trail network in the adjacent Cady Hill Forest.

6. The fifty (50') foot right-of-way connecting to Mountain Road (VT 108), is also a commonly used pedestrian connection to the existing trails within the property.

7. The existing 'woods road' will continue in its current condition beyond the terminus of the roadway serving Units 1-15 and provide pedestrian only access to the abutting Cady Hill Forest.

8. The existing thirty (30') foot wide right-of-way to the Town of Stowe will also continue to provide access to the Cady Hill Forest trail system. This right-of-way connects to Mountain Road (VT-108).

9. The proposed lower roadway that will serve Units 1-15 is a current recreational trail used by bikers and hikers accessing Cady Hill Forest from the abutting Bluebird Cady Hill Lodge. The project is designed to allow continued pedestrian access via the proposed lower roadway.

10. The Applicant testified that they will work with Stowe Trails Partnership to ensure that existing trails are maintained during construction and into the future.

Section 5.1(8) – Traffic.

1. The DRB incorporates by reference into this section's findings its findings under §3.7(4)(B), above, as if more fully stated herein.

Section 5.1(9) – Municipal Facilities.

1. Comments on the proposal were solicited from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation. Written comments were received from DPW and Stowe Fire Department.

2. DPW Director Harry Shepard expressed concern over water and sewer systems, stormwater management systems, and access rights for the driveways serving Units 16-21 and 22-24 (Exhibit 36).

3. The Applicant testified that the project will require a State Wastewater Permit. This permit has not been obtained yet.

4. The DRB incorporates by reference into this section's findings its findings under §§3.7(4)(A) and 4.23, above, and §5.1(12), below, as if more fully stated herein.

Section 5.1(10) – Lot Configuration.

1. No new lots are proposed. The project is located on one (1) single parcel of land. The Applicant is not seeking to subdivide this single parcel.

Section 5.1(11) – Building Zone.

1. The plans provided show building footprints for each dwelling unit which comply with the required setbacks.

Section 5.1(12) – Fire Protection Facilities.

1. The Stowe Fire Department testified that proposed roadway widths of twenty (20') feet and shared driveway widths of sixteen (16') feet are acceptable (Exhibit 79).

2. The Applicant provided verbal testimony that the project provides adequate emergency vehicle turnarounds via driveways and shared driveway entrances, however the Applicant did not provide detailed drawings, including dimensions and construction standards, of these improvements.

3. The Site Plan (Exhibit # 115) shows an emergency turnaround on the internal road serving Units 16-21. A turnaround area is shown near the terminus of unit 4, unit 12, and unit 15, however the dimensions and construction details of these emergency turnaround areas were not provided.

4. The Applicant testified that there are two (2) fire hydrants proposed along the bottom, lower road; one (1) across the road from Units 2 & 3 and one (1) across the road from Units 7 & 8. A dry hydrant is proposed at the existing pond near the road serving Units 16-22 and Units 22-24. The Applicant testified that the Fire Chief has signed off on these, however there is no evidence in the hearing record that the Fire Department has reviewed or determined the adequacy of these improvements.

5. Because the Town does not have the capacity to serve the project with municipal water, water supply to the proposed fire hydrants is not possible.

6. The Stowe Fire Department has not provided any indication as to whether the project fully complies with their construction guidelines and standards for driveways and roads. The hearing record lacks Fire Department confirmation for compliance with emergency vehicle turnarounds, water supply for hydrants, and hydrant locations.

7. The DRB incorporates by reference into this section's findings its findings under §3.7(4)(A) and 5.1(9), above, as if more fully stated herein.

Section 5.1(13) – Disclosure of Subsequent Development Plans.

1. The Applicant testified that there are no plans for development beyond the proposed project presently under review.

2. The project involves four (4) phases, each taking approximately two (2) years to complete. Construction Plan (Sheet C-13) (Exhibit 113) identifies each phase.

3. Phase 1 consists of Units 1-6. Phase 2 consists of Units 7-12. Phase 3 consists of Units 13-15. Phase 4 consists of Units 16-24.

4. During Phases 1 & 2, the project is proposed to connect to the municipal water system without the need for a booster pump. During Phase 3, a booster pump is proposed to be installed to provide municipal water to the remaining units.

5. Project elements such as internal private roads and shared driveways, infrastructure, landscaping, etc., will be completed prior the commencement of construction for each ensuing phase. Each phase will take approximately two (2) years to complete.

Section 5.1(14) – Private Enforcement Mechanisms.

1. The Declaration of Eagle Ridge Road Planned Community Homeowner's Association Agreement (Exhibit 78) outlines private restrictions within the development, including how the shared improvements will be maintained and enforced.

2. During construction, the Applicant is the party responsible for the development. Ownership/responsibility will be handed over to the HOA after fifty (50%) percent of the units are sold. To ensure the project adheres to the development conditions and restrictions, the Applicant proposes to include any DRB conditions into the HOA declaration.

3. The Declaration of Eagle Ridge Road Planned Community HOA agreement includes covenants that address, but are not limited to, maintenance responsibilities for roads, stormwater infrastructure, water and sewer, fire hydrants, etc. The covenants also address street parking, short term rentals, curbside trash/recycling prohibition, and tree retention and replacements.

Section 5.2 – Prominent Hillsides and Ridgelines.

1. Does not apply.

Section 5.3 – Open Space and Cluster Development.

1. Approximately ±6.8 acres of open space is proposed. Designated open space is required for all PRDs.

2. The objectives listed in §5.3(3)(a)-(g) are required to guide the design and location of designated open space[1]. Open space objectives §5.3(3)(b)-(e) are not applicable to this project.

3. The proposed designated open space is fragmented throughout the project, offering narrow swaths or bands of steep slopes between the areas proposed for development. The lower 'band' of open space is approximately ±3.5 acres. The middle band is approximately ±2.9 acres. The upper open space area is ±0.4 acres. None of the open space areas connect with one another.

4. The designated open space consists of lands characterized by steeper undeveloped forested hillsides and a wetland area. The project layout does not cluster development but rather group the homes in small and separate areas. Dwelling unit sites are situated broadly throughout the parcel, in areas with less steep slopes. The proposed open space fills the gaps in between buildable areas but does not offer any functional use to future residents or conservation value.

5. The designated open space connects to the Cady Hill Forest through an abutting section to the south of Unit 12. This particular area contains a commonly used trail providing access to Cady Hill Forest from the neighboring property at 393 Mountain Road, through the subject parcel.

6. The DRB incorporates by reference into this section's findings its findings under §13.4, above, as if more fully stated herein.

Section 5.4 – Road Standards and Coordination with Public Highways.

1. The project is accessed off the existing Eagle Ridge Road, a private road connecting to Mountain Road (VT 108). This existing private road currently provides access to two (2) existing single-family dwellings (268 & 400 Eagle Ridge Road), and secondary access to the neighboring Bluebird Cady Hill Lodge (511 Mountain Road).

2. Two (2) new roads will be constructed off Eagle Ridge Road: 'Road A' providing access to Units 1-15 and 'Road B' providing access to Units 16-21. These roadways are proposed to remain privately owned and maintained.

3. Three (3) shared driveways off 'Road A' are proposed, serving Units 1 & 2, 4-6, and 13-15. All other units on Road A will utilize individual driveways. All units on 'Road B' will utilize individual driveways.

4. Units 22-24 will utilize a shared driveway off the existing Eagle Ridge Road.

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[1] As set forth in Section 5.3(3)(a)-(g): *Objectives of open space design: The following objectives shall be used to guide the design and locations of open space:*

a) Conservation and improvement of natural features and green areas, including areas along roads; the banks of rivers, streams and lakes; agricultural lands and open meadows; and ridgelines.
b) Retention of fish and wildlife refuge areas and nature observation areas; protection of the quality of water bodies.
c) Protection of natural drainage ways and floodwater retention areas.
d) Provision, in appropriate areas of population concentration, of areas of land for active recreation use.
e) The provision of adequate controls to ensure the permanence of open space use in areas so designated, through public acquisition of easement or other suitable type of agreement.
f) Open space plans shall be designed to take the greatest possible advantage of all existing natural features noted above, and to make such open space easily available, if not adjacent to all of the lots in the subdivision.
g) When a property line of a subdivision abuts an existing public or community open space, the DRB may require the new community open space to form a continuation of the existing open space to provide a single large unified area.

5. The Applicant provided road profiles for 'Road A' and 'Road B' (Exhibits 108 & 109).

6. All proposed roads are intended to remain as private roads and will be constructed in conformance with the VTrans Class 3 road standards, with the exception of reduced roadway widths, which is acceptable to the Stowe Fire Department.

7. The Fire Department has agreed to a reduced roadway widths of twenty (20') feet with one (1') foot shoulders and shared driveway widths of sixteen (16') feet.

8. Parking for Units 22-24 will utilize a shared courtyard parking layout. Additionally, these units will each have a single-car garage.

9. Throughout the development, proposed units will have a one (1) car garage with space in the driveway for one (1) additional parking space.

10. The Declaration of Eagle Ridge Road Planned Community includes specifics for shared road maintenance responsibilities.

11. Vehicular parking along the internal roads and shared driveways will be prohibited.

12. The DRB incorporates by reference into this section's findings its findings under §3.7(4)(B), above, as if more fully stated herein.

Section 5.5 – Utilities and Stormwater Management.

1. The project plans depict the location of proposed utilities. The power and communication distribution systems are planned to be located underground.

2. This project will create more than one-half of an acre of new impervious area. In addition to zoning regulations, a State of Vermont Operational Stormwater Permit will require the stormwater generated by the project be managed and treated.

3. The project will utilize gravel wetlands as a means of meeting the State Water Quality standards which provide both above ground and below ground peak flow storage to ensure that down gradient properties and receiving waters are protected from the increase in impervious areas. Stormwater improvements are designed to handle the difference of the pre-development and post-development scenarios for a fifty (or more) year storm event.

4. The proposed internal collection methods of stormwater runoff within the property and into the new storm ponds will result in less runoff from the property and onto neighboring properties.

5. The proposed dwellings are sloped backwards so water from the rooflines will run backwards toward the roadways and be graded in a manner that the runoff from rooftops and driveways will go toward the roadways. The roadways incorporate drainage swales, inlets and culverts, and storm pipes, which are all mechanisms to capture the runoff from all proposed impervious surfaces and bring it all into one (1) of three (3) gravel wetland areas.

6. Three (3) gravel wetlands are proposed: one (1) to the east of Units 6 & 7, one (1) to the north of Unit 1, and one (1) to the south of Unit 22.

7. Two (2) stormwater treatment forebays are proposed: one (1) at the south side of Unit 6 and one (1) at the south side of Unit 9.

8. Tyler Renz provided testimony questioning the Applicant's stormwater calculations, alleging the Applicant applied the wrong soil types when designing the system.

9. The Town Engineer/DPW Director provided testimony to the DRB noting the proposed stormwater plan will detain up to a fifty (50) year storm and is generally acceptable but had a few remaining concerns regarding grading and conveyance of stormwater that would need to be incorporated into a revised design. He noted that the H & H analysis provided by the Applicant had been reviewed and is acceptable in terms of the design of the proposed stormwater system in general.

10. This project will disturb more than one-acre of soils. During construction stormwater and erosion control will be managed by staking the limits of disturbance and installing erosion control fencing along the project boundaries. Site construction will be conducted in a manner that keeps the amount of soil exposed at any one time to a minimum. The Applicant will achieve this through phasing of construction activities.

11. The project will incorporate erosion prevention and sedimentation control measures, including silt fencing, construction entrances, and erosion control matting, to prevent impacts to neighboring properties and public roadways.

12. The Applicant testified that street lighting is not proposed, nor will there be outdoor driveway light fixtures.

CONCLUSIONS OF LAW

Based on the above Findings of Fact and the applicable Regulations, the DRB concludes:

1. When reviewing §3.7(4)(A)- Capacity of Existing or Planned Community Facilities and Services of the Zoning Regulations, the DRB evaluates the demand for community services and facilities resulting from the proposed project in relation to the available capacity of existing and planned community services and facilities. Community facilities and services that may serve a proposed development include schools, emergency services, municipal water supply and wastewater systems, public parks and trail networks, and public utilities. The burden of proof rests with the Applicant to provide sufficient evidence demonstrating that the project will not create an undue adverse impact on the capacity of these facilities and services. The Applicant proposes a twenty-four (24) dwelling unit PRD to be served by municipal water and sewer systems with vehicular access via newly constructed private roadways and driveways. The project relies on the Stowe Fire Department to provide fire protection, EMS to provide emergency services, Stowe's school system to provide public education, Stowe Electric Department to provide electricity, and the municipal water and sewer systems to provide the necessary utilities. Since there is no evidence in the record suggesting that the proposed development will adversely impact schools, parks, or public trails, the DRB limited its review under this standard to the impacts on emergency services and municipal water and sewer systems.

   In this case, the DPW provided the Applicant with technical feedback on multiple occasions, identifying specific revisions needed to serve the project with municipal water and sewer. The Applicant did not incorporate these recommended changes, and as a result, the DPW testified that the municipal water and sewer systems lack the capacity to serve the project. The Applicant then ultimately revised the project plans but submitted the proposed revisions three (3) business days before the final hearing, without presenting the project revisions to the DPW for review or preliminary acceptance. As a result, the only evidence in the hearing record from the DPW indicates that there is not capacity to serve the project. Despite this, the Applicant requested that the hearing be closed on June 3, leaving the DRB without the information necessary to make positive findings and conclusions.

When reviewing an application, the DRB is required to determine - *at the time of approval* - whether the project complies with all applicable regulatory standards. The DRB must make positive findings before granting approval and cannot approve an application based on incomplete information or on the expectation that the Applicant will meet the standards at a later time. While the DRB may impose reasonable conditions as part of an approval, it cannot defer its responsibility to evaluate whether the project meets the criteria in effect at the time of review and decision. If a project raises questions about compliance with a particular standard, it is the DRB's obligation to assess the evidence and make a decision during the review process. The DRB cannot approve a project with unresolved issues by simply requiring the Applicant to prove compliance later. It also cannot avoid this responsibility by shifting the decision to a future time or to another entity. The review process is meant to resolve these issues before the project moves forward - not after, for that defeats the entire purpose of reviewing projects before development begins.

Because the Applicant did not provide critical information confirming that the municipal water and sewer systems have the capacity to serve the project, the DRB is unable to make the required affirmative findings under §3.7(4)(A). As such, the DRB concludes that the Applicant has not met the burden of proof to demonstrate compliance with this section. In addition, the Applicant failed to submit sufficient information regarding emergency service access—including the construction details for emergency vehicle turnarounds, pull-offs, and turning radii. Additionally, without the capacity of municipal water to serve the proposed fire hydrants, the DRB is unable to determine these fire protection improvements will properly function. Without this information, the DRB cannot conclude that the project can be adequately served by emergency services. Therefore, the DRB concludes that the application causes an undue adverse impact on, and does not demonstrate compliance with §3.7(4)(A), Capacity of Existing or Planned Community Facilities and Services.

2. Based upon the above findings, the DRB concludes that although the project will increase the number of peak hour vehicle trips and incrementally contribute to existing congested traffic conditions during peak periods, the project is not expected to have an undue adverse effect on traffic on roads and highways in the vicinity. The Applicant provided testimony and evidence that the project will create an estimated twenty-five (25) new peak hour vehicle trips, well below the minimum where a traffic impact analysis is required. The estimated additional vehicular trips do not represent a significant increase, nor will they create significant adverse traffic impacts. Therefore, the DRB concludes the project complies with §3.7(4)(B) of the Zoning Regulations & §5.1(8) of the Subdivision Regulations and will not result in an undue adverse impact on traffic on roads and highways in the vicinity, create unreasonable traffic congestion, or cause unsafe conditions on existing roadways.

3. When reviewing §3.7(4)(C)- The Character of the Area Affected of the Zoning Regulations, the DRB is required to evaluate the location, scale, type, density, and intensity of the proposed development in relation to the character of the surrounding area. This evaluation must be guided by the purpose statements of the applicable zoning districts and the relevant policies and standards of the Stowe Town Plan. The proposed project is located within the VR40 and VC30 zoning districts. While the district purpose statements are somewhat unclear, both districts are intended to support uncongested development in areas adjacent to Stowe Village. The DRB finds that the project is generally consistent with the stated purposes of these districts and therefore concludes that the proposed project will not result in an undue adverse impact on the character of the area under §3.7(4)(C).

4. When reviewing § 3.7(4)(D)- Regulations and Ordinances in Effect - of the Zoning Regulations, the DRB considers whether the proposed development complies with all municipal bylaws and ordinances in effect at the time of application, including other applicable provisions of the Regulations. The DRB cannot approve a development in violation of any existing municipal bylaws and ordinances. Based upon the

above findings, the DRB concludes the proposed project has not been designed in full compliance with zoning and subdivision regulations, as noted throughout this decision. Such areas of non-compliance include density, §§3.7(4)(A), 3.7(4)(D), & 3.7(4)(F) of the Zoning Regulations and §§ 5.1(1), 5.1(2), 5.1(4)(A), 5.1(6), 5.1(7), 5.1(9), 5.1(12), & 5.3 of the Subdivision Regulations.

5. Based upon the above findings, the DRB concludes the project will not interfere with the sustainable use of renewable energy resources or the access, direct use, or future availability of such resources and conforms with §3.7(4)(E)- Utilization of Renewable Energy Sources of the Zoning Regulations.

6. When reviewing §3.7(4)(F) -Will Not Have an Undue Adverse Effect on the Scenic or Natural Beauty of the Area, Aesthetics, Historic Sites, or Rare and Irreplaceable Natural Areas - of the Zoning Regulations, the DRB concludes the project will have no impact on rare or an irreplaceable natural areas and therefore limits its review under this standard to the project's anticipated impact on scenic or natural beauty of the area, aesthetics, and historic sites. When reviewing whether the project will have an impact on scenic or natural beauty of the area and historic sites, the DRB considers the existing characteristics of the surrounding built and natural environments. In this case, the project is located on a forested hillside, above the neighboring historic district comprised of a mix of historic buildings along Mountain Road (VT 108). Scenic forested hillsides surround the historic district and village areas. When reviewing the aesthetic impacts of a project the DRB generally considers whether the project blends in with its visual surroundings, if it detracts from the surroundings, and if it is in harmony with the surroundings. The DRB also considers the design, scale, and materials and whether a project will be visible from public vantage points.

   This first section requires that the DRB apply a two-part test to determine whether a project satisfies this standard. First, it must determine whether the project will have an adverse effect. The DRB considers whether the project will be in harmony with its surroundings and whether it will 'fit' the context within which the project will be located. In making this evaluation, the DRB may examine a number of specific factors, including but not limited to the nature of the project's surroundings, the compatibility of the project's design within those surroundings, the suitability for the project's context of the colors and materials selected for the project, the locations from which the project can be viewed, and the potential impact of the project on open space. If the project "fits" its context, then the project is not adverse and the review under this standard ends. If the DRB concludes that the project has an adverse effect under this standard, the DRB must move to the second part of the test and evaluate whether the adverse effect is "undue".

   The proposed project is located on a forested hillside slightly perched above Stowe's historic downtown village and the historic district. The Applicant relies primarily on the preservation of the existing forest canopy to provide filtered screening of the project from various public vantage points and the nearby historic district. Additional proposed mitigation measures include landscaping, building design and materials, color, and utilizing existing topography. While the DRB typically finds that such combined measures are sufficient to mitigate adverse visual and aesthetic impacts, the effectiveness of these proposed mitigation measures in this case are uncertain. The Applicant has not demonstrated whether the project can be constructed as presented, particularly with respect to whether blasting or significant site disturbance will be required to install utilities or road infrastructure. Based on the hearing record, including testimony from interested persons, the DRB finds credible concerns about the viability of preserving the forest canopy due to thin soils, lack of soil testing, forest health, and the absence of specific protection measures during construction, post-construction, and in the event of a natural disaster that affects a significant number of trees.

   The DRB acknowledges that if constructed (and continuously maintained) exactly as presented, the project may adequately mitigate adverse visual and aesthetic impacts. However, the Applicant has not provided

sufficient evidence to ensure that the primary mitigation measure—preserving the existing forested canopy—can be properly protected throughout construction and maintained post-construction. Without reasonable assurance that these mature trees and forest cover providing the screening will remain intact and function as proposed, the proposed development will be highly visible from public vantage points and adversely impact views to and from the nearby historic district and various public vantage points. Accordingly, the DRB concludes that the project will result in an adverse impact on the scenic or natural beauty of the area, aesthetics, and historic sites.

The DRB also considered whether this adverse effect is "undue" by evaluating the following factors:

i. Does the Project violate a clearly, written community standard intended to preserve the aesthetics or scenic beauty of the area?
ii. Does the Project offend the sensibilities of the average person? Is it offensive or shocking because it is out of character with its surroundings or significantly diminishes the scenic qualities of the area?
iii. Has the applicant failed to take generally available mitigating steps which a reasonable person would take to improve the harmony of the project with its surroundings?

In evaluating the Stowe Town Plan (2018), the DRB considered the clearly written community standards intended to protect Stowe's aesthetics and scenic landscape. These standards (pages 129-130) include: *"The careful siting of residential development to avoid placement in highly visible locations on hillsides and ridgelines, or on open meadows and productive farmland"* and *"Requiring that development be adequately landscaped and screened..."* Further, Settlement Policy #9 states: *"A high quality of development and site design will be maintained throughout the town through: a. Strict application of landscaping and site design guidelines; b. Requiring that development is compatible with the context and setting in which it occurs (e.g. development in village should reflect traditional village scale and pattern)."*

In this case, the project is located on a prominent, forested hillside overlooking Mountain Road (VT-108), the historic district, and Stowe Village. While the Applicant has incorporated some mitigation to improve the harmony of the project with its surroundings, the Applicant primarily relies on preserving the existing forested areas to screen the project from view off-site. However, the Applicant did not provide sufficient evidence to demonstrate that this mitigation measure can or will be implemented effectively. Therefore, the DRB concludes that the project, as proposed, does not meet the clearly written standards in the Stowe Town Plan and will have an undue adverse effect on the scenic and natural beauty of the area, aesthetics, and historic sites.

7. Based upon the above findings, the DRB concludes the project will not result in undue water, noise, or air pollution. The project conforms with §3.7(4)(G) of the Zoning Regulations.

8. If a project qualifies as "served by municipal water and sewer infrastructure," the DRB must apply the standards set forth in §4.23 of the Zoning Regulations. If a project does not meet this definition, the provisions of §4.23 do not apply. When identified capacity constraints prevent new residential connections to the municipal water and/or sewer systems, a project does not meet the definition of "served by municipal water and sewer infrastructure." In such cases, §4.23 is not applicable, as it applies only to projects where residential connections are available to the municipal water and sewer systems. Based on the evidence in the record, the DRB finds that the Town does not have adequate municipal water and sewer capacity to serve the proposed project. Therefore, the project does not meet the definition of being "served by municipal water and sewer infrastructure," and the standards set forth in §4.23 do not apply. The Applicant is not eligible for the increased density allowed under §4.23(C); therefore, the density limits of the underlying zoning district shall apply. Therefore, the DRB concludes §4.23 – Areas Served by Municipal Water and Sewer Infrastructure – is not applicable.

9. The general purpose of PRDs as set forth in the Regulations are as follows: to enable and encourage flexibility of development of land to preserve open space, to integrate housing of various types into a harmonious grouping, and to facilitate adequate and economical provision for streets and utilities. To achieve these objectives, the DRB is authorized to modify area and dimensional requirements. The Applicant is not seeking any dimensional requirements. PRDs must designate one or more areas for open space, parks, or playgrounds of appropriate size, shape, and location; open space must meet the purposes outlined in the zoning and subdivision regulations. Based on the above findings, the DRB concludes the project, except as otherwise noted in this decision, conforms to the applicable requirements set forth in §13.4 – Planned Residential Development- of the Zoning Regulations.

10. Given the DRB has concluded that the project does not meet the definition of 'served by municipal water and sewer infrastructure', the project therefore does not benefit for the increased density allowed under §4.23(C) of the Zoning Regulations. The project therefore fails to conform to the density standards of the underlying zoning district, which allow a maximum of eighteen (18) dwelling units within the project property. The Applicant's proposal for twenty-four (24) units exceeds this limit. The DRB concludes that while the proposed project complies with applicable dimensional requirements, it does not conform to the density standards set forth in Table 6.3 of the Zoning Regulations of the underlying zoning districts.

11. Under §5.1(1) of the Subdivision Regulations, it is the Applicant's responsibility to demonstrate that the land is suitable for the intended purposes without undue adverse impacts on public health or safety, the environment, neighboring properties, or the rural and historic character of the community. Under this standard, projects must conform to the zoning regulations, any interim zoning, subdivision regulations, and other applicable statutes, ordinances, bylaws and/or regulations and should be in general accordance with Stowe's Municipal Plan. The proposed project is located on a forested hillside and contains steep slopes and areas of existing ledge. As noted above, the DRB has identified and concluded areas where the project fails to meet applicable zoning and/or subdivision standards. During the hearing, the DRB received credible concerns about the suitability of the site for development, including that the Applicant had not completed a full site investigation or subsurface testing to determine whether blasting would be necessary for project construction and utility installation. The Applicant testified that no soil boring tests have been conducted and acknowledged that blasting may be necessary for portions of the project. Without a pre-blasting investigation or credible analysis of potential environmental and other impacts, the DRB cannot conclude that the land is suitable for the proposed development. The risk of undue adverse impacts on the environment, neighboring properties, and the rural and historic character of the community remains unaddressed. Accordingly, the DRB concludes that the proposed subdivision/PRD does not comply with §5.1(1) and cannot be approved as presented.

12. §5.1(2) of the Subdivision Regulations requires projects to avoid undue adverse impacts on natural and scenic features, including brooks, streams, water bodies, groundwater, wetlands, prime agricultural soils, farmland, forest resources, and scenic or aesthetic resources- including both views onto and arising from subject property. While this standard does not prohibit all changes to the landscape, it seeks to ensure that development reasonably considers its impact on natural and scenic features, neighboring landowners, and the community. The subject property does not contain any identified brooks, streams, water bodies, ground water resources, farmland resources and scenic meadowland, or important forest resources, therefore the DRB limits its review under this standard to the project's impact on wetlands, prime agricultural soils, and aesthetic resources and scenic vistas, including views onto and arising from subject property. The project contains a Class 2 wetland which will be protected by a fifty (50) foot buffer. Although portions of the property contain prime agricultural soils, the project will minimally impact this portion of the property and there is no evidence in the record that these soils are suitable for agricultural use. The DRB therefore concludes the project will not have an undue adverse effect on wetlands and prime agricultural resources. As such, the DRB limits its further review to the project's impact on scenic or aesthetic resources - including both views onto and arising from subject property.

As discussed above, the Applicant relies primarily on the preservation of the existing forest canopy to screen the development from public vantage points and the nearby historic district. Additional proposed mitigation measures include landscaping, building design and materials, color, and utilizing existing site topography. While the DRB typically finds that such combined measures are sufficient to mitigate adverse impacts on scenic and/or aesthetic resources, the effectiveness of these measures in this case is uncertain. The Applicant has not demonstrated whether the project can be constructed as presented, particularly with respect to whether blasting or significant site disturbance will be required to install utilities or road infrastructure. Based on the hearing record, including testimony from interested persons, the DRB finds credible concerns about the viability of preserving the existing forest canopy to provide the necessary screening. Specifically, there is a lack of defined protection measures during construction, post-construction, and in the event of a natural disaster that could result in the loss of a significant number of trees.

The DRB acknowledges that, if constructed exactly as presented, the project may adequately mitigate project's adverse impact on scenic or aesthetic resources. However, as noted above the Applicant has not provided sufficient evidence to ensure that their primary mitigation measure -maintaining the existing forested canopy- can be preserved throughout construction and maintained post-construction. Without reasonable assurance that this screening will remain intact, the proposed development is likely to be highly visible from public vantage points and have an undue adverse impact on scenic and aesthetic resources. Given the Applicant's failure to provide sufficient evidence to demonstrate that the proposed mitigation measures can and will be implemented effectively, the DRB cannot conclude that the project is designed to prevent undue adverse impact on scenic and aesthetic resources, as required under §5.1(2) of the Regulations.

13. §5.1(3) of the Subdivision Regulations requires significant wildlife habitat areas be shown on the project plans and projects to be designed to prevent undue adverse impact on significant wildlife habitat areas. In this case, almost the entire project area is within a mapped deer wintering area, and partially within a medium level habitat block. The DRB has weighed testimony from ecologist Jeff Parsons, State of Vermont Department of Fish and Wildlife Biologist Noel Dodge, and interested parties. Given the proximity of Mountain Road (VT 108), nearby development, and year-round hikers and bikers within the area, the DRB finds the testimony and conclusions of Jeff Parsons and Noel Dodge credible and compelling. The DRB acknowledges that the parcel is forested and that some wildlife activity is expected. While wildlife may be frequently observed on the property, the DRB's focus under this standard is on protecting year-round habitats that provide essential resources, not simply areas used by wildlife temporarily or passing through. Therefore, the DRB concludes that the project will not have an undue adverse impact on wildlife habitat or natural communities in accordance with §5.1(3).

14. Pursuant to §5.1(4) of the Subdivision Regulations, the Regulations require projects located in or adjacent to existing village areas must be designed to reflect traditional village settlement patterns. These patterns are characterized by an appropriate scale of development, an interconnected street network, development oriented to the streetscape, a mix of land uses, and pedestrian access. The subject property lies within the VC30 and VR40 Districts, both of which are designated as 'village' areas under the Regulations.

    While the DRB acknowledges the Applicant's intent is to design a neighborhood that responds to and fits neatly within the site's natural topography and maintains a wooded, residential character, the existing site conditions do not exempt the project from meeting the applicable regulatory standards. The proposed project lacks the defining elements of a traditional village settlement pattern. It includes dead-end streets, consists of a single land use, lacks pedestrian infrastructure, and does not orient buildings toward a defined streetscape. These design features do not conform to the requirements of §5.1(4)(A). Although the DRB recognizes that the site's physical characteristics may present design challenges that are not fully addressed in the Regulations, the DRB is obligated to apply the Regulations as written and cannot disregard or modify mandatory standards based on perceived inconsistencies. The DRB does not have the

discretion to approve a project that fails to comply with clearly defined requirements. In such cases, the appropriate course of action is for the Applicant to raise these concerns with the Planning Commission - the body responsible for drafting the Regulations -and request they consider potential amendments or clarifications. Accordingly, based on the above findings, the DRB concludes that the proposed project does not conform to §5.1(4)(A).

15. Based on the above findings, the DRB concludes the project has been designed in conformance with §5.1(5), Reserved Strips- of the Subdivision Regulations.

16. §5.1(6) of the Subdivision Regulations grants the DRB broad authority to require the planting or preservation of trees and other vegetation to provide visual screening or to mitigate the impact of development on natural features scenic vistas. While the DRB has broad authority on the number, type, and location of landscaping and screening, it does not have discretionary authority over the maintenance plan(s) required under the Regulations. The Regulations require a "*maintenance plan of all existing and proposed landscaping shall be prepared and submitted for review. Such a plan shall address specific measures to be taken to ensure the survival, and if necessary replacement, of designated landscaping during and after the construction; parties to be responsible for ongoing maintenance; and any Town obligations for maintenance.*"

    While the DRB concludes that the project includes appropriate landscaping around each dwelling unit, the Applicant failed to provide a maintenance plan that includes specific measures to be taken of replacement of the existing tree canopy, which the Applicant relies on to provide screening. Instead, the HOA documents state only that, in the event of a natural disaster that significantly reduces screening, the association would consult a forester or arborist to develop a long-term forest management plan. While the DRB acknowledges the Applicant's intent, this general approach does not provide the specific assurances to preserve trees and other vegetation required by the Regulations. Therefore, based on the findings above, the DRB concludes that the project does not conform to §5.1(6).

17. Under §5.1(7) of the Subdivision Regulations the DRB is authorized to require pedestrian improvements within the project area and connections to adjoining properties and uses. In this case the Applicant is not proposing any formal pedestrian improvements and instead relies on a one (1) foot gravel shoulder on each side of the road to provide pedestrian travel along the project's interior roadways. The property contains existing recreational trails, which the Applicant proposes to retain. The Applicant testified that constructing internal sidewalks would require additional site disturbance and, given the anticipated low traffic volume within the development, pedestrian travel along the roadways would be sufficient. Under different circumstances, the DRB might agree that limited pedestrian infrastructure is acceptable, based on the project's location and scope. However, §5.1(4) of the Subdivision Regulations requires that projects located in or adjacent to existing village areas reflect traditional village settlement patterns, which include both an interconnected street network and pedestrian accessibility. When considering the project under both §§5.1(4) and 5.1(7), the DRB finds that a one-foot gravel shoulder on each side of a road does not constitute adequate pedestrian access for a development within or adjacent to a designated village area. Therefore, the DRB concludes the project does not comply with §5.1(7) – Pedestrian Access.

18. Under §5.1(9) – Municipal Facilities of the Subdivision Regulations, the DRB must evaluate and determine that a proposed project will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services. The hearing record includes evidence that the municipal water and sewer systems do not have capacity to serve the project, meaning the project cannot be supported by these essential municipal utilities. In addition, the Applicant has not demonstrated that the emergency vehicle turnarounds, pull-offs, turn radii, and curve entrances and exits – meet the necessary fire department access requirements. Based on these findings, the DRB concludes that the project does not comply with the requirements of §5.1(9).

19. The DRB concludes that Section 5.1(10) of the Subdivision Regulations is not applicable. The Applicant is not proposing any new lots and therefore this standard does not apply.

20. The DRB concludes the adequate building sites for the project are provided in conformance with §5.1(11) – Building Zone – of the Subdivision Regulations.

21. When reviewing §5.1(12) – Fire Protection Facilities – of the Subdivision Regulations, the DRB must evaluate whether a project includes adequate water storage or distribution for fire protection, whether the proposed roads and driveways meet the relevant fire department standards, and whether a project provides reasonable access by emergency vehicles. As noted in the above findings and conclusions, the Town does not have the capacity to serve the project with municipal water, which prevents the installation of functional fire hydrants necessary for adequate fire protection. Additionally, the Applicant did not fully demonstrate that the proposed emergency turnarounds comply with the Stowe Fire Department Construction Standards or provide adequate emergency vehicle access. Based on these findings, the DRB concludes the Applicant has not demonstrated conformance with the requirements of §5.1(12).

22. The DRB concludes the project conforms with §5.1(13)-Disclosure of Subsequent Development Plans – of the Subdivision Regulations.

23. The DRB concludes the project conforms with §5.1(14)- Private Enforcement Mechanisms – of the Subdivision Regulations.

24. Based on the above finding, the DRB concludes that the project is not within the RHOD and therefore not subject to the RHOD requirements. Section 5.2 – Prominent Hillsides and Ridgelines -of the Subdivision Regulations does not apply.

25. §5.3 of the Subdivision Regulations requires all PRDs to designate one or more areas designated for open space, parks, or playgrounds. These areas must be appropriately sized, shaped, and located, and must fulfill the stated purposes of the zoning and subdivision regulations. Among these purposes are the conservation of natural features, protection of wildlife habitat and water quality, preservation of natural drainage areas, and opportunities for both passive and active recreation. The Regulations also encourage permanent protection of open space and the creation of interconnected networks of public or community open space. The most relevant standard in this case is §5.3(3)(f) which states: *Open space plans shall be designed to take the greatest possible advantage of all existing natural features noted above, and to make such open space easily available, if not adjacent to all of the lots in the subdivision.*

    In this application, the proposed open space largely consists of fragmented, undevelopable land that weaves around the dwelling units without clear design intent. The Applicant has not proposed any meaningful community amenities—such as playgrounds, recreational fields, or gathering spaces—with the exception of a small trail connection to an adjacent property. Nor has the Applicant clustered the proposed dwellings to conserve open space. While preserving land in its natural state can serve important conservation purposes, the proposed layout does not make full use of the site's natural features nor does it ensure that the open space is readily accessible to residents. Instead, it appears the open space was designated by default, rather than through intentional design guided by the objectives of the Regulations. Accordingly, the DRB concludes the proposed open space does not comply with the requirements set forth under §5.3– Open Space and Cluster Development.

26. Under §5.4 of the Subdivision Regulations, the DRB is responsible for evaluating proposed road layouts, design standards, and the capacity of existing roadways. Per §3.1(2), the DRB may modify the road standards if the Applicant can document that the road, as designed: (a) is readily accessible to emergency response vehicles; (b) is in compliance with other applicable standards set forth in Section 5- Planning and Design Standards; and (c) will not pose a threat to public health and safety. The proposed roadways are

intended to remain as private roads and will be constructed in conformance with the VTrans Class 3 road standards, with the exception of reduced roadway widths. The hearing record includes evidence that these reduced roadway widths have been reviewed and accepted by the Stowe Fire Department. Based on the above findings, the DRB concludes the project has been designed to comply with §5.4, Road Standards and Coordination with Public Highways.

27. Based on the above findings, the DRB concludes that the project, as presented, is designed in conformance with § 5.5, Utilities and Stormwater Management – of the Subdivision Regulations. The Applicant has designed a stormwater management system intended to ensure that runoff will not increase beyond the boundaries of the project site. The design also maintains existing drainage patterns and avoids alterations that would result in undue adverse impacts on neighboring properties, public roadways, or surface waters.

DECISION

Based upon the above findings and conclusions, the DRB hereby denies the Applicant's request for subdivision amendment and PRD review (Project #7462) as described in the application dated August 29,2024 and associated supporting materials.

1. The project does not conform to the density requirements of the underlying zoning districts as set forth in Table 6.3 of the Zoning Regulations.
2. The project does not comply with Section 3.7(4)(A) of the Zoning Regulations.
3. The project does not comply with Section 3.7(4)(D) of the Zoning Regulations.
4. The project does not comply with Section 3.7(4)(F) of the Zoning Regulations.
5. The project does not comply with Section 5.1(1) of the Subdivision Regulations.
6. The project does not comply with Section 5.1(2) of the Subdivision Regulations.
7. The project does not comply with Section 5.1(4)(A) of the Subdivision Regulations.
8. The project does not comply with Section 5.1(6) of the Subdivision Regulations.
9. The project does not comply with Section 5.1(7) of the Subdivision Regulations.
10. The project does not comply with Section 5.1(9) of the Subdivision Regulations.
11. The project does not comply with Section 5.1(12) of the Subdivision Regulations.
12. The project does not comply with Section 5.3 of the Subdivision Regulations.

Voting to deny: Drew Clymer, Tom Hand, Mary Black, David Kelly, Patricia Gabel, and Peter Roberts
Voting in favor: None
Abstaining: Andrew Volansky

Dated at Stowe, Vermont this the 15th day of July 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of $25/page is required for recording.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7560		
Application Date	2/28/2025		
Physical Location	2197 BROWNSVILLE RD		
Map ID	08-022.000	**Tax ID**	24013
Project Description	PROPOSED 2-LOT SUBDIVISION LOT 3 AND LOT 4 FOR RESIDENTIAL USE		
Owner	PAGE C CAMERON 2012 TRUST TRUSTEE: C CAMERON PAGE		
Applicant	CAMERON PAGE		
Applicant Address	2197 BROWNSVILLE RD		
	STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
INCOMPLETE APP	3/17/2025			COMPLETE 3/24
DRB DECISION	7/24/2025	8/23/2025		

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT 7560

SUBJECT PROPERTY 2197 Brownsville Road (#08-022.000)

PROPERTY OWNER/APPLICANT
Cameron Page
2197 Brownsville Road
Stowe, VT 05672

APPLICATION

The Property Owner/Applicant, Cameron Page (herein referred to as 'Applicant'), requests combined preliminary and final subdivision review of a 3-lot subdivision. As proposed, the ±36.7-acre property will be subdivided into three (3) lots: Lot 1 being ±26.71 acres, Lot 3 being ±5.00 acres, and Lot 4 being ±5.00 acres. Under Project S-05-46, approved by the Development Review Board (DRB) on March 10, 2006, Lot 2, a ±6.00 acre parcel, was subdivided from the subject parcel. This subdivision was recorded in the Town land records on May 3, 2006 (Map Book 16, Page 56). The Applicant proposes further subdivision of Lot 1 to create Lots 3 and 4. Lot 1 contains an existing single-family dwelling and a barn with direct access off Brownsville Road (Class 3 town highway). Proposed Lots 3 and 4 are anticipated for residential development, however, are considered deferred lots for the purpose of this review. The subject property is within the Rural Residential 5 (RR5) zoning district. The application was reviewed by the DRB under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of combined preliminary and final subdivision review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

An application for combined preliminary and final subdivision review was filed by Applicant Cameron Page on February 28, 2025. The application was initially deemed incomplete on March 17, 2025 awaiting additional information identified by Planning & Zoning Department staff. Upon submittal of additional information on March 24, 2025, the application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for June 17, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on May 29, 2025. The Applicant submitted a completed certificate of service in accordance with Section 2.14(1)(B) on May 21, 2025.

The public hearing to consider the application convened on June 17, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, David Kelly, Mary Black, Peter Roberts, Patricia Gabel, Andrew Volansky, and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, Mumley Engineering Inc., 46 Hutchins Street, Morrisville, VT 05661
2. Cameron Page, 2197 Brownsville Road, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application; dated 02/28/2025;
2. Application Narrative, prepared by Mumley Engineering, Inc., dated 02/25/2025;
3. Approved Driveway Entrance Permit, dated 03/21/2025;
4. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., dated 02/25/2025;
5. Proposed Subdivision Property of C. Cameron Page 2012 Trust, prepared by Gilson Land Surveying, Inc., dated 04/01/2025.

The following additional materials were submitted prior to the June 17, 2025 public hearing and entered into the record:

6. Application Narrative, prepared by Mumley Engineering, Inc., revised 06/12/2025;
7. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 06/12/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact:

The Applicant's request for combined preliminary and final subdivision approval was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcel is located within the Rural Residential 5 (RR5) zoning district.

2. **Lot Area, Lot Width.** The minimum lot area in the RR5 District is five (5) acres; the minimum required lot width is 300 feet. The Applicant proposes a 3-lot subdivision as follows: Lot 1 being ±26.71 acres and ±1,070 feet in width, Lot 3 being ±5.00 acres and ±300 feet in width, and Lot 4 being ±5.00 acres and ±470 feet in width.

3. **Setbacks.** Setbacks within the RR5 District are as follows: front seventy (70') feet; side seventy-five (75') feet; rear seventy-five (75') feet. Conforming setback lines for Lots 3 and 4 are depicted on the plan. Existing development on Lot 1 conforms to the minimum setback requirements.

4. **Use.** Lot 1 contains an existing single-family dwelling and a barn. Lots 3 and 4 are anticipated to be developed with a residential use in the future. One (1) family and two (2)-family dwellings are permitted uses in the RR5 district.

5. **Density.** In the RR5 District, density is allowed at a rate of one (1) single-family or one (1) two-family dwelling per five (5) acres.

Conclusion: Based upon the above findings, the DRB concludes the proposed subdivision conforms to the applicable dimensional requirements.

SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:

Section 5.1(1) – Character of Land for Subdivision:

6. Lot 1 contains an existing single-family dwelling, a detached barn and related site improvements.

7. Lots 3 and 4 are anticipated to be developed in the future with a residential use.

8. The proposed lots will be served by on-site wastewater disposal systems and drilled wells.

9. The proposed lots sit amongst other similarly sized rural residential lots.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms to Section 5.1(1), Character of Land for Subdivision.

Section 5.1(2) – Natural and Scenic Features:

10. A mapped stream runs through the far west corner of Lot 1, ±1,200 feet from the existing dwelling on Lot 1 and ±640 feet from the westernmost portion of Lot 3.

11. According the ANR Natural Resources Atlas, there are prime agricultural soils on Lot 1, but none exist on Lots 3 or 4.

12. There are no other water bodies, ground water resources or wetlands; farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas that will be impacted by this project.

13. The site plan identifies clearing limits for Lots 3 & 4.

14. The Applicant testified that given the northeast orientation of the land and existing topography, cleared areas and future homesites will not be visible from any vantage points.

15. According to the ANR Natural Resources Atlas, steep slopes exist throughout portions of Lots 3 & 4 and throughout proposed building zones and clearing limits.

16. The Applicant testified that there are several areas within the building zones on Lots 3 and 4 that are not considered steep slopes that can accommodate home sites.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms to Section 5.1(2), Natural and Scenic Features.

Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities:

17. According to the ANR Natural Resources Atlas, the proposed subdivision does not contain any significant natural communities, natural communities, wetlands, or deer wintering areas. A Level 3 (out of 10) priority habitat block exists across Lots 3 and 4.

18. According to the ANR Natural Resources Atlas, nearby residential development has been fragmented out of the habitat block, including the existing development on Lot 1.

19. The Applicant testified that given the vast amount of surrounding wilderness, including C.C. Putnam State Forest across Brownsville Road, two (2) new dwellings will not negatively impact wildlife habitat.

Conclusion: Based on the above findings, the DRB concludes the proposal will not have an adverse impact on any identified significant Wildlife Habitat and Natural Communities.

Section 5.1(4) – Historic Resources and Community Character:

20. The subject parcel is within a rural area.

21. The proposed subdivision will not adversely impact historic sites or the character of the Town.

Conclusion: Based on the above findings, the DRB concludes the proposal is in conformance with §5.1(4), Historic Resources and Community Character.

Section 5.1(5) – Reserved Strips:

22. No reserved strips are proposed. Not applicable.

Conclusion: Based on the above finding, the DRB concludes the proposed subdivision does not involve any reserved strips as noted under Section 5.1(5).

Section 5.1(6) – Screening and Landscaping:

23. No new landscaping is proposed. Lot 1 contains existing single-family development. Lots 3 and 4 are anticipated to be developed with a residential use in the future.

24. The site plan identifies proposed building zones and clearing limits for Lots 3 and 4. With the exception of space for driveway access, no clearing will occur along the Brownsville Road frontages.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms to applicable requirements of Section 5.1(6), Screening and Landscaping.

Section 5.1(7) – Pedestrian Access:

25. The project is in a rural area of town where pedestrian improvements are limited.

Conclusion: Based on the above finding, the DRB concludes no pedestrian improvements are proposed or required to serve the proposal.

Section 5.1(8) – Traffic:

26. Lot 1 is developed with an existing single-family dwelling.

27. Lots 3 & 4 are designed to support a future residential use.

28. With the construction of two (2) new dwellings in the future, unreasonable traffic congestion or unsafe conditions is not expected.

Conclusion: Based on the above findings, the DRB concludes the proposal will not create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways.

Section 5.1(9) – Municipal Facilities:

29. Staff requested comments on the proposal from the respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

30. Each proposed lot will have individual on-site potable water supplies and wastewater disposal.

31. Lot 1 has an existing driveway access off Brownsville Road. Driveway entrance permits off Brownsville Road have been issued for Lots 3 and 4 (Exhibit #3).

32. No Municipal Department review forms were returned, indicating that the proposed development will not have any adverse impact on existing or planned community facilities and services.

Conclusion: Based on the above findings, the DRB concludes the proposal will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

Section 5.1(10) – Lot Configuration:

33. As proposed, the lots will consist of regular lot configurations.

Conclusion: Based on the above finding, the DRB concludes the proposed lot configuration is of regular shape and conforms with Section 5.1(10).

Section 5.1(11) – Building Zone:

34. The site plan shows applicable setback lines per the RR5 District.

35. The site plan shows proposed building zones in the front portions of Lots 3 and 4. The building zones have been designed to conform with the applicable setbacks and are within the proposed clearing limits.

Conclusion: Based on the above findings, the DRB concludes the proposed subdivision provides adequate building sites for the proposed subdivision.

Section 5.1(12) – Fire Protection Facilities:

36. The Applicant's narrative states that the house sites will be appropriately accessible from Brownsville Road.

37. The Applicant testified that the driveways serving Lots 3 and 4 will be able to conform to Fire Department Standards. They will not exceed grades of fifteen (15%) percent, be no longer than five hundred (500') feet, and will have adequate turnaround areas.

38. The hearing record does not contain confirmation from the Fire Chief pertaining to compliance with the Fire Department Construction Guidelines, nor has the Applicant provided the necessary driveway and access details to determine compliance.

Conclusion: Based on the above findings, the DRB concludes the proposed subdivision, as conditioned, conforms to Section 5.1(12). Prior to any development of Lots 3 and 4, DRB review will be required to ensure that future development of Lots 3 and 4 will comply with the Stowe Fire Department Construction Standards.

Section 5.1(13) – Disclosure of Subsequent Development Plans:

39. Lot 1 is already developed with a single-family dwelling and related site improvements.

40. Lots 3 and 4 are anticipated to be developed in the future with residential use.

Conclusion: Based on the above findings and as conditioned, the Board concludes the proposed subdivision conforms to Section 5.1(13). As identified in §5.1(12) and §5.5, Lots 3 and 4 are approved as deferred lots. Should future development on either of these lots be proposed, a subdivision amendment will be required, subject to DRB review and approval under these sections.

Section 5.1(14) – Private Enforcement Mechanisms:

41. Each lot will have individual on-site wastewater disposal systems and private wells.

42. Lot 1 has direct access off Brownsville Road. Lots 3 and 4 will also have direct individual access off Brownsville Road.

43. The Applicant testified that there will be no shared infrastructure – which results in no need for a homeowner's association.

Conclusion: Based on the above findings, the DRB concludes the proposed subdivision conforms to Section 5.1(14).

Section 5.2 – Prominent Hillsides and Ridgelines: Does not apply.

Section 5.3 – Open Space and Cluster Development: Does not apply.

Section 5.5 – Utilities and Stormwater Management:

44. Lot 1 is developed with a single-family dwelling, a detached barn, and associated site improvements.

45. Lots 3 and 4 are anticipated to be developed residentially in the future.

46. The Applicant testified that future utilities will be installed underground.

47. The Applicant testified that total impervious surfaces for the two (2) new lots will be less than ½ an acre.

48. The hearing record does not contain specific stormwater and erosion prevention and sediment control plans.

Conclusion: Based on the above findings, the DRB concludes that Lots 3 and 4 are approved as 'deferred lots'. Prior to development of either lot, a subdivision amendment will be required, subject to DRB review and approval.

As part of the subdivision amendment, specific plans demonstrating compliance with stormwater and erosion prevention/sediment control standards of §3.12 must be submitted.

DECISION

The DRB hereby approves the Applicant's request for combined preliminary and final subdivision approval (Project 7560) as described in the application dated 02/28/2025 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Department and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, include:

   a) Town of Stowe Development Application; dated 02/28/2025;
   b) Application Narrative, prepared by Mumley Engineering, Inc., revised 06/12/2025;
   c) Approved Driveway Entrance Permit, dated 03/21/2025;
   d) Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 06/12/2025;
   e) Proposed Subdivision Property of C. Cameron Page 2012 Trust, prepared by Gilson Land Surveying, Inc., dated 04/01/2025.
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Lots 3 and 4 are approved as deferred lots. Prior to the issuance of any zoning permit for land development on Lot 3 or Lot 4, the Applicant must obtain a subdivision amendment from the DRB addressing the two (2) deferred criteria:
   a) As part of the subdivision amendment application, the Applicant must demonstrate compliance with §5.1(12) and §5.5. Specifically, the application must show that the proposed access and driveway meets the Fire Department Construction Standards, and that the project complies with the stormwater management and erosion prevention/sediment control standards outlined in §3.12.
4. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale, and no street or utility construction shall be started until a subdivision plat, prepared in accordance with the requirements of the Regulations, has been approved and recorded in the office of the Stowe Town Clerk.
5. Pursuant to 24 VSA Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations and shall include the following notations and information:
   a) This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office.
   b) Lots 3 and 4 are approved as deferred lots. Additional review by the DRB is required prior to the commencement of any land development on Lots 3 and 4. No zoning permits shall be issued for land development on Lots 3 or 4 until a subdivision amendment is approved by the DRB and recorded in the Town of Stowe Land Records.
   c) Clearing limits outside of the building zones on Lots 3 and 4 are limited to fifty percent clearing and tree stumps shall not be removed, except to accommodate access driveways.

6. The final survey plat shall identify the existing setback lines on Lot 1.

7. The Applicant shall file the final survey plat, amended herein, signed by the Chair or other authorized representative of the Development Review Board, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
8. Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors.
9. Clearing shall be restricted to the areas as shown on the approved Site Plan prepared by Mumley Engineering, Inc. (Sheet C-1) and as shown on the Proposed Subdivision Property of C. Cameron Page 2012 Trust plan prepared by Gilson Land Surveying, Inc. These clearing limits shall be shown on the final recorded subdivision plat. Lands outside of the approved clearing areas shall be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest.
10. Prior to the issuance of any Certificate of Occupancy on Lots 3 or 4, the Applicant must complete the following:
    a) A Vermont registered engineer shall provide written certification that site clearing has been conducted in accordance with this approval prior to the issuance of any Certificate of Occupancy for the development of Lots 3 and 4.
11. The electrical and other utilities to serve Lots 3 and 4 shall be installed below ground, unless otherwise approved by the Development Review Board.
12. Site construction and development of Lots 3 and 4 shall adhere to the standards outlined in Section 3.12(2)(A-F) including:
    a) The amount of soil exposed at any one time must be kept to a minimum.
    b) Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c) Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d) Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e) An adequate stormwater drainage system must be continuously maintained to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
13. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his or her successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, David Kelly, Andrew Volansky, Patricia Gabel, Peter Roberts and Scot Baraw.

Voting to deny: None

Motion PASSED 7-0

Dated at Stowe, Vermont this the 24th day of July 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

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Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7570		
Application Date	3/10/2025		
Physical Location	0 FOXFIRE LN		
Map ID	07-073.080	**Tax ID**	04032-060
Project Description	BUFFER LOT B W/ OPEN SPACE LOT 9.		
Owner	AARON L SOLO CAROLYN A SOLO		
Applicant	GUNNER MCAIN MCCAIN CONSULTING INC		
Applicant Address	93 SOUTH MAIN ST WATERBURY VT 05676		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
INCOMPLETE APP	3/24/2025			APP COMPLETE 4/7/25
DRB DECISION	7/24/2025	8/23/2025		

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT 7570

SUBJECT PROPERTY 0 Hemlock Springs (Tax Map# 07-073.080)

PROPERTY OWNER
Aaron & Carolyn Solo
333 Wade Pasture Road
Stowe, VT 05672

APPLICANT
Gunner McCain
McCain Consulting, Inc.
93 South Main Street, Suite 1
Waterbury, VT 05676

APPLICATION

The Applicant, Gunner McCain of McCain Consulting Inc. (herein after referred to as 'Applicant'), on behalf of property owners Aaron and Carolyn Solo, requests a subdivision amendment to incorporate Lot B of the previously approved Aaron & Carolyn Solo subdivision into Lot 9. The Aaron & Carolyn Solo subdivision (Project 7169) was approved by the Development Review Board (DRB) on October 30, 2023, and recorded with the Town Clerk's office on April 25, 2024 (Map Book 24, Pages 126-129). As part of Project 7169, Lot B, a ±0.70-acre "buffer" lot, was approved to be incorporated into the adjoining parcel at 215 Westview Heights Drive (Tax Parcel # 07-075.030) through a separate boundary line adjustment process. The plan to incorporate Lot B into 215 Westview Heights Drive dissolved, and the Applicant now proposes to incorporate Lot B into the open space lot - Lot 9 – which requires amending Condition #4 of the underlying DRB decision.

The approved Solo subdivision created eight (8) residential lots, two (2) "buffer" lots (Lots A & B), and an open space lot consisting of ±25.57 acres (including the right-of-way) to be owned in common. Similar to "buffer" Lot B, "buffer" Lot A was also approved to join the abutting property at 585 Westview Heights Drive. The entirety of the subdivision, including Lot B, is within the Rural Residential 2 (RR2) zoning district. The application was reviewed by the DRB under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of subdivision amendment review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

The original application for subdivision amendment review was filed by Applicant Gunner McCain on March 10, 2025. The application was determined to be incomplete and returned to the Applicant with a request for additional information in order to meet the minimum submittal requirements. Following submittal of additional information on April 7, 2025, the application was then accepted as administratively complete by Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for July 1, 2025 and warned by the Zoning Administrator in accordance with Section 2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on June 12, 2025. The Applicant provided the Certificate of Service on June 6, 2025.

The public hearing to consider the application convened on July 1, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Mary Black, David Kelly, Patricia Gabel, Peter Roberts, Lynn Altadonna and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Gunner McCain, McCain Consulting Inc., 93 South Main Street, Suite 1, Waterbury, VT 05676
2. Aaron Solo, 333 Wade Pasture Road, Stowe, VT 05672
3. Hal Stevens, 127 Mountain Road, Stowe, VT 05672
4. Lee Hunter, 186 Foxfire Lane, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 03/10/2025;
2. Cover Letter, prepared by Guner McCain, dated 03/05/2025.
3. List of Adjoiners, no date;
4. Copy of Notification Letter to Adjoiners, no date;
5. Survey and Subdivision of the Lands of Aaron & Carolyn Solo , Sheet 1 of 2, prepared by McCain Consulting, Inc., revision date 02/25/2025:
6. Survey and Subdivision of the Lands of Aaron & Carolyn Solo , Sheet 2 of 2, prepared by McCain Consulting, Inc., revision date 02/25/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact:

The Applicant's request for subdivision amendment was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcel is within the Rural Residential 2 (RR-2) zoning district as shown on the Official Town of Stowe Zoning Map (effective January 31, 2024).

2. **Lot Area, Lot Width.** Lot B in its present configuration consists of ±0.70 acres and the open space lot – Lot 9 – consists of ±25.57. The Applicant proposes to amend the Solo subdivision to combine Lot B into Lot 9, increasing Lot 9's lot area to ±26.27 acres.

Conclusion: Based upon the above findings, the Board concludes the proposed subdivision amendment conforms to the applicable dimensional requirements.

SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:

3. Upon review, the DRB finds the following standards are not applicable. The project will have no impact on the following:

   Section 5.1(1) – Character of the Land for Subdivision
   Section 5.1(2) – Natural and Scenic Features
   Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities
   Section 5.1(4) – Historic Resources and Community Character
   Section 5.1(5) – Reserved Strips
   Section 5.1(6) – Screening and Landscaping
   Section 5.1(7) – Pedestrian Access
   Section 5.1(8) – Traffic
   Section 5.1(9) – Municipal Facilities
   Section 5.1(11) – Building Zone
   Section 5.1(12) – Fire Protection Facilities
   Section 5.1(13) – Disclosure of Subsequent Development Plans
   Section 5.1(14) – Private Enforcement Mechanisms
   Section 5.2 – Prominent Hillsides and Ridgelines
   Section 5.4 – Road Standards and Coordination with Public Highways
   Section 5.5 – Utilities and Stormwater Management

4. **Section 5.1(10) – Lot Configuration:**

   a. Incorporating Lot B into open space Lot 9 will result in Lot 9 being slightly longer in length, it will not create an irregular lot configuration.

   Conclusion: Based on the above finding, the DRB concludes the proposed lot configuration is of regular shape and conforms with Section 5.1(10).

5. **Section 5.3 – Open Space and Cluster Development:**

   a. Lot 9 of the Solo subdivision was approved as designated open space, which includes the private access road – Hemlock Springs Lane.

   b. The project involves incorporating 'Buffer Lot B', a ±0.70-acre parcel, into Lot 9. Lot B was approved to merge with the adjacent property at 215 Westview Heights Drive as part of the subdivision approval. However, the intent for this merger has changed, and the Applicant now proposes to incorporate Lot B into the designated open space lot- Lot 9.

   c. There is no development proposed for Lot B, and no changes to the usage of open space Lot 9.

   Conclusion: Based on the above findings, the DRB concludes the subdivision amendment conforms with Section 5.3.

DECISION

The DRB hereby approves the Applicant's request for subdivision amendment (Project 7570) of parcel #07-073.080 as described in the application dated 03/10/2025 and associated supporting materials subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, include:

   a) Town of Stowe Development Application, dated 03/10/2025;
   b) Cover Letter, prepared by Guner McCain, dated 03/05/2025;
   c) List of Adjoiners, no date;
   d) Copy of Notification Letter to Adjoiners, no date;
   e) Survey and Subdivision of the Lands of Aaron & Carolyn Solo , Sheet 1 of 2, prepared by McCain Consulting, Inc., revision date 02/25/2025;
   f) Survey and Subdivision of the Lands of Aaron & Carolyn Solo , Sheet 2 of 2, prepared by McCain Consulting, Inc., revision date 02/25/2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale, and no street or utility construction shall be started until a subdivision plat, prepared in accordance with the requirements of the regulations, has been approved as per these regulations, and has been recorded in the office of the Stowe Town Clerk.
4. Pursuant to 24 VSA Chapter 117, the amended subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations and shall include the following notation:

   a. *This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office.*

5. The Applicant shall file the final survey plat, amended herein, signed by the Chair or other authorized representative of the Development Review Board, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
6. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his or her successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, David Kelly, Peter Roberts, Patricia Gabel, Lynn Altadonna, and Scot Baraw

Voting to deny: None

Motion PASSED 7-0

Dated at Stowe, Vermont this the 24th day of July 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7574		
Application Date	3/17/2025		
Physical Location	199 TOPNOTCH DR		
Map ID	11-138.000	**Tax ID**	25045
Project Description	EXTEND EVENT PERMIT Z-7157 THROUGH 11/23/27		
Owner	AWH STOWE RESORT HOTEL LLC C/O AWH PARTNERS LLC		
Applicant	TOPNOTCH RESORT PAUL MARTIN		
Applicant Address	3800 MOUNTAIN RD STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION			
DRB DECISION	7/24/2025	8/23/2025	

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law

PROJECT: 7574

SUBJECT PROPERTY 199 Topnotch Drive; #11-138.000

PROPERTY OWNER
AWH Stowe Resort Hotel, LLC.
Dba: Topnotch Resort
3800 Mountain Road
Stowe, VT 05672

APPLICANT
Paul Martin
Top Notch Resort
3800 Mountain Road
Stowe, VT 05672

APPLICATION

The Applicant, Paul Martin (herein referred to as 'Applicant'), on behalf of property owner AWH Stowe Resort Hotel, LLC, requests conditional use review to extend the temporary events tent permit previously approved on the Topnotch Resort property located on the western side of Mountain Road. This area is commonly referred to as the Mountain View Pavilion or Topnotch Event Field. Most recently, on August 23, 2023, the Development Review Board (DRB) approved with conditions (Project 7157) the extension of the temporary event tent permit to November 23, 2025. The Applicant now seeks reapproval to extend the permit through November 23, 2027.

The subject parcel is located at 199 Topnotch Drive (#11-138.000) and is in the Upper Mountain Road (UMR) and Rural Residential 2 (RR2) Zoning Districts. The property is accessed via VT Route 108, a state-maintained highway and includes lands on both the eastern and western sides of Mountain Road (VT Rt. 108). The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of conditional use review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

An application for conditional use approval was filed by Applicant Paul Martin on March 17, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for June 17, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on May 29, 2025. The Applicant submitted a completed certificate of service in accordance with §2.14(1)(B) on May 29, 2025.

The public hearing to consider the application convened on June 17, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the was DRB present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, David Kelly, Mary Black, Peter Roberts, Patricia Gabel, Andrew Volansky, and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings, conclusions, and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Paul Martin, Topnotch Resort, 3800 Mountain Road, Stowe, VT 05672

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 03/17/2025;
2. Alta/NSPS Land Title Survey showing location of tent, Sheet 2 of 6, prepared by Vermont Survey and Engineering, Inc., dated 12/10/2018;
3. 2025 Topnotch Tent Events list, no date;
4. DRB Decision Project 7157, dated 08/23/2023; (staff)

PROCEDURAL HISTORY

In 1999 the Town of Stowe granted T.N. Associates the designation as a Resort Planned Unit Development (Resort PUD) comprised of approximately ±110.4 acres, divided by Mountain Road (VT Rt. 108). Approximately ±73.2 acres of land are on the western side of Mountain Road (commonly referred to as the 'Lower Meadow' or the 'Meadows') and include the resort's indoor tennis facility, event field, and the nordic barn. The lands on the eastern side of Mountain Road, approximately ±37.2 acres, include majority of the resort's buildings comprised of guest rooms, business center, meeting rooms, resort homes, spas, dining areas, recreational facilities, and related appurtenances. The Applicant received original approval on March 22, 2006 to erect and use a 50' x 110' temporary events tent to the rear of the resort's indoor tennis facility on the western side of Mountain Road. Said approval was valid from May 1, 2006 to October 31, 2006. Additional approvals followed including:

- Project 4259 approved on July 27, 2010 for use from May 1, 2010 to November 30, 2013;
- Project 4557 approved on March 27, 2012 to extend the temporary tent to October 31, 2014;
- Project 4681 approved on December 11, 2012 to extend the temporary tent to October 31, 2015;
- Project 5152 approved on June 9, 2015 to extend the temporary tent to October 31, 2017;
- Project 5684 approved on October 27, 2017 to extend the temporary tent to October 31, 2019;
- Project 5922 approved on December 28, 2018 to extend the temporary tent to November 23, 2020;
- Project 6144 approved on December 17, 2019 to extend the temporary tent to November 23, 2021;
- Project 6482 approved on May 7, 2021 to extend the temporary tent to November 23, 2023;
- Project 7157 approved on August 23, 2023 to extend the temporary tent to November 23, 2025.

Most recently, with a vote of 7-0 Project 7157 was approved on 08/23/2023 with the following conditions:

1. *This project shall be completed according to the plans hereby approved. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.*
2. *All previous conditions of approvals, except as amended herein, remain in full force and effect.*
3. *The Applicant shall provide adjoining property owners and the Zoning Administrator with an annual schedule of events and the contact information of the Events Manager or appropriate representative including all telephone numbers necessary to contact during an event.*
4. *Amplified music shall cease by 10:00 p.m.*
5. *The event tent is permitted to be erected from May 1st to October 31st each year.*
6. *All events shall cease by midnight.*
7. *All events are limited to a maximum of 300 persons except when a special event permit is issued by the Town of Stowe Select Board.*
8. *This approval shall expire on November 23, 2025. Any request for an extension will include review of on-going noise concerns and proposed mitigation measures.*

9. *These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.*

The Applicant now seeks approval to extend the temporary events permit through November 23, 2027.

FINDINGS OF FACT & CONCLUSIONS OF LAW:

The Applicant's request for conditional use approval was reviewed by the DRB for conformance with applicable requirements of the Town of Stowe Zoning Regulations (effective January 31, 2024), including the following:

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 15- Parking Regulations

During its review of the application, the DRB made the following Findings of Fact:

1. **Zoning District.** The parcel is located in the Upper Mountain Road (UMR) and Rural Residential 2 (RR2) zoning districts as shown on the Official Town of Stowe Zoning Map (effective January 31, 2024). The temporary event tent location is within the UMR zoned portion of the property.

2. **Lot Area, Lot Width.** No changes to lot area or lot width are proposed under this application.

3. **Setbacks.** Required minimum district setbacks in UMR are front (50'), side (50') and rear (50'). The Applicant seeks approval to extend a previously approved temporary event/tent permit. As previously approved, the tent/event site is located outside of the required fifty (50') setback.

4. **Maximum Building Coverage**. The maximum building coverage in UMR district is eight (8) percent. The Applicant seeks approval to extend previously approved temporary event/tent permit. No permanent structures are proposed under this application. Does not apply.

5. **Use**. The subject parcel was designated a Resort PUD in 1999 and contains a lodging facility and related resort amenities including privately owned condominiums. No changes of use are proposed under this application.

6. **Density.** Table 6.3 outlines the density for the RR2 and UMR districts. No changes of density are proposed under this application.

7. **Height.** The maximum building height in UMR district is 28' feet. The regulations define building height as the "*Vertical distance measured from the average elevation of the proposed finished grade at the front or rear of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the highest ridge and its contiguous eave for other types of roofs. On sloping sites the height will be measured on the uphill side.*" The Applicant seeks re-approval to extend previously approved temporary event/tent permit. No permanent structures are proposed under this application.

Conclusion: Based upon the above findings, the DRB concludes the project meets all applicable use and dimensional requirements as set forth in the UMR & RR2 district.

Section 3.7 – Standards of review (Conditional Use Applications): The DRB must determine that the use will conform to the following set of standards and will not result in an undue adverse effect on the following:

Section 3.7(4)(A) – Capacity of existing or planned community facilities and services:

8. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

9. No Municipal Department review forms were received.

Conclusion: Based on the above findings, the Board concludes the proposal will not result in an undue adverse effect on the Town's existing or planned facilities or services.

Section 3.7(4)(B) – Traffic on roads and highways in the vicinity:

10. The Applicant seeks approval to extend previously approved temporary events/tent permit. No permanent structures are proposed under this application.

11. Under prior approvals, the DRB's decision states: "*The event tent area has direct access onto Route 108. The project is not expected to result in a significant amount of additional traffic. There are no known traffic problems from the previous event tent use.*"

12. It is expected that many of those attending the special events will be staying at the resort and will not be driving private vehicles.

Conclusion: Based on the above findings, the Board concludes the proposal will not create an undue adverse impact on traffic on roads and highways in the vicinity.

Section 3.7(4)(C) – The character of the area affected:

13. The subject parcel is in the RR2 and UMR zoning districts with direct access to Vermont Route 108. The proposed event tent is located within the UMR District.

14. The purpose of the UMR District is "*To control development along the "upper" Mountain Road in a manner that allows for residential, recreation and low-density commercial uses of property while preserving the rural character of the landscape, discouraging strip development and promoting the ongoing viability of existing land uses.*"

Conclusion: Based on the above findings, the Board concludes the proposal will not adversely affect the character of the area as defined under the Stowe Zoning Regulations (effective January 31, 2024).

Section 3.7(4)(D) – Regulations and ordinances in effect:

15. Applicable bylaws include the Stowe Zoning Regulations (effective January 31, 2024).

16. No other known or identified municipal bylaws or ordinances apply to this project.

Conclusion: Based on the above findings, the Board concludes the proposal is in conformance with the Stowe Zoning Regulations. No other identified municipal bylaws or ordinances apply to this project.

Section 3.7(4)(E) – Utilization of renewable energy sources:

17. No change is proposed with regard to the use of, or access to, the utilization of renewable energy resources. The Applicant is proposing a temporary tent that will be removed at the end of each season.

Conclusion: Based on the above findings, the Board concludes the project is not expected to interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.

Section 3.7(4)(F) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

18. This portion of Mountain Road/VT-108 is often characterized by its scenic qualities including the open meadow area and adjacent river.

19. The proposed tent area is located behind the Indoor Tennis Center and outside of the Meadowland Overlay District.

Conclusion: Based on the above findings, the Board concludes the proposal will not adversely affect the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

Section 3.7(4)(G) – Project will not result in undue water, noise or air pollution.

19. The Applicant seeks approval to extend previously approved temporary event/tent permit.

20. The Applicant submitted an application to extend the temporary event permit through 11/23/2027.

21. The Zoning Administrator has not received any written or verbal noise complaints since the Board's last approval.

22. The Applicant testified that they have not received any complaints regarding noise pollution, nor have the police ever come in response to a noise complaint.

23. The Applicant testified that tent flaps are usually raised, except when the weather is cold and/or rainy. The ends of the tent are always open for ingress/egress purposes.

Conclusion: Based on the above findings, the Board concludes the project, if operated as conditioned, will not result in undue water, noise, or air pollution. As conditions of approval, the Board will require the Applicant provide adjoining property owners and the Zoning Administrator with an annual schedule of events and the contact information of the Events Manager or appropriate representative including all phone numbers necessary to contact during an event; amplified music shall cease by 10:00 p.m.; and all events shall cease by midnight. The length of the permit will be restricted to two (2) years.

Section 3.16 – Site Plan Review

Section 3.16(C)(1) –Access Management:

24. The parcel is served by Vermont Route 108/Mountain Road. No changes to the existing access are proposed under this application.

Conclusion: Based on the above findings, the Board concludes that the existing access provides adequate access management in accordance with Section 3.1.

Section 3.16(C)(2) – Shared Access:

25. The parcel is served by an existing access, shared by other resort uses including the Indoor Tennis Center. No changes are proposed to the existing shared access.

Conclusion: Based on the above findings, the Board concludes that the existing access provides adequate access management in accordance with Section 3.1.

Section 3.16(C)(3) – Circulation and Parking:

26. The Applicant seeks approval to extend a previously approved permit for an event tent area. The tent area is served by an adjacent existing parking area.

27. Prior Board decisions note that many of the event guests will be staying at the resort.

28. There are no known parking or circulation issues with the previously approved event tent area.

Conclusion: Based on the above findings, the Board concludes the existing circulation and parking improvements represent safe and adequate access and circulation for the intended temporary use.

Section 3.16(C)(4) – Pedestrian Circulation and Access:

29. The Regulations require pedestrian circulation within the site, and access through the site to adjacent properties along public roads, be provided. A prior decision of the Board states that many of the event guests will be staying at the resort and that an existing path connects the resort to Route 108. The Stowe Recreation Path also runs adjacent to the site.

Conclusion: Based on the above findings, the Board concludes the existing site layout, including pedestrian circulation and access, represents safe and adequate pedestrian access and circulation for the intended temporary use.

Section 3.16(C)(5) – Landscaping and Screening:

30. The regulations require landscaping details and screening of garbage collection areas, outdoor storage, commercial ventilation systems over two square feet; loading and unloading areas and other outdoor utilities, including solar installations, be provided as part of proposed site development plans.

31. A prior decision of the Board states that the event tent area is landscaped, and that adequate landscaping is provided. No additional landscaping is noted in the application.

Conclusion: Based on the above findings, the Board concludes the existing landscaping and screening are appropriate for the intended temporary use and site location.

Section 3.16(C)(6) – Stormwater Management:

32. No changes proposed.

Conclusion: The Board concludes no additional stormwater management improvements are needed for this project.

Section 3.16(C)(7) – Outdoor Lighting:

33. The regulations require that all outdoor lighting shall be installed in accordance with the standards in Section 4.8.

34. No changes to the existing outdoor lighting or additional outdoor lighting is proposed:

Conclusion: Based on the above findings, the Board concludes no new or additional lighting is proposed under this application.

DECISION

The DRB hereby approves the Applicant's request to extend the temporary events tent permit (Project 7574) at 199 Topnotch Drive (Parcel #11-138.000) as described in the application dated 03/17/2025 and associated supporting materials subject the following conditions of approval:

1. This project shall be completed according to the plans hereby approved. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans include:

    a. Town of Stowe Development Application, dated 03/17/2025;
    b. Alta/NSPS Land Title Survey showing location of tent, Sheet 2 of 6, prepared by Vermont Survey and Engineering, Inc., dated 12/10/2018;
    c. 2025 Topnotch Tent Events list, no date;

2. All previous conditions of approvals, except as amended herein, remain in full force and effect.
3. The Applicant shall provide adjoining property owners and the Zoning Administrator with an annual schedule of events and the contact information of the Events Manager or appropriate representative including all telephone numbers necessary to contact during an event.
4. Amplified music shall cease by 10:00 p.m.
5. The event tent is permitted to be erected from May 1st to October 31st each year.
6. All events shall cease by midnight.
7. All events are limited to a maximum of 300 persons except when a special event permit is issued by the Town of Stowe Selectboard.
8. The zoning permit for this approval shall expire on November 23, 2027. Any request for an extension will include review of on-going noise concerns and proposed mitigation measures.
9. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, David Kelly, Mary Black, Peter Roberts, Patricia Gabel, Andrew Volansky, and Scot Baraw

Voting to deny: None

Dated at Stowe, Vermont this the 24th day of July, 2025.

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7602		
Application Date	4/24/2025		
Physical Location	744 CAPE COD RD		
Map ID	06-081.000	**Tax ID**	27063
Project Description	CONSTRUCT ONE STORY RESTROOM, STORAGE, CONCESSION AREA		
Owner	STOWE COUNTRY CLUB LLC C/O STOWE MOUNTAIN LODGE		
Applicant	STOWE COUNTRY CLUB LLC		
Applicant Address	744 CAPE COD RD		
	STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	8/5/2025	9/4/2025	9/4/2027	NO CONDITIONS

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT# 7602

SUBJECT PROPERTY 744 Cape Cod Road; Tax Map #06-081.000

PROPERTY OWNER & APPLICANT
Stowe Country Club
744 Cape Cod Road
Stowe, VT 05672

APPLICATION

The Applicant/property owner, Stowe Country Club (herein referred to as the "Applicant"), requests conditional use and site plan review to construct a new one-story building consisting of restrooms, storage, and a concessions area within the Stowe Country Club grounds, located at 744 Cape Cod Road. The subject property, consisting of ±175.5 acres, is located in the Rural Residential 2 (RR2) and Rural Residential 3 (RR3) zoning districts and Source Protection Overlay District (SPOD). The proposed building will be located within the RR3 District portion of the property. The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective January 31, 2024). The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A development application was filed and received on April 24, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for July 15, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on June 26, 2025. The hearing was held at the Stowe Town Office, with remote participation available via Zoom. No *ex parte* communications or conflicts of interests were reported. Members participating in the July 15th review included: Drew Clymer, Tom Hand, Mary Black, Peter Roberts, David Kelly, Patricia Gabel, and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS & PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Jacques Larose, Civil Engineering Associates, 10 Mansfield View Lane, South Burlington, VT 05403
2. Sam Gaines & Nick Mann, Spruce Peak Realty, 7320 Mountain Road, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the original hearing record:

1. Town of Stowe Development Application, dated 04/24/2025;
2. Overall Proposed Conditions Plan, Sheet C2.0, prepared by Civil Engineering Associates, Inc., dated 02/2025;
3. Bathroom/Shelter Utility Plan, Sheet C2.1, prepared by Civil Engineering Associates, Inc., dated 02/2025;
4. Proposed WW Disposal System Plan, Sheet C2.2, prepared by Civil Engineering Associates, Inc., dated 02/2025;
5. Cover Sheet, Sheet G000, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;

6. Drawing Index, Sheet G100, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
7. Project Sheet Info & General Notes, Sheet G101, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
8. Graphic Symbols & Abbreviations, Sheet G102, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
9. Ansi Reference, Sheet G103, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
10. Accessibility Code Reference 1 of 4, Sheet G104, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
11. Accessibility Code Reference 2 of 4, Sheet G105, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025.
12. Accessibility Code Reference 3 of 4, Sheet G106, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
13. Accessibility Code Reference 4 of 4, Sheet G107, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
14. Life Safety Plan, Sheet G201, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025
15. Floor and Electrical Plan, Sheet A110, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
16. Lighting and Reflected Ceiling Plan & Ceiling Details, Sheet A210, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
17. Roof Plan & Details, Sheet A311, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
18. Roof Details, Sloped, Sheet A361, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
19. Exterior Elevations, Sheet A411, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
20. Building Sections, Sheet A511, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
21. Wall Sections, Sheet A515, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
22. Door Schedule & Door Frame Types, Sheet A801, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
23. Door Details, Sheet A821, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
24. Window Elevations & Schedule, Sheet A831, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
25. Window Details-Exterior, Sheet A841, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
26. Partition Details, Sheet A851, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
27. Hardscape Layout Plan and Details, Sheet L1-01, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
28. Landscape Plan, Sheet L1-02, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact

The application was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2 – Administration and Enforcement
- Section 3 – General Regulations
- Section 4 – Specific Use Standards
- Section 5 – Zoning Districts
- Section 6 – Uses, Dimensional Requirements and Density
- Section 12 – Source Protection Overlay District

Dimensional Requirements

Zoning District.

1. The subject parcel is in the Rural Residential 2 (RR2) and Rural Residential 3 (RR3) Zoning Districts, as shown on the Official Town of Stowe Zoning Map.

2. The proposed building will be located within the RR3 District, therefore the Regulations of the RR3 District are applicable to this project.

Lot Area, Lot Width.

3. The minimum lot area in the RR3 District is three (3) acres; the minimum required lot width is 250 feet. No changes to lot size or width are proposed under this application.

Setbacks.

4. Required minimum district setbacks in the RR3 District are: front seventy (70'), side sixty (60') and rear sixty (60'). The proposed building is approximately three hundred (300') feet from the nearest property line. The project exceeds the minimum setbacks.

Maximum Building Coverage.

5. There is no maximum building coverage in the RR3 District. This standard is not applicable.

Use.

6. The Stowe Country Club has existed since the 1950s, prior to the adoption of the Regulations. *Golf Course, Commercial* is a conditional use in the RR districts.

7. The proposed restroom/storage/concessions building is accessory to the primary golf course use.

Height.

8. The maximum building height in the RR3 District is twenty-eight (28) feet.

9. The plans identify the overall height of the building (including the cupola which is exempt from height limitations) to be 24'2". The project meets the building height requirements.

Density.

10. Commercial uses do not require density. This standard is not applicable.

Conclusion: Based upon the above findings, the DRB concludes the project meets the applicable dimensional requirements.

Section 3.7 – Standards of review (Conditional Use Applications):

Section 3.7(4)(A) – Capacity of existing or planned community facilities and services:

11. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

12. No Municipal Department review forms returned indicated that the proposed development would have any undue adverse impact on existing or planned community facilities and services.

13. The proposed building will obtain water from an existing on-site well located on the golf course's turf care center- the adjacent parcel to the south. The turf care parcel is under the same ownership as the golf course.

14. Wastewater from the proposed structure will be piped to the wastewater system on the adjacent turf care property.

15. No comments were received from municipal departments.

Conclusion: Based on the above findings, the DRB concludes the proposal will not result in an undue adverse effect on the Town's existing or planned facilities or services.

Section 3.7(4)(B) – Traffic on roads and highways in the vicinity:

16. The proposed building will support participants of the golf course. The proposal will not create additional vehicle trips. Therefore, there will be no traffic impacts on roads and highways in the vicinity. The building is intended to serve golfers already at the golf course.

Conclusion: Based on the above findings, the DRB concludes will not result in an undue adverse impact on traffic on roads and highways in the vicinity.

Section 3.7(4)(C) – The character of the area affected:

17. The subject parcel is in the RR2 and RR3 zoning districts. The proposed building is entirely within the RR3 District portion of the parcel.

18. The general purpose of the RR3 district outlined in the Zoning Regulations is as follows:

    a. To maintain the natural and scenic qualities which create and preserve the best possible environment for residential development.
    b. To promote the preservation of adequate open space through carefully planned cluster types of development.
    c. To encourage agricultural productivity of good farmlands and of forest resources.
    d. To permit the establishment and expansion of outdoor recreational facilities.

    The specific purpose of the RR3 district outlined in the Zoning Regulations is as follows:

    a. *To eliminate undue demand for new or extended municipal services in outlying areas which would cause a burden on the town.*
    b. *To maintain the rural character and beauty of the existing neighborhoods.*
    c. *To discourage intensive development in areas where slopes or soil conditions dictate otherwise.*
    d. *To limit land uses to moderate to low-density residential development, farming and forestry, outdoor recreation and home occupations.*

19. The Stowe Country Club has operated on the subject parcel since the 1950s and will continue to do so. The proposed building is accessory to the primary use- the existing golf course.

20. Residential land uses dominate the surrounding area.

Conclusion: Based on the above findings, the DRB concludes that the proposed project will not have an undue adverse impact on the character of the area as defined in the Regulations.

Section 3.7(4)(D) – Regulations and ordinances in effect:

21. The application requires review under the conditional use and site plan review standards. Applicable bylaws include the Zoning Regulations.

22. The project will be connected to an on-site well and will utilize the septic system at the turf care center on the adjacent property (same ownership).

23. No other known or identified municipal bylaws or ordinances apply to this project.

Conclusion: Based on the above findings, the DRB concludes the proposal is in conformance with Regulations and ordinances in effect.

Section 3.7(4)(E) – Utilization of renewable energy sources:

24. The Applicant requests approval to construct a restroom/storage/concessions building deep within the existing golf course property.

25. No renewable energy generation or development is proposed with this project.

26. The proposed building will not inhibit the use of, or access to, the utilization of renewable energy resources.

27. As required under state laws, the project will be required to be constructed in conformance with the State of VT Building Energy Standards.

Conclusion: Based on the above findings, the DRB concludes the project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.

Section 3.7(4)(F) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

28. According to the ANR Natural Resources Atlas, there are no rare or endangered species, habitat blocks, deer wintering areas, streams, or inventoried wetlands near the proposed building.

29. The parcel is within the Source Protection Overlay District and is subject to review under Section 12.

30. There are three (3) documented historic buildings located on the subject property – the main clubhouse/former farmhouse, a barn, and a garage. Given the location of the proposed structure and topography in relation to the historic buildings, as well as the architectural design, adverse impacts to the existing historic buildings are not expected.

31. Nearby development consists of residential properties. The golf course use of the property will remain as-is.

32. The property contains frontage on Cape Cod Road, a moderately traveled road connecting Mountain Road to Weeks Hill Road.

Conclusion: Based upon the above findings, the DRB concludes the project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

Section 3.7(4)(G) – Project will not result in undue water, noise or air pollution.

33. Nothing within the application indicates that the project would create undue noise, water or air pollution.

Conclusion: Based on the above finding, the DRB concludes the project will not result in undue water, noise or air pollution.

Section 3.16(C)(1) –Access Management:

34. The golf course property is currently served by driveways off Cape Cod Road and Sinclair Drive.

35. No changes to the existing access are proposed.

Conclusion: Based on the above findings, the DRB concludes that the proposal will utilize the existing accesses.

Section 3.16(C)(2) – Shared Access:

36. There is no shared access for the proposed structure.

Conclusion: Based on the above finding, the DRB concludes this standard is not applicable.

Section 3.16(C)(3) – Circulation and Parking:

37. The Regulations require that parking be provided per the requirements of §15 and be designed to minimize the off-site visibility of parking areas through the location, landscaping and screening of such areas.

38. Table 15.2 – Minimum Parking Requirements, does not include a specific parking requirement for golf courses, or similar outdoor recreation facilities. The proposed building is accessory to the primary use and does not require additional parking under the Regulations.

39. The building will be used by golfers already visiting the golf course and manned by existing employees of the golf course. As a result, no additional parking is needed.

Conclusion: Based on the above findings, the DRB concludes there are no changes to the existing circulation and parking proposed under this application.

Section 3.16(C)(4) – Pedestrian Circulation and Access:

40. The Regulations require pedestrian circulation within the site, and access through the site to adjacent properties along public roads, be provided.

41. The golf course is a pedestrian activity center, and access to the restrooms and concessions of the proposed building is intended to be by foot or golf cart via internal pathways and the general grounds.

Conclusion: Based on the above findings, the DRB concludes the proposed pedestrian circulation and access represents safe and adequate pedestrian access and circulation for the intended use.

Section 3.16(C)(5) – Landscaping and Screening:

42. The Regulations require landscaping details and screening of garbage collection areas, outdoor storage, commercial ventilation systems over two square feet; loading and unloading areas and other outdoor utilities, including solar installations, be provided as part of proposed site development plans.

43. Given the location of the proposed building within the golf course setting, only grasses are proposed to surround the new building. The building will sit within the manicured golf course grounds.

Conclusion: Based on the above findings, the DRB concludes the proposal satisfies the applicable landscaping and screening standards outlined in Section 4.6.

Section 3.16(C)(6) – Stormwater Management:

44. Section 3.12(2) provides stormwater and erosion control standards for construction-related activities associated with any new construction.

45. The Bathroom /Shelter Utility Plan notes that stormwater runoff from the new impervious surfaces are to be managed through sheet flow disconnection in accordance with State stormwater management requirements.

46. The roof plan provided includes gutter and downspout profiles. The downspouts will connect with the existing underground storm drainage system.

47. The application indicates that less than ½ acre of disturbed areas and impervious surfaces are proposed. The site is covered under an existing Erosion Control and Stormwater Protection (ECSP) plan approved by the State of Vermont.

Conclusion: Based on the above findings, the DRB concludes the proposal has been designed in accordance with Section 3.12; existing drainage patterns will not be altered in a manner which causes an undue adverse impact on neighboring properties, town highways or surface waters.

Section 3.16(C)(7) – Outdoor Lighting:

48. The Regulations require that all outdoor lighting be installed in accordance with the standards in §4.8.

49. The plans indicate that a gooseneck light fixture will be located above the entrances to the men's and women's restrooms, as well as at the front door. These fixtures will be under the roofing and are shown on the elevation plans.

50. The landscape plan includes information on the landscape light fixtures – Mini-Micro Twin Staff Star Style 'C' LED. The outdoor lighting will be operated on timers, set to turn off around 10:00 p.m.

51. The Applicant testified the lights are believed to be 'dark sky' compliant and are down-cast and shielded.

Conclusion: Based on the above findings, the DRB concludes the project conforms to the applicable requirements set forth in §4.8.

Section 3.16(D)(2)- Additional RR Standards: The DRB concludes this section is not applicable.

Section 4.6 Landscaping Standards. See discussion above.

Section 4.8 Outdoor Lighting. See discussion above.

Section 12: Source Protection Overlay District

52. During the hearing the Applicant testified that none of prohibited activities are proposed under this application, however the project does involve an expansion to an existing septic system location on the adjacent parcel. The State of Vermont regulates the design and permitting of septic systems.

Conclusion: Based on the above finding, the DRB concludes the project conforms to the applicable requirements set forth in Section 12 and will not have an undue adverse impact on groundwater resources.

DECISION

Based upon the foregoing findings of fact and conclusions of law, the DRB hereby approves the Applicant's request to construct a one-story building consisting of restrooms, storage, and a concessions as described in the application #7602 and associated supporting materials, subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, include:

   a. Town of Stowe Development Application, dated 04/24/2025;
   b. Overall Proposed Conditions Plan, Sheet C2.0, prepared by Civil Engineering Associates, Inc., dated 02/2025;
   c. Bathroom/Shelter Utility Plan, Sheet C2.1, prepared by Civil Engineering Associates, Inc., dated 02/2025;
   d. Proposed WW Disposal System Plan, Sheet C2.2, prepared by Civil Engineering Associates, Inc., dated 02/2025;
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   f. Drawing Index, Sheet G100, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   g. Project Sheet Info & General Notes, Sheet G101, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   h. Graphic Symbols & Abbreviations, Sheet G102, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   i. Ansi Reference, Sheet G103, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   j. Accessibility Code Reference 1 of 4, Sheet G104, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   k. Accessibility Code Reference 2 of 4, Sheet G105, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025.
   l. Accessibility Code Reference 3 of 4, Sheet G106, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   m. Accessibility Code Reference 4 of 4, Sheet G107, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   n. Life Safety Plan, Sheet G201, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025
   o. Floor and Electrical Plan, Sheet A110, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   p. Lighting and Reflected Ceiling Plan & Ceiling Details, Sheet A210, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   q. Roof Plan & Details, Sheet A311, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   r. Roof Details, Sloped, Sheet A361, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   s. Exterior Elevations, Sheet A411, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   t. Building Sections, Sheet A511, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   u. Wall Sections, Sheet A515, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   v. Door Schedule & Door Frame Types, Sheet A801, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   w. Door Details, Sheet A821, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   x. Window Elevations & Schedule, Sheet A831, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   y. Window Details-Exterior, Sheet A841, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   z. Partition Details, Sheet A851, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;
   aa. Hardscape Layout Plan and Details, Sheet L1-01, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025;

bb. Landscape Plan, Sheet L1-02, prepared by Kuo Diedrich Chi Architects, dated 4/11/2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. This approval does not permit the removal or modification of any landscaping required under Project 7200. Any proposed changes to the approved landscaping must be submitted as a separate application to amend the approved plans under Project 7200.
4. The Permittee or their representative shall immediately report a release of any toxic substance within the Source Protection Area ("SPA") to the SPA water system owner or operator AND the Vermont Department of Conservation Spills Program in a person-to-person phone call. Persons reporting a release must provide the water system identification number ("WSID"). The Permittee shall provide all Project staff/contractors spill reporting instructions with current contact phone numbers, SPA name, SPA WSID, and the Spills Program 24-hour hotline (800) 641-5005 http://dec.vermont.gov/wastemanagement/spills#Report . Those instructions shall be visibly displayed onsite.
5. The installation of outdoor light fixtures is limited to those described and depicted within the application. Fixtures shall employ warm-toned (3000K and lower).
6. All outdoor light fixtures shall be installed, shielded, and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property.
7. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-F) including:
   a. The amount of soil exposed at any one time must be kept to a minimum.
   b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
   c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
   d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
   e. An adequate stormwater drainage system must be continuously maintained to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
8. A Certificate of Occupancy must be obtained from the Zoning Administrator prior to occupancy and use to ensure that the project has been completed as approved by the DRB, as required under §2.10.
9. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his successors agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, Mary Black, Peter Roberts, David Kelly, Patricia Gabel, and Scot Baraw
Voting to deny: None

Dated at Stowe, Vermont this the 6th day of August 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of $25/page is required for recording.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7532		
Application Date	12/23/2024		
Physical Location	1600 WEST HILL RD		
Map ID	10-079.000	**Tax ID**	18044
Project Description	UPDATE SITE PLAN WITH STORM WATER CHANGES		
Owner	GRISTMILL PROPERTIES LLC MANAS LLC		
Applicant	DAVE LACHTRUPP GRISTMILL PROPERTIES LLC		
Applicant Address	5430 WATERBURY STOWE ROAD WATERBURY CENTER VT 05677		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	8/5/2025	9/4/2025	2/1/2026

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT 7532

SUBJECT PROPERTY West Hill Road (Tax Map# 10-079.000)

PROPERTY OWNER/APPLICANT
Gristmill Properties LLC/David Lachtrupp
5430 Waterbury Stowe Road
Waterbury Center, VT 05677

APPLICATION

The Applicant, David Lachtrupp of Gristmill Properties LLC (herein referred to as 'Applicant'), requests a subdivision amendment to modify the previously approved stormwater system. The proposal involves the previously approved 6-lot Burt Meadow Homes subdivision approved by the Development Review Board (DRB) on March 18, 2021 (Project #6429) and recorded in the Town of Stowe Land Records on December 1, 2021. The purpose of this application is to accommodate changes to stormwater systems on Lots 4, 5, and 6. The application was reviewed by the DRB under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of subdivision amendment review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by Gristmill Properties/David Lachtrupp on December 20, 2024. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for February 4, 2025, and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on January 16, 2025. The Applicant provided the completed certificate of service notifying the abutters on January 14, 2025.

The public hearing to consider the application convened on February 4, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, David Kelly, Mary Black, Andrew Volansky, Tom Hand, and Patricia Gabel. The Applicant requested a continuance in order to adequately respond to staff concerns. The DRB continued the hearing to a time and date certain of March 4, 2025. On March 4, 2025, the DRB re-opened the continued hearing. Members who participated in the continued hearing included Drew Clymer, David Kelly, Mary Black, Tom Hand, Andrew Volansky, and Patricia Gabel. The Applicant requested another continuance in order to adequately respond to staff's ongoing concerns. The DRB continued the hearing to a time and date certain of June 17, 2025. On June 17, 2025, the DRB re-opened the continued hearing. Members who participated in the continued review included Drew Clymer, Mary Black, David Kelly, Andrew Volansky, Patricia Gabel and Scot Baraw. Tom Hand was absent but reviewed the hearing recording. The DRB continued the hearing to a time and date certain of July 1, 2025 in order for the Applicant to provide requested information. On July 1, 2025, the DRB re-opened the continued hearing. Members who participated in the continued review included Drew Clymer, Mary Black, David Kelly, and Scot Baraw. Andrew Volansky, Tom Hand and Patricia Gabel reviewed the hearing recording and submitted exhibits. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. David Lachtrupp, Gristmill Properties LLC, 5430 Waterbury Stowe Road, Waterbury Center, VT 05677
2. Brendan O'Reilly, Gristmill Properties LLC, 5430 Waterbury Stowe Road, Waterbury Center, VT 05677
3. Jon Grenier, Grenier Engineering PC, PO Box 445, VT 05676
4. Paul Moody, 1322 West Hill Road, Stowe, VT 05672
5. Steven McClafferty, 169 Upper Birch Road, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 12/20/2024;
2. Overall Site Plan- Burt Meadow Homes, Gristmill Builders LLC, prepared by Grenier Engineering, Sheet 1 of 10, revision date 12/06/2024;
3. Lot 4 Site Plan- Burt Meadow Homes, Gristmill Builders LLC, prepared by Grenier Engineering, Sheet 5 of 10, revision date 12/06/2024;
4. Lot 5 Site Plan- Burt Meadow Homes, Gristmill Builders LLC, prepared by Grenier Engineering, Sheet 6 of 10, revision date 12/06/2024;
5. Lot 6 Site Plan- Burt Meadow Homes, Gristmill Builders LLC, prepared by Grenier Engineering, Sheet 7 of 10, revision date 12/06/2024;
6. DRB Decision- Project #6429, dated 03/18/2021;
7. Subdivision Survey Burt Meadow Homes, Sheet 1 of 3, prepared by Grenier Engineering, dated November 2021;
8. Subdivision Survey Burt Meadow Homes, Sheet 2 of 3, prepared by Grenier Engineering, dated November 2021;
9. Overall Site Plan- Burt Meadow Homes, Sheet 3 of 3, prepared by Grenier Engineering, dated November 2021;
10. Burt Meadows Stormwater Submittal Packet, prepared by Grenier Engineering, 30 pages, no date.

The following materials were submitted for consideration during the June 17, 2025 continued public hearing:

11. Email from John Grenier, dated 05/29/2025;
12. Email from John Grenier, dated 06/05/2025;
13. Development Site Plan, Sheet SW-2, prepared by Grenier Engineering, dated 06/06/2025;
14. Proposed Stormwater Plan, Sheet SW-2, prepared by Grenier Engineering, dated 03/20/2025;
15. Proposed Stormwater Plan, Sheet SW-2, prepared by Grenier Engineering, dated 03/20/2025;
16. Routing Diagram for Gristmill Burt Meadows 2024, 26 pages, 06/05/2025;
17. Routing Diagram for Gristmill Burt Meadows 2024, 65 pages, 05/29/2025;
18. Subdivision Survey – Burt Meadow Homes, Sheet 1 of 3, prepared by Grenier Engineering, Inc., dated November 2021;
19. Subdivision Survey – Burt Meadow Homes, Sheet 2 of 3, prepared by Grenier Engineering, Inc., dated November 2021;
20. Lot 4 Site Plan Burt Meadow Homes, Sheet 5 of 9, prepared by Grenier Engineering, Inc., dated 01/21/2021;
21. Lot 5 Site Plan Burt Meadow Homes, Sheet 6 of 9, prepared by Grenier Engineering, Inc., dated 01/21/2021;

22. Lot 6 Site Plan Burt Meadow Homes, Sheet 7 of 9, prepared by Grenier Engineering, Inc., dated 01/21/2021;
23. Email from Harry Shepard dated 06/12/2025.

The following materials were submitted for consideration during the July 1, 2025 continued public hearing:

24. Revised Burt Meadows Site Plan Narrative, no date;
25. Development Site Plan, Sheet SW-2, prepared by Grenier Engineering, PC, revision date 06/19/2025;
26. Development Site Plan, Sheet SW-2, prepared by Grenier Engineering, PC, revision date 06/19/2025;
27. Development Site Plan, Sheet SW-2, prepared by Grenier Engineering, PC, revision date 06/19/2025;
28. Expanded Stormwater Pond, Sheet SW-2A, prepared by Grenier Engineering, PC, dated 06/19/2025;
29. Area 1 Pre-Development Drainage Area, Sheet 1 of 10, prepared by Grenier Engineering, PC, dated 06/24/2025;
30. Routing Diagram for Gristmill Burt Meadows 2025 Revised, dated 06/18/2025.
31. Email from Harry Shepard, dated 06/25/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact

The Applicant's request for subdivision amendment approval was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

Section 2.16 Flexibility and Finality in the Permitting Process (Stowe Club Test):

1. In order to determine if it is appropriate under the circumstances to allow an amendment of a permit or approval, the DRB must evaluate any application that proposes an amendment of a final approval and assess the competing policies of flexibility and finality in the permitting process.

2. An amendment is considered a request to modify the project plans, exhibits, and /or representations by the Applicant that lead to the decision and which have been incorporated into the approval through a specific or general condition. For the purpose of this section, conditions include all stated conditions in a decision and elements of a recorded plat or plan.

3. The Burt Meadow Homes subdivision, approved on March 18, 2021 (Project 6429), established specific clearing limits throughout the subdivision.

4. Approved clearing limit areas range from one hundred (100%) percent, ninety (90%) percent, seventy-five (75%) percent, forty (40%) percent, thirty (30%) percent, and ten (10%) percent allowed cutting areas.

5. The proposed stormwater pond on Lot 6 will be located in an area that spans the boundary between a seventy-five (75%) percent cut area and a thirty (30%) percent cut area.

6. The Applicant testified that tree removal needed to accommodate the proposed stormwater pond will not exceed the clearing limit percentages approved under the underlying subdivision, and as a result, the Stowe Club Test does not apply to the project.

Conclusion: Section 2.16 requires the DRB to evaluate any application proposing an amendment to a final approval by balancing the competing policies of flexibility and finality. The key question is whether the amendment sought by the Applicant necessitates a Stowe Club analysis under §2.16. To determine this, the DRB must consider whether the amendment involves altering a condition that was originally included to address a critical issue. If so, the DRB must apply the Stowe Club analysis when reviewing the proposed amendment. If not, the DRB may proceed with reviewing the application based solely on its merits. Based upon the above findings and Applicant testimony, the DRB concludes that the project will not alter the previously approved clearing limits on the Burt Meadow Homes subdivision, and therefore the Stowe Club Analysis is not applicable. The DRB can continue review of the application on its merits.

SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:

7. Upon review, the DRB has determined the following standards are not applicable:

    Section 5.1(1) – Character of Land for Subdivision
    Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities
    Section 5.1(4) – Historic Resources and Community Character
    Section 5.1(5) – Reserved Strips
    Section 5.1(7) – Pedestrian Access
    Section 5.1(8) – Traffic
    Section 5.1(10) – Lot Configuration
    Section 5.1(11) – Building Zone
    Section 5.1(12) – Fire Protection Facilities
    Section 5.1(13) – Disclosure of Subsequent Development Plans
    Section 5.1(14) – Private Enforcement Mechanisms
    Section 5.2 – Subdivision within the Ridgeline and Hillside Overlay District (RHOD)
    Section 5.3 – Open Space and Planned Unit Development
    Section 5.4 – Road Standards and Coordination with Public Highways

Section 5.1(2) – Natural and Scenic Features

8. As shown on the ANR Natural Resources Atlas, the parcel contains mapped statewide prime agricultural soils and steep slopes on the lower portion. There are no mapped wetlands, streams, water bodies, etc.

9. Residential development (i.e., single-family dwellings and related site improvements) on Lots 2, 4, 5, and 6 has been completed or is presently under construction. The Applicant testified that the previously approved clearing limits will not be increased as a result of the stormwater modifications, therefore no additional impacts to aesthetic resources and/or scenic vistas will result from the project.

Conclusion: Based on the above findings, the DRB concludes the requested revisions conform to Section 5.1(2), Natural and Scenic Features.

Section 5.1(6) – Screening

10. Under Project 6429, the DRB found that the subdivision, building zones, and clearing limits all provide adequate screening in conformance with the screening provisions.

11. Project 6429 approved a range of clearing limits. Within the approved building zones, a one hundred (100%) percent cut was approved. Elsewhere in the subdivision, clearing limits included ninety (90%) percent, seventy-five (75%) percent, forty (40%) percent, thirty (30%) percent and ten (10%) percent cuts.

12. The proposed stormwater pond on Lot 6 will be located in an area that spans a boundary between a seventy-five (75%) percent cut area and a thirty (30%) percent cut area.

13. The Applicant testified that the stormwater alterations will be able to be constructed without altering the previously approved clearing limits.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms to Section 5.1(6), Screening.

Section 5.1(9) – Municipal Facilities:

14. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

15. DPW Director and Town Engineer Harry Shepard provided written testimony noting that the proposed stormwater changes, as conditioned, will comply with Town stormwater requirements. (Exhibit 31).

16. No Municipal Department review forms returned indicated that the proposed modifications would have any adverse impact on existing or planned community facilities and services.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms to Section 5.1(9), Municipal Facilities.

Section 5.5 – Utilities and Stormwater Management:

17. Section 5.5(4) states "*All stormwater management activities required by the Town shall adhere to current State of Vermont erosion prevention and sediment control standards and to the requirements of Section 3.12 of the Stowe Zoning Regulations.*"

18. The Applicant provided sediment control plans and stormwater management plans under the original subdivision project, identifying stormwater detention ponds on Lots 4 and 5. Lot 5 also contained a pre-treatment pond and a spring pond.

19. The Applicant now proposes a revised stormwater management system consisting of four (4) ponds instead of two (2), with three (3) wet ponds and one (1) dry pond. Each is designed to treat smaller sections of the subdivision.

20. The ponds are proposed to be enlarged to effectively collect stormwater and prevent it from running off-site. Stormwater runoff has negatively impacted downhill neighbors and the nearby roadways necessitating the proposed changes.

21. The Applicant testified that the post development discharge will be less than pre-development discharge for up to a one hundred (100) year storm event.

22. The Applicant testified that the total impervious cover throughout the overall subdivision will be ±0.95 and a State of Vermont Stormwater Discharge permit is not required.

23. DPW Director & Town Engineer Harry Shepard provided written testimony on June 25, 2025 (Exhibit 31) confirming that the stormwater design addresses all DPW concerns regarding stormwater control.

Conclusion: Based on the above findings and as conditioned, the DRB concludes the proposal conforms to Section 5.5, Utilities and Stormwater Management.

DECISION

The DRB hereby approves the Applicant's request for a subdivision amendment (Project 7532) of the Burt Meadow Homes Subdivision (#10-079.000) as described in the application dated 12/20/2024 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, include:

   1. Town of Stowe Development Application, dated 12/20/2024;
   2. Overall Site Plan- Burt Meadow Homes, Gristmill Builders LLC, prepared by Grenier Engineering, Sheet 1 of 10, revision date 12/06/2024;
   3. Lot 4 Site Plan Burt Meadow Homes, Sheet 5 of 9, prepared by Grenier Engineering, Inc., dated 01/21/2021;
   4. Lot 5 Site Plan Burt Meadow Homes, Sheet 6 of 9, prepared by Grenier Engineering, Inc., dated 01/21/2021;
   5. Lot 6 Site Plan Burt Meadow Homes, Sheet 7 of 9, prepared by Grenier Engineering, Inc., dated 01/21/2021;
   6. DRB Decision- Project #6429, dated 03/18/2021;
   7. Subdivision Survey Burt Meadow Homes, Sheet 1 of 3, prepared by Grenier Engineering, dated November 2021;
   8. Subdivision Survey Burt Meadow Homes, Sheet 2 of 3, prepared by Grenier Engineering, dated November 2021;
   9. Overall Site Plan- Burt Meadow Homes, Sheet 3 of 3, prepared by Grenier Engineering, dated November 2021;
   10. Burt Meadows Stormwater Submittal Packet, prepared by Grenier Engineering, 30 pages, no date;
   11. Email from John Grenier, dated 05/29/2025;
   12. Email from John Grenier, dated 06/05/2025;
   13. Proposed Stormwater Plan, Sheet SW-2, prepared by Grenier Engineering, dated 03/20/2025;
   14. Proposed Stormwater Plan, Sheet SW-2, prepared by Grenier Engineering, dated 03/20/2025;
   15. Routing Diagram for Gristmill Burt Meadows 2024, 26 pages, 06/05/2025;
   16. Routing Diagram for Gristmill Burt Meadows 2024, 65 pages, 05/29/2025;
   17. Email from Harry Shepard dated 06/12/2025;
   18. Revised Burt Meadows Site Plan Narrative, no date;
   19. Routing Diagram for Gristmill Burt Meadows 2025 Revised, dated 06/18/2025;
   20. Development Site Plan, Sheet SW-2, prepared by Grenier Engineering, PC, revision date 06/19/2025;

21. Development Site Plan, Sheet SW-2, prepared by Grenier Engineering, PC, revision date 06/19/2025;
22. Development Site Plan, Sheet SW-2, prepared by Grenier Engineering, PC, revision date 06/19/2025;
23. Expanded Stormwater Pond, Sheet SW-2A, prepared by Grenier Engineering, PC, dated 06/19/2025;
24. Area 1 Pre-Development Drainage Area, Sheet 1 of 10, prepared by Grenier Engineering, PC, dated 06/24/2025;
25. Email from Harry Shepard, dated 06/25/2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Pursuant to 24 VSA Chapter 117, the revised site plan/subdivision plan shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The amended plan as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations and shall include the following notation:

    a. *This plat amendment is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office.*
    b. The Operations, Maintenance and Repair of each pond shall be the responsibility of the individual lot owners, with the owner of Lot 6 being responsible for both Ponds 1 and 2.

4. The Applicant shall file the revised site plan/subdivision plan, amended herein, signed by the Chair or other authorized representative of the Development Review Board, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
5. Prior to the issuance of any additional zoning permits for development within this subdivision, the Applicant must complete the following:
    a. The Applicant must complete the approved upgrades to Pond #1.
    b. The Applicant must submit to the Planning & Zoning Office as-built record drawings of existing Ponds 2-4 and proposed Pond 1, including survey of pertinent hydraulic features, certified by the Engineer of Record as to being compliant with the analysis and design intent provided.
6. The Operations, Maintenance and Repair of each pond shall be the responsibility of the individual lot owners, with the owner of Lot 6 being responsible for both Ponds 1 and 2.
7. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his or her successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, Mary Black, David Kelly, Andrew Volansky, Patricia Gabel, and Scot Baraw
Voting to deny: None

Motion PASSED 7-0

Dated at Stowe, Vermont this the 5th day of Aug. 2025

Drew Clymer, DRB Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of $25/page is required for recording.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7562		
Application Date	3/5/2025		
Physical Location	0 WEST HILL RD		
Map ID	16-028.000	**Tax ID**	19047
Project Description	BOUNDARY LINE ADJUSTMENT		
Owner	NOVAK REVOCABLE LIVING TRUST TRUSTEES: NOVAK THOMAS & GLORIA		
Applicant	NOVAK REVOCABLE LIVING TRUST		
Applicant Address	501 MADRONE CANYON DR DRIPPING SPRINGS TX 78620-2421		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
INCOMPLETE APP	3/5/2025			
OTHER	3/5/2025			WAITING ON PAYMENT
DRB DECISION	8/5/2025	9/4/2025	2/1/2026	

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT #7562

SUBJECT PROPERTY 0 West Hill Road [Lot S-1 and S-2]; Tax Map 16-028.000

PROPERTY OWNER/APPLICANT:
Novak Revocable Trust
501 Madrone Canyon Drive
Dripping Springs, TX 78620

APPLICATION

The Applicant/Property Owner, Novak Revocable Trust (herein referred as the 'Applicant'), requests approval for a boundary line adjustment between two (2) adjacent lots owned by the Applicant – Lots S-1 and S-2. Both lots are pre-existing lots created prior to the adoption of the Subdivision Regulations and span the municipal boundary line between the towns of Stowe and Morristown. The application seeks to reconfigure the boundaries of these two (2) pre-existing lots (S-1 and S-2) so that both lie entirely within the Town of Stowe. Lot S-1 is proposed to contain ±5.01 acres in area and Lot S-2 is proposed to contain ±5.84 acres in area. The subject lots are located off West Hill Road (Class 3 Town Road), and are in the Rural Residential 5 (RR5) zoning district. The application was reviewed by the Development Review Board (DRB) under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) (the "Regulations"). The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A development application was received by the Town of Stowe Department of Planning & Zoning on March 5, 2025. The application was deemed administratively complete by Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for July 15, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on June 26, 2025. The Applicant submitted the Certificate of Service on July 2, 2025.

The public hearing to consider the application convened on July 15, 2025, with a quorum of the DRB present. The hearing was held at the Stowe Town Office, with remote participation available via Zoom. No *ex parte* communications or conflicts of interests were reported. Members participating in the July 15th review included: Drew Clymer, David Kelly, Mary Black, Patricia Gabel, Peter Roberts, Tom Hand, and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

PARTICIPANTS & INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, Mumley Engineering, PO Box 68, Morrisville, VT 05661
2. Tom Novak, 501 Madrone Canyon Drive, Dripping Springs, TX 78620

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 03/25/2025;
2. Project Narrative, prepared by Mumley Engineering, Inc., dated 02/27/2025;
3. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 03/25/2025;
4. Details II, Sheet C-3, prepared by Mumley Engineering, Inc., dated 01/30/2025;
5. Approved Driveway Entrance Permit, dated 03/28/2025;
6. Email from Chris Brunelle, VT ANR River Management Engineer, dated 01/24/2025;
7. Email from Noel Dodge, VT ANR Wildlife Biologist, dated 02/05/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact

The Applicant's request for a boundary line adjustment was reviewed by the DRB for conformance with applicable requirements of the Zoning Regulations (effective January 31, 2024), including the following:

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 9- Ridgeline and Hillside Overlay District

And the following sections of the Subdivision Regulations (as amended through July 16, 2012):

- Section 2- General Provisions
- Section 3- Administration and Enforcement
- Section 4- Subdivision Requirements
- Section 5- Planning and Design Standards

Dimensional Requirements

Zoning District.

1. The subject lots are within the Rural Residential 5 (RR5) zoning district as shown on the official Town of Stowe Zoning Map.

Lot Area, Lot Width.

2. The minimum lot size requirement in the RR5 zoning district is five (5) acres.

3. The Applicant requests approval for a boundary line adjustment between Lot S-1 & Lot S-2, as shown on the Site Plan. Following the adjustment, Lot S-1 will contain ±5.01 acres and Lot S-2 will contain ±5.84 acres.

4. The minimum lot width in the RR5 zoning district is three hundred (300') feet. Lot S-1's width will be ±529 feet and Lot S-2's width will be ±571 feet.

Setbacks.

5. Setback requirements within the RR5 zoning district, as outlined under Table 6.2 are: front (70'), side (75'), and rear (75').

6. Both lots S-1 & S-2 are undeveloped. The Applicant provided a Site Plan that identifies the applicable setback lines with future homesite locations.

7. Section 15.6(2) of the Zoning Regulations requires driveways in the RR5 District to be setback twenty-five (25') feet from property lines. The Site Plan shows the future driveway twenty-five (25') feet from the side yard property line which complies with this requirement.

8. Section 3.10 requires a minimum setback of fifty (50') feet from watercourses.

9. A mapped stream runs in a south to north direction, through Lot S-2. The Site Plan identifies the stream location and its associated fifty (50') foot buffer. The future driveway extending to Lot S-1 will cross the stream. The Site Plan includes the location of a proposed culvert. The Applicant will need to obtain the necessary permit(s) from the State of Vermont prior to any development across the stream and within the buffer.

10. Section 3.10 specifically allows driveways to be located within the fifty (50') foot setback.

11. The Site Plan shows a driveway width of twelve (12') feet, which complies with §3.10(1).

Density.

12. In the RR5 zoning district, allowed density is one (1) single-family or two-family dwelling per five (5) acres. After the boundary line adjustment, each lot will meet the minimum lot size requirement of five (5) acres and thus meets the minimum density requirement of the RR5 District.

Conclusion: Based upon the above findings, the DRB concludes the project, as proposed, meets the minimum dimensional requirements.

SUBDIVISION REGULATIONS

SECTION 5.1 – GENERAL PLANNING STANDARDS:

13. The DRB reviewed the application and finds the proposed boundary line adjustment will have no impact on the following review criteria and are not applicable to the proposed project:

Section 5.1(1) – Character of Land for Subdivision
Section 5.1(2) – Natural and Scenic Features
Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities
Section 5.1(4) – Historic Resources and Community Character
Section 5.1(5) – Reserved Strips
Section 5.1(6) - Screening
Section 5.1(7) – Pedestrian Access
Section 5.1(8) – Traffic
Section 5.1(9) – Municipal Facilities
Section 5.1(11) – Building Zone
Section 5.1(12) – Fire Protection Facilities
Section 5.1(13) – Disclosure of Subsequent Development Plans
Section 5.1(14) – Private Enforcement Mechanisms
Section 5.2 – Prominent Hillsides and Ridgelines (RHOD)
Section 5.3 – Open Space and Cluster Development

Section 5.4 – Road Standards and Coordination with Public Highways
Section 5.5 – Utilities and Stormwater Management

Section 5.1(10) – Lot Configuration:

14. The Applicant proposes to adjust the boundary line between two (2) pre-existing lots - Lot S-1 & S-2.

15. The proposed lot line adjustment does not create an irregular lot shape(s).

Conclusion: Based on the above findings, the DRB concludes the project conforms with Section 5.1(10) – Lot Configuration.

DECISION

Based upon the above findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for Subdivision Review of a boundary line adjustment as described in the application #7562 and associated supporting materials, subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, include:

   a) Town of Stowe Development Application, dated 03/25/2025;
   b) Project Narrative, prepared by Mumley Engineering, Inc., dated 02/27/2025;
   c) Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 03/25/2025;
   d) Details II, Sheet C-3, prepared by Mumley Engineering, Inc., dated 01/30/2025;
   e) Approved Driveway Entrance Permit, dated 03/28/2025;
   f) Email from Chris Brunelle, VT ANR River Management Engineer, dated 01/24/2025;
   g) Email from Noel Dodge, VT ANR Wildlife Biologist, dated 02/05/2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Pursuant to 24 VSA Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations and shall include the following notation:

   "This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office".

4. The Applicant shall file the final survey plat, signed by the Chair or other authorized representative of the DRB, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
5. Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors.

6. The approved building zones on Lots S-1 & S-2 must be clearly shown and labeled on the recorded subdivision plat. Future buildings and structures constructed on these lots shall be located within the designated building zone. No additional DRB approval is needed for structures, uses or improvements located within a building zone which otherwise require only approval by the Zoning Administrator under the Regulations.
7. The electrical and other utilities to serve Lots S-1 & S-2 shall be installed below ground, unless otherwise approved by the DRB.
8. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his successors agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, David Kelly, Mary Black, Patricia Gabel, Peter Roberts, Tom Hand, and Scot Baraw
Voting to deny: None

Dated at Stowe, Vermont this the 6th day of August 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7587		
Application Date	4/10/2025		
Physical Location	1652 MOUNTAIN RD		
Map ID	06-088.000	**Tax ID**	25015
Project Description	SEASONAL FOOD TRUCK / BEER GARDEN		
Owner	JDVT LLC		
Applicant	MAZEL TEC, INC		
Applicant Address	PO BOX 1507		
	STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	8/5/2025	9/4/2025	9/4/2027	NO CONDITIONS

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT 7587

SUBJECT PROPERTY 1652 Mountain Road; #06-088.000

PROPERTY OWNER
JDVT LLC
PO Box 1507
Stowe, VT 05672

APPLICANT
Muzli LLC/Josh Wolfgang
PO Box 1507
Stowe, VT 05672

APPLICATION

The Applicant, Muzli LLC/ Josh Wolfgang, on behalf of property owner JDVT LLC (herein referred to as 'Applicant'), requests approval to host a temporary ice cream truck and beer garden with up to three (3) rotating food trucks within the open yard space at 1652 Mountain Road during the summer months. Regular business hours are from 8:00 AM to 8:00 PM during weekdays and 8:00 AM-10:00 PM on weekends. The proposed location of the food trucks and beer garden are shown on the site drawing provided with the application. The subject parcel is located in the Mountain Road Village (MRV) district. The Development Review Board (DRB) approved a similar application for an ice cream truck (Project #7374) on June 17, 2024 with a six (6) month expiration period. The permit expired on December 17, 2024, and the Applicant now seeks approval to have the ice cream truck and beer garden with three (3) rotating food trucks onsite between June 1, 2025 and November 15, 2025. The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of conditional use and site plan review, including Section 4.15 (temporary structures). The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

An application for conditional use and site plan review was filed by Applicant Muzli LLC/ Josh Wolfgang on April 10, 2024. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for June 4, 2024 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on June 12, 2025. The Applicant provided the Certificate of Service on June 1, 2025.

The public hearing to consider the application convened on July 1, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Peter Roberts, Mary Black, David Kelly, Patricia Gabel, Lynn Altadonna and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

- Josh Wolfgang, PO Box 1507, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, received 04/24/2024;
2. Project narrative, no date;
3. Appendix A, Proposed location site drawing, no date;
4. Appendix B, Outdoor lighting specifications, no date;
5. Appendix C, Parking Requirements, no date;
6. Criteria Response, Conditional Use, no date;
7. Criteria Response, Temporary Structure, no date.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law:

The Applicant's request for conditional use and site plan review was reviewed by the DRB for conformance with applicable requirements of the Town of Stowe Zoning Regulations (effective January 31, 2024) including the following:

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Section 4.15 – Temporary Structures

1. **Section 4.15(2)** requires "*All temporary structures including, but not limited to, trailers, tents, trucks and other registered vehicles and carts with an area greater than 32 sq. ft. selling or serving goods or food, and mobile homes used for temporary office or storage space may be permitted as a temporary accessory structure to an existing or proposed approved use. Such structures shall not be used for dwelling purposes.*" The Applicant proposes to host a temporary a temporary ice cream truck and beer garden with up to three (3) rotating food trucks; the proposed locations are shown on the site plan provided with the application.

2. **Section 4.15(3)** states "*A permit for a temporary structure may be issued for a specified period of time not to exceed six (6) months.*" As noted above, the Applicant proposes to host an ice cream truck and beer garden with up to three (3) rotating food trucks between June 1, 2025 and November 15, 2025. Temporary structures may be issued a permit not to exceed six (6) months.

3. **Section 4.15(4)** states "*A temporary structure that is to be used as an extension or expansion of a conditional use will require conditional use approval from the DRB, unless the Zoning Administrator determines that the structure is a minor alteration to a conditional use and can be administratively approved.*" Staff referred the application to the DRB for conditional use and site plan review.

4. **Section 4.15(5)** states "*A temporary structure shall be dismantled or removed upon expiration of the permit, unless the applicant applies for a new permit.*"

Conclusion: The DRB concludes the proposal is in conformance with the applicable provisions for temporary structures. As conditions of approval, the DRB will require that the temporary structures not be used for dwelling purposes and that the zoning permit expires in six (6) months. At such time, the temporary structure(s) shall either be removed from the premises, or the Applicant shall obtain a new permit in accordance with §4.15(5).

Section 3.7(2)(A) – Standards of review (Conditional Use Applications):

5. Upon review, the DRB concluded the following standards are not applicable to the application:

Section 3.7(4)(C) – The character of the area affected
Section 3.7(4)(D) – Regulations and ordinances in effect
Section 3.7(4)(E) – Utilization of renewable energy sources
Section 3.7(4)(F) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas
Section 3.7(4)(G) – Project will not result in undue water, noise or air pollution

Section 3.7(4)(A) – Capacity of existing or planned community facilities and services:

6. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

7. No Municipal Department review forms returned indicated that the proposed development would have any adverse impact on existing or planned community facilities and service.

Conclusion: Based on the above findings, the DRB concludes the proposal will not result in an undue adverse effect on the Town's existing or planned facilities or services.

Section 3.7(4)(B) – Traffic on roads and highways in the vicinity:

8. The Applicant proposes to host an ice cream truck and beer garden with up to three (3) rotating food trucks between June 1, 2025 and November 15, 2025.

9. The Applicant testified that most traffic comes from users of the adjacent bike/rec path. Vehicular traffic coming specifically for the temporary structures is not anticipated.

Conclusion: Based on the above findings, the Board concludes the proposal will not create an undue adverse impact on traffic on roads and highways in the vicinity.

Section 3.16(C) & (D) – Standards and Conditions (Site Plan Review):

10. Upon review, the DRB concluded that the following standards are not applicable and the project will have no impact on the following criterion:

Section 3.16(C)(1) –Access Management
Section 3.16(C)(2) – Shared Access
Section 3.16(C)(4) – Pedestrian Circulation and Access
Section 3.16(C)(6) – Stormwater Management
Section 3.16(C)(7) – Outdoor Lighting
Section 3.16(D)(1)(A) – Driveways and Road Edge Treatment
Section 3.16(D)(1)(B) – Front Yard Treatment
Section 3.16(D)(1)(C) – Parking
Section 3.16(D)(1)(D) – Pedestrian Circulation and Sidewalks
Section 3.16(D)(1)(E) – Internal Road Network and Traffic Mitigation
Section 3.16(D)(1)(F) – Orientation of Buildings with the Site

Section 3.16(C)(3) Circulation and Parking:

11. The subject parcel contains a retail uses and twenty-three (23) apartments within two (2) existing buildings.

12. The Applicant provided Appendix C – Parking Requirements, which breaks down the uses on the parcel and their associated parking requirements.

13. Table 15.2, *Minimum Parking Spaces,* requires one (1) space per three hundred (300) square feet of gross floor area for retail uses, and one (1) space per dwelling unit.

14. Given the gross floor area of retail space (13,150 sq. ft.) and the number dwelling units (23), a total of forty-four (44) parking spaces for the retail spaces and twenty-three (23) parking spaces for the dwelling units are required.

15. Appendix C incorrectly assesses parking requirements for dwelling units at two (2) spaces per unit.

16. Appendix C calculates parking for the green space (ice cream truck and beer garden with rotating food trucks) at one (1) space for every three (3) seats plus three (3) spaces for peak hour employee parking. With eighteen (18) seats and three (3) employees at peak hours, a total of nine (9) parking spaces is required.

17. The overall parking required for all uses on the property, including the temporary ice cream truck and beer garden and three (3) rotating food trucks, totals seventy-six (76) parking spaces.

18. The Appendix C notes that there is one hundred (100) parking spaces provided on the site.

Conclusion: Based on the above findings, the DRB concludes the existing circulation and parking improvements represent safe and adequate access and circulation for the intended temporary use.

Section 3.16(C)(5) Landscaping and Screening:

19. The Applicant testified that the food trucks will be parked in a location shielded by existing landscaping and an existing deck.

Conclusion: Based on the above finding, the DRB concludes the existing landscaping and screening are appropriate for the intended temporary use and site location.

Section 4: Specific Use Standards

Section 4.8 Outdoor Lighting.

20. The Applicant proposes outdoor string lighting within the nearby trees. Per Section 4.8(2)(B), holiday lighting is exempt from the outdoor lighting provisions. *B. Holiday lights and decorations with no commercial message between November 15 and April 1. Decorative, non-blinking white lights may be installed during the balance of the year.*

Conclusion: Based on the above finding, the DRB concludes Section 4.8 does not apply.

DECISION

The DRB hereby approves the Applicant's request for conditional use and site plan review (Project 7587) at 1652 Mountain Road parcel (#06-088.000) as described in the application dated 04/10/2025 and associated supporting materials subject to the following conditions of approval:

1. The project shall be completed according to the plans hereby approved. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans are:

a. Town of Stowe Development Application, received 04/24/2024;
b. Project narrative, no date;
c. Appendix A, Proposed location site drawing, no date;
d. Appendix B, Outdoor lighting specifications, no date;
e. Appendix C, Parking Requirements, no date;
f. Criteria Response, Conditional Use, no date;
g. Criteria Response, Temporary Structure, no date.

2. All conditions of previous approvals, except as amended herein, remain in full force and effect.
3. The zoning permit for this application shall expire six months from the date of this decision. At such time, the temporary structure (food truck) shall either be removed from the premises, or the Applicant shall obtain a new permit in accordance with Section 4.15(5).
4. The temporary structure shall not be used for dwelling purposes.
5. The temporary structure shall use on-site electrical utilities.
6. The approved days and hours of operation for the temporary structure(s) and beer garden are limited to 8:00 am-8:00 pm (weekdays) and 8:00 am-10:00 pm (weekends), except as otherwise approved by the DRB.
7. There shall be no amplified music after 10:00 pm. Any amplified outdoor music shall not be audible within the buildings on the adjacent properties when the adjacent building windows are closed.
8. All temporary signage must comply with Section 14 of the Regulations.
9. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant and his successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, David Kelly, Peter Roberts, Patricia Gabel, Lynn Altadonna and Scot Baraw
Voting to deny: None

Motion PASSED 7-0

Dated at Stowe, Vermont this the 5th day of August 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Please note that there are conditions of approval required to be met before your Zoning Permit can be issued. Once you fullfill these conditions your zoning permit will be sent to you

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7654		
Application Date	7/10/2025		
Physical Location	3418 MOUNTAIN RD		
Map ID	11-149.000	**Tax ID**	25035
Project Description	AMENDMENT SPRUNG STRUCTURE TO METAL BUILDING		
Owner	CORK SEVEN LLC		
Applicant	CORK SEVEN LLC		
Applicant Address	1940 MOUNTAIN RD STOWE VT 05672-4745		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	8/19/2025	9/18/2025	9/18/2027	APPROVED WITH CONDITIONS

Sarah McShane

Zoning Office

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT# 7654

SUBJECT PROPERTY 3418 Mountain Road; Tax Map # 11-149.000

PROPERTY OWNER/APPLICANT
Cork Seven LLC
1940 Mountain Road
Stowe, VT 05672

APPLICATION

The Applicant/Property Owner, Cork Seven LLC (herein referred to as the "Applicant") requests modifications to the previously approved Project #7039. On February 7, 2023, the Development Review Board (DRB) granted conditional use approval to construct an 80' x 150' indoor recreational facility with associated site improvements and municipal water and sewer connections. The facility was permitted to operate with up to five (5) trainers, one (1) non-trainer, forty (40) participants, and ten (10) spectators at any given time. The Applicant now proposes to construct an insulated rustic red metal building opposed to the previously approved 'spring structure'. The proposed building dimensions, location, use, and site plan elements all remain as originally permitted. The subject parcel, consisting of ±4.05 acres and located at 3418 Mountain Road (Tax Map #11-149.000), is in the Upper Mountain Road (UMR) zoning district. The property is served by Mountain Road (VT-108), a state highway maintained by the Vermont Agency of Transportation. The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective January 31, 2024) for the purpose of amended conditional use review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by Applicant on July 10, 2025. The application was accepted as administratively complete by Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for August 5, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on July 17, 2025 and publicly posted at the Town Office, Library, and Police Station.

The public hearing to consider the application convened on August 5, 2025, with a quorum of the DRB present. The hearing was held at the Stowe Town Office, with remote participation available via Zoom. A.Volansky recused himself, otherwise no other conflicts of interests or *ex parte* communications were reported. Members participating in the August 5th review included: D. Clymer, T.Hand, M.Black, P.Gabel, S.Baraw, P.Roberts, and C.Dillon. Following the submission of testimony and evidence, the DRB adjourned the hearing that evening, marking the start of the 45-day period for the issuance of written findings and a decision.

PARTICIPANTS & INTERESTED PARTIES

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Noah Labow & George Coultas, The Green Mountain Experience LLC, 277 Frazier Rd, Morrisville, VT 05661

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

a. Town of Stowe, Development Application dated 7/10/25.
b. Project Narrative dated 7/1/25.
c. Building Specification Sheet, provided by QE Building Company, no date, 5 pages
d. Preliminary Drawings, no date, 33.pgs.
e. Building height diagram, no date

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for amended conditional use approval was reviewed by the DRB for conformance with applicable requirements of the Town of Stowe Zoning Regulations (effective January 31, 2024) including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3 – Conditional Use & Site Plan Review

Section 2.7(2) of the Zoning Regulations grants the Zoning Administrator the authority to administratively review and approve minor modifications, alterations and changes of use on or to properties containing a conditional use or a permitted use subject to site plan review. However, the Zoning Administrator referred the application to the DRB under §2.7(2) since the request involves modifying a specific condition of approval involving building color.

Section 2.16 Flexibility and Finality in the Permitting Process (Stowe Club Test)

1. In order to determine if it is appropriate under the circumstances to allow an amendment of a permit or approval, the DRB shall evaluate any application that proposes an amendment of a final approval and assess the competing policies of flexibility and finality in the permitting process.

2. An amendment is considered a request to modify the project plans, exhibits, and /or representations by the applicant that lead to the decision and which have been incorporated into the approval through a specific or general condition. As stated in §2.16, conditions include all stated conditions in a decision and elements of a recorded plat or plan.

3. The Applicant requests modifications to the previously approved Project #7039. The proposed building dimensions, location, use, and site plan elements all remain as originally permitted; however, the Applicant now proposes to construct an insulated rustic red metal building opposed to the previously approved 'spring structure'.

4. Under Project# 7039, the DRB conditioned it approval as follows: *The building color shall be a one tone muted earth color to blend into the natural surroundings*. This mitigation measure was deemed necessary due to the building's overall size and location.

5. The changes sought by the Applicant propose a modification to this condition of approval. The DRB therefore finds the Applicant is seeking an amendment to a final approval.

6. The DRB, in its Findings of Fact and Conclusions of Law approving Project 7039, made a single finding related to the proposed building color as follows:

h. The Applicant testified the building color will be of earth-tone to blend into its surroundings.

7. There is no additional evidence to suggest that the earth tone condition was applied by the DRB to resolve a critical issue, rather the building color was proposed by the Applicant and accepted by the DRB as adequate mitigation.

Conclusion: Section 2.16 requires the DRB to balance the need for flexibility with the importance of finality when reviewing any proposed amendment to a final approval. The central question is whether the amendment sought by the Applicant necessitate a Stowe Club analysis (§2.16). To determine this, the DRB must first consider whether the amendment involves altering a final condition that was originally included to address a critical issue. If so, the DRB must apply the Stowe Club analysis when reviewing the proposed amendment. If not, the DRB may proceed with reviewing the application based solely on its merits. The DRB must consider whether the proposed change is one it would have denied, required to be modified, or otherwise found significant if it had been included in the original application - and whether it would have influenced the DRB's original decision.

The Applicant seeks to modify the proposed building color which was included as a specific condition of approval (Condition # 5) under Project# 7039. While the DRB concludes that the Applicant's request to modify a condition of approval constitutes an amendment to a final approval and therefore triggers preliminary review under the Stowe Club analysis, it must first determine whether the proposed change relates to a condition included to address a critical issue. Upon reviewing the procedural history of the project and hearing record, the DRB finds that while the DRB did include a specific condition of approval requiring the proposed building to be of single tone of muted earth color, this condition related to the Applicant's proposal and was not specifically imposed by the DRB itself during the review process to resolve a critical issue. As such, the DRB concludes the requested modifications do not represent a critical issue and the DRB may proceed to review the application based solely on its merits.

Dimensional Requirements

1. **Zoning District.** The subject parcel is located in the Upper Mountain Road (UMR) District as shown on the Official Town of Stowe Zoning Map.

2. **Lot Area, Lot Width.** The parcel contains ±4.05 acres. No change to lot area or lot width are proposed under this application.

3. **Setbacks.** There is no change to the previously approved building setbacks.

4. **Maximum Building Coverage**. The maximum building coverage in UMR is 8%. There is no change to the previously approved building coverage.

5. **Use**. There is no change to the previously approved use -indoor recreation facility.

6. **Height.** The maximum building height in UMR is 28'. The revised elevation drawings label the building height to be twenty-six (26) feet and eight (8) inches (26' 8").

Conclusion: Based upon the above findings, the DRB concludes the project meets all applicable use and dimensional requirements as set forth in the UMR district.

Section 3.7(2)(A) – Standards of review (Conditional Use Applications) The DRB must determine that the use will conform to the following set of standards and will not result in an undue adverse effect on the following:

7. Upon review, the DRB concludes the proposed project will have no impact on the following conditional use criteria:

    - Capacity of existing or planned community facilities and services
    - Traffic on roads and highways in the vicinity
    - Regulations and ordinances in effect:
    - Utilization of renewable energy sources:
    - Project will not result in undue water, noise or air pollution.

Section 3.7(2)(A)(3) – The character of the area affected

8. The subject parcel is in the UMR zoning district. The general purpose of the UMR district outlined in the Regulations is as follows:

    To control development along the "upper" Mountain Road in a manner that allows for residential, recreation and low-density commercial uses of property while preserving the rural character of the landscape, discouraging strip development and promoting the ongoing viability of existing land uses.

9. Dominant land uses in the vicinity include a mix of commercial, residential, and tourism related services.

10. The DRB previously determined that the project met the character of the area – the only change now involves building construction material and color.

11. The proposed building is situated off from VT-108/Mountain Road and is not expected to be visible from the traveled way.

12. The parcel is currently vacant but previously supported a lodging facility (Winterhaus) that has been demolished and removed from the property.

Conclusion: Based on the above findings, the DRB concludes the proposal will not adversely affect the character of the area as defined under the town's zoning regulations.

Section 3.7(2)(B)(1) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas

13. According to the ANR Natural Resources Atlas there are no rare or endangered species, or deer wintering areas on the parcel.

14. The parcel is currently vacant but was previously developed with a former lodging facility, impervious surfaces, and related improvements.

15. Surrounding the parcel are a mix of commercial, residential, and tourism related services and businesses. The parcel contains frontage on Mountain Road (VT-108), a heavily traveled road connecting Stowe Village and Stowe Mountain Resort.

16. The project is set back away from the traveled way and is not expected to be visible from Mountain Road/VT-108.

17. Adjacent to the parcel is a historic building, the Luce McManus Williams Residence, as documented on the historic sites survey. The proposed building is set back away from the shared property line and will not impact the historic character of the residence.

18. The proposed building will consist of two (2) colors, unpainted metallic roofing material and rustic red metal siding color.

Conclusion: Based on the above findings, the DRB concludes the project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

DECISION

Motion by T.Hand, seconded by P.Roberts, the DRB hereby approves the Applicant's request for amended conditional use, as outlined in the development application dated July 1, 2025 and supporting plans and drawings, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, are:

   a. Town of Stowe, Development Application dated 7/10/25.
   b. Project Narrative dated 7/1/25.
   c. Building Specification Sheet, provided by QE Building Company, no date, 5 pages
   d. Preliminary Drawings, no date, 33.pgs.
   e. Building height diagram, no date

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Prior to the issuance of a zoning permit, the Applicant shall submit the proposed roof material manufacturer's cut sheet to the Zoning Administrator. The roof material shall have a non-reflective or matte finish.
4. The building shall be finished in rustic red, as proposed, or in an alternative earth-tone color selected from the approved color palette provided by the Applicant.
5. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

Voting in favor: D. Clymer, T.Hand, M.Black, P.Gabel, S.Baraw, P.Roberts, and C.Dillon.
Voting to deny: None

Dated at Stowe, Vermont this the 19th day of August 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Please note that there are conditions of approval required to be met before your Zoning Permit can be issued. Once you fullfill these conditions your zoning permit will be sent to you

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7564		
Application Date	3/6/2025		
Physical Location	354 SOUTH MAIN ST		
Map ID	7A-002.010	**Tax ID**	01002
Project Description	REDEVELOPMENT OF 42 UNIT RESIDENTIAL BUILIDNG. WILL REPLACE LUMBER RETAIL SHOP		
Owner	354 SOUTH MAIN ST LLC		
Applicant	354 SOUTH MAIN ST LLC NICK DONZA		
Applicant Address	PO BOX 882 STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	8/19/2025	9/18/2025	9/18/2027	APPROVED WITH CONDITIONS

Sarah McShane

Zoning Office

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law

PROJECT: 7564

SUBJECT PROPERTY: 354 Main Street, Stowe, Vermont; Tax Map# 7A-002.010

PROPERTY OWNER/APPLICANT:
354 S. Main Street LLC
PO Box 882
Stowe, VT 05672

APPLICATION

The Property Owner/Applicant, 354 S.Main Street LLC (herein referred to as the "Applicant"), requests combined conditional use, site plan, and design review approval to demolish the existing fire damaged building at 354 South Main Street and construct a new three-story multi-family dwelling consisting of forty-two (42) dwelling units, covered parking, and related site improvements. The subject property, consisting of ±2.7 acres and located on Tax Map #7A-002.010, is in the Village Commercial 10 (VC10) Zoning District and the Stowe Historic Overlay District (SHOD). Portions of the property are also within the Flood Hazard Overlay District (FHOD). The property is bounded on the east by Palisades Street and the Stowe Public Safety Building (350 South Main Street), to the west and south by the Little River, and to the north by a commercial property owned by DD Outback LLC (356 South Main Street). The existing lot was created and approved by the Development Review Board (DRB) in 2019 under Project 5940 and as shown on the recorded subdivision plat in Map Book 23, Page 34 of the Town of Stowe Land Records. The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (as effective January 31, 2024) for the purposes of combined conditional use, site plan, and design review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by the Applicant on March 6, 2025. The application was first reviewed by the Stowe Historic Preservation Commission (SHPC) on March 19, 2025, and again on April 2, 2025, and April 16th, during which the SHPC offered a positive recommendation. Following the SHPC's review, the application and recommendation were then referred to the DRB for a public hearing. A public hearing was scheduled for August 5, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on July 17, 2025. The Applicant provided a certificate of service in accordance with the Regulations.

The public hearing to consider the application convened August 5, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interest were reported. Members who participated in the August 5th hearing included: Drew Clymer, Mary Black, Patricia Gabel, Peter Roberts, Andrew Volansky, Tom Hand, and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, Mumley Engineering, Inc., PO Box 68, Morrisville, VT 05661
2. Tifanny & Nick Donza, PO Box 882, Stowe, VT 05672

3. Kelley DesRoches (Architect), 38 Eastwood Dr., Suite 301, South Burlington, VT 05403
4. Amanda Marquis, TJ Boyle Associates, 301 College Street, Burlington, VT 05401
5. Tim & Erika Bryan, 352 South Main St, Stowe, VT 05672
6. AJ Shinners, 52 River Road, Stowe, VT 05672

THE HEARING RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 5/1/25
2. Project Narrative, prepared by Mumley Engineering, Inc., dated 5/1/25
3. Floor Plans, prepared by WLA, dated 4/16/25
4. Floor Plans (2nd & 3rd) prepared by WLA, dated 4/16/25
5. SD Elevations, prepared by WLA, dated 4/16/25
6. Enlarged East Elevation, prepared by WLA, dated 4/16/25
7. Enlarged East Elevation (CLR), prepared by WLA, dated 4/16/25
8. Axon views, prepared by WLA, dated 4/16/25
9. Renderings, prepared by WLA, dated 4/16/25
10. Landscape Plan, L1.0, prepared by T.J. Boyle Associates, dated 4/9/25
11. Partial site plan C-4, 4/30/25
12. Erosion Prevention & Sediment Control Plan, prepared by Tyler Mumley Engineering Inc., C-5, dated 4/30/25
13. Site Details C-6 prepared by Tyler Mumley dated 4/30/25
14. Site Lighting, prepared by S. Kimball, dated 2/24/25
15. Allegra Specification sheet, no date
16. Lumencore Recessed specification sheet, no date
17. Lumenblade Specification sheet, no date
18. Site plan, C-2, prepared by Mumley Engineering, revised 5/14/25
19. Non-Conforming Structure sketch, dated 5/14/25
20. Non-Conforming Structure sketch, revised 5/20/25
21. HPC Letter of Project Recommendation, dated 5/7/25
22. Non-conforming analysis, no date
23. Narrative, prepared by Mumley Engineering, Inc., dated 7/28/25
24. LOMA, dated 4/18/2025
25. Overall Schematic Site Plan, prepared by Mumley Engineering Inc., dated 7/23/25
26. SD Elevations, Mill Village Apartments, prepared by WLA, dated 4/16/25
27. Email comments from Harry Shepard DPW, dated 7/17/2025;
28. Town of Stowe Fire Department comments, dated 7/11/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for combined conditional use, site plan, and design review was reviewed by the DRB for conformance with applicable requirements including the following:

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 7 – Flood Hazard District

- Section 10- Stowe Historic Overlay District
- Section 15- Parking Regulations

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject property is located in the Village Commercial 10 (VC10) Zoning District and the Stowe Historic Overlay District (SHOD), as shown on the Official Town of Stowe Zoning Map. Portions of the property are also within the Flood Hazard Overlay District (FHOD).

2. **Lot Area, Lot Width.** The existing lot area contains ±2.7 acres. This acreage is based on a recorded boundary survey. No changes to lot area or lot width are proposed under this application.

3. **Setbacks.** The minimum setbacks required in the VC10 District are: front ten (10') feet, side ten (10') feet, and rear ten (10') feet. Under §3.10, a fifty (50) undisturbed riparian setback must also be maintained, as measured from the top of the riverbank.

4. The requirements listed in §3.10 were incorporated into the Zoning Regulations on February 9, 1998. At the time of adoption, the building in its current configuration existed – including the three (3) building additions permitted under BA- 7A-002-1 and approved by the Board of Adjustment on May 3, 1988 (prior to the adoption of the watercourse setback). As such, the existing building is considered a lawful pre-existing nonconforming structure, as defined under the Regulations. The building became nonconforming at the time of adoption of the watercourse setback – February 9, 1998.

5. Section 16.115 defines the term '*non-conforming structure.*'[1]

6. The proposed building meets all setback requirements for the underlying VC-10 District but does not meet the fifty (50) undisturbed riparian setback, as required under §3.10.

7. The Applicant provided an analysis (Exhibit #22) which illustrates the existing non-conforming building footprint, overlaid with the proposed building footprint in relation to the fifty (50) riparian setback. Section 3.9 guides '*alterations, enlargements, relocations and/or replacement*' of nonconforming structures. This section allows nonconforming structures to be '*altered, enlarged, relocated and/or replaced*' with a new structure (or structures) in a manner which does not achieve full compliance with the setback requirements provided the degree of non-compliance is not increased except as provided for under §3.9. The Regulations state that in no case shall the length of cumulative total of all proposed and future expansions or alterations exceed 50% of the length of the existing nonconforming portion of the structure at the time the structure became nonconforming. In this case, the existing structure became nonconforming on February 9, 1998.

8. The existing building contains approximately ±4,965 sf within the riparian setback. The proposed building contains ±5,180 sf within the riparian setback, an increase of approximately 4.3%. The existing length of the nonconforming building is 187 liner feet. The proposed building length is 209 linear feet, an 11.7% increase. The project complies with the requirements for expansions of nonconforming structures.

9. On average and under the worst-case scenario, the proposed building is being relocated further away from the river. In addition to the nonconforming building, under existing conditions there is a significant amount of impervious surfaces consisting of gravel. Proposed conditions will include re-vegetated surfaces.

[1] §16.115 defines the term Nonconforming Structure as follows: *A structure or part of a structure that does not conform to the present regulations but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present regulations, including a structure improperly authorized as a result of error by the administrative officer.*

10. **Maximum Building Coverage.** The VC10 District has no maximum building coverage requirement. This provision is not applicable.

11. **Use.** The subject property contains an existing lumber/retail shop which was recently damaged by fire. The building is presently vacant. The Applicant proposes to demolish the existing building and construct a new multi-family dwelling.

12. Multi-family dwellings are defined as: *A residential building containing three (3) or more dwelling units in the same building, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall, except for a common stairwell exterior to both dwelling units*. (§16.199).

13. Multi-family dwellings are a conditional use in the VC-10 District as set forth in Table 6.1 of the Regulations.

14. **Density.** In the VC10 District, allowed density for multi-family dwellings is one (1) unit per two thousand five hundred (2,500) square feet of lot area.

15. A ±2.7-acre lot (117,612 sq. ft.) can support up to forty-seven (47) dwelling units. The application proposes forty-two (42) dwelling units. The application conforms to the density requirements in the VC-10 District.

16. **Height.** The maximum building height in the VC-10 District is twenty-eight (28) feet or thirty-five (35) feet when certain criteria are satisfied.

17. Footnote #4 on Table 6.2, as applicable to the VC-10 District, allows for the maximum building height not to exceed thirty-five (35) feet above the ground elevation of the Main Street side of the Akeley Memorial Building/Stowe Town Offices when fifty (50%) percent or more of the required parking is located under the building.[2]

18. Thirty-three (33) parking spaces are proposed in the garage. The Regulations require a total of forty-two (42) parking spaces. As proposed, more than fifty (50%) percent of the required parking spaces are located below the building within the parking garage.

19. The existing grade at the Main Street side of the Akeley Building is approximately elevation 722' which allows a maximum allowed building height to be 722' plus thirty-five (35') vertical feet, resulting in a maximum elevation of 757 feet.

20. The average finished grade at the building site is near elevation 698.75', approximately twenty-three (23) feet lower than existing grade at the Main Street side of the Akeley Building.

21. The roofline of the proposed building varies. Proposed elevations were provided in the hearing record and are below the maximum allowed. The top of stair tower elevation is 736.75', thirty-eight (38) feet above average grade to the west; the top of lobby elevation is 732.75', thirty-four (34) feet above average grade to the west; and the top of roof elevation 728.75', thirty (30) feet above average grade to the west.

22. The proposed building is approximately thirty (30) feet in height, however the top of the elevator shaft is higher but still less than the allowed elevation.

23. The proposed building is designed in accordance with the allowed maximum building height.

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[2] Footnote #4 reads: *Where the elevation and topography of the building site allows, the maximum building height may exceed 35 ft however the maximum building height not to exceed 35 ft above the ground elevation of the Main Street side of the Akeley Memorial Building/Stowe Town Offices when 50% or more of the required parking is located under the building.*

Conclusion: Based on the above findings, the DRB concludes that the proposed project complies with all applicable dimensional and use requirements of the VC10 District—specifically lot area, lot width, use, density, setbacks, and building height. The existing building is nonconforming and the proposed building will not increase the degree of nonconformity, except as allowed under the Regulations.

Section 3.7 – Standards of review (Conditional Use Applications):

Section 3.7(4)(A)- Capacity of existing or planned community facilities and services.

24. Planning & Zoning staff requested comments on the proposal from the respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

25. The project is designed to connect to municipal water and sewer systems. Municipal water and sewer allocations will be required from the Town Water & Sewer Commissioners to serve the project. The Applicant received preliminary allocations for fifty-four (54) bedrooms.

26. The Director of Public Works provided written comments to the Applicant as follows:

    We are NG with the conceptual re-route of the existing water services between the building and river as suggested. It does not appear that adequate width exists to incorporate relocated services to the buildings on 352 and maintain required separating distances to our municipal intercepting sewer, particularly on the south side. We also never want to have to deal with private water services within the tight spot between a multistory building and the river, if we ever had to go for repair or replacement of our abutting intercepting sewer. We think the water service relocation options as conceptual outlined in my 7/9 email below, but on the east side of the proposed building and not the west side between the building and river and within the excavation zone for access to our municipal sewer, is required for this application.

    Ryan/Sarah please allow this email exchange to be submitted to the DRB for their record and considerations for the upcoming hearing. Also, I recommend some correspondence or on the record verbal confirmation from the owners of 352 that they are willing to relinquish their existing water service easement and allow the relocation of their water services as required for this development.

27. Stowe Fire Department provided comments, dated 7/11/2025, with standard requirements to service the project. These included: the installation of a Fire Dept. Knox box, master door lock system, fire alarm system programming, a Fire Department Pre-Plan survey be held with the Fire Department, and improvements related to standpipes, FDC signage, ventilation, and other miscellaneous improvements. With these added requirements, the Fire Department can service the project.

28. The project will connect to an existing 8-inch water main located at the southeastern corner of the building, which extends from Main Street. This main previously crossed the river but currently terminates as a dead-end.

29. Sheet C3 shows the main sewer line extending from Mountain Road, crossing the river, and continuing to the sewer treatment plant. An existing stub is available to connect the proposed new sewer line.

30. The property owner is required to continue providing water service to the neighboring property at 352 South Main. The deed does not specify a fixed location for the waterline, allowing the owner to relocate it, provided that water pressure is maintained and the connection to the neighboring property remains at the same point.

31. No other municipal department comments were received. No Municipal Department review forms returned indicated that the proposed development would have any undue adverse impact on existing or planned community facilities and services.

Conclusion: Based on the foregoing findings, the DRB concludes that the proposal will not have an undue adverse impact on the Town's existing or planned facilities and services. As a condition of approval, the Applicant must finalize water and sewer utility plans to obtain any necessary connection permits from the Department of Public Works.

Section 3.7(4)(B) – Traffic on roads and highways in the vicinity.

32. The Applicant requests approval to redevelop the property and construct a multi-family dwelling containing forty-two (42) multi-family dwelling units, and related site improvements.

33. The project has been intentionally designed to minimize reliance on automobiles by encouraging pedestrian activity and walkability. By locating residential uses within the downtown village core, the project is expected to promote walking to nearby restaurants, jobs, and local services, thereby reducing the number of vehicle trips.

34. The Applicant estimates the project will result in a reduction of peak hour vehicle trips, as compared to the historic retail lumber yard. The Applicant estimates the prior use created thirty-three (33) peak hour trips and the proposed use will result in twenty-six (26) peak hour trips.

35. The Applicant proposes utilizing the existing two-way access entrance off South Main Street as the primary entrance/exit.

36. VT Agency of Transportation guidelines specify that a traffic study should be considered if the proposed development will generate seventy-five (75) or more peak hour trips.

37. Main Street through the Stowe village experiences high daily traffic volumes. The project is expected to slightly reduce the overall number of vehicle trips, compared to the prior existing use.

Conclusion: Based on the above findings, the DRB concludes the project will not result in an undue adverse impact on traffic on roads and highways in the vicinity.

Section 3.7(4)(C) – The character of the area affected.

38. The proposed project is located within the VC10 District. As set forth in the Regulations, the general purpose of this district is "*to promote the sound economic development of Stowe, to carry out the objectives of the Municipal Plan, to maintain Stowe Village as the center of community activity and to encourage the best use of land in central sections for general business.*" The specific purpose of the VC10 District is "*to maintain a denser pattern of development in the immediate center of the Village.*"

39. The subject property contains an existing fire damaged building which is presently vacant.

40. The subject property is surrounded by a mix of residential, commercial, and municipal uses.

41. The Applicant provided architectural renderings illustrating how the proposed buildings will appear in relation to surrounding buildings and the public right-of-way.

42. The existing property is developed, sits back from South Main Street, it is next to the Public Safety Building and across the river from the wastewater treatment center.

43. The building is designed with traditional mill-influenced architectural elements and is sited to minimize visibility from the primary traveled way.

Conclusion: Based on the above findings, the DRB concludes that the proposed project will not have an undue adverse impact on the character of the area as defined in the Regulations. The project aligns with the stated purpose of the VC10 District by supporting a denser village development pattern. Furthermore, the proposal is consistent with clearly written community standards in the Stowe Town Plan, which encourages high-density, mixed-use development within the village area.

Section 3.7(4)(D) – Regulations and ordinances in effect.

44. Applicable bylaws include the Zoning Regulations (effective January 31, 2024).

45. The proposed building will be connected to the municipal water and sewer systems. Connections to the municipal sewer system are regulated under the Town of Stowe Sewer Ordinance.

46. No other known or identified municipal bylaws or ordinances apply to this project.

Conclusion: Based on the above findings, the DRB concludes the proposal, except where otherwise noted, is in conformance with Regulations and ordinances in effect.

Section 3.7(4)(E) – Utilization of renewable energy sources.

47. The proposed project involves the construction of a multi-family dwelling containing forty-two (42) multi-family dwelling units and related site improvements.

48. No renewable energy generation or development is proposed with this project.

49. As required under state laws, the project will be required to be constructed in conformance with the State of VT Building Energy Standards.

50. While no solar panels are proposed as part of the current project, the building is designed to structurally accommodate future solar installations.

51. The proposed building will not impede adjacent properties from using renewable energy sources.

Conclusion: Based on the above findings, the DRB concludes the project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.

Section 3.7(4)(F) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

52. The subject property contains an existing building which has no historical or architectural significance. Although located within the Stowe Historic Overlay District, the existing building is considered noncontributing- meaning it does not contribute to the overall significance of the larger historic district.

53. The existing noncontributing building is proposed to be demolished. It is not considered a historic site or a historic building. The DRB therefore finds the proposed project will not have an undue adverse effect on historic sites.

54. According to the ANR Natural Resources Atlas there are no rare or endangered species, deer wintering areas, habitat blocks, or inventoried wetlands on or near the parcel. The parcel does not contain any rare and irreplaceable natural areas. The DRB therefore finds the project will have no impact on any rare and irreplaceable natural areas.

55. The immediate surroundings include the Town of Stowe Public Safety Building and Fire Station to the east. Across the river is the Town Highway garage and sewer treatment facility. To the northeast is the dense residential neighborhood called Palisades.

56. The property is located within the Stowe Historic Overlay District, however there are no historic buildings in the immediate surrounding area. The property does not front on a historic streetscape and is located between the Stowe Village and lower village.

57. The larger surrounding area can generally be described as a densely settled village composed of diverse streetscapes with a variety of architectural styles, however these defining features are not present on the site or within the immediate surrounding area. The project site sits back off from South Main Street and is not plainly visible from this public right-of-way.

58. The proposed project involves redevelopment of the 2.7-acre site. The building design incorporate varied materials, architectural detailing, and articulation to visually soften the massing of the facades.

Conclusion: Based on the above findings, the DRB concludes the project will have no impact on historic sites or rare and irreplaceable natural features. Therefore, the DRB's review under this standard is limited to evaluating the project's potential impact on the scenic or natural beauty of the area and its overall aesthetics. In considering scenic and aesthetic impacts, the DRB evaluates the existing characteristics of the surrounding built environment. In this case, the project site is located off South Main Street, positioned between the Stowe Police Department/Public Safety Building and the wastewater treatment facility, and will not be directly visible from the public travel way. The building has been designed in a traditional mill style, appropriate to its location, orientation, and riverside placement. When reviewing aesthetic impacts, the DRB considers whether a project blends with, detracts from, or harmonizes with its visual surroundings. This review applies a two-part test as set forth in the Regulations. Applying this test, the DRB finds the project is compatible with its surroundings in design, materials, and placement, and will blend into the existing built environment without detracting from it. Accordingly, the DRB concludes the project will not have an adverse aesthetic impact and will not adversely affect the scenic or natural beauty of the area.

Section 3.7(4)(G) - Project will not result in undue water, noise or air pollution.

59. The Applicant requests approval to construct a multi-family dwelling consisting of forty-two (42) multi-family dwelling units and related site improvements.

60. Noise is to be expected from construction activity but otherwise anticipated noise levels and comparable to existing uses in the area.

61. Construction hours will be Monday-Friday 7AM-6PM and Saturday 8AM-5PM. Crews may show up earlier, but work would not start until 7AM on weekdays and 8AM on Saturdays. No work would occur on Sundays or Federal holidays.

62. Nothing within the hearing record indicates that the project will create undue noise, water, or air pollution.

Conclusion: Based on the above findings, the DRB concludes the project will not result in undue water, noise or air pollution.

Section 3.16(C)(1) –Access Management.

63. The property contains frontage on South Main Street (a town highway at this location) and is served by an existing access connecting to South Main Street. South Main Street turns into VT-100 outside of the village core.

64. The subject property is unencumbered by a twenty-five (25') right-of-way over the existing access which grants access to the Palisades Village Area Association and commercial property owned by DD OUTBACK LLC (356 South Main Street).

65. The existing access is clearly defined allowing two-way travel. No changes are proposed to this vehicular access. This vehicular access connects to a town-highway, therefore a §1111 permit from VT Agency of Transportation is not required.

66. The existing access is approximately twenty (20) feet roadway in width. The Applicant proposes to repave the existing access that is shared by the Town of Stowe and other neighboring properties.

Conclusion: Based on the above findings, the DRB concludes that the existing access is adequate for the intended use and complies with applicable provisions.

Section 3.16(C)(2) – Shared Access.

67. The existing access services multiple users and properties. The subject property is encumbered by a twenty-five (25') right-of-way which grants access to the Palisades Village Area Association and commercial property owned by DD OUTBACK LLC (356 South Main Street). The public safety building also utilizes this shared access.

68. The existing shared vehicular access is proposed to remain, largely in the existing configuration. Except for four (4) parallel parking spaces proposed along the southern portion of the existing access, no changes are proposed.

69. During the hearing, the Applicant agreed to remove four parking spaces that were likely to conflict with emergency vehicles and other users of the shared access. DRB members expressed concerns about the location of these spaces and the potential impact on circulation in the intersection area. In response, the Applicant agreed to remove the spaces to address these concerns.

Conclusion: Based on the above finding, the DRB concludes the project, as revised, complies with §3.16(C)(2).

Section 3.16(C)(3) – Circulation and Parking.

70. The project will be accessed by the existing vehicular entrance connecting to South Main Street.

71. The Applicant proposes to redevelop the existing parking and circulation to serve the project. All parking is provided on-site. The Applicant is not seeking to develop parking within public rights-of-way.

72. Proposed parking is primarily located below the building and along the eastern side of the building.

73. Landscaping is proposed throughout the site and will minimize the visibility of parking off-site.

74. The shared access continues onto the adjacent parcel providing access to 356 South Main Street.

75. Table 15.2 contains the following parking requirements: one (1) space per dwelling unit. Forty-two (42) parking spaces are required to support the project.

76. The Applicant is not requesting any parking modifications. The project proposes a total of fifty (50) parking spaces: thirty-three (33) spaces in the parking garage, thirteen (13) at grade surface parking spaces, and four (4) parallel parking spaces along the entrance. However, the Applicant agreed to remove these four (4) parking spaces during the hearing.

77. Two (2) ADA parking spaces are shown on the site plan: one (1) in the underground parking area and one (1) in the outdoor surface parking area. This conforms with §15.5(6).

78. The two-way travel aisle within the underground parking garage and surface parking area complies with the twenty-four (24') foot minimum width requirement.

79. According to the overall site plan (Sheet C-2), all proposed parking spaces meet the minimum dimensional requirements (9'x18'). The dimensions of the ADA spaces are not labeled on site plan but are labeled on the details sheet.

80. §15.4 does not apply since the surface parking area is less than twenty (20) spaces.

81. There is no setback requirement for parking areas and access drives in the VC-10 District.

82. Parking for electric vehicles is not included in the project plans. The Applicant testified that there will be no EV charging within the covered building parking.

83. Four (4) parking spaces were initially proposed along the roadway and connected to the proposed sidewalk. These spaces were not required to meet parking standards, and during the hearing, the Applicant agreed to remove them.

84. During the hearing, the neighboring property owner at 352 South Main expressed concerns regarding the thirty-two (32) foot right-of-way along the eastern side of the building, noting that some proposed parking spaces partially encroach within this area. The abutting property owner requested that the right-of-way remain clear of parking. The Applicant's engineer testified that a twenty-four (24) foot drive aisle would be maintained, providing adequate space for maneuvering in and out of the parking spaces. The DRB does not have authority to review or interpret private agreements or restrictions between property owners; such matters are civil issues beyond the Board's jurisdiction.

Conclusion: Based on the above findings, the DRB concludes that the proposed circulation and parking improvements represent safe and adequate access and circulation to support the existing and proposed uses.

Section 3.16(C)(4) – Pedestrian Circulation and Access.

85. The Regulations require pedestrian circulation within the site, and access through the site to adjacent properties along public roads, be provided.

86. The site plan includes walkways linking parking areas to building entrances. A proposed four-foot-wide sidewalk runs along the southern entrance drive and connects via a crosswalk to the primary building entrance, providing pedestrian access to the broader Stowe Village and Lower Village sidewalk network. Additionally, the sidewalk will connect to the Stowe Recreation Path.

87. An informal path is provided for along the river's edge.

Conclusion: Based on the above findings, the DRB concludes the proposed site layout, including pedestrian circulation and access, represents safe and adequate pedestrian access and circulation for the intended use.

Section 3.16(C)(5) – Landscaping and Screening.

88. Landscape plans prepared by TJ Boyle Associates were submitted and identify all proposed landscaping to be installed. The plans include a variety of trees, shrubs, perennials, and grasses.

89. Colored renderings illustrate the proposed landscaping throughout the site.

90. A wooden fence dumpster enclosure is proposed near the primary vehicular entrance to the below ground parking area.

91. Foundation plantings are proposed to soften the building's appearance, with the west façade designed to have a more naturalized landscaping. No plantings are provided within the sewer easement, which must remain open.

92. A transformer located south of the site will be screened with evergreen plantings. Each unit will have individual PTAC units, with no exterior condensers or rooftop mechanical equipment.

Conclusion: Based on the above findings, the DRB concludes the proposed landscaping and screening meets the standards outlined in §4.6.

Section 3.16(C)(6) – Stormwater Management.

93. Section 3.12(2) provides stormwater and erosion control standards for construction-related activities associated with any new construction.

94. Existing impervious surfaces on the property include the existing building and gravel and paved parking areas.

95. The project will not result in any increase in impervious areas and will connect new collection systems to the existing stormwater conveyance network on the property, which directly discharges to the Little River, via several existing culvert outfalls.

96. The project will not create an additional ½ acre of impervious surfaces. The existing impervious surfaces equal ±0.90 acres. The proposed impervious surfaces equal ±0.70 acres- an estimated 20% reduction.

97. The project proposes the installation of drainage structures and underground piping to convey surface runoff from the reconfigured driveway and the new parallel parking spaces to tie into an existing drainage line discharging to the Little River.

98. The proposed sidewalk along the riverbank will sheet flow to the vegetated areas below.

99. Roof drains will convey rooftop runoff to a second existing drainage line discharging to the river.

100. Re-use of existing drainage infrastructure will limit earth disturbances within the area of the existing riverbank.

101. The project will follow typical stormwater management guidelines and practices to avoid erosion and runoff during construction; the project is not expected to have any significant impacts on neighboring properties or town highways.

102. A proposed construction plan is provided that shows two (2) phases of the project for construction and includes various erosion prevention and sedimentation control (EPSC) measures.

103. The Applicant has provided an ECSP Plan (Sheet C-5) which includes erosion control measures.

Conclusion: Based on the above findings, the DRB concludes the proposal has been designed in accordance with § 3.12; existing drainage patterns will not be altered in a manner which causes an undue adverse impact on neighboring properties, town highways or surface waters.

Section 3.16(C)(7) – Outdoor Lighting.

104. The Regulations require that all outdoor lighting be installed in accordance with the standards in §4.8.

105. The hearing record contains manufacturer cutsheets for the proposed outdoor lighting. The building elevations show the location of these light fixtures. The photometric plan shows the location of site lighting.

106. Four (4) fixture types are proposed: a wall mounted fixture (Lumenpulse), a lamp post parking area fixture (Lumenpulse), and a recessed fixture (below the covered entrance). The proposed fixtures are dark sky compliant.

107. The photometric plan identifies the proposed footcandles. The project narrative notes a total lumens/SF of 1.10 in compliance with Section 4.8(8).

108. The proposed Kelvin temperature complies with §10.12(6)(B).

109. The exterior lights will be on timers, from dark to dawn based on the evening light.

110. The pole mounted fixtures are in height twelve (12) feet in height.

Conclusion: Based on the above findings, the DRB concludes the project conforms to the applicable requirements set forth in §4.8.

Section 3.16(D).

111. The project utilizes existing two-way vehicular access off South Main Street. A proposed sidewalk is located along this access. Curbing is included as part of the propose sidewalk. The existing driveway entrance is clearly defined.

112. No new parking or outdoor storage is identified within any front yard; these areas are reserved for vehicular access and sidewalks.

113. Proposed parking is located internally within the project area, not within/along public rights-of-way.

114. The primary exterior building entrance has a walkway providing direct access to the nearest public sidewalk.

115. There are existing sidewalks along all frontages.

116. The existing rights-of-way provide access to all properties sharing the access.

117. The application involves the redevelopment of the property with one (1) residential building. Multiple buildings are not proposed.

Conclusion: Based on the above findings, the DRB concludes the proposal has been designed in accordance with applicable provisions set forth in Section 3.16(D)(1) – Additional VC Standards.

Section 4: Specific Use Standards

Section 4.6 Landscaping Standards. The DRB incorporates by reference into this section's findings its findings under §3.16(C)(5), above, as if more fully stated herein.

Section 4.8 Outdoor Lighting. The DRB incorporates by reference into this section's findings its findings under §3.16(C)(7), above, as if more fully stated herein.

Flood Hazard Overlay District (FHOD)

118. The property contains lands within the flood hazard overlay district. Development within this district is regulated under Section 7. In conformance with §7.5, the application was forwarded to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. §4424 on June 4, 2025. No comments were received.

119. The floodplain cross elevations label this section of the river as having base flood elevation (BFE) of around 687' per the ANR Atlas, the proposed building site is at or above 690'. The finished floor elevation of the garage is 689.0'. Two (2) feet above the base flood elevation.

120. The Applicant submitted a Letter of Map Revision to FEMA requesting the portions of the property be removed from the flood hazard area due to the existing elevations and base flood elevation.

121. The hearing record includes a Letter of Map Revision (LOMR) that removes the site from the designated flood hazard area, permitting fill placement that would otherwise be restricted. The area within the floodway remains unchanged.

122. The Applicant testified that flood impacts were considered in the building's design and placement. The site has not experienced any flooding during the past two years of recent flood events, and the building has been designed to meet all applicable flood-related requirements.

123. The garage floor is designed two feet above the base flood elevation, ensuring that all mechanical equipment is also located above this elevation.

Conclusion: Based on the above findings, the DRB concludes the proposal complies with application provisions of Section 7-Flood Hazard Overlay District (FHOD).

Section 10 – Stowe Historic Overlay District and Historic Buildings

Section 10.7 Demolition and Partial Demolition of Structures

124. The subject property is within the Stowe Historic Overlay District, which requires review under Section 10. The HPC reviewed the application during three (3) public meetings in March and April of 2025. At the April 16th meeting, the HPC unanimously recommended approval of the project as proposed.

125. The HPC found that the demolition was allowed per §10.7(2)(A): *The SHPC has determined that the structure does not have historical or architectural significance or does not make a positive contribution to the district's streetscape*. The SHPC voted unanimously to recommend demolition approval to the DRB.

126. The Applicant provided a letter from Kelley DesRoches, NCARB, AIA, LEED AP, NAWIC, Vice President dated April 2, 2025, requesting approval for the demolition of the existing, fire damaged commercial building (354 South Main Street) under Section 10.7(2)(a) of the Zoning Regulations. The letter explains that the existing building was built in 1986 and was used as a warehouse and lumberyard. The building sustained substantial and almost total destruction in a fire on May 8, 2024.

127. The letter from Ms. DesRoches refers to the property assessment letter provided by Maine Mutual Fire Insurance Co. (MMG) for further information regarding the state of the building.

128. The letter from Ms. DesRoches also explains that the current building is not a historic building and has no historical significance, value or integrity to the Stowe Historic District. The building is not listed on the

Vermont State or National Historic survey, nor does the building have architectural significance or make a positive contribution to the district's streetscape.

129. The Applicant provided a phasing and construction plan.

Conclusion: Based upon the above findings, the DRB concludes the project complies with applicable provisions set forth in §10.7.

Section 10.13 – Standards for New Construction

130. The DRB incorporates by reference into this section's findings its findings under Section 3.7(4)(F), above, as if more fully stated herein.

131. The building design reduces perceived scale and massing through varied colors, materials, and palettes, drawing inspiration from traditional mill architecture. While the design feels distinct from the historic district, it is appropriate for a gateway location.

132. The lobby and stair tower are articulated as bump-outs, incorporating a different window pattern as an architectural design feature.

133. The overall building massing is further broken down to create the appearance of incremental additions over time, enhancing visual interest and reducing perceived bulk.

134. The building is fully electric and does not utilize propane for any systems or operations.

135. Section 10.13(1)(B) does not apply to this project. The project is located within the historic district.

136. No accessory structures are proposed.

Conclusion: Based on the evidence presented during the DRB hearings and the above findings, the DRB accepts the HPC's recommendations and concludes that the project conforms with applicable provisions of §10.13.

Section 15: Parking Requirements

137. The DRB incorporates by reference into this section's findings its findings under Section 3.16(C)(3), above, as if more fully stated herein.

DECISION

Based upon the above findings and conclusions, the DRB hereby approves the Applicant's request for combined conditional use, site plan, and design review (Project #7564) as described in the application dated May 1, 2025 and associated supporting materials.

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:

    a. Town of Stowe Development Application, dated 5/1/25
    b. Project Narrative, prepared by Mumley Engineering, Inc., dated 5/1/25

c. Floor Plans, prepared by WLA, dated 4/16/25
d. Floor Plans (2nd & 3rd) prepared by WLA, dated 4/16/25
e. SD Elevations, prepared by WLA, dated 4/16/25
f. Enlarged East Elevation, prepared by WLA, dated 4/16/25
g. Enlarged East Elevation (CLR), prepared by WLA, dated 4/16/25
h. Axon views, prepared by WLA, dated 4/16/25
i. Renderings, prepared by WLA, dated 4/16/25
j. Landscape Plan, L1.0, prepared by T.J. Boyle Associates, dated 4/9/25
k. Partial site plan C-4, 4/30/25
l. Erosion Prevention & Sediment Control Plan, prepared by Tyler Mumley Engineering Inc., C-5, dated 4/30/25
m. Site Details C-6 prepared by Tyler Mumley dated 4/30/25
n. Site Lighting, prepared by S. Kimball, dated 2/24/25
o. Allegra Specification sheet, no date
p. Lumencore Recessed specification sheet, no date
q. Lumenblade Specification sheet, no date
r. Site plan, C-2, prepared by Mumley Engineering, revised 5/14/25
s. Non-Conforming Structure sketch, dated 5/14/25
t. Non-Conforming Structure sketch, revised 5/20/25
u. HPC Letter of Project Recommendation, dated 5/7/25
v. Non-conforming analysis, no date
w. Narrative, prepared by Mumley Engineering, Inc., dated 7/28/25
x. LOMA, dated 4/18/2025
y. Overall Schematic Site Plan, prepared by Mumley Engineering Inc., dated 7/23/25
z. SD Elevations, Mill Village Apartments, prepared by WLA, dated 4/16/25
aa. Email comments from Harry Shepard DPW, dated 7/17/2025;
bb. Town of Stowe Fire Department comments, dated 7/11/2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Prior to the issuance of the zoning permit, the Applicant must submit a revised site plan to the Zoning Administrator removing the four (4) parallel parking spaces proposed along the southern portion of the existing access.
4. The Applicant shall obtain all necessary municipal water and sewer allocation and connection permits. Final plans, Details, Technical Specification and for proposed Water and Sewer Connections shall be approved by the Department of Public Works.
5. All mechanical systems shall be located or screened in a manner that they are not visible from the public right-of-way.
6. Landscaping shall be properly maintained in accordance with the approved plans. Any dead and dying plants and trees shall be replaced within one (1) year of death.
7. The paved parking areas shall have painted lines designating parking spaces in accordance with the approved plans. Lines shall be applied within one (1) month of paving and shall be maintained so as to be visible.
8. No parking space shall be used for any purpose that interferes with its availability for required parking, including the location of trash or recycling dumpsters.
9. Required parking spaces shall be maintained (plowed) for winter use.
10. All parking surfaces shall be constructed so as to eliminate standing water and the discharge of storm water onto adjacent property.
11. The installation of any site or building signage shall require a separate development application and approved zoning permit prior to installation.
12. Construction hours shall be limited to Monday-Friday from 7:00 am-6:00 pm and Saturday morning from 8:00 am- 5:00 pm, with no construction on Sunday or State or Federal holidays.

13. The installation of outdoor light fixtures is limited to those described and depicted within the application. Fixtures shall employ warm-toned (3000K and lower).
14. All outdoor light fixtures shall be installed, shielded, and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property.
15. Outdoor parking area lighting shall be on photocells or timers.
16. The Applicant must incorporate the following Fire Department conditions:
    a. A Fire Department Knox Box shall be installed prior to building occupancy to provide key/code access. The box shall be located on the address side of the building near the main entrance and clearly visible to first responders.
    b. A master lock system (key/code/fob) is required for all building access doors to ensure consistent emergency entry.
    c. The fire alarm system shall be programmed to identify the specific level, room number or designation, and nature of the alarm. A sub-panel shall be installed at the building entryway on the parking lot side for first responder access.
    d. Standpipes shall be installed in stairwells to support interior firefighting operations. Additional standpipes are required at entrance points to the underground parking areas.
    e. The FDC shall be located on the side of the building facing the Public Safety Building and clearly marked with appropriate "FDC" signage.
    f. A clearly marked shut-off control for the underground parking garage's ventilation system shall be installed in the sprinkler room.
    g. Roof access shall be provided via an opening no smaller than 36" x 72".
    h. No EV charging stations shall be installed within the parking garages.
    i. Exterior fire sprinkler connections must be identified with "FDC" signage directly above the connection. Doors to utility rooms housing fire alarm panels or sprinkler controls must be labeled with approved Fire Department signage.
    j. The 911 street address must be clearly displayed on the building front or at the street entrance using six-inch numbers or the reflective sign available from Stowe EMS.
    k. Solar panels shall have emergency shut off that are installed on the exterior of the building and clearly visible.
    l. Battery backup system shall have emergency shut off that are installed on the exterior of the building and clearly visible.
17. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-F) including:
    a. The amount of soil exposed at any one time must be kept to a minimum.
    b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e. An adequate stormwater drainage system must be continuously maintained to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
18. A Certificate of Occupancy must be obtained from the Zoning Administrator prior to occupancy and use to ensure that the project has been completed as approved by the DRB, as required under §2.10. Prior to occupancy, the owner or representative of the property will meet with an officer of the fire department to complete a "fire department pre-plan" survey and submit all of the following:
    a. Documentation that all necessary allocation and connection permits have been obtained from the Department of Public Works;
    b. Documentation that all Stowe Fire Department requirements have been installed and are in working order;

c. Written certification from a licensed engineer that all permitted access, parking, and stormwater improvements have been completed in conformance with the approved plans;
d. A licensed landscape architect shall provide written certification that the landscaping, screening, and outdoor site lighting has been installed in conformance with the approved plans;
e. A licensed architect shall provide written certification that the proposed building, including all building mounted outdoor lighting, and enclosed trash collection areas have been constructed in conformance with the approved plans; and
f. Confirmation of setbacks by a registered engineer or land surveyor.

19. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant and his successors agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

Voting to approve: Drew Clymer, Mary Black, Patricia Gabel, Peter Roberts, Andrew Volansky, Tom Hand, and Scot Baraw

Voting to deny: None

Dated at Stowe, Vermont this the 19th day of August 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a notice of appeal that specifies the basis for the request with the Secretary of the Development Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised on appeal have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Please note that there are conditions of approval required to be met before your Zoning Permit can be issued. Once you fullfill these conditions your zoning permit will be sent to you

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7542		
Application Date	1/24/2025		
Physical Location	48 SOUTH MAIN ST		
Map ID	7A-029.000	**Tax ID**	01029
Project Description	DEMOLISH EXISTING BUILDING AND CONSTRUCT A MIXED USE BUILDING WITH COVERED AT-GRADE PARKING		
Owner	PETER LIVADITIS MAPLE CORNER INVESTMENTS LLC		
Applicant	VOLANSKY STUDIO ARCHITECTURE & PLANNING KELLEY OSGOOD		
Applicant Address	135 LUCE HILL ROAD STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
SHPC RECOMMENDATION	2/19/2025			RECOMMEND APPROVAL - SEE MINUTES
DRB DECISION	8/19/2025	9/18/2025	9/18/2027	APPROVED WITH CONDITIONS

Sarah McShane

Zoning Office

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law

PROJECT# 7542

SUBJECT PROPERTY 48 South Main Street; Tax Map# 7A-029.000

PROPERTY OWNER
Peter Livaditis/Maple Corner Investments LLC
PO Box 178
Calais, VT 05648

APPLICANT
Kelley Osgood, Volansky Studio
135 Luce Hill Road
Stowe, VT 05672

APPLICATION

The Applicant, Kelley Osgood of Volansky Studio Architects (herein referred to as 'Applicant'), on behalf of the property owner Peter Livaditis/Maple Corner Investments LLC, requests conditional use, site plan and design review approval to demolish and remove an existing historic building and reconstruct a new mixed-use building at 48 South Main Street. The property is located on Tax Map# 7A-029.000. The existing historic building was constructed circa 1880, with alterations circa 1980, and contains a restaurant and two (2) dwelling units. The Applicant proposes to demolish the historic building and construct a new, three (3) story mixed-use building consisting of retail and residential uses, and covered parking. The proposed project requires building height and setback waivers. The subject property is in the Village Commercial 10 (VC10) Zoning District and the Stowe Historic Overlay District (SHOD). The application has been reviewed by the Development Review Board (DRB) under applicable standards of the Town of Stowe Zoning Regulations (effective January 31, 2024) (the "Regulations") for the purpose of conditional use, site plan, design and demolition review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by Applicant Kelley Osgood on January 24, 2025. Upon receiving recommendations from the Historic Preservation Commission (HPC), the application was then referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for May 20, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on May 1, 2025 and publicly posted at the Town Office, Library, and Police Station. The Applicant provided the completed certificate of service on April 30, 2025.

The public hearing to consider the application convened on May 20, 2025, with a quorum of the DRB present. The hearing was held at the Stowe Town Hall, with remote participation available via Zoom. DRB Member Andrew Volansky recused himself given his professional involvement with the project. Otherwise, no *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, David Kelly, Mary Black, Patricia Gabel, Lynn Altadonna, Scot Baraw, and Michael Diender. The hearing was continued to a time and date certain of July 15, 2025. On July 15, 2025, the DRB re-opened the continued hearing. Members who participated in the continued review included Drew Clymer, David Kelly, Mary Black, Patricia Gabel, and Scot Baraw. Lynn Altadonna and Michael Diender were not in attendance but reviewed the meeting recording. The DRB adjourned the hearing that evening, marking the start of the 45-day period for the issuance of written findings, conclusions, and a decision.

PARTICIPANTS & INTERESTED PARTIES

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Andrew Volansky, Volansky Studio, 135 Luce Hill Road, Stowe, VT 05672
2. Kelley Osgood, Volansky Studio, 135 Luce Hill Road, Stowe, VT 05672
3. Peter Livaditis, PO Box 178, Calais, VT 05648
4. John Grenier, Grenier Engineering PC, PO Box 445, Waterbury VT 05676
5. Corey Mack, Wall Consultant Group, 2139 S 1260 W, Salt Lake City, UT 84119-1464
6. Jeff Spear, Acer Tree Co., PO Box 62, Waterbury Center, VT 05677
7. Ian Ambler, Ambler Design, 3384 Perry Hill Road, Waterbury, VT 05676

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

a) Town of Stowe Development Application, dated 01/24/2025;
b) Development Narrative, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
c) Memorandum from John P Higgins, Artisan Engineering, dated 08/15/2024;
d) Stowe Historic Preservation Commission Submittal packet 5 pages, prepared by Volansky Studio Architecture & Interiors, dated 01/24/2025:
    a. National Register of Historic Places Continuation Sheet, Page 13;
    b. Existing Conditions – Building Exterior photographs;
    c. Existing Conditions – Building Interior;
    d. Existing Conditions – Building Interior;
    e. Existing Conditions – Building Interior;
    f. Existing Conditions – Building Interior;
e) Exterior Fixture "A" lighting spec sheet, no date;
f) Exterior Fixture "B" lighting spec sheet, no date;
g) Proposed Windows- Double-Hung, Transoms, and Picture Units spec sheets, no date;
h) Proposed Exterior Swing Door Units spec sheet, no date;
i) Proposed Exterior Sliding Doors spec sheet; no date;
j) Example Window Photographs, 3 pages, no date;
k) LeonLite Centripeta Hardscape & Step Light spec sheet, no date;
l) Shoreing/Site Protection at 48 South Main Street letter from Travis Cutler, no date;
m) Power Supply at 48 South Main Street letter from Travis Cutler, no date;
n) Proposed Site Plan, Sheet C-1, prepared by Grenier Engineering, PC, dated 05/13/2025;
o) Proposed Master Site Plan, Sheet OA-1, prepared by Grenier Engineering, PC, dated 05/13/2025;
p) Landscape Plan, Sheet L1.0, prepared by Ambler, dated 05/13/2025;
q) Proposed Site Plan, Sheet A1.0, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
r) Proposed Site Staging Plan, Sheet A1.1, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
s) Basement Level Floor Plan, Sheet A2.0, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
t) Main Level Floor Plan, Sheet A2.1, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
u) Second Level Floor Plan, Sheet A2.2, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
v) Third Level Floor Plan, Sheet A2.3, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
w) Roof Plan, Sheet A2.4, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
x) South Elevation, Sheet A3.1, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
y) East Elevation, Sheet A3.2, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
z) North Elevation, Sheet A3.3, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
aa) West Elevation, Sheet A3.4, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
bb) Typ. Exterior Details, Sheet A3.5, prepared by Volansky Studio Architecture & Interiors, dated 01/24/2025;
cc) Typ. Exterior Details, Sheet A3.6, prepared by Volansky Studio Architecture & Interiors, dated 01/24/2025;

dd) Typ. Exterior Details at Cupola & Balcony Edge, Sheet A3.6, prepared by Volansky Studio Architecture & Interiors, dated 01/24/2025;
ee) Exterior Rendering from Southeast, Sheet A3.8, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
ff) Exterior Rendering from Northeast, Sheet A3.9, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
gg) Exterior Rendering from Northwest, Sheet A3.10, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
hh) Exterior Rendering from Northwest, Sheet A3.10A, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
ii) Exterior Rendering from Southwest, Sheet A3.10B, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
jj) Estimated Street View From Stowe Village Market Approach, Sheet A3.10B, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
kk) Streetscape Rendering – Easterly Approach, Sheet A3.11, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
ll) Streetscape Rendering – Westerly Approach, Sheet A3.12, prepared by Volansky Studio Architecture & Interiors, dated 01/24/2025;
mm) Proposed Building, Local Character Study, prepared by Volansky Studio Architecture & Interiors, dated 01/24/2025;
nn) SHPC Meeting Minutes 10/02/2024;
oo) SHPC Meeting Minutes 11/20/2024;
pp) SHPC Meeting Minutes 12/04/2024;
qq) SHPC Meeting Minutes 02/05/2025;
rr) SHPC Meeting Minutes 02/19/2025;
ss) SHPC Meeting Minutes 04/16/2024;
tt) SHPC Meeting Minutes 05/07/2025;
uu) Email from DPW Director Harry Shepard, dated 04/15/2025; and
vv) Email from Interim Fire Chief Scott Reeves, with attached Stowe Fire Department Guidelines, dated 04/25/2025.

The following materials were submitted in advance of the continued hearing of July 15, 2025:

ww) Approved Lot Line Adjustment, Project 7635, dated 06/16/2025; and
xx) Proposed Site Parking Plan, Sheet A1.1, prepared by Volansky Studio Architecture & Interiors, dated 06/24/2025.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact & Conclusions of Law

The application was reviewed by the DRB for conformance with applicable requirements including the following:

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 10- Stowe Historic Overlay District
- Section 15- Parking Regulations

Dimensional Requirements

1. **Zoning District.** The parcel is located in the Village Commercial 10 (VC10) Zoning District and the Stowe Historic Overlay District (SHOD), as shown on the Town of Stowe Zoning Map.

2. **Lot Area, Lot Width.** On June 16, 2025, a boundary line adjustment (Project 7635) was administratively approved by the Zoning Administrator as allowed as a minimal alteration. The approved boundary line adjustment increased the area of the subject parcel (Tax Map #7A-029.000) to ±0.17 acres. No additional changes to the lot area or lot width are proposed under this application.

3. **Setbacks.** Required minimum district setbacks in the VC10 District are: front ten (10'), side ten (10') and rear ten (10').

4. The Applicant requests the following setback waivers: a ten (10') foot front yard setback waiver from the South Main Street property line/right-of-way to provide a covered canopy for the main entry at the main level. This is allowed per §10.10(1) which requires new construction within the historic district to maintain a "build to" like for buildings along village streets.

5. The Applicant also requests a setback waiver of seven and a half (7.5') feet in the side yard on the west side to provide a structure for vehicle parking and upper floor space. This waiver is requested in accordance with §10.9(1).

6. Since the property is within the historic overlay district, the project is eligible for a setback waiver under §10.9. On February 19, 2025, the HPC voted unanimously to recommend approval of the project as presented, which included the requested setback waivers. The DRB accepts the HPC recommendation.

7. **Maximum Building Coverage.** The VC10 District has no maximum building coverage requirement. This provision is not applicable.

8. **Use.** The existing mixed-use building contains two (2) dwelling units and a restaurant. The Applicant proposes to demolish this building and construct a new, three-story mixed-use building. The proposed mixed-use building consists of first floor retail space, a second-floor retail space, and two (2) dwelling units.

9. One (1) of the dwelling units is located on the second and third floor, the other dwelling unit will be entirely on the third floor. Retail sales (up to 5,000 sq. ft.) are conditional uses in the VC10 District. The floor plans indicate a total of ±3,028 sf feet of retail floor space.

10. Residential uses are allowed uses within the VC10 District.

11. **Density.** Commercial uses do not require density under Table 6.3.

12. In the VC10 District, allowed density for residential uses/dwelling units in mixed-use buildings is one (1) unit per 2,500 square feet of lot area per footnote #1.[1] Based on a ±0.17-acre lot (7,405 sf), two (2) dwelling units are allowed. The application conforms to density standards.

13. **Height.** The maximum building height in the VC10 District is twenty-eight (28) feet (Table 6.2).

14. Footnotes 3 & 4 of Table 6.2 allow a building height of up to thirty-five (35) feet in certain instances. Additionally, §10.9(1) allows for building height waivers for projects within the historic overlay district.

[1] Footnote #1 of Table 6.3 states as follows: *For the purpose of density calculations, multi-family includes all multi-family units as well as all residential units within a mixed-use building.*

15. §10.9(1) grants the DRB the authority to allow a building height up to a maximum building limit of thirty-five (35') feet. The Applicant requests a waiver to construct a building thirty-four (34') feet in height. The proposed building is mixed-use, provides covered parking, and contains a stepped back upper floor and is therefore eligible for a waiver.

16. On February 19, 2025, the HPC voted unanimously to recommend approval of the project as presented, which included the requested building height waiver.

17. In accordance with §3.5, height limits do not apply to cupolas and other similar building features occupying in the aggregate not more than ten (10%) percent of the area of such building and is not used for any human occupancy. The project includes a rooftop cupola that will exceed the thirty-five (35') foot height allowance but is less than ten (10%) percent of the roof area.

Conclusion: Based on the above findings, the DRB concludes that the proposed project complies with all applicable dimensional and use requirements of the VC10 District—specifically lot area, lot width, use, and density. The DRB accepts the HPC recommendations regarding the requested setback and building height waivers and grants the requested dimensional waivers.

Section 3.7– Standards of Review (Conditional Use)

Section 3.7(4)(A)- Capacity of existing or planned community facilities and services:

18. Staff requested comments on the application from respective municipal departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

19. No Municipal Department review forms identified any undue adverse impacts from the proposed development on existing or planned community facilities or services.

20. The proposed project is planned to connect to municipal water and sewer systems. Water and sewer allocations will be necessary to serve the project.

21. Stowe Fire Department provided the following comment in an email April 25, 2025: *Along with the attached requirements, emphasizing the highlighted area, although all apply as applicable, the department would like to add that if there is going to be any EV charging station in the covered parking area, they will be in the spaces closest to the entrance and have sprinkler protection overhead.*

22. The Fire Department also submitted the 'Stowe Fire Department commercial construction/remodeling project guidelines' sheet. (Exhibit 48)

23. Harry Shepard provided comment in an email dated April 15, 2025 noting that an accessible water room is needed. (Exhibit 47)

24. No other Municipal Department comments were received.

Conclusion: Based on the above findings, the DRB concludes the proposal will not result in an undue adverse effect on the Town's existing or planned facilities or services.

Section 3.7(4)(B)- Traffic on roads and highways in the vicinity

25. The Applicant requests approval to demolish the existing building and construct a mixed-use building consisting of retail space, two (2) dwelling units, and covered parking, with related site improvements.

26. During the May 20th hearing, the Applicant's traffic engineer provided testimony estimating an increase of ten (10) vehicle trips during PM peak hour. He testified that this number could be less since standard formulas assume urban conditions, whereas in smaller towns, traffic tends to be more static as people park and walk from place to place.

Conclusion: Based on the above findings, the DRB concludes the project will not result in an undue adverse impact on traffic on roads and highways in the vicinity.

Section 3.7(4)(C)- The character of the area affected

27. The project is located within the VC10 District. The general purpose of the VC10 District is "*to promote the sound economic development of Stowe, to carry out the objectives of the Municipal Plan, to maintain Stowe Village as the center of community activity and to encourage the best use of land in central sections for general business.*"

28. The specific purpose of the VC10 District is "*to maintain a denser pattern of development in the immediate center of the Village.*"

29. The property contains an existing historic building, which is considered non-contributing since it has been heavily altered. The existing building contains a restaurant and two (2) dwelling units. The Applicant requests to demolish this building and construct a larger, three (3) story mixed-use building consisting of two (2) retail spaces and two (2) dwelling units.

30. Dominant land uses in the vicinity include a mix of commercial and residential uses.

31. The proposed replacement building is designed in accordance with the new construction standards in §10 and compliments the adjacent historic buildings and traditional village development patterns.

Conclusion: Based on the above findings, the DRB concludes that the proposed project will not have an undue adverse impact on the character of the area as defined in the Regulations. The project aligns with the stated purpose of the VC10 District by supporting a denser village development pattern and contributes to the vitality of Stowe's designated downtown. Furthermore, the proposal is consistent with clearly written community standards in the Stowe Town Plan, which encourages mixed-use development within the village core.

Section 3.7(4)(D)- Regulations and ordinances in effect

32. Applicable bylaws include the Zoning Regulations (effective January 31, 2024).

33. The Applicant proposes to connect to the Town's municipal water and sewer systems. The existing building is connected to these systems. Connections to the municipal sewer system are regulated under the Town of Stowe Sewer Ordinance. The Applicant will be required to work with DPW in order to obtain any necessary allocations to support the project.

34. No other identified municipal bylaws or ordinances apply to this project.

Conclusion: Based on the above findings, the DRB concludes the proposal, except where otherwise noted, is in conformance with Regulations and ordinances in effect.

Section 3.7(4)(E)- Utilization of renewable energy sources

35. The project involves demolition of the existing mixed-use building and construction of a larger mixed-use building consisting of retail and residential spaces, covered parking, and related site improvements.

36. No renewable energy generation or development is proposed within this project.

37. The proposed building will not inhibit the use of, or access to, the utilization of renewable energy resources.

38. As required under state laws, the project will be required to be constructed in conformance with the State of VT Building Energy Standards.

Conclusion: Based on the above findings, the DRB concludes the project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.

Section 3.7(4)(F)- Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

39. According to the ANR Natural Resources Atlas there are no rare or endangered species, deer wintering areas, habitat blocks, or inventoried wetlands on or near the property.

40. The property is currently developed with a mixed-use building, impervious surfaces, and related improvements. The property does not contain any rare and irreplaceable natural areas.

41. The property is located within a compact area of Stowe village with frontage along South Main Street. The scenic beauty of the area can be characterized as a new traditional New England historic village.

42. The property is within the Stowe Historic Overlay District, which requires design review of new construction under §10 of the Regulations.

43. The property contains an existing historic building, however the building does not contribute to overall significance of the historic district due to exterior alterations that have been completed over time.

44. The HPC informally reviewed the proposal on October 2, 2024, November 11, 2024 and December 4, 2024. The HPC then formally reviewed the proposal on February 5, 2025, February 19, 2025, April 16, 2025 and May 7, 2025. At the February 19th meeting, the HPC unanimously recommended approval of the project as proposed, including the requested setback and height waivers. Minor amendments consisting of façade changes, floor plan changes, landscaping/lighting changes, etc., were presented at the later HPC meetings. The most recent amendments, unanimously recommended for approval at the May 7, 2025 HPC meeting, have been incorporated into the project plans presented to the DRB and entered into the record.

45. Surrounding the parcel are a mix of commercial and residential uses. The parcel contains frontage on South Main Street, a highly traveled village street.

46. Nearby buildings range between two (2) and three (3) story floors, with a mix of flat, gable and hipped roof forms. The proposed building consists of three (3) floors, with a height of thirty-four (34') feet, and different levels of flat roofing with a cupola on top.

47. The building design and architecture uses a mix of natural materials and colors. The proposed landscaping softens the architectural design.

Conclusion: Based upon the above findings, the DRB concludes the project will have no impact on rare and irreplaceable natural areas or historic sites and therefore limits its review under standard to the project's impact on the scenic or natural beauty of the area and aesthetics. When reviewing whether the proposed project will have an impact on scenic or natural beauty of the area, the DRB considers the existing characteristics of the surrounding built environment. In this case, the project is located within the Stowe historic village – a traditional Vermont historic district comprised of a dense collection of historic buildings focused on diverse streetscapes with a variety of forms and openings. When reviewing the aesthetic impacts of a project the DRB generally

considers whether the project blends in with its visual surroundings, if it detracts from the surroundings, and if it is in harmony with the surroundings.

This section requires that the DRB apply a two-part test to determine whether a project satisfies this standard. First, it must determine whether the project will have an adverse effect. The DRB considers whether the proposed project will be in harmony with its surroundings and whether it will 'fit' the context within which the project will be located. In making this evaluation, the DRB may examine a number of specific factors, including but not limited to the nature of the project's surroundings, the compatibility of the project's design with those surroundings, the suitability for the project's context of the colors and materials selected for the project, the locations from which the project can be viewed, and the potential impact of the project on open space. If the project "fits" its context, then the project is not adverse and the review under this standard ends. If the DRB concludes that the project has an adverse effect under this standard, the DRB must move to the second part of the test and evaluate whether the adverse effect is "undue".

Based on these considerations and above findings, the DRB concludes that the project will not have an adverse impact on the scenic and natural beauty of the area and aesthetics. The project is located along South Main Street within the core of Stowe Village, an area defined by a dense collection of historic buildings characterized by variation in form, height, and architectural rhythm. The proposed building has been designed to complement the existing village streetscape and represents an appropriate in-fill project. As such, the DRB concludes the project conforms to this standard.

Section 3.7(4)(G)- Project will not result in undue water, noise or air pollution.

48. The Applicant requests approval to demolish an existing mixed-use building and to construct a new, three-story mixed-use building consisting of two (2) retail units, two (2) dwelling units, covered parking, and related site improvements.

49. The proposed building will utilize rooftop HVAC units that are positioned on the roof to not be visible from the street and nearby properties. One and a half (1½') foot parapets will screen the HVAC units.

50. Nothing within the application indicates that the project will create undue water or air pollution.

Conclusion: Based on the above findings, the DRB concludes the project will not result in undue water, noise or air pollution.

Sections 3.16(C)(1) & 3.16(C)(2) – Access Management & Shared Access

51. The property is served by existing access off from South Main Street. This existing access will be retained to provide egress for existing vehicles. Access into the project from location on South Main Street will be prohibited.

52. This existing vehicular access connects to a town-highway, therefore a §1111 permit from VT Agency of Transportation is not required.

53. The project includes a one-way drive lane to provide egress from the parking area behind the property through the proposed parking area and onto South Main Street. This rear parking area is under the same ownership.

54. The project will utilize the existing shared access with the neighboring Straw Corners development, gaining ingress/egress off Mountain Road/VT 108. From this shared access, a one-way drive will travel through the project site and exit onto South Main Street.

Conclusion: Based on the above finding, the DRB concludes the existing and proposed access improvements comply with Section 3.16(C)(1) & (2).

Section 3.16(C)(3) – Circulation and Parking

55. The Applicant proposes to utilize the existing, two-way shared access off Mountain Road/VT 108 that serves Straw Corners (55, 57 and 59 Mountain Road). This will ultimately provide a one-way circulation into the property to serve the project. Circulation will travel through the proposed building's covered parking and out exiting onto South Main Street.

56. Access into the subject parcel from South Main Street will be prohibited.

57. During the public hearing, the Applicant's engineer testified that while left turns existing out onto South Main Street will not be prohibited, majority of users are anticipated to take right turns.

58. The Site Staging Plan shows that the construction stage will utilize the adjacent parking lot within Straw Corners for construction staging, parking, and vehicular access. This parking lot is owned in common by the Applicant. The plan suggests that all traffic associated with construction of the project will enter/exit the area from Mountain Road/VT 108.

59. Table 15.2 requires one (1) parking space per dwelling unit and one (1) parking space for every 300 ft of gross floor area, excluding storage, for retail uses.

60. §15.3(3)(A) allows for a fifty (50%) percent reduction in parking for commercial uses in the VC10 District. Accordingly, required parking for the commercial elements of the project are allowed to be fifty (50%) percent of the required parking count required by Table 15.2.

61. Per the Regulations, the following number of parking spaces are required onsite: Two (2) dwelling units = two (2) parking spaces. 3,028 sf of retail space = ten (10) parking spaces x 50% = five (5) parking spaces. A total of seven (7) onsite parking spaces are required. The plans indicate ten (10) onsite parking spaces.

62. The application includes a master parking table that accounts for the additional shared parking on the adjacent parcel owned in common by the Applicant.

63. The proposed parking spaces and aisle widths conform to the required dimensions.

64. §15.1(4) requires parking to be located to the rear of interior side (side not fronting on public road) of buildings. Majority of the proposed parking is located either beneath or behind the building however, one (1) parking space is located in front of the building and conflicts with existing travel and pedestrian movements. The DRB will require this one (1) parking space to be eliminated and removed as a condition of approval.

Conclusion: Based on the above findings, the DRB concludes that the proposed circulation and parking improvements, except where otherwise noted, represents safe and adequate access and circulation to support the proposed uses.

Section 3.16(C)(4) – Pedestrian Circulation and Access

65. The Regulations require pedestrian circulation within the site, and access through the site to adjacent properties along public roads, be provided.

66. The project fronts South Main Street which contains sidewalks on both sides of the street. Because the property owner owns adjacent properties, a network of walkways is proposed to provide pedestrian access throughout what is referred to as 'Straw Corners'. Adjacent properties under common ownership include the subject parcel, 64 South Main Street, 55 Mountain Road, 57 Mountain Road, and 59 Mountain Road. Existing and new walkways on all sides of the project are proposed to be used as part of an overall Straw Corners

master plan to provide pedestrian connectivity. Pedestrian access will be provided via these walkways from the rear properties/parking area and from the South Main Street sidewalk.

Conclusion: Based on the above findings, the DRB concludes the proposed site layout, including pedestrian circulation and access, represents safe and adequate pedestrian access and circulation for the intended use.

Section 3.16(C)(5) – Landscaping and Screening

67. The Regulations require landscaping details and screening of garbage collection areas, outdoor storage, commercial ventilation systems over two square feet; loading and unloading areas and other outdoor utilities, including solar installations, be provided as part of proposed site development plans.

68. A landscape plan prepared by Ambler Landscape Architecture was submitted and identifies all landscaping to be installed as part of a broader project.

69. The landscape plan also identifies proposed hardscape (i.e. brick crosswalks, stone staircase at the rear, stone access steps/landing at western entrance).

70. Colored renderings/elevations illustrate the anticipated appearance of the project from various locations and perspectives.

71. A dumpster enclosure is proposed at the edge of the rear parking area at 57 Mountain Road. No dumpster is shown on the subject property. Because the property is under the same ownership, it is assumed that trash/recycling from the proposed project will utilize the dumpster at 57 Mountain Road.

72. All exterior mechanical units will be located on the roof (Roof Plan Sheet A2.4). The plan indicates that the parapets will be raised to aid in screening these units. Given the height of the building, raised parapets, and centralized location of the rooftop units, visual impacts will be minimal if non-existent.

Conclusion: Based on the above findings, the DRB concludes the proposed landscaping and screening meets the standards outlined in §§3.16(C)(5) & 4.6.

Section 3.16(C)(6) – Stormwater Management

73. Section 3.12(2) provides stormwater and erosion control standards for construction-related activities associated with any new construction.

74. The project will not create an additional ½ acre of impervious surfaces and/or grading.

75. The Site Plan shows the location of catch basins and storm drains. During the hearing the Applicant's engineer testified that the project includes a flat roof with internal drainage directed to the underground stream. The existing four-inch drainpipe would be replaced with a 12-inch pipe.

Conclusion: Based on the above findings, the DRB concludes the proposal has been designed in accordance with §3.12; existing drainage patterns will not be altered in a manner which causes an undue adverse impact on neighboring properties, town highways or surface waters.

Section 3.16(C)(7) – Outdoor Lighting

76. The Regulations require that all outdoor lighting be installed in accordance with the standards in §4.8.

77. The Applicant provided manufacturer cutsheets for the proposed outdoor lighting, and the elevation plans show the location of these fixtures. Three (3) types are proposed: a wall mounted fixture (Voto 8 Outdoor

Wall), a ceiling mounted fixture to be located under covered entrances and within the covered parking area, and LeonLite Centripeta Hardscape & Step Light to be located within the outdoor steps. The sheet indicates that the wall fixture is dark sky compliant. The other two (2) fixture types are in locations which will prevent glare into the night sky.

78. The project complies with §4.8(8) and will produce ±2.3 lumens per square foot.

Conclusion: Based on the above findings, the DRB concludes the project conforms to the applicable requirements set forth in §4.8.

Section 3.16(D)

79. Vehicles will exit out of the property on to South Main Street. Existing access locations will remain. The existing concrete sidewalk cutting across the existing driveway is clearly identifiable from the driveway which is asphalt.

80. The proposed building and driveway utilize majority of the front yard within the build-to line.

81. No new parking or outdoor storage is identified within any front yard; these areas are reserved for vehicular access and sidewalks.

82. The Landscape Plan prepared by Ambler Landscape Architecture shows an existing tree that will be removed and replaced with a Skyline Honey Locust tree. At the western end of the parcel, landscaping and stone landscaping walls are proposed.

83. The proposed building and site improvements occupy almost all of the parcel. Site improvements include pedestrian walkways and stairs which will provide access to the west building entrance, the north building entrance and the front building entrance (south). The existing sidewalk along South Main Street will remain in its current location.

84. The buildings along South Main Street have a consistent building line and setbacks. The Applicant proposes a covered front entrance which comes directly off the front sidewalk to provide a pedestrian friendly feel.

Conclusion: Based on the above findings, the DRB concludes the proposal has been designed in accordance with applicable provisions set forth in §3.16(D)(1) – Additional VC Standards.

Section 4: Specific Use Standards

Section 4.6 Landscaping Standards. See discussion above.

Section 4.8 Outdoor Lighting. See discussion above.

Section 10: Stowe Historic Overlay District and Historic Buildings

85. The existing building at 48 South Main Street is a non-contributing historic resource. The subject property is, however, within the SHOD and as such is subject to §10 of the Regulations.

86. The HPC informally reviewed the project on October 2, 2024, November 20, 2024 and December 4, 2024. The HPC then formally reviewed the application on February 5, 2025 and February 19, 2025. At the February 19th meeting, the HPC recommended approval of the project as proposed, including the requested setback and height waivers. Minor revisions to the project were presented to the HPC on April 16, 2025 and May 7, 2025. The HPC recommended approval of the most recent plans presented on May 7th. All HPC meeting minutes were included within the hearing record.

Section 10.7 Demolition and Partial Demolition of Structures

87. The Applicant requests to demolish the existing building under §§ 10.7(2)(A) & 10.7(2)(B).

88. Section 10.7(2)(A) states - *The SHPC has determined that the structure does not have historical or architectural significance or does not make a positive contribution to the district's streetscape.*

89. Section 10.7(2)(B) states - *The condition of the historic structure has deteriorated or been compromised to such a degree that rehabilitation and use of the structure or building is not feasible due to structural or building code issues. It is the responsibility of the property owner to demonstrate to the DRB's satisfaction that rehabilitation is not feasible.*

90. The Applicant provided a memorandum from John P. Higgins, PE, Artisan Engineering that offers assessment of the basement and foundation, the first floor framing, the second floor framing, and the roof framing (Exhibit 3).

91. Mr. Higgins concludes that '*the complete structure will require a gut rehab to expose the framing to determine actual capacities. Which in turn, in our opinion, will ultimately lead to a full framing overhaul including sistering members, new foundation elements, bearing walls, and columns and beams to carry the appropriate loads. We recommend demolition of the structure and foundations in total, due to the fact that addressing the full spectrum of safety issues will be extremely invasive and, in many cases, impossible given the state of the existing structure.*'

92. The hearing record contains photographs of the existing building clearly showing structural decay.

93. The Applicant provided the National Register of Historic Places Continuation Sheet (Page 13) which lists the existing structure at 48 South Main Street as a 'Non-Contributing' structure.

94. On February 19, 2025, the HPC reviewed the project and unanimously recommended demolition approval under both §§10.7(2)(A) & 10.7(2)(B).

Section 10.13 Standards for New Construction

95. The proposed building is located on South Main Street. The orientation of the proposed building maintains the village streetscape.

96. The Applicant provided renderings illustrating the proposed building as it relates to the adjacent buildings and surrounding area. As designed, the proposed building is compatible in scale and massing and maintains a similar setback along the South Main Street streetscape.

97. The proposed building design is sensitive to the overall character and context of the historic district. The Applicant has incorporated architectural design features and building materials to ensure the project conforms to the character of the area.

98. The Applicant requested a building height waiver of thirty-four (34) feet. The proposed building is compatible with the varied heights of existing adjacent buildings and in the surrounding area. The building will not tower above or overwhelm the village streetscape.

99. The proposed building contains various flat roofs with gabled entrances. Large expanses of undifferentiated roof forms have been avoided by stepping back various portions of the building.

100. The mass and scale of the building is reduced by utilizing a variety of building materials, architectural details, various window patterns and openings, and articulating features like covered entrances and porches.

101. The proposed building is articulated with several porches/balconies and entryways.

102. The architectural design incorporates character defining features which are similar to nearby buildings and compatible with the larger historic district.

103. The first-floor window openings are larger than the upper stories. Various window patterns and mullions are incorporated into the design.

104. The building materials include brick and clapboard.

105. The primary building façade faces South Main Street and incorporates a prominent gabled entrance, inviting to pedestrians and those passing by. The proposed building is designed to promote a sense of pedestrian friendliness and connectivity to the village.

106. The primary façade incorporates architectural features like entry ways and openings to create depth.

107. The building design stands on its own and does not incorporate multiple historic styles and combine those into one design. The design does not create a false sense of historical development.

Conclusion: Based on the evidence presented during the DRB hearings and the above findings, the DRB accepts the HPC's recommendations and concludes that the project conforms with applicable provisions of §§ 10.7 & 10.13.

Section 15: Parking Requirements

108. The DRB incorporates by reference into this section's findings its findings under Section 3.16(C)(3), above, as if more fully stated herein.

DECISION

The DRB hereby approves the Applicant's request for conditional use, site plan and design review approval, as outlined in the development application dated January 24, 2025 and supporting plans and drawings, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, are:

   1. Town of Stowe Development Application, dated 01/24/2025;
   2. Development Narrative, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
   3. Memorandum from John P Higgins, Artisan Engineering, dated 08/15/2024;
   4. Stowe Historic Preservation Commission Submittal packet 5 pages, prepared by Volansky Studio Architecture & Interiors, dated 01/24/2025:
      a. National Register of Historic Places Continuation Sheet, Page 13;
      b. Existing Conditions – Building Exterior photographs;
      c. Existing Conditions – Building Interior;
      d. Existing Conditions – Building Interior;

e. Existing Conditions – Building Interior;
f. Existing Conditions – Building Interior;

5. Exterior Fixture "A" lighting spec sheet, no date;
6. Exterior Fixture "B" lighting spec sheet, no date;
7. Proposed Windows- Double-Hung, Transoms, and Picture Units spec sheets, no date;
8. Proposed Exterior Swing Door Units spec sheet, no date;
9. Proposed Exterior Sliding Doors spec sheet; no date;
10. Example Window Photographs, 3 pages, no date;
11. LeonLite Centripeta Hardscape & Step Light spec sheet, no date;
12. Shoreing/Site Protection at 48 South Main Street letter from Travis Cutler, no date;
13. Power Supply at 48 South Main Street letter from Travis Cutler, no date;
14. Proposed Site Plan, Sheet C-1, prepared by Grenier Engineering, PC, dated 05/13/2025;
15. Proposed Master Site Plan, Sheet OA-1, prepared by Grenier Engineering, PC, dated 05/13/2025;
16. Landscape Plan, Sheet L1.0, prepared by Ambler, dated 05/13/2025;
17. Proposed Site Plan, Sheet A1.0, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
18. Proposed Site Staging Plan, Sheet A1.1, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
19. Basement Level Floor Plan, Sheet A2.0, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
20. Main Level Floor Plan, Sheet A2.1, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
21. Second Level Floor Plan, Sheet A2.2, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
22. Third Level Floor Plan, Sheet A2.3, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
23. Roof Plan, Sheet A2.4, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
24. South Elevation, Sheet A3.1, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
25. East Elevation, Sheet A3.2, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
26. North Elevation, Sheet A3.3, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
27. West Elevation, Sheet A3.4, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
28. Typ. Exterior Details, Sheet A3.5, prepared by Volansky Studio Architecture & Interiors, dated 01/24/2025;
29. Typ. Exterior Details, Sheet A3.6, prepared by Volansky Studio Architecture & Interiors, dated 01/24/2025;
30. Typ. Exterior Details at Cupola & Balcony Edge, Sheet A3.6, prepared by Volansky Studio Architecture & Interiors, dated 01/24/2025;
31. Exterior Rendering from Southeast, Sheet A3.8, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
32. Exterior Rendering from Northeast, Sheet A3.9, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
33. Exterior Rendering from Northwest, Sheet A3.10, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
34. Exterior Rendering from Northwest, Sheet A3.10A, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
35. Exterior Rendering from Southwest, Sheet A3.10B, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
36. Estimated Street View From Stowe Village Market Approach, Sheet A3.10B, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;
37. Streetscape Rendering – Easterly Approach, Sheet A3.11, prepared by Volansky Studio Architecture & Interiors, dated 05/13/2025;

38. Streetscape Rendering – Westerly Approach, Sheet A3.12, prepared by Volansky Studio Architecture & Interiors, dated 01/24/2025;
39. Proposed Building, Local Character Study, prepared by Volansky Studio Architecture & Interiors, dated 01/24/2025;
40. Proposed Site Parking Plan, Sheet A1.1, prepared by Volansky Studio Architecture & Interiors, dated 06/24/2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Prior to the issuance of a zoning permit, the Applicant must complete/submit the following:
   a) The boundary line adjustment plat approved under Project 7635 must be submitted to the Zoning Administrator and recorded in the Stowe Land Records.
   b) The Applicant must submit a revised site plan eliminating and removing the single parking space located in front of the building, fronting South Main Street. This area shall be filled with grass or additional landscaping/hardscaping.
4. The Applicant shall obtain all necessary municipal water and sewer allocation and connection permits. Final plans, Details, Technical Specification and for proposed Water and Sewer Connections shall be approved by the Department of Public Works.
5. The Applicant must obtain all necessary permits and approvals from the Department of Public Works for all work within the town highway right-of-way.
6. All mechanical systems shall be located or screened in a manner that they are not visible from the public right-of-way.
7. Landscaping shall be properly maintained in accordance with the approved plans. Any dead and dying plants and trees shall be replaced within one (1) year of death.
8. The paved parking areas shall have painted lines designating parking spaces in accordance with the approved plans. Lines shall be applied within one (1) month of paving and shall be maintained so as to be visible.
9. No parking space shall be used for any purpose that interferes with its availability for required parking, including the location of trash or recycling dumpsters.
10. Required parking spaces shall be maintained (plowed) for winter use.
11. All parking surfaces shall be constructed so as to eliminate standing water and the discharge of storm water onto adjacent property.
12. All demolition shall be completed with thirty (30) days of commencement, and at a minimum, completion shall include:
    a. All structural materials and debris shall be removed from the site;
    b. Any remaining foundation opening(s) shall be fenced or otherwise secured.

    The time between demolition of the existing building and commencement of new construction shall not exceed (6) months.
13. Pursuant to Section 10.5(12), the DRB accepts the recommendations of the Stowe Historic Preservation Commission as voted on May 7, 2025. The project shall be completed according to the approved architectural plans.
14. Construction hours shall be limited to Monday-Friday from 7:00 am-5:00 pm and Saturday morning from 9:00 am- 1:00 pm. with no construction on Sunday or State or Federal holidays.
15. The installation of outdoor light fixtures is limited to those described and depicted within the application. Fixtures shall employ warm-toned (3000K and lower).
16. All outdoor light fixtures shall be installed, shielded, and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property.
17. The installation of any exterior signage shall require a separate zoning permit.
18. The Applicant must incorporate the following Fire Department conditions:
    a. A Fire Department Knox Box shall be installed prior to building occupancy to provide key/code access. The owner or representative must meet with Stowe Fire Department to determine an acceptable location for the Knox box.
    b. Structures that are required to have a sprinkler system by code and are three (3) or more levels shall incorporate a standpipe system in the stairways for interior firefighting operation.

c. Fire alarm control panels shall be located 6 feet of main building entrance. In installation where remote annunciator panels are being install signage over the remote panel shall be placed to indicate the location of the main control panel.
d. Fire alarm system shall be programed to indicate the level, room number or designation and nature of the alarm.
e. Outside fire Department sprinkler connections shall be signed with FDC signs above the connection.
f. Utility room's doors that house sprinkler system controls and fire alarm panels shall be marked on the outer door with the approved/supply fire department label.
g. E911 address will be marked on the front of the building/units or on the street entrance.

19. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-F) including:
    a. The amount of soil exposed at any one time must be kept to a minimum.
    b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e. An adequate stormwater drainage system must be continuously maintained to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
20. A Certificate of Occupancy must be obtained from the Zoning Administrator prior to occupancy and use to ensure that the project has been completed as approved by the DRB, as required under §2.10. Prior to occupancy, the owner or representative of the property will meet with an officer of the fire department to complete a "fire department pre-plan" survey and submit all of the following:
    a. Documentation that all necessary allocation and connection permits have been obtained from the Department of Public Works;
    b. Documentation that all Stowe Fire Department requirements have been installed and are in working order;
    c. Written certification from a licensed engineer that all permitted access, parking, and stormwater improvements have been completed in conformance with the approved plans;
    d. A licensed landscape architect shall provide written certification that the landscaping and screening, has been installed in conformance with the approved plans; and
    e. A licensed architect shall provide written certification that the proposed building, including all building mounted outdoor lighting, has been constructed in conformance with the approved plans.
21. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant and his successors agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

Voting to approve: Drew Clymer, David Kelly, Mary Black, Patricia Gabel, Scot Baraw, Lynn Altadonna, Michael Diender

Voting to deny: None

Dated at Stowe, Vermont this the 19th day of August 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of $25/page is required for recording.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7582		
Application Date	4/3/2025		
Physical Location	46 MOULTON LN		
Map ID	10-043.010	**Tax ID**	23030-020
Project Description	2-LOT SUBDIVISION		
Owner	AMINA RANK SCOTT RANK		
Applicant	SCOTT RANK		
Applicant Address	46 MOULTON LN STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
INCOMPLETE APP	4/23/2025			EMAILED APPLICANT ON 4/23/25
DRB DECISION	8/19/2025	9/18/2025	2/15/2026	APPROVED WITH CONDITIONS

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT # 7582

SUBJECT PROPERTY 46 Moulton Lane, Stowe, VT (Tax Map #10-043.010)

PROPERTY OWNER/APPLICANT
Amina Rank & Scott Rank
46 Moulton Lane
Stowe, VT 05672

APPLICATION

The Property Owner/Applicant, Amina and Scott Rank (herein referred to as the "Applicant"), requests a subdivision amendment and combined preliminary and final subdivision review to subdivide an existing parcel into two (2) residential lots. As proposed, the existing ±10.1-acre property will be subdivided into two (2) lots: Lot 1 being ±5.00 acres and Lot 2 being ±5.00 acres. The subject parcel is Lot 1 of the Hartley & Virginia Neel 3-Lot subdivision (S-88-3-1) approved by the Town of Stowe Planning Commission on November 6, 1989 and recorded in the Town Land Records on February 26, 1990 (Book 8, Page 54). The application involves amending this previously approved subdivision to remove the 'Building Zone Restriction Line' on Lot 1 to construct future dwellings on proposed Lots 1 and 2. Proposed Lot 1 contains an existing single-family dwelling which is intended to be converted to an accessory dwelling unit (ADU) when a future primary unit is permitted on the lot. The subject parcel is within the Rural Residential 5 (RR5) zoning district and has frontage along Stagecoach Road (a Class 2 Town Highway) and Moulton Lane (Class 3 Town Highway). Both lots are proposed to gain access off Moulton Road via a shared driveway. The application has been reviewed by the Development Review Board (DRB) under the applicable standards of the Town of Stowe Subdivision Regulations (effective July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024). The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was received on April 3, 2025. The application was initially deemed incomplete but upon submission of additional information, the application then accepted as administratively complete by Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for July 15, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on June 26, 2025. The hearing was held at the Stowe Town Office, with remote participation available via Zoom. No *ex parte* communications or conflicts of interests were reported. Members participating in the July 15th review included: Drew Clymer, David Kelly, Tom Hand, Mary Black, Peter Roberts, Patricia Gabel, and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS & PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Amina Rank & Scott Rank, 46 Moulton Lane, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 04/03/2025;

2. Application Narrative, prepared by Scott & Amina Rank, dated 04/01/2025;
3. Application Narrative #2, prepared by Scott & Amina Rank, dated 04/28/2025;
4. Site Plan, prepared by Velvaere, dated 04/01/2025;
5. Septic System Site Plan, Sheet C-2, prepared by Grenier Engineering, PC, revision date 07/15/2024;
6. Agreement, Book 1211, Page 202-203, recorded 11/03/2023;
7. Planning Commission Meeting Minutes – 10/23/1989;
8. Planning Commission Meeting Minutes – 11/06/1989; and
9. Plan of Land, Hartley & Virginia Neel Subdivision.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact & Conclusion of Law

The Applicant's request for a subdivision amendment and combined preliminary & final subdivision was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Town of Stowe Subdivision Regulations (effective through July 16, 2012)

- Section 2- General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

Section 2.16 Flexibility and Finality in the Permitting Process (Stowe Club Test)

1. In order to determine if it is appropriate under the circumstances to allow an amendment of a permit or approval, the DRB shall evaluate any application that proposes an amendment of a final approval and assess the competing policies of flexibility and finality in the permitting process.

2. An amendment is considered a request to modify the project plans, exhibits, and /or representations by the applicant that lead to the decision and which have been incorporated into the approval through a specific or general condition. As stated in §2.16, conditions include all stated conditions in a decision and elements of a recorded plat or plan.

3. The subject property is Lot 1 of the Hartley & Virginia Neel 3-Lot subdivision approved by the Town of Stowe Planning Commission on November 6, 1989. The approved subdivision plat was recorded in the Stowe Town Land Records on February 26, 1990 (Book 8, Page 54).

4. When the Planning Commission approved the subdivision creating Lot 1, the recorded plat contained the following statement: "*No building allowed between Stagecoach Road and Moulton Lane and Building Zone Restriction Line*." This established Building Zone Restriction Line crosses proposed Lots 1 and 2, prohibiting any buildings between that line and Stagecoach Road and Moulton Lane. This Building Zone Restriction Line is depicted on the approved and recorded plat (MB 8/54) in the Stowe Land Records.

5. The reason for the notation on the recorded subdivision plat is unclear; however, the Planning Commission meeting minutes of November 6, 1989 indicate that there was some discussion about the building site on Lot 1 being forced into the meadow due to wetland setbacks. No other evidence in the subdivision file indicates

further reasoning for the building restriction. The Planning Commission's motion to approve the application during their November 6, 1989 meeting did not contain any explicitly stated condition restricting development in this portion of the lot, however it is explicitly stated on the approved plat. Other than the Planning Commission meeting minutes, there is no other written approval or decision.

6. The Applicant requests to amend the previously approved subdivision to remove the 'Building Zone Restriction Line' on previously approved Lot 1 to allow for the future construction of dwellings on proposed Lots 1 and 2, within the building restricted area. Proposed Lot 1 contains an existing single-family dwelling that is intended to be converted to an accessory dwelling unit (ADU) when a future primary dwelling is permitted on the lot. Proposed Lot 2 is undeveloped.

7. In 2017 the Town of Stowe Zoning Administrator provided written acknowledgment of an exempt agricultural structure to be constructed within the 'Building Zone Restriction Line' on existing Lot 1. As a result, a 24' x 34' storage shed/garage was constructed within this area and used for agricultural purposes.

8. On February 23, 2024, the Town of Stowe Zoning Administrator approved Project # 7319 to replace the exempt agricultural structure (storage shed/garage structure) with a new single-family dwelling of the same dimensions. The zoning permit was issued in error due to the 'Building Zone Restriction Line' created as part of the previously approved Hartley & Virginia Neel subdivision. The DRB now considers this structure to be nonconforming and a change in circumstances.

9. The hearing record contains a recorded 'Agreement' signed by the owners within the Hartley & Virginia Neel subdivision. The signed agreement is dated October 28, 2023. The recorded document acknowledges their agreement to remove the 'Building Zone Restriction Line' created by the original subdivision. The agreement is recorded in Book 1211, Page 202-203 in the Stowe Land Records. The agreement is signed by Jacqueline Mauer and Brian Leven and Albert William Rice IV and Violaine Antionette Rice.

10. The current property owner (and Applicant) purchased the property in October 2023. According to their testimony, prior to their purchase, the prior property owner entered into the agreement with the Rice's who are noted as the "*owners of the land and premises...benefited by the referenced no build restriction...*" Both parties agreed to remove the restriction, however the restriction has never been formally reviewed or approved as a subdivision amendment and remains in-effect.

11. The Applicant now proposes to remove this recorded plat notation on (existing) Lot 1 and has provided a written response addressing the criteria of the Stowe Club Test. Section 2.16(2) lists three (3) kinds of changes that justify altering a condition of a permit or approval.

12. Since the original Hartley & Virginia Neel subdivision approval in 1989, ownership of the affected lots has changed multiple times. These changes are factual circumstances that were beyond the control of current property owner(s). However, the DRB finds that the transfer of property ownership is a common activity and, by itself, does not justify the removal of the "building zone restriction line." The building zone restriction line was known to the prior and current property owners at the time of transfer.

13. Since the original 1989 Hartley & Virginia Neel subdivision approval, all parties subject to the Building Zone Restriction Line have entered into a recorded mutual agreement to remove the Building Zone Restriction Line, demonstrating clear consensus among those originally bound by the restriction.

14. The Applicant testified that there is no specific condition requiring amendment; rather, they assert that the building restriction line was not explicitly included as a condition in the original subdivision approval, and that its enforcement has become an operational barrier to otherwise compliant development.

15. Existing development on Lot 1 and within the Building Zone Restriction Line includes a garage/storage building once used for agricultural purposes. This building footprint has since been utilized for a new single-family

dwelling, which was permitted and approved in error by the Zoning Administrator, further indicating a shift in how this area is functionally treated and regulated and a change in circumstances.

16. Section 2.16(2)(C) allows an amendment when the Applicant can demonstrate 'Changes in technology'. There is no evidence in the hearing record to support a positive finding under this provision. The provision set forth in §2.16(2)(c) is not applicable.

Conclusion: Section 2.16 requires the DRB to evaluate any application proposing an amendment to a final approval by balancing the competing policies of flexibility and finality. The central question is whether the amendments sought by the Applicant necessitate a Stowe Club analysis (§2.16). To determine this, the DRB must first consider whether the amendment involves altering a final condition that was originally included to address a critical issue. If so, the DRB must apply the Stowe Club analysis when reviewing the proposed amendment. If not, the DRB may proceed with reviewing the application based solely on its merits. Upon review of the hearing record and the underlying subdivision approval, the DRB concludes that the Planning Commission's motion approving the subdivision does not explicitly impose a "no build zone" on Lots 1 and 2. Although the recorded plat shows a "no build zone" signed and approved by the Planning Commission—likely reflecting a permit condition—there is insufficient information to definitively classify it as a critical condition of approval.

However, even if the "no build zone" were deemed a critical condition, the DRB further concludes that the Applicants have demonstrated compliance with the Stowe Club Test under the criteria of "changes in factual circumstances not reasonably foreseeable at the time of the original application." Relevant changes include the removal of the restriction by Agreement and the Zoning Administrator's subsequent approval of a dwelling within the "no build zone" on Lot 1—an action likely in error but constituting a material change in circumstances. The Applicants have also identified additional factual changes in their submitted letter, which is part of the hearing record.

Based on these findings, the DRB concludes that, while there is insufficient information to determine whether the "no build zone" was a critical permit condition, sufficient changes in factual circumstances exist—specifically, the Zoning Administrator's approval in error of a dwelling within the restricted area—to satisfy the Stowe Club Test. Accordingly, removal of the "building zone restriction line" is warranted in this instance. The DRB now proceeds to review the application on its merits.

Dimensional Requirements

17. **Zoning District.** The subject parcel is located within the Rural Residential 5 (RR5) zoning district.

18. **Lot Area, Lot Width.** The minimum lot area in the RR5 District is five (5) acres; the minimum required lot width is three hundred (300) feet.

19. The Applicant proposes a 2-lot subdivision as follows: Lot 1 being ±5.00 acres and ±570 feet in width and Lot 2 being ±5.00 acres and ±590 feet in width.

20. **Setbacks.** Setbacks within the RR5 District are as follows: front seventy (70') feet; side seventy-five (75') feet; rear seventy-five (75') feet. Conforming setback lines for both lots are depicted on the plan.

21. **Use.** Lot 1 contains an existing single-family dwelling. Both lots are designed to support future residential development.

22. As identified on the site plan, a second proposed building zone on Lot 1 is proposed, with the intention to convert the existing single-family dwelling into an accessory dwelling unit (ADU).

23. A building zone is also shown on proposed Lot 2. Lot 2 is intended to support future residential use. One (1) family and two (2) family dwellings are permitted uses in the RR5 District.

24. **Density.** In the RR5 District, density is allowed at a rate of one (1) single-family or one (1) two-family dwelling per five (5) acres.

Conclusion: Based upon the above findings, the DRB concludes the project meets the applicable dimensional requirements.

Section 5.1 – General Planning Standards -Subdivision Regulations

Section 5.1(1) – Character of Land for Subdivision

25. Lot 1 contains an existing single-family dwelling and related site improvements.

26. Lot 1 is intended to be further residentially developed in the future by converting the existing single-family dwelling into an ADU and constructing a new primary single-family dwelling.

27. Lot 2 is intended and designed to support future residential use.

28. The proposed lots are designed to be served by on-site wastewater disposal systems and drilled wells.

29. The proposed lots sit amongst other similarly sized rural residential lots.

Conclusion: Based on the above findings, the DRB concludes the land can be used for the intended purposes without undue adverse impact on public health or safety, or the environment or, neighboring properties or the rural and historic character of the community.

Section 5.1(2) – Natural and Scenic Features

30. The subject property contains two (2) Class II wetland areas, a pond, and is partially within the Flood Hazard Overlay District associated with that the applicants can satisfy the Stowe Club Test such that the restriction can be removed the Sterling Brook.

31. The property also contains prime agricultural soils.

32. Future residential development is designed in a manner that avoids infringement into both the wetland areas and their associated fifty (50') foot buffers, and flood hazard areas.

33. There are no other water bodies, ground water resources, scenic meadowland, important forest resources, aesthetic resources or scenic vistas that will be impacted by this project.

34. Apart from along Stagecoach Road and the northwest corner, the property is open and already cleared of trees.

35. According to the ANR Natural Resources Atlas, the property is defined by slopes of less than five (5%) percent.

Conclusion: Based on the above findings, the DRB concludes the subdivision is designed to prevent undue adverse impact on: brooks, streams, water bodies, ground water resources and wetlands; prime agricultural soils, farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas, including views onto and arising from subject property.

Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities

36. According to the ANR Natural Resources Atlas, the proposed subdivision does not contain any significant natural communities, natural communities, wetlands, or deer wintering areas.

37. A Level 3 (out of 10) priority habitat block exists in the northwest section of the property.

Conclusion: Based on the above findings, the DRB concludes the project will not have an adverse impact on mapped significant wildlife habitat areas.

Section 5.1(4) – Historic Resources and Community Character

38. The subject parcel is within a rural area, as defined under the Regulations.

39. The proposed subdivision will not adversely impact historic sites or the character of the Town.

Conclusion: Based on the above findings, the DRB concludes the proposed subdivision is designed to minimize undue adverse impact on historic sites and the character of the Town.

Section 5.1(5) – Reserved Strips

40. No reserved strips are proposed. Each lot will utilize direct shared access off Moulton Lane.

Conclusion: Based on the above findings, the DRB concludes the project does not contain any privately-owned reserved strips.

Section 5.1(6) – Screening and Landscaping

41. No new landscaping is proposed. The property is mostly open and cleared of trees.

42. Lot 1 currently contains a single-family dwelling, with the expectation that a second single-family dwelling will be constructed in the future, at which point the existing dwelling will be converted into an accessory dwelling unit (ADU). Lot 2 is also expected to be developed for residential use in the future.

43. The Septic System Site Plan identifies proposed building zones for Lots 1 and 2.

44. Existing vegetation is located along Stagecoach Road, Moulton Lane, and the western/northwestern portions of the property and is designed to remain as is.

Conclusion: Based on the above findings, the DRB concludes the project conforms with §5.1(6).

Section 5.1(7) – Pedestrian Access

45. The project is in a rural area of town where pedestrian improvements are limited. No pedestrian improvements are proposed under this application.

Conclusion: Based on the above findings, the DRB concludes the no pedestrian improvements are needed given the low density and rural nature of the project.

Section 5.1(8) – Traffic

46. The proposed lots are intended to support a future residential use, likely a single-family dwelling. The project is not expected to create unreasonable traffic congestion or unsafe conditions.

Conclusion: Based on the above findings, the DRB concludes the proposal will not create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways.

Section 5.1(9) – Municipal Facilities

47. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

48. The Applicant's narrative states that each lot will have individual on-site water supply and wastewater disposal.

49. No Municipal Department review forms returned indicated that the proposed development would have any adverse impact on existing or planned community facilities and services.

Conclusion: Based on the above findings, the DRB concludes the proposal will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

Section 5.1(10) – Lot Configuration

50. Lots 1 & 2 are proposed to be subdivided by a single shared property line in order to create two (2) separate residential lots. The single proposed boundary line generally runs north to south.

51. Each portion of the shared boundary line is straight however it does contain several angled transitions to meet the required dimensions and setback. The boundary line is also designed to respond to natural features, including wetland and floodplain areas.

Conclusion: Based on the above findings, the DRB concludes the proposal does not involve flag lots, elongated lots, and other odd shaped lots which include narrow strips of land.

Section 5.1(11) – Building Zone

52. The site plan identifies applicable setback lines per the RR5 District.

53. The Septic System Site Plan shows proposed building zones for each lot. The building zones have been designed to conform with the applicable setbacks and respect the wetland areas and the associated fifty (50') foot buffers.

54. No infringement into the flood hazard zone is proposed.

Conclusion: Based on the above findings, the DRB concludes the project provides adequate building sites for each proposed lot.

Section 5.1(12) – Fire Protection Facilities

55. The future dwelling sites (building zones) will be appropriately accessible from Moulton Lane.

56. The site plan identifies the driveway to be twelve (12') feet in width and approximately four hundred eighty (±480') feet in length.

57. The existing conditions of the property contain slopes of less than five (5%) percent; therefore, the proposed driveway grade will not exceed the fifteen (15%) percent maximum allowance.

58. Lot 1 contains a turnaround as shown on the site plan. Lot 2 is designed with sufficient space to allow an emergency turnaround at the future homesite.

Conclusion: Based on the above findings, the DRB concludes the proposal the proposal complies with §5.1(12) and the proposed driveway is in general compliance with the Stowe Fire Department Construction Standards.

Section 5.1(13) – Disclosure of Subsequent Development Plans

59. Lot 1 is developed with an existing single-family dwelling and related site improvements. The single-family dwelling is expected to be converted into an ADU when a new primary single-family dwelling is constructed in the future.

60. Lot 2 is anticipated to be residentially developed in the future.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms with §5.1(13).

Section 5.1(14) – Private Enforcement Mechanisms

61. Each lot is designed to have individual on-site wastewater disposal systems and private wells.

62. Both lots will utilize a shared, twelve (12') foot wide driveway off from Moulton Lane.

63. The site plan does not identify the required twenty-five (25') foot wide right-of-way for the shared driveway but will be required to as a condition of approval.

64. A Shared Driveway Maintenance Agreement was not provided but will be required as a condition of approval.

Conclusion: Based on the above findings, the DRB concludes the proposal, as conditioned, conforms with §5.1(14). As a condition of subdivision approval, the DRB will require the recorded plat show a twenty-five (25) foot right-of-way and a shared driveway maintenance agreement be recorded before any zoning permits are issued.

Section 5.2 – Subdivision within the Ridgeline and Hillside Overlay District (RHOD): Does not apply.

Section 5.3 – Open Space and Cluster Development: Does not apply.

Section 5.4 – Road Standards and Coordination with Public Highways: Does not apply.

Section 5.5 – Utilities and Stormwater Management

65. Lot 1 is developed with an existing single-family dwelling which is expected to convert into an ADU with the future construction of a primary single-family dwelling.

66. Lot 2 is anticipated to be developed residentially in the future.

67. The application notes that there will be less than ½ an acre of new impervious surfaces created and less than ½ an acre of ground disturbance.

68. The Septic System Site Plan details where silt fencing will be installed to aid in preventing stormwater runoff from exiting future building areas and running into adjacent wetland areas and offsite.

69. The Applicant testified that the existing utilities are installed underground and, although the proposed utility design has not yet been finalized, the proposed utilities can also be located underground.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms with §5.5.

DECISION

The DRB hereby approves the Applicant's request for combined preliminary and final subdivision approval (Project 7582) as described in the application dated April 3, 2025 and associated supporting materials subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Department and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans, amended herein, include:

   a) Town of Stowe Development Application, dated 04/03/2025;
   b) Application Narrative, prepared by Scott & Amina Rank, dated 04/01/2025;
   c) Application Narrative #2, prepared by Scott & Amina Rank, dated 04/28/2025;
   d) Site Plan, prepared by Velvaere, dated 04/01/2025;
   e) Septic System Site Plan, Sheet C-2, prepared by Grenier Engineering, PC, revision date 07/15/2024;

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale, and no street or utility construction shall be started until a subdivision plat, prepared in accordance with the requirements of the Regulations, has been approved as per the Regulations, and has been recorded in the office of the Stowe Town Clerk.
4. Pursuant to 24 VSA Chapter 117, the approved subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with §4.3 of the Stowe Subdivision Regulations and shall include the following notation:

   a. *This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office.*

5. The Applicant shall file the final survey plat, amended herein, signed by the Chair or other authorized representative of the DRB, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and §4.3 of the Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
6. The recorded plat shall identify the twenty-five (25) foot right-of-way over Lot 1, serving Lot 2, which encompasses the shared driveway.
7. Prior to the issuance of any zoning permit(s) for development on proposed Lot 2, the Applicant shall submit to the Zoning Administrator an executed Shared Maintenance Agreement for the shared driveway serving Lots 1 & 2. A copy of the recorded agreement shall be provided to the Zoning Administrator and kept on file in the Planning and Zoning Office.
8. Future development on Lots 1 & 2 shall incorporate an emergency vehicle at the building site in accordance with the Stowe Fire Department Standards.
9. Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors.

10. The electrical and other utilities to serve Lots 1 & 2 shall be installed below ground, unless otherwise approved by the DRB.
11. Site construction and development of Lot 1 & 2 shall adhere to the standards outlined in §3.12(2)(A-F) including:
    a. The amount of soil exposed at any one time must be kept to a minimum.
    b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e. An adequate stormwater drainage system must be continuously maintained to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
12. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his or her successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, David Kelly, Tom Hand, Mary Black, Peter Roberts, Patricia Gabel, and Scot Baraw
Voting to deny: None

Dated at Stowe, Vermont this the 19th day of August 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7619		
Application Date	5/22/2025		
Physical Location	299 MOUNTAIN RD		
Map ID	7A-119.000	**Tax ID**	02119
Project Description	ADD ACCESSORY USE (BAR/TAVERN) TO EXISTING OFFICE		
Owner	CHRISTOPHER RODGERS		
Applicant	DAY HAUS LLC HANNAH MITRANI		
Applicant Address	299 MOUNTAIN RD STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	9/16/2025	10/16/2025	10/16/2027

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT: 7619

SUBJECT PROPERTY: 299 Mountain Road (Tax Map #7A-119.000)

PROPERTY OWNER
Christopher Rodgers
299 Mountain Road
Stowe, Vermont 05672

APPLICANT
Day Haus LLC /Hannah Mitrani
299 Mountain Road
Stowe, Vermont 05672

APPLICATION

The Applicant, Day Haus LLC/Hannah Mitrani, on behalf of Property Owner Christopher Rodgers (hereinafter referred to as the "Applicant"), requests conditional use review to add an accessory use to the existing office use (Day Haus) within the building at 299 Mountain Road. The proposed accessory use is generally described as a 'small, speakeasy-style cocktail bar' which will serve a limited menu of cocktails, non-alcoholic beverages, and small food plates. While open to the public, marketing and programming will be directed exclusively to Day Haus members, a co-working space, and their guests. No modifications to the building exterior or approved site plan are proposed under this application; however, the existing patio is proposed for outdoor seating. The subject property (Tax Map# 7A-119.000) consists of approximately ±0.6 acres and is located within the Village Commercial 10 (VC-10) Zoning District and the Stowe Historic Overlay District. The application has been reviewed by the Development Review Board (DRB) pursuant to the applicable standards of the Town of Stowe Zoning Regulations, effective January 31, 2024, for the purposes of conditional use review. The DRB's procedural history and relevant findings are attached hereto.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by the Applicant on May 22, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing was scheduled for September 2, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on August 14, 2025. The Applicant provided a certificate of service in accordance with the Regulations.

The public hearing to consider the application convened on September 2, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, Andrew Volansky, Scot Baraw, Patricia Gabel, and David Kelly. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Hannah Mitrani /Day Haus LLC, 299 Mountain Road, Stowe, Vermont 05672

THE HEARING RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Development Application, dated 5/15/25;
2. Project Narrative, no date;
3. Lower Floor Plan, A2.1, prepared by The Cushman Design Group, Inc., dated 9/18/06;
4. Upper Floor Plan, A2.2, prepared by The Cushman Design Group, Inc., dated 9/18/06;
5. Roof Plan, A2.3, prepared by The Cushman Design Group, Inc., dated 9/18/06;
6. Building Elevations, A3.1, prepared by The Cushman Design Group, Inc., dated 9/18/06;
7. Building Elevations, A3.2, prepared by The Cushman Design Group, Inc., dated 9/18/06;
8. Building Sections, A3.3, prepared by The Cushman Design Group, Inc., dated 9/18/06;
9. Building Sections, A3.4, prepared by The Cushman Design Group, Inc., dated 9/18/06;
10. Building Sections, A3.5, prepared by The Cushman Design Group, Inc., dated 9/18/06;
11. Copy of existing approved site plan.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcel is within the Village Commercial 10 (VC-10) Zoning District and the Stowe Historic Overlay District as shown on the Official Town of Stowe Zoning Map.

2. **Lot Area, Lot Width.** The subject parcel is ±0.6 acres. No changes to lot width or lot area are proposed under this application.

3. **Setbacks.** There are no changes to building setbacks proposed under this application.

4. **Maximum Building Coverage.** There are no changes to building coverage proposed under this application.

5. **Use.** The Applicant proposes to add an accessory use to the existing office use (Day Haus). §16.2 defines the term accessory building or use '*A building or use customarily incidental and subordinate to a principal building or use on the same lot, or on an adjoining lot under the same ownership.*'

6. The existing building is mixed-use containing a dwelling unit and office, being the primary use of the building. The proposed accessory use can be classified as a Bar (Tavern) as defined under §16.17;

'Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises, or portion thereof, as accessory to the principal use.' Table 6.1 outlines allowed permitted and conditional uses.

7. Accessory Bar (Tavern) is a conditional use in the VC Districts.

8. **Density.** There is no change in density proposed.

9. **Height.** There are no changes to building height proposed under this application.

Conclusion: Based on the above findings, the DRB concludes that the proposed project complies with all applicable dimensional and use requirements of the VC10 District.

Section 3.7– Standards of Review (Conditional Use)

Section 3.7(4)(A)- Capacity of existing or planned community facilities and services:

10. Staff requested comments on the application from respective municipal departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

11. The existing building is connected to municipal water and sewer systems. Water and sewer allocations will be necessary to serve the expanded use.

12. No Municipal Department review forms identified any undue adverse impacts from the proposed development on existing or planned community facilities or services.

13. No other Municipal Department comments were received.

Conclusion: Based on the above findings, the DRB concludes the proposal will not result in an undue adverse effect on the Town's existing or planned facilities or services.

Section 3.7(4)(B)- Traffic on roads and highways in the vicinity

14. The Applicant proposes to add an accessory use/bar (tavern). While open to the public, marketing and programming will be directed exclusively to Day Haus members and their guests. Any increase in the number of vehicle trips is anticipated to be nominal and not result in an adverse condition on roads and highways in the vicinity.

Conclusion: Based on the above findings, the DRB concludes the project will not result in an undue adverse impact on traffic on roads and highways in the vicinity.

Section 3.7(4)(C)- The character of the area affected

15. The project is located within the VC10 District. The general purpose of the VC10 District is *"to promote the sound economic development of Stowe, to carry out the objectives of the Municipal Plan, to maintain Stowe Village as the center of community activity and to encourage the best use of land in central sections for general business."*

16. The specific purpose of the VC10 District is *"to maintain a denser pattern of development in the immediate center of the Village."*

17. The property contains an existing historic building. No exterior alterations to the building are proposed under this application. The existing building contains office use and a dwelling unit.

18. Dominant land uses in the vicinity include a mix of commercial and residential uses.

Conclusion: Based on the above findings, the DRB concludes that the proposed project will not have an undue adverse impact on the character of the area as defined in the Regulations.

Section 3.7(4)(D)- Regulations and ordinances in effect

19. Applicable bylaws include the Zoning Regulations (effective January 31, 2024).

20. The existing building is connected to the Town's municipal water and sewer systems. Connections to the municipal sewer system are regulated under the Town of Stowe Sewer Ordinance. The Applicant will be required to work with DPW to obtain any necessary allocations to support the project.

21. No other identified municipal bylaws or ordinances apply to this project.

Conclusion: Based on the above findings, the DRB concludes the proposal is in conformance with Regulations and ordinances in effect.

Section 3.7(4)(E)- Utilization of renewable energy sources

22. No renewable energy generation or development is proposed within this project. There are no changes to the exterior building or approved site plan proposed under this application.

23. The proposed project will not inhibit the use of, or access to, the utilization of renewable energy resources.

Conclusion: Based on the above findings, the DRB concludes the project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.

Section 3.7(4)(F)- Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

24. According to the ANR Natural Resources Atlas there are no rare or endangered species, deer wintering areas, habitat blocks, or inventoried wetlands on or near the property.

25. The property is currently developed with a mixed-use building, impervious surfaces, and related improvements. The property does not contain any rare and irreplaceable natural areas.

26. The property is located within a compact area of Stowe village with frontage along Mountain Road/VT-108. The scenic beauty of the area can be characterized as a new traditional New England historic area.

27. Surrounding the parcel are a mix of commercial and residential uses.

28. There are no exterior building alterations or changes to the approved site plan under this application.

Conclusion: Based upon the above findings, the DRB concludes the project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

Section 3.7(4)(G)- Project will not result in undue water, noise or air pollution.

29. The Applicant requests approval to add an accessory use bar (tavern). Hours of operation are proposed to be Wednesday, Thursday, and Friday from 4:00-8:00 PM. Seating is limited to 12-14 customers at a time. On Fridays & Saturdays the space will operate as a small-scale café and coffee bar from 8:00 AM-2:00 PM.

30. The Applicant proposes to utilize the existing stone patio for outdoor seating. Noise emanating from outdoor use is anticipated to be similar to other uses in the area. The Applicant testified there will be no amplified outdoor music.

31. Nothing within the application indicates that the project will create undue water or air pollution.

Conclusion: Based on the above findings, the DRB concludes the project will not result in undue water, noise or air pollution.

Section 3.16

32. All proposed development other than a single-family or two-family dwelling, and any accessory uses or structures to such a dwelling, requires site plan approval by the DRB unless the proposed development qualifies for administrative review by the Zoning Administrator under § 2.7.

33. The Applicant proposes to add an accessory use to the existing primary use – office. No changes to the approved site plan are proposed under this application. The existing site plan was approved by the Zoning Board of Adjustment on October 15, 1996 and remains in effect. (BA-7A-119(1)).

34. The only applicable site plan review criteria involves required parking. The existing building contains a mix of uses; one (1) dwelling unit and commercial uses – approximately 2,150 square feet (sf) of office space (Day Haus).

35. The approved site plan contains sixteen (16) parking spaces. Office use requires one (1) space for every 300 sq. ft. of gross floor excluding storage; no less than three (3) spaces. Dwelling units require one (1) space.

36. Table 15.2 does not identify bar (tavern) as a specific use which requires parking, so it is classified as '*any other use not otherwise named in this table*' which requires one (1) space per every 400 sf.

37. Approximately 2150 sf of office requires 7.16 parking spaces. 720 sf of bar (tavern) requires 1.8 parking spaces. One (1) dwelling unit requires one (1) parking space.

38. The Applicant testified that she has sixteen (16) signed parking spaces for the exclusive use of her businesses. She further reported that, if needed, additional public parking is available in close proximity, including across the street. The Applicant stated that she has never experienced more than fifteen patrons on-site at one time.

39. The existing parking spaces can support the proposed expanded use.

Conclusion: Based on the above findings, the DRB concludes the project complies with Section 3.16 and the parking requirements.

DECISION

Based upon the foregoing findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for conditional use review as outlined in the application dated May 15, 2025, and supplemental materials, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:

    a. Development Application, dated 5/15/25;
    b. Project Narrative, no date;
    c. Lower Floor Plan, A2.1, prepared by The Cushman Design Group, Inc., dated 9/18/06;
    d. Upper Floor Plan, A2.2, prepared by The Cushman Design Group, Inc., dated 9/18/06;
    e. Roof Plan, A2.3, prepared by The Cushman Design Group, Inc., dated 9/18/06;
    f. Building Elevations, A3.1, prepared by The Cushman Design Group, Inc., dated 9/18/06;
    g. Building Elevations, A3.2, prepared by The Cushman Design Group, Inc., dated 9/18/06;
    h. Building Sections, A3.3, prepared by The Cushman Design Group, Inc., dated 9/18/06;
    i. Building Sections, A3.4, prepared by The Cushman Design Group, Inc., dated 9/18/06;
    j. Building Sections, A3.5, prepared by The Cushman Design Group, Inc., dated 9/18/06;
    k. Copy of existing approved site plan.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. The Applicant must obtain all necessary municipal water and sewer allocations to support the project.
4. Hours of operation are limited to Wednesday, Thursday, and Friday from 4:00 PM to 8:00 PM, and on Fridays and Saturdays from 8:00 AM to 2:00 PM. The Zoning Administrator may authorize adjustments of up to one (1) hour earlier or later. Any other modification to these hours shall require approval by the Development Review Board.
5. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that the project has been constructed as approved by the DRB.
6. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property

subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, Mary Black, Andrew Volansky, Scot Baraw, Patricia Gabel, and David Kelly.
Voting to deny: None

Dated at Stowe, Vermont this the 16th day of September 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7604		
Application Date	4/29/2025		
Physical Location	2438 MOUNTAIN RD		
Map ID	06-039.000	***Tax ID***	25025
Project Description	SITE PLAN AND LANDSCAPING REVISIONS TO PREVIOUSLY APPROVED 9-UNIT PRD		
Owner	MOUNTAIN ROAD TOWN HOMES LLC		
Applicant	MOUNTAIN ROAD TOWN HOMES LLC		
Applicant Address	732 E. BROADWAY		
	SOUTH BOSTON MA 02127		

APPROVALS ON RECORD

Action Taken	***Date***	***Effective Date***	***Expiration Date***	
INCOMPLETE APP	5/13/2025			EMAILED APPLICANT - NEED STOWE CLUB TEST ANALYSIS
DRB DECISION	10/3/2025	11/2/2025	11/2/2027	

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT# 7604

SUBJECT PROPERTY 2438 Mountain Road (#06-039.000)

PROPERTY OWNER & APPLICANT
Mountain Road Townhomes LLC
732 East Broadway
South Boston, MA 02127

APPLICATION

The Applicant/Property Owner, Mountain Road Townhomes LLC (herein referred to as the "Applicant") requests approval to modify the previously approved landscaping plans and to amend the established clearing limits for the previously approved Project #7271 – a nine (9) unit Planned Residential Development (PRD) approved by the Development Review Board (DRB) on November 21, 2023. The subject property is located at 2438 Mountain Road (Tax Map# 06-039.000) in the Upper Mountain Road (UMR) zoning district. The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective January 31, 2024) and under the Town of Stowe Subdivision Regulations (effective July 16, 2012). The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed and received on April 29, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for August 5, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on July 17, 2025. The hearing was held at the Stowe Town Office, with remote participation available via Zoom. No *ex parte* communications or conflicts of interests were reported. Members participating in the August 5th review included: Drew Clymer, Tom Hand, Mary Black, Peter Roberts, Andrew Volansky, Scot Baraw, and Patricia Gabel. The DRB decided a site visit was warranted and continued the hearing to a time and date certain of September 2nd and scheduled a site visit at 4:00 PM, immediately prior to the continued hearing. Attending the site visit were Tammie Masse, Kyle Gambone, Tyler Mumley, Cythia Silvey, Drew Clymer, Mary Black, Andrew Volansky, Scot Baraw, and municipal staff Sarah McShane. Following the site visit, the DRB resumed and re-opened the public hearing at the Stowe Town Office. Members participating in the August 5th review included: Drew Clymer, Tom Hand, Mary Black, Andrew Volansky, Scot Baraw, and Patricia Gabel. Peter Roberts could not attend the September 5th site visit or hearing however, reviewed the materials and hearing recording to allow his ongoing participation. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

PROCEDURAL HISTORY

A Town of Stowe development application for a nine (9) unit PRD was originally filed and received by the Department of Planning & Zoning on December 19, 2022. The application was accepted as partially complete by municipal staff and referred to the DRB for a public hearing. A DRB public hearing was held on February 21, 2023. The Applicant initially sought partial review for a double setback waiver as allowed under §13.4(5)(B), prior to developing full engineer and architectural drawings. The submission of partial applications is allowed in certain circumstances pursuant to Section III(A) of the DRB Rules of Procedure. Following partial review on February 21st the DRB then continued the hearing to a time and date certain of May 16, 2023, to afford the Applicant time to prepare a full and complete application.

The continued public hearing to consider the application convened on May 16, 2023, with a quorum of the DRB present. The DRB held a continued hearing on the matter on June 20, 2023, and adjourned the hearing that evening, following the submission of testimony and evidence. Following deliberations, the DRB rendered a written decision on August 2, 2023, denying the application for lack of a majority of affirmative votes. Three (3) members voted in the affirmative and three (3) members voted in opposition. The Applicant timely appealed the DRB's decision to the Environmental Division of the Vermont Superior Court. The Court assigned Docket Number No. 23-ENV-00089 to the case. The DRB subsequently requested the Court remand the application back to the DRB to provide the Applicant with an opportunity to make modifications to its project to address the DRB's concerns and to provide the DRB with an opportunity to reconsider the application with a fully constituted board of seven (7) voting members. The Environmental Court subsequently granted the Town and DRB's motion for remand. The DRB then warned a public hearing to consider additional information submitted by the Applicant and (re)consider the materials with a fully constituted board of seven (7) members. A public hearing of the DRB was held on November 7, 2023. The DRB accepted additional testimony and evidence and adjourned the hearing that evening, marking the start of the 45-day period for the issuance of written findings and a decision. The DRB rendered a written decision on November 21, 2023 approving the remanded application with conditions. The Applicant fulfilled the applicable conditions of approval, and the associated zoning permit was issued on July 25, 2024. The Applicant now seeks to amend the previously approved landscaping plans and minor amendments to previously established clearing limits.

INTERESTED PERSONS & PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, Mumley Engineering, PO Box 68, Morrisville, VT 05661
2. Kyle Gambone, Platt Development Group, 732 East Broadway, South Boston, MA 02127
3. Cynthia Silvey, Wagner & Hodgson, 7 Marble Avenue, Burlington, VT 05401
4. Bond Worthington (Architect) / *bond@bondworthington.com*
5. Tammy Massi, 2518 Mountain Road, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the original hearing record:

1. Town of Stowe Development Application, received 4/29/25
2. Revised Narrative, prepared by Mumley Engineering, Inc., dated 5/21/25
3. Site Plan, C-1, prepared by Mumley Engineering, Inc., revised 10/26/23
4. Site Plan, C-1, prepared by Mumley Engineering, Inc., revised 4/29/25
5. Revised Planting Plan, prepared by Wagner, Hodgson Landscape Architecture, dated 9/22/23 (color)
6. Planting Plan, prepared by Wagner, Hodgson Landscape Architecture, dated 9/22/23 (black and white)
7. Plant Schedule and Images, prepared by Wagner, Hodgson Landscape Architecture, dated 4/10/25
8. Revised Planting Plan, prepared by Wagner, Hodgson Landscape Architecture, dated 4/9/25 (color)
9. Revised Planting Plan, prepared by Wagner, Hodgson Landscape Architecture, dated 4/9/25 (black and white)
10. Plant Schedule and Images, prepared by Wagner, Hodgson Landscape Architecture, dated 9/22/23
11. Site Plan, original vs. proposed, prepared by Mumley Engineering Inc., dated 4/29/25
12. View renderings, resubmitted for 8/5/25 DRB Hearing
13. Site Plan, updated landscaping plans, C-1, prepared by Mumley Engineering, Inc., revised 8/25/25
14. Original Site Plan, C-1, prepared by Mumley Engineering, Inc., 10/26/23
15. Revised Landscaping Plan, prepared by Wagner, Hodgson Landscape Architecture, dated 8/25/25
16. Revised Planting Plan, prepared by Wagner, Hodgson Landscape Architecture, dated 8/25/25

17. Plant Schedule and Images, prepared by Wagner, Hodgson Landscape Architecture, dated 4/10/25
18. Originally approved Planting Plan, prepared by Wagner, Hodgson Landscape Architecture, dated 9/22/23
19. Originally approved Planting Plan, prepared by Wagner, Hodgson Landscape Architecture, dated 9/22/23
20. Original Rendering, view analysis, prepared by Bond Worthington Architecture dated 5/24/23 and resubmitted for 9/2/25
21. Views from Mountain Rd-July 2025 (2 pages)
22. Original rendering, view from Mountain Rd., Bond Worthington Architecture dated 5/24/23 and resubmitted for 9/2/25
23. Driveway view during construction, prepared by Wagner, Hodgson Landscape Architecture, image from July 2025
24. Driveway view with final planting, prepared by Wagner, Hodgson Landscape Architecture, revised 8/26/25
25. Utility corridor view during construction, prepared by Wagner, Hodgson Landscape Architecture, image from July 2025
26. Utility corridor view with final planting, prepared by Wagner, Hodgson Landscape Architecture
27. DRB Decision for Project 7271.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact

The application was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3 – Conditional Use & Site Plan Review
- Section 4- Specific Use Standards (Landscaping Standards)

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 5- Planning and Design Standards

Section 2.16 Flexibility and Finality in the Permitting Process (Stowe Club Test)

1. The Applicant seeks minor modifications to the clearing limits previously approved under Project# 7271 to accommodate as-built utility installation. These changes affect a small area along the interior access road and a portion parallel to Mountain Road (VT-108). While the interior modifications are not anticipated to significantly affect offsite visibility, the adjustments near Mountain Road (VT-108) are likely to result in increased visibility from the state highway right-of-way.

2. The underlying PRD approval of the property, Project# 7271, established specific clearing limits for the subject property. These approved clearing limits were identified on the plat approved by the DRB, as recorded in the Town of Stowe Land Records under Map Book 24, Page 138-139. The changes sought by the Applicant propose minor modifications to these previously approved clearing limits. The DRB therefore finds the Applicant is seeking an amendment to a final approval.

3. The Applicant's project narrative describes the construction process and explains that revisions to the location of utilities (i.e., municipal water, sewer, electrical, and communication lines) were necessary due to site constraints - primarily shallow bedrock - and specific design and construction requirements from the Department of Public Works and Stowe Electric Department. These conditions and requirements were not

known, identified, or confirmed at the time of the original application to the DRB and now require minor amendments to the approved clearing limits. As the final utility locations were not established during the original review, and now with a clearer understanding of these needs, the Applicant is seeking to revise the approved clearing limits and incorporate additional proposed landscaping for mitigation.

4. Section 2.16(2) lists three (3) kinds of changes that justify altering a condition of a permit or approval.

5. Section 2.16(2)(A) allows an amendment when the Applicant can demonstrate '*Changes in factual or regulatory circumstances beyond the control of a permittee*'. The Applicant is not seeking review under this criterion.

6. Section 2.16(2)(B) allows an amendment when the Applicant can demonstrate '*Changes in the construction or operation of the permittee's project not reasonably foreseeable at the time the permit was issued*'. The Applicant asserts that this provision applies to the requested project amendments.

7. At the time of original DRB approval, the Applicant had not secured final approval from the Department of Public Works for the municipal water and sewer utilities, however they had obtained a State of Vermont Wastewater Permit.

8. According to the Applicant's testimony, the clearing on the property took place in 2023/2024. Project construction began in late 2024. In the summer of 2024, the Applicant went back and forth with DPW and the Stowe Electric Department to fully design the utilities.

9. The Applicant testified that, upon excavation of the existing sewer manhole, an existing service stub was located and required to be used for connection. The waterline connection was relocated to avoid conflict with the fire hydrant. Due to shallow bedrock and at the direction of the Department of Public Works, the waterline was installed in its current alignment. No blasting was required at this location; however, rock hammering was utilized.

10. The Applicant testified that unforeseen conditions, specifically the presence of shallow bedrock, prevented construction in accordance with the approved plans. The Applicant further stated that the final design of the electric and water/sewer utilities was not known at the time of the original DRB approval.

11. Section 2.16(2)(C) allows an amendment when the Applicant can demonstrate '*Changes in technology*'. The Applicant is not seeking review under this criterion.

12. The DRB's decision approving the project included the following two (2) conditions of approval:

    The electrical and other utilities shall be installed below ground, unless otherwise approved by the DRB.

    The Applicant shall obtain all necessary municipal water and sewer allocation and connection permits for the project. Final Plans, Details, Technical Specification and for proposed Water and Sewer Connections shall be approved by the Department of Public Works.

13. At the zoning application stage, Applicants must demonstrate that there is capacity to serve the project and utilities to serve the project are feasible. Applicants often provide the general utility layout, however final design drawings are not approved until later in the permitting process with the Department of Public Works. The DRB often acknowledges this standard practice with a typical condition of approval, noting that final plans for water and sewer must be approved by the Department of Public Works. The DRB also often requires the electrical and other utilities be installed below ground but otherwise does not grant final approval of the

location or design of these utilities. These are the jurisdiction of others and must be approved by other governing bodies.

14. Except for the requested amendments to the clearing limits and landscaping plans, the approved plans have been adhered to.

15. The originally approved plans relied on the existing tree line along the Mountain Road/VT-108 and did not include any supplemental plantings along this right-of-way. The Applicant now seeks to supplement this area with plantings.

16. The Applicant testified that all landscaping will be purchased and installed in locations best suited to fulfill the intent of the landscaping plan. The Applicant further stated that grading along the access roadway is less substantial than originally anticipated, which will allow for installation of the proposed landscaping along the roadway.

Conclusion: Section 2.16 requires the DRB to balance the need for flexibility with the importance of finality when reviewing any proposed amendment to a final approval. The central question is whether the amendment involves modification of a final condition that was originally imposed to address a critical issue. If so, the DRB must apply the Stowe Club Highlands analysis. If not, the DRB may review the application solely on its merits. An amendment is defined as a request to modify project plans, exhibits, and/or representations by the applicant that were incorporated into a prior approval through a specific or general condition. In this case, the Applicant seeks minor modifications to the previously approved clearing limits shown on a recorded plat/plan and incorporated as Condition #4 of Project #7271. The DRB therefore concludes the Applicant is requesting an amendment to a final approval.

A preliminary step in applying the Stowe Club analysis requires the DRB to distinguish between conditions addressing "critical" issues and those that are not. In making this determination, the DRB must consider whether the proposed change is of a type that would have been denied, modified, or otherwise considered significant if presented in the original application, and whether it would have influenced the original decision. In reviewing Project #7271, the DRB finds that the approved clearing limits were clearly defined and played a central role in the original decision. The Findings of Fact and Conclusions of Law for Project #7271 include multiple findings related to landscaping and screening. The approved landscaping plan was intended to supplement existing treeline areas that were to remain, and the DRB relied on both the preservation of existing vegetation and the installation of new plantings to satisfy landscaping and screening requirements. Based on this procedural history and the approved plans, the DRB concludes that the clearing limits established under Project #7271 addressed a critical issue—screening and visibility from public vantage points. Accordingly, the DRB must evaluate the requested amendment under the Stowe Club test.

The Applicant testified that the proposed changes were necessary to accommodate final engineering requirements for electrical, water, and sewer utilities. The Applicant contends that the proposed modification is justified under §2.16(2)(B), which allows amendments based on changes in the construction or operation of a project that were not reasonably foreseeable at the time the original permit was issued. Based on the evidence and testimony presented, the DRB finds that the presence of shallow bedrock and the absence of final utility designs at the time of the development review approval support the Applicant's position. The DRB concludes that the Applicant has demonstrated a change in construction or operation that was not reasonably foreseeable and has satisfied the standards of the Stowe Club Test. Accordingly, the DRB finds that an amendment to the previously approved clearing limits is justified and proceeds to review the application on its merits.

Dimensional Requirements

17. **Zoning District.** The subject parcel is located within the Upper Mountain Road (UMR) zoning district, as shown on the Official Town of Stowe Zoning Map (effective January 31, 2024).

18. **Lot Area, Lot Width.** The parcel contains ±3.74 acres. No change to lot area or lot width are proposed under this application.

19. **Setbacks.** No change to previously approved setbacks are proposed under this application.

20. **Use.** The approved project involves a nine (9) unit PRD consisting of one (1) multi-family dwelling with five (5) dwelling units and two (2) duplexes/two-family dwellings. Two-family dwellings are a permitted use in the UMR district. Multi-family dwellings are a conditional use in the UMR district.

Conclusion: Based upon the above findings, the DRB concludes there are no changes to dimensional requirements or use proposed under this application.

Landscaping & Screening Standards

[Guiding regulatory provisions: Section 5.1(6) – [Screening and Landscaping] of the Subdivision Regulations and Section 3.16(C)(5) & Section 4.6 of the Zoning Regulations]

21. The Applicant seeks modifications to previously approved landscaping and screening plans under Project # 7271. The conceptual landscaping and screening plan remains generally the same, however the species and quantity throughout the project area is changed and in all but one case, significantly increased.

22. The hearing record contains both the previously approved and revised landscape plan, planting schedule, and details. Much like the original approval, a variety of plantings are proposed in areas surrounding the buildings and along the drive access entering the site.

23. An additional earthen mound is proposed along the frontage of VT-108, planted with a mix of native trees and plants.

24. The water and sewer line are now installed. The proposed plantings can be installed up until November but preferred to be planted in October. The Applicant testified it is their intent to install all of the plantings this season.

25. The Landscape Architect testified that the proposed landscaping within the utility cut will consist of dense plantings situated on terraces or tiers to reduce visibility from passing vehicles and provide effective screening. All plantings within the utility cut are proposed as deciduous species, while evergreen species, including hemlock, are proposed at other locations on the site. The overall landscaping plan is intended to restore native forest species, supplement plantings with additional native vegetation where feasible, and incorporate shrubs across the cut to enhance screening.

26. The plantings located behind Units 1–5 have been installed in accordance with the previously approved plans. The proposed revisions are limited to areas impacted by the installation of utilities and the roadway.

Conclusion: Based on the above findings, the DRB concludes the project has been designed in conformance with Section 5.1(6) Screening and Landscaping (Subdivision Regulations) and Sections 3.16(C)(5) & §4.6 (Zoning Regulations).

DECISION

Based upon the foregoing findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for amended clearing limits and revised landscaping plans as described in application #7604 and associated supporting materials, subject the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.

   The approved plans include:

   a) Revised Landscaping Plan, prepared by Wagner, Hodgson Landscape Architecture, dated 8/25/25
   b) Revised Planting Plan, prepared by Wagner, Hodgson Landscape Architecture, dated 8/25/25
   c) Site Plan, updated landscaping plans, C-1, prepared by Mumley Engineering, Inc., revised 8/25/25

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Clearing and removal of trees shall be restricted to the areas shown on the approved amended plan(s). Lands outside of the approved clearing limits shall be left undisturbed except as necessary to remove dead or diseased trees, recreational trail(s), and to promote the health of the forest.
4. Landscaping shall be installed and properly maintained in accordance with the approved plans. Any dead and dying plants and trees shall be replaced within one (1) year of death.
5. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant and his successors agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Tom Hand, Mary Black, Andrew Volansky, Scot Baraw, Patricia Gabel, Peter Roberts

Voting to deny: Drew Clymer

Dated at Stowe, Vermont this the 30th day of October 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7672		
Application Date	8/6/2025		
Physical Location	385 THOMAS PASTURE LN		
Map ID	15-042.750	***Tax ID***	30236-080
Project Description	INSTALL A POND		
Owner	ORI BEN-AKIVA 2014 TRUST C/O ORI BEN-AKIVA		
Applicant	GRENIER ENGINEERING		
Applicant Address	PO BOX 445		
	WATERBURY VT 05676		

APPROVALS ON RECORD

Action Taken	***Date***	***Effective Date***	***Expiration Date***
DRB DECISION	10/3/2025	11/2/2025	11/2/2027

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT: 7672

SUBJECT PROPERTY: 385 Thomas Pasture Lane (Lot 75), Stowe, VT

PROPERTY OWNER:
The Ori Ben-Akiva 2014 Trust
139 Warren Avenue
Boston, MA 02116

APPLICANT:
Grenier Engineering
PO Box 445
Waterbury, VT 05676

APPLICATION

The Applicant, Grenier Engineering on behalf of property owners, the Ori Ben-Akiva 2014 Trust (herein referred to as the "Applicant"), requests Ridgeline and Hillside Overlay District (RHOD) approval to amend the previously approved clearing limits in order to construct a man-made pond at 385 Thomas Pasture Lane. The proposed pond will provide fire protection and includes a dry hydrant. The existing single-family dwelling, attached garage, and related improvements received RHOD approval from the Development Review Board (DRB) in 2020 under Project 6190. The subject parcel, consisting of ±4 acres and located on Tax Map 15-042.750, is in the Rural Residential 5 (RR5) Zoning District and the RHOD. The property is served by Thomas Pasture Lane, a privately owned and maintained road. The parcel, Lot 75, was originally created in 1989 as approved by the Town of Stowe Planning Commission under subdivision S-83-7(V) Robinson Springs Development Phase V (dated October 23, 1989). The application has been reviewed by the DRB pursuant to the applicable standards of the Town of Stowe Zoning Regulations, effective January 31, 2024, for the purposes of RHOD review. The DRB's procedural history and relevant findings are attached hereto.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by the Applicant on August 6, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing was scheduled for September 16, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on August 28, 2025. The Applicant provided a certificate of service on August 27, 2025 in accordance with the Regulations.

The public hearing to consider the application convened on September 16, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. David Kelly recused himself. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, David Kelly, Mary Black, Andrew Volansky, Patricia Gabel, Peter Roberts, and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

- John Grenier & Sarah Heneghan, Grenier Engineering, PO Box 445, Waterbury, VT 05676

THE HEARING RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 8/6/2025
2. Narrative, prepared by Grenier Engineering, PC, dated 8/5/2025
3. Grenier Engineering Letter to Mike Hollister, dated 8/1/2025
4. Proposed Pond Site Plan, prepared by Grenier Engineering, PC, Sheet C-1, dated 8/1/2025
5. Pond Cross Section, prepared by Grenier Engineering, PC, Sheet C-2, dated 8/1/2025

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 9- Ridgeline and Hillside Overlay District

Section 2.16 Flexibility and Finality in the Permitting Process (Stowe Club Test)

1. The Applicant seeks modifications to the clearing limits previously approved under Project# 6190 in order to accommodate the proposed man-made pond which will serve as fire protection.

2. The DRB decision approving Project #6190 required the Applicant to submit an amended plan prior to the issuance of a zoning permit. The amended plan was required to label the existing treeline as a "*No Cut Zone*". The DRB decision contained the following condition of approval:

   Clearing for construction shall be restricted to the areas shown on the approved site plan entitled Site Plan 'Ben-Avika Dickenson' prepared by Grenier Engineering, Sheet 1 of 1, last revised 2/26/2020 and amended herein. The 'No Cut Zone', as shown on the approved site plan, shall be maintained to provide a natural backdrop and screening of the dwelling and be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest.

3. The proposed fire pond is located on the southern side of the existing dwelling and will extend in to the previously established no-cut zone/clearing limits.

4. The zoning permit (Z-6190) granting approval for the construction of the dwelling established specific clearing limits for the subject property. These approved clearing limits were identified on the plan approved by the DRB and included as a specific condition of approval in the DRB decision.

5. The changes sought by the Applicant seek to modify these previously approved clearing limits. The DRB therefore finds the Applicant is seeking an amendment to a final approval.

6. The changes sought by the Applicant seek to modify to this condition of approval, therefore the DRB finds the Applicant is seeking an amendment to a final condition of approval.

7. The DRB, in its Findings of Fact and Conclusions of Law approving Project #6190, made multiple findings related to the dwelling, screening, exposure of building, etc. and concluded that the proposed dwelling would not negatively impact public vantage points and would have limited visibility from public vantage points.

8. Section 2.16(2) lists three (3) kinds of changes that justify altering a condition of a permit or approval.

9. Section 2.16(2)(A) allows an amendment when the Applicant can demonstrate '*Changes in factual or regulatory circumstances beyond the control of a permittee*'. The Applicant is not seeking review under this criterion.

10. Section 2.16(2)(B) allows an amendment when the Applicant can demonstrate '*Changes in the construction or operation of the permittee's project not reasonably foreseeable at the time the permit was issued*'. The Applicant asserts that this provision applies to the project amendments. The proposed pond will provide fire protection and was not planned or foreseen at the time of permitting the dwelling.

11. Section 2.16(2)(C) allows an amendment when the Applicant can demonstrate '*Changes in technology*'. The Applicant is not seeking review under this criterion.

Conclusion: Section 2.16 requires the DRB to balance the need for flexibility with the importance of finality when reviewing any proposed amendment to a final approval. The central question is whether the amendment involves modification of a final condition that was originally imposed to address a critical issue. If so, the DRB must apply the Stowe Club Highlands analysis. If not, the DRB may review the application solely on its merits. An amendment is defined as a request to modify project plans, exhibits, and/or representations by the applicant that were incorporated into a prior approval through a specific or general condition. In this case, the Applicant seeks modifications to the previously approved clearing limits shown on an approved plan and incorporated as a condition of Project #6190. The DRB therefore concludes the Applicant is requesting an amendment to a final approval.

A preliminary step in applying the Stowe Club analysis requires the DRB to distinguish between conditions addressing "critical" issues and those that are not. In making this determination, the DRB must consider whether the proposed change is of a type that would have been denied, modified, or otherwise considered significant if presented in the original application, and whether it would have influenced the original decision. In reviewing Project #6190, there is no indication that the DRB required these specific clearing areas for any reason other than to adhere to Applicant's original proposal. There is also no evidence that the condition was imposed to resolve a critical issue in granting RHOD approval. We therefore conclude that the condition was not included to resolve an issue critical to the issuance of the permit under the relevant requirements of the regulations. As such, we do not apply the Stowe Club Test. Accordingly, we find that an amendment to the previously approved clearing limits is justified and proceed to review the application on its merits.

DIMENSIONAL REQUIREMENTS:

12. **Zoning District.** The subject parcel is within the Rural Residential 5 (RR-5) and the RHOD as shown on the Town of Stowe Zoning Map.

13. **Lot Area, Lot Width.** The subject parcel is ±4 acres. No changes to lot width or lot area are proposed under this application.

14. **Setbacks.** Required minimum setbacks for ponds are established under §4.10(1)(A) which states: *Ponds shall be set back at least ten (10') feet from all property lines, unless the abutting property owner agrees to less*. The provided site plan shows the location of the proposed pond and related improvements. The side and front setbacks are not labeled, however according to the scale the pond is located outside of the minimum required setback.

15. **Maximum Building Coverage**. Does not apply to the RR5 District.

16. **Use**. The Applicant proposes to construct a man-made pond which is accessory to the existing single-family dwelling. Single-family dwellings are a permitted use in the RR5 District.

17. **Density.** The RR5 District allows single-family dwellings at a density of one (1) per five (5) acres. The subject parcel is ±4 and is part of the approved Robinson Springs Planned Residential Development (PRD) of varying lot sizes. No change to density is proposed under this application.

18. **Height.** Does not apply.

Conclusion: Based on the above findings, the DRB concludes the project complies with the applicable dimensional requirements.

Section 9.5 RHOD Guidelines

§9.5(1) General Requirements

19. The DRB previously found that the approved dwelling was designed and sited in a manner that would not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town. The proposed man-made pond is located lower on the property, to the south of the existing dwelling and to the north and west of the existing driveway.

§9.5(2) Designation of Vantage Points

20. The Regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties. Under the prior review for the construction of the dwelling, a visual assessment identified two (2) public vantage points- one (1) on Luce Hill Road approximately ±3.44 miles from the project site, the other from Upper Hollow Road approximately ±7.68 miles from the project site. The DRB previously found the dwelling would not negatively impact public vantage points and will have limited visibility from public vantage points.

Standard 1.1:

21. The Applicant proposes to clear and remove trees to construct a man-made pond. No additional impervious surfaces are proposed. Peak stormwater discharge is not anticipated to increase due to the project.

Standard 2:

22. This standard addresses forest management and timber harvesting and is not applicable to the application under review.

Standard 3:

23. This standard addresses forest management activities designed as pre-development site preparation and is not applicable to the application under review.

Standard 4:

24. The Regulations require that development not result in an undue adverse impact on fragile environments, including designated wetlands, wildlife habitats, streams, steep and extremely steep slopes and unique features. All efforts should be made to protect/preserve such areas and promote suitable buffers.

25. The Applicant proposes to construct a man-made pond. According to the ANR Natural Resources Atlas there are no fragile environments that will be impacted by the proposed project. The parcel is developed and contains a single-family dwelling and related improvements. No wetlands, deer wintering areas, or hydric soils are shown on the ANR Natural Resources Atlas. The DRB finds that the proposal, if constructed as approved, will not result in an undue adverse impact of fragile environments.

Standard 5:

26. The Regulations require if the project is on a forested hillside, there will be no significant exposure of buildings, and all development be minimally visible and blend in with surroundings in winter months.

27. The Applicant proposes to clear and remove trees west of the existing dwelling to construct a man-made pond. The pond will not be visible and will blend in with surroundings in winter months

Standard 6:

28. Development shall not detract from the sense of order or harmony of the landscape patterns formed by forests, agricultural fields and open meadows.

29. The Applicant proposes to construct a man-made pond on an existing developed residential parcel. The proposed clearing and pond will not detract from the sense of order or harmony of the landscape patterns. The subject lot was created in 1989 and is amongst a larger rural subdivision intended for residential development. The pond will be constructed in an existing depression.

Standard 7:

30. During construction, trees identified on the landscaping plan are to be protected.

31. The Applicant provided a site plan showing the proposed clearing and location of the pond. The proposal maintains much of the existing treeline around the existing driveway and around the dwelling. No other clearing or removal of trees is proposed under this application.

Standard 8:

32. The Regulations require that driveway grades not exceed fifteen (15%) percent and have an average grade that does not exceed twelve (12%) percent. There are no changes to the existing driveway location or grade. This standard does not apply.

Standard 9:

33. The Regulations require that development not result in any building, roof or appurtenant structure being located in a manner which would allow the building, roof or structure to visually exceed the height of land or tree line if it is protected serving as the visual and physical backdrop to the structure as viewed from vantage points. The DRB finds standard is not applicable, the proposal been designed in a manner that will not visually exceed the height of the land or tree line.

Standard 10:

34. The Regulations require that massing of a project be designed to minimize visual impacts and contribute to, and harmonize with, the scenic quality of the surrounding landscape. The DRB finds standard is not applicable, proposal and has been designed to minimize visual impacts and compliment the scenic quality of the surrounding landscape.

Standard 11:

35. Offsite light impacts shall be minimized. Outdoor lighting must comply with the standards contained in §4.8 of the Regulations. The DRB finds standard is not applicable, no outdoor lighting is proposed.

Standard 12:

36. The Regulations require that the minimum area for all lots in existence prior to August 3, 1998 be as established for the underlying district. Minimum area for any lot created after August 3, 1998 shall be as established for the underlying district, excluding any portion of the lot with an average steepness (slope gradient) in excess of twenty (20%) percent. The lot area must have an area four times (4x) the minimum lot area identified in the underlying district for that portion of the parcel exceeding 20%. No change in lot area is proposed under this application. The provisions of this section do not apply.

Conclusion: The DRB concludes the proposed development is in conformance with all applicable RHOD standards and guidelines.

DECISION

Based upon the foregoing findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for RHOD approval to construct a man-made pond as outlined in the application dated August 6, 2025, and supplemental materials, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning &

Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:

1. Town of Stowe Development Application, dated 8/6/2025
2. Narrative, prepared by Grenier Engineering, PC, dated 8/5/2025
3. Grenier Engineering Letter to Mike Hollister, dated 8/1/2025
4. Proposed Pond Site Plan, prepared by Grenier Engineering, PC, Sheet C-1, dated 8/1/2025
5. Pond Cross Section, prepared by Grenier Engineering, PC, Sheet C-2, dated 8/1/2025

6. All conditions of prior approvals, except as amended herein, remain in full force and effect.
7. Clearing for the pond shall be restricted to the areas shown on the plan entitled Proposed Pond Site Plan, prepared by Grenier Engineering, PC, Sheet C-1, dated 8/1/2025.
8. Site construction shall adhere to the standards outlined in §3.12(2)(A-F) including:
    a) The amount of soil exposed at any one time must be kept to a minimum.
    b) Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c) Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d) Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e) Existing drainage patterns must not be altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
9. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that the project has been constructed as approved by the DRB. Prior to the issuance of a Certificate of Occupancy the Applicant shall submit the following to the Zoning Administrator:
    a. A licensed engineer shall provide written stamped certification that the pond has been constructed in conformance with the approved plans.
10. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, David Kelly, Mary Black, Andrew Volansky, Patricia Gabel, Peter Roberts, and Scot Baraw
Voting to deny: None

Dated at Stowe, Vermont this the 3rd day of Oct 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Town of Stowe
Department of Planning & Zoning
PO Box 730
Stowe, VT 05672
www.townofstowevt.org

Dear Interested Person:

Our records indicate you recently participated in a Town of Stowe Development Review Board (DRB) public hearing. Pursuant to Section 2.11(1)(E) of the Town of Stowe Zoning Regulations and 24 V.S.A. § 4464(b)(3), a copy of the DRB decision is being mailed to every person or body appearing and having been heard during the hearing.

In accordance with Section 2.11(4) and 24 V.S.A. § 4471, an interested person who has participated in a regulatory proceeding of the Board may appeal the decision within thirty (30) days to the Vermont Superior Court Environmental Division.

Please do not hesitate to contact Planning and Zoning Director Sarah McShane with any questions or if we can be of any further assistance. Sarah may be contacted at telephone number 253-6141 or by email at smcshane@stowevt.gov.

Sincerely,

Sarah McShane

Sarah McShane, Director
Department of Planning & Zoning

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Please note that there are conditions of approval required to be met before your Zoning Permit can be issued. Once you fullfill these conditions your zoning permit will be sent to you

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7552		
Application Date	2/14/2025		
Physical Location	LOT 4A END OF NATURES WAY		
Map ID	11-255.000	**Tax ID**	32027
Project Description	PHASE V CONTINUATION OF WILDEWOOD COMMUNITY 10 SINGLE FAMILY CONDOMINIUM HOUSES IN RHOD		
Owner	SPRINGER-MILLER JOHN SPRINGER-MILLER TINA ROSS		
Applicant	R&Y COVERED BRIDGE II ALAIN YOUKEL		
Applicant Address	PO BOX 1503 STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	10/3/2025	11/2/2025	11/2/2027

Sarah McShane

Zoning Office

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT: 7552

SUBJECT PROPERTY: Lot 4A (End of Natures Way – Phase V) (#11-255.000)

PROPERTY OWNER
John & Tina Springer Miller
PO Box 1262
Stowe, VT 05672

APPLICANT
R&Y Covered Bridge II c/o Alain Youkel
PO Box 1503
Stowe, VT 05672

APPLICATION

The Applicant, R&Y Covered Bridge II, on behalf of property owners John and Tina Springer Miller (herein referred to as the "Applicant"), seeks approval to construct ten (10) single-family dwellings and related site improvements on an existing ±5.15-acre parcel located at the end of Nature's Way. The project is generally referred to as Wildewood Plateau -Phase V, a continuation of the previously approved Covered Bridge condominiums. The project involves the future construction of ten (10) detached single-family dwellings, related site improvements, and a private road and individual driveways. The proposed project is located within an approved Agricultural Planned Residential Development (AG-PRD) and involves Lot 4A of the Lot 4 Subdivision and Boundary Line Adjustment Survey Between Lot 1 and Lot 4 – John & Tina Springer-Miller. Review by the Development Review Board (DRB) is required under the Town of Stowe Subdivision Regulations (effective July 16, 2012) and Zoning Regulations (effective January 31, 2024) for purposes of a combined AG-PRD, subdivision, RHOD, and conditional use review.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by the Applicant on February 14, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing was scheduled for May 20, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on May 1, 2025. The Applicant provided a certificate of service in accordance with the Regulations.

The public hearing to consider the application convened on May 20, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Mary Black, David Kelly, Patricia Gabel, Andrew Volansky, Scot Baraw and Michael Diender. The DRB continued the hearing to a time and date certain of September 2, 2025. Except for Michael Diender, the same DRB members participated in the September 2nd hearing. Michael Diender reviewed the recording and hearing materials to continue his participation. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

Representing the Applicant:

1. John Grenier, Grenier Engineering, PO Box 445, Waterbury, VT 05676
2. Alain Youkel, R&Y Covered Bridge II, PO Box 1503, Stowe, VT 05672

3. Michelle Young, R&Y Covered Bridge II, PO Box 1503, Stowe, VT 05672
4. Larry Williams P.O. Box 790, Burlington, VT 05402
5. Attorney Jeremy Farkas, 275 College St, Burlington, VT 05401

Interested Persons:

6. Anne and Joe Gresci, 60 Mclane Rd #31, Stowe, VT 05672
7. Attorney Jon Anderson, 30 Main St, Suite 500, Stowe, VT 05672 (representing the Covered Bridge HOA's)
8. Jeff and Jana Herman, 35 Mclane Rd #25, Stowe, VT 05672

Public comments:

Lynn Altodonna spoke during the May 20th hearing, however he did not request interested person status, nor document how he met the requirements for interested persons. The DRB accepts his public comments however does not consider them testimony, nor does the DRB consider him an interested person.

THE HEARING RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 02/14/2025;
2. Supplement to Permit Application – Zoning Compliance Wildewood Plateau, no date;
3. Lot 4A Exhibit, Sheet 4A-X, prepared by Grenier Engineering, PC, dated 07/12/2023;
4. Proposed Site Plan, Sheet C-1, prepared by Grenier Engineering, PC, dated 03/20/2025;
5. Existing Conditions Plan, Sheet SW-1, prepared by Grenier Engineering, PC, dated 02/10/2025;
6. Proposed Stormwater Plan, Sheet SW-202, prepared by Grenier Engineering, PC, dated 02/10/2025;
7. Post Construction Soil Depth & Quality Plan, Sheet SW-203, prepared by Grenier Engineering, PC, dated 02/10/2025;
8. Annotated Maintenance Plan, Sheet SW-204, prepared by Grenier Engineering, PC, dated 02/10/2025;
9. Stormwater Details, Sheet SW-205, prepared by Grenier Engineering, PC, dated 01/27/2025;
10. Email from Harry Shepard, DPW, dated 03/10/2025;
11. Stowe Electric Department comments, dated 05/14/2025;
12. Wildewood Plateau Cover Sheet, prepared by Youkel Architecture + Development, dated 02/02/2025:
    a. Landscaping Plan, dated 02/05/2025;
    b. Wildewood Phase I Photos, dated 02/05/2025;
    c. Wildewood Phase I Photos, dated 02/05/2025;
    d. Typical Elevations, dated 02/05/2025;
    e. Typical Rear Perspective Views, dated 02/05/2025;
    f. Typical Front Perspective Views, dated 02/05/2025;
    g. Alternate Elevations, dated 02/05/2025;
    h. Typical Rear Perspective Views, dated 02/05/2025;
    i. Typical Front Perspective Views, dated 02/05/2025;
    j. Typical House Floor Plans, dated 02/05/2025;
    k. Typical House Floor Plans, dated 02/05/2025;
    l. Vantage 1 – Site Lines and Profiles, dated 02/05/2025;
    m. Vantage 2 – Site Lines and Profiles, dated 02/05/2025.

The following materials were submitted in advance of the first hearing 05/20/2025:

13. Email from John Grenier, dated 05/19/2025;
14. Wildewood Plateau Cover Sheet, prepared by Youkel Architecture + Development, dated 05/20/2025;

15. Lot 4 Subdivision and Boundary Line Adjustment between Lot 1 and Lot 4, John & Tina Springer-Miller, Sheet 1 of 2, prepared by Grenier Engineering, PC, dated June 2024;
16. Wildewood (Phase IV) and Wildewood Plateau (Phase V) Site Plan, prepared by Youkel Architecture + Development, dated 05/20/2025;
17. Wildewood Plateau Site Plan, prepared by Youkel Architecture + Development, dated 05/20/2025;
18. Firetruck Turning Template, prepared by Youkel Architecture + Development, dated 05/20/2025;
19. Lot 4 Subdivision and Boundary Line Adjustment between Lot 1 and Lot 4, John & Tina Springer-Miller showing ROWs and Relocated ROW, no date;
20. Wildewood Plateau Site Plan, prepared by Youkel Architecture + Development, dated 05/20/2025;
21. Typical House Landscaping Plan, prepared by Youkel Architecture + Development, dated 05/20/2025;
22. Wildewood Phase I Photos, prepared by Youkel Architecture + Development, dated 05/20/2025;
23. Wildewood Phase I Photos, prepared by Youkel Architecture + Development, dated 05/20/2025;
24. Typical Elevations, prepared by Youkel Architecture + Development, dated 05/20/2025;
25. Building Elevations, prepared by Youkel Architecture + Development, dated 05/20/2025;
26. Typical Rear Perspective Views, prepared by Youkel Architecture + Development, dated 05/20/2025;
27. Typical Front Perspective Views, prepared by Youkel Architecture + Development, dated 05/20/2025;
28. Alternate Elevations, prepared by Youkel Architecture + Development, dated 05/20/2025;
29. Typical Rear Perspective Views, prepared by Youkel Architecture + Development, dated 05/20/2025;
30. Typical Front Perspective Views, prepared by Youkel Architecture + Development, dated 05/20/2025;
31. Typical House Floor Plans, prepared by Youkel Architecture + Development, dated 05/20/2025;
32. Typical House Floor Plans, prepared by Youkel Architecture + Development, dated 05/20/2025;
33. Vantage 1 Site Lines and Profiles, prepared by Youkel Architecture + Development, dated 05/20/2025;
34. Vantage 2 Site Lines and Profiles, prepared by Youkel Architecture + Development, dated 05/20/2025
35. Staff Review for Project 7552 with Applicant's note within, no date;
36. Page 4 of the DRB Decision of Project 7256;
37. Stormwater Analysis, dated 01/27/2025;
38. Warranty Deed, Vol 602 / Pages 163-167, recorded 03/22/2005;
39. Limited Warranty Deed, Vol 266 / Pages 56-58, recorded 09/17/1993;
40. Letter to Sarah McShane/ P & Z Director from Jon Anderson of Primmer Piper Eggleston & Cramer PC, dated 5/20/2025; and
41. Vermont Testing & Consulting Corp., Preliminary Report – Signed by John B. Stevens & Jacques Bouramia, no date.

The following materials were submitted in advance of the continued hearing on September 2, 2025:

42. Fire Department comments, dated 6/23/2025;
43. Wildewood Plateau Cover Sheet, prepared by Youkel Architecture + Development, dated 07/22/2025 (31pages):
    a. Covered Bridge PUD Unit Density Table
    b. Site Plan, prepared by Youkel Architecture + Development dated 6/11/2025;
    c. Proposed Stie Plan, C-1, prepared by Grenier Engineering PC, dated 6/10/2025;
    d. Firetruck Turning Template, prepared by Youkel Architecture + Development dated 6/11/2025;
    e. Existing Conditions Plan, SW-1, prepared by Grenier Engineering PC, revised 6/10/2025;
    f. Proposed Stormwater Plan, SW-202, prepared by Grenier Engineering PC, revised 6/10/2025;
    g. Post Construction Soil Depth and Quality Plan, SW-203, prepared by Grenier Engineering PC, revised 6/10/2025;
    h. Annotated Maintenance Plan, SW-204, prepared by Grenier Engineering PC, revised 6/10/2025;
    i. Stormwater Details, SW-205, prepared by Grenier Engineering PC, revised 6/10/2025;
    j. Relocated Right-of- Way, no dated;
    k. Site Plan, Site Plantings, prepared by Youkel Architecture + Development, dated 6/11/2025;
    l. Typical House Landscaping Plan, Youkel Architecture + Development, dated, 6/11/2025;

m. Wildewood Phase 1 Photos, provided by Youkel Architecture + Development, dated 6/11/ 2025; (1 of 2)
n. Wildewood Phase 1 Photos, provided by Youkel Architecture + Development, dated 6/11/2025; (2 of 2)
o. Typical Elevations, prepared by Youkel Architecture + Development, dated 6/11/ 2025;
p. Building Elevations, prepared by Youkel Architecture + Development, dated 6/11/2025;
q. Typical Rear Perspective Views, prepared by Youkel Architecture + Development, dated 6/11/2025;
r. Typical Front Perspective Views, prepared by Youkel Architecture + Development, dated 6/11/2025;
s. Alternate Elevations, prepared by Youkel Architecture + Development, dated 6/11/2025;
    i. Typical Rear Perspective Views, prepared by Youkel Architecture + Development, dated 6/11/2025;
    ii. Typical Front Perspective Views, prepared by Youkel Architecture + Development, dated 6/11/2025;
t. Typical House Floor Plans, First and Second Floor Plan prepared by Youkel Architecture + Development, dated 6/11/2025;
u. Typical House Floor Plans, Finished Walk-Out Floor Plan prepared by Youkel Architecture + Development, dated 6/11/2025;
v. Vantage 1 Site Lines & Profile, prepared by Youkel Architecture + Development, dated 6/11/2025;
w. Vantage 2 Site Lines & Profile, prepared by Youkel Architecture + Development, dated 6/11/2025;
x. Vantage 3 Site Lines & Profile, prepared by Youkel Architecture + Development, dated 6/11/2025;
y. Vantage 4 Site Lines & Profile, prepared by Youkel Architecture + Development, dated 6/11/2025;
z. Vantage 5 Site Lines & Profile, prepared by Youkel Architecture + Development, dated 6/11/2025;
aa. Vantage 6 Site Lines & Profile, prepared by Youkel Architecture + Development, dated 6/11/2025;
bb. Vantage 7 Site Lines & Profile, prepared by Youkel Architecture + Development, dated 6/11/2025;

44. Updated Supplement to Permit Application-Zoning Compliance Wildewood, submitted 8/12/2025;
45. Limited Warranty Deed, Vol 266, Pg. 56, submitted 8/12/2025;
46. Supplement SW Modeling, HydroCAD-Ex., dated 1/27/2025;
47. Draft Bylaws of Wildewood 2 Homeowners' Association, INC. submitted 8/7/2025
48. Draft Declaration of Condominium Wildewood 2 A Common Interest Community, submitted 8/7/2025;
49. Draft Road Maintenance Agreement, submitted 8/7/2025;
50. Email Comments from DPW Director Harry Shepard, dated 8/29/2025; and
51. Applicant Response to Staff Review, received 9/2/2025.

PROCEDURAL HISTORY

The following procedural history provides a summary of prior applications and approvals related to the subject AG-PRD, however given the passage of time not all records are clear and some of the information may be missing.

Phase I of the Covered Bridge Highlands project was originally approved by the Stowe Planning Commission on August 29, 1983. Phase I, application #S-83-17-1, consisted of fifteen (15) condominium dwelling units to be built on ±5.1 acres. This was the initial planned phase of an AG-PRD on ±168.1 acres owned by Paul E. Percy off Brook Road. The ±168.1 acres were part of approximately 500 acres known as the Bouchard Farm owned by Paul E. Percy which was being planned as an AG-PRD under the Town of Stowe Zoning Regulations. The plat for Phase 1 also included an ±11.62-acre parcel to be conveyed to Covered Bridge Highlands, Inc. for future maintenance and management buildings, tennis courts and other amenities. This approved plat was recorded in the Stowe Land Records on November 19, 1984.

On November 12, 1984, the Stowe Planning Commission held a public hearing regarding Phase I of the Covered Bridge Highlands project. The project consisted of a total ±168 acres with ±75 acres being allocated for Phase I on ±5.61 acres in the immediate project area.

On July 27, 1987, the Stowe Planning Commission approved a revision to the phase I plat that included an addition of ±0.4 acres of Percy land to increase the combined Phase I and Covered Bridge Highlands, Inc. lands to ±17.63 acres (was ±17.23 acres). This approved plat was recorded in the Stowe Land Records on July 7, 1987.

On December 14, 1987, the Stowe Planning Commission approved a final plat subdivision application, S-83-17-B, for Phase II consisting of fifteen (15) condominium dwelling units on ±5.26 acres of the original ±168.1-acre development land. The approved plat was not recorded in the Stowe Land Records.

On August 29, 1988, the Stowe Planning Commission approved an amended subdivision application, S-83-17-2, to reduce the number of dwelling units in Phase II from fifteen (15) to ten (10) on "less land" (acreage not specified). The double setback along the west boundary was waived. The approved plat was not recorded in the Stowe Land Records.

On March 6, 1989, the Stowe Planning Commission approved a subdivision application, S-83-17-3, creating an AG-PRD on the ±472-acre Bouchard Farm owned by Paul E. Percy consisting of the following:

a) The land to be retained in agriculture is Lot #1 (±247.29 acres) and Lot #3 (±29.70 acres) with a combined density of five (5) dwelling units (two (2) in existence);
b) The development land is Lot #2 which was increased in size from ±168.1 acres to ±195.52 acres with a maximum density of ninety (90) dwelling units.

The approved subdivision plat was recorded in the Stowe Land Records on July 26, 1989.

On September 23, 1991, the Stowe Planning Commission approved subdivision application, S-83-17-4, creating an ±11.8-acre dwelling lot from Lot #1 with access off Luce Hill Road, which was known as Lot #4. The density on Lots #1 & #3 was reduced to four (4), and Lot #4 containing the fifth unit of density. The approved plat was recorded in the Stowe Land Records on November 17, 1991.

On December 2, 1992, by means of Certificate of Nonredemption by Lamoille Superior Court, First Vermont Bank and Trust Company, Inc. became the owner of the ±195.52-acre Lot #2. Paul Percy remained the owner of the agricultural lands- Lots #1 and #3 (±265.10 acres).

On May 25, 1993, the Stowe Planning Commission held a duly warned public hearing to consider subdivision application S-93-9, final plat review for a newly configured Phase II lot consisting of ±3.97 acres to be used for nine (9) residential condominium units. The Stowe Planning Commission approved the project in a decision dated July 15, 1993. The approved plat was recorded in the Stowe Land Records on August 4, 1993.

On July 14, 1998, the Stowe Planning Commission held a public hearing to consider application S-83-17(A), Applicant Paul Percy proposed to subdivide the original Lot #1, to include a ±150.9-acre parcel for agriculture and a ±85.4 acres parcel and assigned one (1) unit of density to the newly created ±85.4-acre lot. The Stowe Planning Commission approved the application July 14, 1998; an approved plat was signed on August 5, 1998, and recorded in the Stowe Land Records.

On December 14, 1999, the Stowe Planning Commission held a public hearing to consider subdivision application S-99-32. Applicants John & Tina Springer Miller proposed to subdivide the ±185-acre Lot #2, to include a ±15.85-acre parcel for the construction of a single-family dwelling and the remaining lands for the construction of a single-family dwelling for the Applicants. The Stowe Planning Commission approved the application in a decision dated March 27, 2000; an approved plat was signed on May 23, 2000 and recorded in the Stowe Land Records.

On April 29, 2004 & June 29, 2004, the Stowe DRB held a public hearing to consider subdivision application S-04-41. The Applicant, Covered Bridge Associates, proposed to subdivide the now ±169.9 acre parcel (Lot #2) into five

(5) sub-lots; sub-lot #1 being ninety-two (±92) acres (retained by property owners John & Tina Springer-Miller); sub-lot #2 being ±15.8 acres sold to Phillip & Crea Lintilhac; sub-lot #3 being ±21 acres; sub-lot #4 being ±36 acres (to be sold as two (2) house lots); and sub-lot #5 being ±21 acres to be used for Covered Bridge Associates Phase III. The DRB approved the application in a decision dated August 16, 2004, and a mylar was recorded in the Stowe Land Records on November 19, 2004.

On July 20, 2004, the Stowe DRB held a public hearing to consider subdivision application S-04-14. The Applicant, Phillip M. & J.Crea Lintilhac, proposed to subdivide the ±15.8 acre parcel (approved under S-99-32) into two (2) lots, each to support a single-family dwelling. Lot #2A was proposed to be ±8.8 acres and Lot #2B was proposed to be ±7 acres. The DRB approved the application in a decision dated August 16, 2004, and a mylar was recorded in the Land Records on September 8, 2004.

On December 18, 2012, the Stowe DRB held a public hearing to consider application, Project #4712. The Applicant's Covered Bridge Associates & Paul Reed proposed to re-subdivide the ±21-acre parcel (sub-lot #5 approved under S-04-41) into two (2) lots; one (1) lot to contain the existing nine (9) multi-family units of Phase II and the second lot to be used for the remaining density of Phase III. The lot proposed for the remaining density is referred to as Phase IV. The DRB approved the application in a decision dated December 26, 2012, and a mylar was recorded in the Stowe Land Records on May 23, 2013.

Under Project #6528, the Zoning Administrator approved an equal exchange boundary line adjustment of ±2.15 acres between adjoining sub-lot #3 and sub-lot #4 (approved under S-04-41). A mylar was recorded in the Land Records on July 16, 2021.

Under Project #6971, the Applicant sought to amend the previously approved AG-PRD to include the Landmark Meadow Parcel. The Landmark Meadow Parcel consists of ±15.43 acres and is located within the Upper Mountain Road (UMR) zoning district. On October 4, 2022, the Stowe DRB held a public hearing to consider application #6971. The Applicants, Paul E. Percy proposed to amend the AG-PRD to include the so-called "Landmark Meadow Parcel" to the AG-PRD, an increase of ±15.43 acres, which would see a density increase of fifteen (15) single-family units. The DRB approved the application in a decision dated February 7, 2023. The DRB's decision was appealed to the Vermont Environmental Court on March 6, 2023. On March 11, 2024, as a result of the appeal, Applicant Paul E. Percy withdrew the application.

On January 7, 2025, the DRB held a public hearing to consider application #7256. The Applicants John & Tina Springer-Miller proposed to further resubdivide Lot 4 of the AG-PRD into two (2) lots: Lot 4 was proposed to be reduced in area to ±27.02 acres and the creation of Lot 4A being ±5.15 acres in area. The DRB approved the application in a decision dated February 4, 2025. A mylar was recorded in the Land Records on February 19, 2025.

The Applicant now seeks to construct ten (10) single-family dwellings and related site improvements on previously approved Lot 4A. Project #7552 has been assigned to the application.

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request was reviewed by the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
    - Conditional Use Standards
- Section 4- Specific Use Standards

- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 9- Ridgeline & Hillside Overlay District
- Section 13- Planned Unit Development

Town of Stowe Subdivision Regulations (effective through July 16, 2012)

- Section 2- General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

DIMENSIONAL REQUIREMENTS:

Zoning District.

1. The subject property is located within the Rural Residential 5 (RR5) zoning district and the Ridgeline and Hillside Overlay District (RHOD) as shown on the Town of Stowe Zoning Map.

Lot Area, Lot Width.

2. According to the Proposed Site Plan (Sheet C-1), the subject parcel is ±5.15 acres in area and approximately ±420 feet in width. No change to lot area or width are proposed.

Setbacks.

3. Setbacks within the RR5 District are as follows: front seventy (70') feet, side seventy-five (75') feet, rear seventy-five (75') feet. This parcel is part of a previously approved AG-PRD, which requires a larger outer perimeter setback and reduced internal setbacks.

4. Section 13.4(5)(C) states "*the minimum setback for one and two-family dwellings on individual interior lots shall be ten (10') feet. One and two-family dwellings shall be located at least twenty (20') feet from each other.*"

5. The Applicant is not proposing to subdivide the lot, rather construct ten (10) single-family dwellings on the existing ±5.15-acre parcel.

6. The location of the proposed dwellings is shown on the site plan. Limited common areas associated with each unit are shown on the provided site grading plan. As proposed, the ten (10) detached single-family units will be separated by a minimum of twenty (20') feet.

7. In accordance with §3.10, the minimum setback from mapped streams and watercourses is fifty (50') feet. A mapped stream exists just beyond the boundary of Phase V. The stream is identified on the Proposed Site Plan, along with the fifty (50') foot setback.

8. As required under §13.4(5)(B), along the outside boundary of the AG-PRD, building setbacks shall be twice the setback requirement for the district in which it is located. The setback shall be free of all buildings, structures, and parking areas, but may contain signs and may be crossed by necessary access driveways. Lot 4A is situated within the interior boundaries of the overall AG-PRD, beyond the one hundred fifty (150') double setbacks, complying with this standard.

Height.

9. The maximum building height in RR5 is twenty-eight (28') feet. The Regulations define building height as the "*Vertical distance measured from the average elevation of the proposed finished grade at the front or rear of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the highest ridge and its contiguous eave for other types of roofs. On sloping sites the height will be measured on the uphill side.*"

10. The elevation plans indicate a maximum height of 23' 8". The Applicant is not seeking a zoning permit at this time for any of the planned buildings proposed under this application.

Maximum Building Coverage.

11. The RR5 District has no maximum building coverage limit. This provision is applicable.

Use.

12. Ten (10) single-family dwelling units are proposed under this application. One (1) family and two (2) family dwellings are permitted uses in the RR5 District.

Density.

13. The previously approved AG-PRD allowed for a total of ninety (90) dwelling units on the original Lot #2 and a total of five (5) dwelling units on the remaining lands (two (2) of the dwelling units were existing at the time). The Applicant's narrative states that the ten (10) single-family units are allowed within the overall total number of dwelling units previously approved within the AG-PRD.

14. The Applicant provided testimony regarding remaining density allowance. Following this project, twenty-two (22) units of density remain for future development on the original Lot 2.

Conclusion: Based on the above findings, the DRB concludes the project meets the required dimensional, use, and density requirements.

Section 3.7– Conditional Use Review Standards of Review

Section 3.7(4)(A)- Capacity of existing or planned community facilities and services

15. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

16. The Applicant proposes to connect to the municipal water system and a private on-site septic system. The Applicant will be required to obtain municipal water allocation.

17. The Public Works Director emailed comments on March 10, 2025 with concerns related to the as-built water Phase IV system. The Applicant testified that the issues identified in his comments have all been addressed and are now satisfied.

18. An onsite septic system will serve all of the proposed dwellings. The Applicant testified that the system will require a State of Vermont wastewater permit. The septic system will be accessed between units 25 & 26.

19. The Stowe Electric Department provided a letter dated May 14, 2025 with the following comments:

Stowe Electric requires the Applicant to provide the utility design plans for the primary underground service. We cannot evaluate the project further without this. The Applicant should contact Stowe Electric as soon as possible to discuss the project and provide a site plan showing the location of primary and secondary electric service (transformers, meters, vaults, etc.) and telecommunication (phone/fiber/cable) service;
We encourage the Applicant to take advantage of incentives through Stowe Electric and Efficiency Vermont to install energy efficient water and lighting technologies and modern building electrification measures.

20. Stowe Fire Department provided dated June 23, 2025. The plans indicate a ±18-foot wide, full turn-around circle for access by emergency vehicles and a fire hydrant near Units 25, 26 & 30. The Fire Department provided comments that they have no concerns with the proposed access or hydrant layout.

21. The Applicant testified that the project has been designed with sufficient turning radii and emergency turn-arounds.

22. No other Municipal Department comments or related testimony was received.

Conclusion: Based on the above findings, the DRB concludes the proposal will not result in an undue adverse effect on the Town's existing or planned community facilities or services.

Section 3.7(4)(B)- Traffic on roads and highways in the vicinity

23. Phase V will be served directly off Nature's Way and Wildewood Lane, both of which are privately owned and maintained roads serving Phases III and IV of the Covered Bridge condominiums. These private roads ultimately connect to Brook Road, another private road, which provides access to Vermont Route 108- a state highway.

24. The ten (10) proposed dwelling units are expected to generate an estimated twenty (20) a.m. peak hour trips and twenty (20) p.m. peak hour trips. The proposed dwellings are anticipated to be used as seasonal or vacation homes, which the Applicant testified will create less overall peak hour trips when compared to dwelling units that are occupied full-time.

25. The existing right-of-way from the end of Nature's Way to the proposed project is a pre-existing right-of-way in existence prior to the construction of the Wildewood project (sometimes referred to as Covered Bridge Phase IV).

26. Jon Anderson, representing the Covered Bridge Condominiums, reported that his clients are concerned with potential connection of a private road connecting to Luce Hill Road, which would allow a connection to VT-108 over private roads. Although this may be of concern, there is no connection proposed (or approved) under this application.

27. The Applicant testified that they are not proposing any connection, and any future connection is outside of the Applicant's control since it is located on property that is not owned or under the control of the Applicant.

28. The project will be accessed primarily from Brook Road, a privately maintained roadway currently in poor condition. The adjoining homeowners' association testified that they are concerned about a potential connection between Luce Hill Road and VT-108 through this residential development and privately maintained road.

29. The DRB incorporates by reference into this section's findings its findings under §5.4, below, as if more fully stated herein.

Conclusion: Based on the above findings, the DRB concludes the project will not result in an undue adverse impact on traffic on roads and highways in the vicinity.

Section 3.7(4)(C)- The character of the area affected

30. The project is located within the RR5 District. Residential uses are consistent with the purposes of the RR5 District as set forth in the Regulations.

31. The AG-PRD is designed to promote the preservation of adequate open space through carefully planned cluster development. The AG-PRD also seeks to encourage the continued agricultural productivity of farmland and forest resources. The existing and proposed project is consistent with both of these elements.

32. The RR5 District further limits land uses to moderate- to low-density residential development, farming and forestry, outdoor recreation, and home occupations. This project complies with the allowed land uses.

33. Existing uses within the general vicinity include a mix of residential, recreation, forestry, and open space.

34. The project is generally described as Wildewood Plateau Phase 5, totaling ten (10) detached single-family dwelling units. Phases I-IV have each been developed, consisting of a total of fifty-eight (58) dwelling units.

35. The project is a continuation of the style and character of the adjacent Wildewood project, an earlier phase. The project will be similarly landscaped to provide a natural semi-wooded feel at maturity.

36. A 'no-cut zone' has been established between Covered Bridge Phase III and the project. A line of coniferous trees has been added behind Units 22–24 and between Unit 21 and Wildewood Unit 6 to provide additional screening from adjacent properties.

Conclusion: Based on the above findings, the DRB concludes that the proposed project will not have an undue adverse impact on the character of the area as defined in the Regulations. The project aligns with the stated purposes of the RR Districts.

Section 3.7(4)(D)- Regulations and ordinances in effect

37. Applicable bylaws include the Zoning Regulations (effective January 31, 2024).

38. The Applicant proposes to connect to the municipal water system. The Applicant will have to obtain water allocation approval from the Town of Stowe Water Commissioners.

39. No other identified municipal bylaws or ordinances apply to this project.

Conclusion: Based on the above findings, the DRB concludes the proposal is in conformance with Regulations and ordinances in effect.

Section 3.7(4)(E)- Utilization of renewable energy sources

40. The project consists of ten (10) single-family dwelling units and related site improvements. No renewable energy generation or development is proposed under this application.

41. The proposed building are less than twenty-eight (28) feet in height. The project is not anticipated to inhibit the use of, or access to, the utilization of renewable energy resources.

42. As required under state laws, the project will be required to be constructed in conformance with the State of VT Building Energy Standards.

Conclusion: Based on the above findings, the DRB concludes the project will not interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.

Section 3.7(4)(F)- Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

43. According to the ANR Natural Resources Atlas there are no rare and irreplaceable natural areas, or prime agricultural soils on the parcel. The parcel is also not mapped as a deer wintering area. A Class III wetland is identified on the Existing Conditions Plan (Sheet SW-1). Class III wetlands are not regulated by the State of Vermont.

44. A mapped stream is identified on the plans, beyond the southern/western boundary. The revised project avoids impact within associated fifty (50') foot riparian buffer. Additionally, an 'intermittent stream' is identified just beyond the parcel boundary to the north. This intermittent stream is not regulated under the zoning regulations, however a twenty-five (25') foot riparian buffer is incorporated in the project design.

45. The parcel is presently undeveloped and entirely forested.

46. There are no known or identified historic sites located on the parcel. The parcel is located within the RHOD.

47. Adjacent properties contain Phases I-IV of the AG-PRD, consisting of fifty-eight (58) single-family dwelling units.

48. The architectural design incorporates measures intended to blend the structure into its surroundings and maintain harmony with the character of the area.

49. The project will result in little to no visibility from public vantage points.

Conclusion: Based upon the above findings, the DRB concludes the project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

Section 3.7(4)(G)- Project will not result in undue water, noise or air pollution

50. Nothing within the application indicates that the project will create undue water or air pollution.

51. The ten (10) proposed single-family dwelling units are not expected to generate any significant water or air pollution. Construction will be limited to between 7am-5pm, Monday thru Friday.

52. Following construction, noise associated from the dwellings is expected to be similar to the existing residential uses within the surrounding area.

Conclusion: Based on the above findings, the DRB concludes the project will not result in undue water, noise or air pollution.

<u>Section 3.16– Site Plan Review:</u>

Section 3.16(C)(1)- Access Management

53. The parcel is served by an existing private access serving Covered Bridge Phases III & IV. The project proposes to extend this access from the right-of-way at the end of Nature's Way through a loop around the interior of the parcel.

54. All ten (10) single-family units will be accessed by private individual driveways off from the proposed loop road.

Conclusion: Based upon the above findings, the DRB concludes the project complies with Section 3.16(C)(1).

Section 3.16(C)(2)- Shared Access

55. The parcel is served by an existing private access serving Covered Bridge Phases III & IV. The project proposes to extend this access as described above.

56. On the western portion of Phase V, an existing right-of-way to adjacent Springer-Miller property is shown. This right-of-way leads to a single-family lot on the adjacent lot.

57. A shared road maintenance agreement has been reached between the Applicant and other users of Brook Road.

Conclusion: Based upon the above findings, the DRB concludes the project complies with Section 3.16(C)(2).

Section 3.16(C)(3)- Circulation and Parking

58. The existing private road providing access to Phases III & IV will be extended to serve Phase V. Within Phase V, the proposed road forms a loop, providing access to each of the ten (10) single-family dwelling units.

59. Each single-family dwelling will have its own individual driveway and two-car garage, fulfilling the parking requirement of Section 15; which require one (1) parking space per single-family dwelling.

60. Each dwelling unit is designed to accommodate two (2) vehicles within a garage and two (2) vehicles within the driveway, providing sufficient on-site parking. Parking along the interior private road will not be allowed.

Conclusion: Based upon the above findings, the DRB concludes the project complies with Section 3.16(C)(3).

Section 3.16(C)(4)- Pedestrian Circulation and Access

61. The project is in a rural area of town where pedestrian improvements are limited.

62. The proposed site plan does not include sidewalks or other internal pedestrian improvements. However, given the low density of the project and low travel speeds, pedestrians can walk utilize the private roadway(s) for pedestrian travel.

Conclusion: Based upon the above findings, the DRB concludes the project complies with Section 3.16(C)(4).

Section 3.16(C)(5)- Landscaping and Screening

63. The Regulations require landscaping and screening of garbage collection areas, outdoor storage, mechanical and ventilation systems over two (2) square feet; loading and unloading areas and other outdoor utilities, including solar installations, be provided as part of proposed site development plans.

64. A landscaping plan shows the location of the existing tree line to remain and proposed coniferous and deciduous plant species. The inset within the landscaping plan shows typical unit landscaping plans surrounding each unit.

65. Garbage collection is anticipated to occur directly from each unit's garage, consistent with the practice at the adjacent Wildewood project.

66. Each unit will have an AC condenser with shrubs to provide screening.

Conclusion: Based upon the above findings, the DRB concludes the project complies with Section 3.16(C)(5).

Section 3.16(C)(6)- Stormwater Management

67. Section 3.12 outlines the requirements for Stormwater and Erosion Control. The project requires a State of Vermont Stormwater Permit. The Applicant testified that in addition to local stormwater regulations, the project as designed meets all state stormwater regulations.

68. The provided plans show the proposed stormwater improvements and maintenance. A gravel wetland stormwater system is proposed behind Units 24 & 25. Ownership and operational control for stormwater system will be held by developer and handed off to the Homeowner's Association at project completion.

69. Stormwater improvements are designed to handle the 100-year storm event.

70. Limits of disturbance are shown on the plans to be approximately ±3.2 acres. Prior to the issuance of any zoning permit, the Applicant must submit an erosion and sediment control plan that incorporates the State of Vermont erosion prevention and sediment control practices per §3.12(2)(C).

Conclusion: Based upon the above findings, the DRB concludes the project complies with Section 3.16(C)(6).

Section 3.16(C)(7)- Outdoor Lighting

71. The landscaping plan includes information on outdoor lighting. Outdoor lighting is proposed at all covered porch entries and flanking the garage doors.

72. Each dwelling is designed with limited outdoor lighting near entrances and garage doors. The proposed light fixtures are dark sky compliant.

73. Total output from all light fixtures on site will be less than 1.25 lumens per developed area as indicated on the plan.

74. Outdoor lighting will be building mounted. There is no proposed street lighting or landscaping lighting.

75. The Applicant's testified that outdoor lighting will conform to the requirements of Section 4.8.

Conclusion: Based upon the above findings, the DRB concludes the project complies with Section 3.16(C)(7).

Section 9 – Ridgeline and Hillside Overlay District.

Standard (1) General Requirements

76. The Applicant provided proposed building elevations and a site plan showing the location of the proposed single-family dwelling units, internal road, and associated site improvements.

77. The project is a continuation of the existing AG-PRD, which consists of fifty-eight (58) single-family dwelling units throughout Phases I-IV.

78. The Applicant's narrative states that the project will be similar in design, material and landscaping to the existing Wildewood project.

79. The property is below 2,000 ft in elevation and entirely within the RHOD overlay district.

Standard (2) Designation of Vantage Points

80. The Regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties. The Applicant studied potential vantage studies from VT-108/Mountain Road near Topnotch Field and from Edson Hill Road. Both illustrate that there will be little to no visibility from public vantage points.

81. In the decision for Project 5664 (Phase IV), the DRB found that no public vantage points were identified. The existing topography prevents the project from being visible from public vantage points. The DRB previously found that the proposal (Phase IV) will not negatively impact public vantage points and will have no or very limited visibility. Phase V is slightly lower in elevation than Phase IV.

Standard (1.1)

82. The provided plans show the location of proposed dwellings, existing and proposed tree lines, and shared access and utility improvements.

83. The Applicant's narrative states that the road serving Phase V will have a ±2-7.5% average grade. The Site Plan includes existing and proposed tree lines/clearing limits and details for erosion prevention controls.

84. The DRB incorporates by reference into this section's findings its findings under §3.16(c)(6), above, as if more fully stated herein.

Standard (2)

85. No future forest management or timber harvesting is proposed under this application. This provision is not applicable.

Standard (3)

86. The proposal is to develop Phase V of the AG-PRD. This phase consists of ten (10) single-family dwelling units. Proposed clearing and grading are shown on the plans.

Standard (4)

87. According to the ANR Natural Resource Atlas there are no hydric or prime agricultural soils identified on the property. According to the ANR Natural Resources Atlas, the development area of Phase V is mainly on 5-15% slopes.

88. According to the ANR Natural Resources Atlas, Phase V is at the edge of a deer wintering area, and entirely within a higher priority habitat block (8 out of 10). The Applicant testified that as part of the overall AGPRD, lands have been set aside for mitigation and incorporated into the larger project. This portion of the project is an area within the AG-PRD intended for future cluster residential development.

Standard (5)

89. The proposed dwellings and associated improvements will be located in a partially cleared area. The parcel is a relatively 'flat plateau' with proposed homes accessed at-grade with walk-outs. The dwellings are proposed to be constructed with compatible building materials and colors designed to be in harmony with the landscape to reduce their visibility.

90. The site plan shows the proposed clearing limits which will still preserve surrounding forest and mitigate visual impacts.

Standard (6)

91. There are no agricultural fields or open meadows on the parcel. The property sits among other similarly situated residential lots and does not detract from the sense of order or harmony of the landscape patterns formed by forests any more than existing development close to the project site.

Standard (7)

92. The Site Plan shows existing and proposed tree lines/clearing limits. The project intent is to retain any significant trees where possible. The landscape plan indicates new coniferous and deciduous trees to be planted.

Standard (8)

93. The proposed dwellings will be accessed from an extension of Nature's Way. The new roadway is designed as a loop, allowing emergency vehicles to travel forward through the development without the need for turnarounds or backing up.

94. The proposed roadway will have a finished road grade of 2-7.5%, and individual driveways will have grades between 2-6.5%. The ±18' wide access road and ±15' wide driveways will provide adequate access for fire and rescue vehicles. The proposed road system is designed as a full turn-around circle for access by emergency vehicles.

Standard (9)

95. The proposed ten (10) single-family detached dwellings have been designed in a manner that will not visually exceed the height of the land or tree line.

Standard (10)

96. The proposed dwelling units will be earth toned stained wood, wood cladding, and a dark color standing seam metal roof to blend into the surroundings.

Standard (11)

97. The landscaping plan includes manufacturer details for the proposed outdoor lighting (sconce lighting on the covered porch and flanking garage door). Building colors and materials are designed to blend in. The proposed light fixtures are 'dark sky' compliant.

Standard (12)

98. The subject parcel is ±5.15 acres and is relatively flat. No change in lot area is proposed under this application.

Conclusion: Based upon the above findings, the DRB concludes the project complies with applicable RHOD requirements set forth in Section 9.

Section 13.4 – Planned Residential Development (PRDs)

99. The subject parcel, Lot 4A, is ±5.15 acres in size, with ten (10) dwelling units proposed. This Phase V is part of a larger, ±195.52-acre AG-PRD.

100. The subject parcel is located internal to the overall AG-PRD - well beyond the one-hundred fifty (150') foot double perimeter setback. All units within Phase V are separated by twenty (20') feet or more.

101. The subject parcel contains ±5.15 acres within the overall ±195.52-acre AG-PRD. No new lots are proposed.

102. Following this project, twenty-two (22) units of density remain for future development on the original Lot 2.

Conclusion: Based on the above findings, the DRB concludes the project complies with the applicable standards in §13.4.

SECTION 5.1 – GENERAL PLANNING STANDARDS:

Section 5.1(1) – Character of Land for Subdivision

103. The subject parcel was previously subdivided under Project 7256. No subdivisions or boundary line adjustments are being requested.

Section 5.1(2) – Natural and Scenic Features

104. The DRB incorporates by reference into this section's findings its findings under § 3.7(4)(F), above, as if more fully stated herein.

Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities

105. The DRB incorporates by reference into this section's findings its findings under § 9.5- Standard 4, above, as if more fully stated herein.

Section 5.1(4) – Historic Resources and Community Character

106. The project is located within a rural area, as defined under the Subdivision Regulations.

107. The project is characterized as a forested hillside withing an existing AG-PRD. The proposed units are clustered within the parcel, which part of the larger AG-PRD.

108. With the retention of existing trees throughout, the rural character will be preserved.

Section 5.1(5) – Reserved Strips

109. No reserved strips are proposed.

Section 5.1(6) – Screening and Landscaping

110. The DRB incorporates by reference into this section's findings its findings under § 3.16(C)(5), above, as if more fully stated herein.

Section 5.1(7) – Pedestrian Access

111. The DRB incorporates by reference into this section's findings its findings under § 3.16(C)(4), above, as if more fully stated herein.

Section 5.1(8) – Traffic

112. The DRB incorporates by reference into this section's findings its findings under § 3.7(4)(B), above, as if more fully stated herein.

Section 5.1(9) – Municipal Facilities

113. The DRB incorporates by reference into this section's findings its findings under § 3.7(4)(A), above, as if more fully stated herein.

Section 5.1(10) – Lot Configuration

114. The DRB finds this provision is not applicable. No new lots are proposed.

Section 5.1(11) – Building Zone

115. The site plans show proposed building locations which comply with required setbacks and the required twenty (20') foot building separations required for PRDs.

Section 5.1(12) – Fire Protection Facilities

116. Phase V will be served by an interior, looped private road. Emergency vehicles are able to access and exit the project without the need for turn-arounds or backing out. The plans identify a fire hydrant near Units 25, 26 & 30.

117. The DRB incorporates by reference into this section's findings its findings under § 3.7(4)(A), above, as if more fully stated herein.

Section 5.1(13) – Disclosure of Subsequent Development Plans

118. The project consists of constructing ten (10) single-family dwelling units as part of Phase V of the Wildewood Plateau. No additional development plans are proposed under this application, however additional density exists to potentially support future development within the AG-PRD.

Section 5.1(14) – Private Enforcement Mechanisms

119. Draft homeowner's association documents outline private restrictions including how the shared improvements will be maintained. This project will have its own homeowners association, and a maintenance agreement with other users of the private roadway.

Section 5.2 – Prominent Hillsides and Ridgelines

120. The DRB incorporates by reference into this section's findings its findings under Section 9, above, as if more fully stated herein.

Section 5.3 – Open Space and Planned Unit Development:

121. The project represents Phase V within the existing AG-PRD. While no open space is specifically designated within Phase V, the surrounding undeveloped lands—primarily the agricultural fields of Bouchard Farm—are reserved as open space and conserved lands.

Section 5.4 – Road Standards and Coordination with Public Highways

122. The project will be accessed from the existing Nature's Way, a private road off Wildewood Lane. These roads connect to Brook Road, a privately maintained road that ultimately provides access to Mountain Road (VT Route 108). The internal roads serving Phase V will continue the road design established in Phase IV of the Wildewood development.

123. The Applicant has prepared a Road Maintenance Agreement that establishes their responsibility to contribute an appropriate cost-sharing percentage with Phases I–IV for the maintenance of Brook Road, and with Phase IV for the maintenance of Nature's Way and the portion of Wildewood Lane extending from the Wildewood entrance to its intersection with Nature's Way.

Section 5.5 – Utilities and Stormwater Management

124. The Applicant provided a 'Stormwater Plan' (Sheet SW-202) which provides specifics on the stormwater control system that will be installed as part of the development. Total disturbed area equals approximately ±3.2 acres.

125. Utility lines will be installed underground. Street lighting is not proposed.

126. A State of Vermont stormwater discharge permit will likely be required for this project. A State of Vermont Construction General Permit (CGP) for erosion control will also likely be required, along with State of Vermont Act 250 approval.

127. The DRB incorporates by reference into this section's findings its findings under §3.16(C)(6), above, as if more fully stated herein.

Conclusion: Based upon the above findings, the DRB concludes the project conforms to the applicable planning standards set forth in Section 5 of the Subdivision Regulations.

DECISION

Based upon the foregoing findings of fact and conclusions of law, the DRB hereby approves the Applicant's request to combined AG-PRD, subdivision, RHOD, and conditional use review as outlined in the application dated February 14, 2025, and supplemental materials, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved.
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Prior to the issuance of any zoning permit for the construction of dwelling units 21-30, the Applicant must complete and submit the following:
    A. The Applicant shall execute a Public Works Development Agreement with the Town for the proposed extension of the Phase 2 water distribution system.
    B. The Applicant shall submit to the Zoning Administrator an erosion and sediment control plan(s) that incorporate the State of Vermont erosion prevention and sediment control practices.
    C. The Applicant shall submit to the Zoning Administrator a stamped certification from a licensed engineer or surveyor verifying that site grading and clearing have been completed in accordance with the approved plans.
    D. The 'Declaration of Condominium Wildewood 2- A Common Interest Community' shall be recorded in the town land records.
4. The Applicant shall obtain individual zoning permits for dwelling units 21-30. No additional DRB approval, including RHOD, is required for each dwelling so long as they are generally sited as represented in the application and depicted on approved plans prepared by Grenier Engineering and the architectural designs prepared by Youkel [architecture + development].
5. The limits of clearing shall be clearly flagged prior to commencing the project and remain flagged and clearly visible throughout the duration of construction.
6. Clearing and removal of trees shall be restricted to the areas shown on the approved plan(s). Lands outside of the approved clearing limits shall be left undisturbed except as necessary to remove dead or diseased trees, recreational trail(s), and to promote the health of the forest.
7. A minimum 50-foot setback shall be maintained along the stream on the southern portion of the property. This setback area shall be left in an undisturbed state with the exception of the activities outlined in §3.10 of the Regulations.
8. All garbage and trash collection shall be stored inside the individual residential garages or in a common screened collection area approved by the Zoning Administrator.
9. No on-street parking shall be allowed along the interior private roadway.
10. Landscaping shall be installed and properly maintained in accordance with the approved plans. Any dead and dying plants and trees shall be replaced within one (1) year of death.
11. The Applicant shall obtain all necessary municipal water allocation and connection permits. Final plans, Details, Technical Specification and for proposed Water Connections shall be approved by the Department of Public Works.
12. Construction hours shall be limited to Monday-Friday 7am-5pm.
13. The installation of outdoor light fixtures is limited to those described and depicted within the application. Fixtures shall employ warm-toned (3000K and lower).
14. All outdoor light fixtures shall be installed, shielded, and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property.
15. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-F) including:
    A. The amount of soil exposed at any one time must be kept to a minimum.
    B. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    C. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.

D. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
E. An adequate stormwater drainage system must be continuously maintained to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.

16. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that the project has been constructed as approved by the DRB. Prior to any Certificate of Occupancy for any dwelling, the following items must be submitted to the Zoning Administrator:
    A. Documentation that all necessary allocation and connection permits have been obtained from the Department of Public Works;
    B. Documentation from the Stowe Fire Department that the hydrants have been installed and working as designed;
    C. Written certification from a licensed engineer that roadway has been completed in conformance with the approved plans; and
    D. A stamped engineer's certification confirming that the stormwater system has been installed in accordance with the approved plans and is functioning as designed.
17. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, David Kelly, Patricia Gabel, Andrew Volansky, Scot Baraw and Michael Diender
Voting to deny: None

Dated at Stowe, Vermont this the 3rd day of Oct 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of $25/page is required for recording.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7617		
Application Date	5/19/2025		
Physical Location	15 WEEKS HILL MEADOWS		
Map ID	10-158.000	**Tax ID**	27053
Project Description	LOT LINE ADJUSTMENT		
Owner	JEFFREY A SHEHAB PORTER C N SUTTON-SHEHAB		
Applicant	BRITNEY AUBE		
Applicant Address	PO BOX 819 STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	10/3/2025	11/2/25	4/1/2026

Sarah McShane

Dept. of Planning and Zoning

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APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	10/3/2025	11/2/25	4/1/2026

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT: 7617

SUBJECT PROPERTY: 15 Weeks Hill Meadow (#10-158.000) &
0 Weeks Hill Meadow (#10-159.100/10-160.000)

PROPERTY OWNERS
Jeffrey Shehab & Porter C.N. Sutton-Shehab &
ACABAY Inc.
101 West Prospect Street
Hopewell, NJ 08525

APPLICANTS
Jeffrey Shehab & Porter C.N. Sutton-Shehab
Britney Aube – Stackpole & French Law Offices
PO Box 819
Stowe, VT 05672

APPLICATION

The Applicants/Property Owners, Jeffrey Shehab & Porter C.N. Sutton-Shehab & ACABAY Inc. (referred herein as the 'Applicant'), requests approval for a boundary line adjustment between the ACABAY parcel located on Tax Map #10-159.100/10-160.000 and the adjacent Shehab parcel located on Tax Map 10-158.000. As proposed, the Shehab parcel will increase in size from ±0.13 acres to approximately ±0.85 acres. The ACABAY parcel will decrease in size from ±40.95 acres to approximately ±40.23 acres, resulting in a decrease of ±0.72 acres following the adjustment. The purpose of the boundary line adjustment is to address existing nonconformities on the Shehab property—such as the placement of the driveway and drilled well—by bringing them within the revised property boundaries, thereby clarifying ownership and title. As a result of the adjustment, ±0.72 acres will be removed from parcel 1 of the previously approved Mayo Farm /Weeks Hill Meadows Agricultural Planned Residential Development (Ag-PRD) approved under S-89-24 and transferred into the Shehab parcel. The subject parcels are located off Weeks Hill Road, a Class 3 town highway, and within the Rural Residential 3 (RR3) Zoning District. The application is referred to the Development Review Board (DRB) as a boundary line adjustment under the Town of Stowe Subdivision Regulations (effective July 16, 2012).

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by the Applicant on May 19, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing was scheduled for September 16, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on August 28, 2025. The Applicant provided a certificate of service in accordance with the Regulations.

The public hearing to consider the application convened on September 16, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. Patricia Gabel recused herself, otherwise no *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Mary Black, David Kelly, Peter Roberts, Andrew Volansky, Scott Rank, and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Britney Aube & Will Gringis, Stackpole & French Law Offices, PO Box 819, Stowe, VT 05672
2. Jeff Shehab, 101 West Prospect Street, Hopewell, NJ 08525

THE HEARING RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 5-19-25
2. Project Narrative, prepared by Stackpole and French, dated 5-19-25
3. Warranty Deed, Vol 046, Pg. 22
4. Quit Claim Deed, Vol 678, pg.
5. Recorded PRD plats, 89-24, 82-1, and 81-5
6. Boundary Line Adjustment Survey, prepared by Day Land Surveying, PLLC, revised 5-5-25
7. Boundary Line Adjustment Survey, prepared by Day Land Surveying, PLLC, last revised 9-12-25

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for a boundary line adjustment was reviewed by the DRB for conformance with applicable requirements of the Subdivision Regulations (as amended through July 16, 2012):

- Section 2- General Provisions
- Section 3- Administration and Enforcement
- Section 4- Subdivision Requirements
- Section 5- Planning and Design Standards

DIMENSIONAL REQUIREMENTS

Zoning District.

1. The subject parcels are located within the Rural Residential 3 (RR3) Zoning District as shown on the adopted Town of Stowe Zoning Map.

Lot Area, Lot Width.

2. The Applicant requests approval for boundary line adjustment between the adjacent Sutton-Shehab parcel & the ACABAY Inc. parcel.

3. The minimum lot area in the RR3 District is three (3) acres. The minimum required lot width in the RR3 District is 250 feet.

4. The Shehab parcel is a pre-existing undersized parcel that does not conform to the minimum lot area or lot width. As proposed, the Shehab parcel will increase in size from ±0.13 acres to approximately ±0.85 acres. The ACABAY parcel will decrease in size by approximately ±0.72 acres, resulting in a total of ±40.23 acres following the boundary adjustment.

5. As proposed, the Shehab parcel's lot area and width will increase, bringing them closer to compliance, though they will still not meet the minimum requirements. However, the level of nonconformance will not increase.

6. Following the proposed boundary line adjustment, the ACABAY parcel will still maintain conformance with the minimum lot area and lot width requirements for the RR3 District.

Setbacks.

7. Minimum setback requirements within the RR3 District, as outlined under Table 6.2 are: front (70'), side (60'), and rear (60').

8. The ACABAY parcel is undeveloped. The proposed boundary line adjustment will not impact building setbacks on this parcel.

9. The Shehab parcel contains an existing single-family dwelling and shed. The existing dwelling is nonconforming and was largely reconstructed in 2008. The existing dwelling does not meet any of the minimum required setbacks and is considered a lawfully nonconforming structure, as defined under §16.115.

10. As proposed, the boundary line adjustment will increase the area of the Shehab parcel bringing the existing dwelling more closely into compliance with the setback requirements.

Density.

11. In the RR3 District, allowed density is one (1) single-family or two-family dwelling per three (3) acres. The proposed boundary line adjustment will increase the area of the Shehab parcel bringing the parcel more closely into compliance with the density requirements, however will still be considered nonconforming.

12. The ACABAY parcel is undeveloped and is part of the Mayo Farm /Weeks Hill Meadows Ag-PRG. As a result of the adjustment, ±0.72 acres will be removed from parcel 1 of the previously approved Ag-PRD and transferred into the adjacent Shehab parcel. The modified Shehab parcel will not be included in the Weeks Hill Meadows Agricultural PRD.

13. Following the transfer, ±88.21 acres will remain in the Weeks Hill Meadows Agricultural PRD, resulting in an approximate density of ±29.4 units remaining, plus the additional 27 units available from Mayo Farm.

Conclusion: Based on the above findings, the DRB concludes the proposal complies with the applicable dimensional and density requirements for the RR3 District.

SUBDIVISION REGULATIONS

SECTION 5.1 – GENERAL PLANNING STANDARDS

14. Upon review, the DRB concludes the proposed boundary line adjustment will have no impact on the following review criteria and therefore they are not applicable to the proposed project.

    Section 5.1(1) – Character of Land for Subdivision
    Section 5.1(2) – Natural and Scenic Features
    Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities
    Section 5.1(4) – Historic Resources and Community Character
    Section 5.1(5) – Reserved Strips
    Section 5.1(6) – Screening and Landscaping
    Section 5.1(7) – Pedestrian Access
    Section 5.1(8) – Traffic
    Section 5.1(9) – Municipal Facilities
    Section 5.1(11) – Building Zone
    Section 5.1(12) – Fire Protection Facilities
    Section 5.1(13) – Disclosure of Subsequent Development Plans
    Section 5.1(14) – Private Enforcement Mechanisms
    Section 5.2 – Prominent Hillsides and Ridgelines (RHOD)

Section 5.3 – Open Space and Cluster Development
Section 5.4 – Road Standards and Coordination with Public Highways
Section 5.5 – Utilities and Stormwater Management

Section 5.1(10) – Lot Configuration

15. Flag lots, elongated lots, and other odd-shaped lots which include narrow strips of land are prohibited unless the DRB finds the configuration is appropriate given the existing topography and natural features, existing development, or the existing configurations of internal or adjacent lots.

16. The Applicant proposes to adjust the shared boundary lines between two (2) existing adjacent parcels, the Sutton-Shehab parcel & the ACABAY Inc. parcel. The Shehab parcel is presently approximately ±0.13 acres and triangular in shape. As proposed, the Shehab parcel will increase in area but remain largely triangular in shape. Although odd in shape, the proposed configuration is less irregular than its present shape and configuration.

Conclusion: Based on the above findings, the DRB concludes the proposal complies §5.1(10) – Lot Configuration.

DECISION

Based upon the foregoing findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for a boundary line adjustment as outlined in the application dated May 19, 2025, and supplemental materials, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:

    a. Development Application, dated 5-19-25
    b. Project Narrative, prepared by Stackpole and French, dated 5-19-25
    c. Warranty Deed, Vol 046, Pg. 22
    d. Quit Claim Deed, Vol 678, pg.
    e. Recorded PRD plats, 89-24, 82-1, and 81-5
    f. Boundary Line Adjustment Survey, prepared by Day Land Surveying, PLLC, revised 5-5-25
    g. Boundary Line Adjustment Survey, prepared by Day Land Surveying, PLLC, last revised 9-12-25

2. All conditions of prior subdivision approvals, except as amended herein, remain in full force and effect.

3. Pursuant to 24 VSA Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with §4.3 of the Subdivision Regulations and shall include the following notations:

    a. *"This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office".*

4. The Applicant shall file the final survey plat, signed by the Chair or other authorized representative of the DRB, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and §4.3 of the Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
5. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, David Kelly, Peter Roberts, Andrew Volansky, Scott Rank, and Scot Baraw
Voting to deny: None

Dated at Stowe, Vermont this the 3rd day of Oct 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

Your DRB project listed below was recently denied by the Development Review Board. Attached is a copy of the DRB decision for your records.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7534		
Application Date	12/31/2024		
Physical Location	332 LUCE HILL R		
Map ID	06-033.000	**Tax ID**	32008
Project Description	3 UNIT PRD INCLUDING HISTORIC DWELLING IN MOD, FEH, FLOODWAY. REQUESTING WAIVER FOR PARTIAL REDUCTION TO DOUBLE SETBACK		
Owner	ROBERT CHASE		
Applicant			
Applicant Address	53 OLD FARM RD STOWE VT 05672		

ACTIONS

Action Taken	Date	End of Appeal Period
DRB DECISION	10/3/2025	11/2/2025

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT: 7534

SUBJECT PROPERTY: 332 Luce Hill Road (Tax Map #06-133.000)

PROPERTY OWNER
Robert Chase
PO Box 187
Stowe, VT 05672

APPLICANT
Rick Barnett
53 Old Farm Road
Stowe, VT 05672

APPLICATION

The Applicant, Rick Barnett, on behalf of property owner Robert Chase (herein referred to as the "Applicant"), requests approval of a Planned Residential Development (PRD) consisting of three (3) residential sites with associated site improvements and designated open space. One (1) of the sites contains an existing historic single-family dwelling. The remaining two (2) sites are planned to be developed with either single-family dwellings, single-family dwellings with accessory dwelling units (ADUs), or two-family dwellings. The Applicant also requests a waiver of the double setback requirement under §13.4(5)(B). The subject property consists of approximately ±18 acres, primarily within the Rural Residential 5 (RR5) Zoning District, with a small portion within the Upper Mountain Road (UMR) Zoning District. Portions of the property are also within the Meadowland Overlay District (MOD), the Fluvial Erosion Hazard Overlay (FEH), and the Flood Hazard Overlay District (FHOD); however, the proposed residential sites are located outside of these overlay districts. There are no prior subdivision approvals associated with the property. The Development Review Board (DRB) reviewed the application under the applicable standards of the Town of Stowe Subdivision Regulations (effective July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purposes of a combined PRD, subdivision, and conditional use review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by the Applicant on December 31, 2024. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing was scheduled for March 18, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on February 27, 2025.

The public hearing to consider the application convened on March 18, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. A.Volansky recused himself from the review. Otherwise, no *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: D. Clymer, M. Black, T. Hand, P. Roberts, D. Kelly, and P. Gabel. The DRB continued the hearing to a time and date certain of July 15, 2025. The same DRB members participated in the July 15th hearing. Following submission of testimony and evidence, the DRB continued the hearing to a time and date certain of September 2nd. Members who participated in the September 2nd hearing included D. Clymer, M. Black, T. Hand, D. Kelly, and P. Gabel. P.Roberts did not attend the September 2nd meeting, however, reviewed the recording and hearing materials to allow his continued participation. With only six (6) members, Alternate Scot Baraw agreed to review the hearing record in order to constitute a full decision-making board. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Tyler Mumley, Mumley Engineering, Inc., PO Box 68, Morrisville, VT 05661
2. Rick Barnett, 53 Old Farm Road, Stowe, VT 05672
3. Andrew Volansky, 135 Luce Hill Road, Stowe, Vermont 05672
4. Robert Chase, PO Box 187, Stowe, VT 05672
5. Joyce Blanker, President, Board of Directors, Stonybrook HOA, 201 Stonybrook Ln, Stowe, VT 05672
6. Terry & Gail Spear, 115 Bouchard Road, Stowe, VT 05672

THE HEARING RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 12/31/2024;
2. Project Narrative, prepared by Mumley Engineering, Inc., dated 12/31/2024;
3. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., dated 12/17/2024;
4. Email from Tyler Mumley, dated 03/06/2025;
5. Email from Scott Reeves, Stowe Fire Interim Chief, dated 03/12/2025;
6. Email from Tyler Mumley, dated 03/17/2025;
7. Email from Harry Shepard, DPW Director, dated 03/17/2025;
8. Email from Harry Shepard, DPW Director, dated 03/18/2025;
9. Email from Tyler Mumley, dated 06/30/2025;
10. Email from Harry Shepard, DPW Director, dated 06/30/2025;
11. Email from Tyler Mumley, dated 07/07/2025;
12. Boundary Retracement Survey, prepared by Day Land Surveying, PLLC, dated 05/14/2025;
13. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 07/01/2025;
14. Email from Rick Barnett dated 7/11/2025;
15. Email from Harry Shepard, DPW Director, dated 7/14/2025;
16. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revision date 07/09/2025;
17. Site Plan, Sheet C-2, prepared by Mumley Engineering, Inc., date 07/09/2025;
18. Written Comments from Joyce Blanker, dated 07/14/2025;
19. Response regarding Joyce Blanker concerns, prepared by Mumley Engineering, INC., dated 8/19/2025;
20. Site Plan, C-1, prepared by Mumley Engineering, revised 08/19/2025;
21. Details, C-2, prepared by Mumley Engineering, revised 08/19/2025;
22. Email from Chris Jolly to Tyler Mumley, dated 7/29/2025; and
23. Email from Tyler Mumley, dated 08/20/2025.

FINDINGS OF FACT

During its review of the application, the DRB made the following Findings of Fact

The Applicant's request for combined PRD, subdivision, and conditional use review is referred to the DRB for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
    - Conditional Use Standards

- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 7- Flood Hazard District
- Section 8- Meadowland Overlay District
- Section 10- Stowe Historic Overlay District
- Section 11- Fluvial Erosion Hazard Overlay District
- Section 13- Planned Unit Development

Town of Stowe Subdivision Regulations (effective through July 16, 2012)

- Section 2- General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

DIMENSIONAL REQUIREMENTS

Zoning District.

1. The subject parcel is located primarily within the Rural Residential 5 (RR5) zoning district and partially within the Upper Mountain Road (UMR) zoning district. The UMR zoned portion of the parcel is small and outside the project area. Portions of the property are also within the Flood Hazard Overlay District, Meadowland Overlay District, and Fluvial Erosion Overlay District.

Lot Area, Lot Width.

2. The minimum area for a PRD is three (3) acres. The existing property contains approximately eighteen (18) acres and frontage along Luce Hill Road and Bouchard Road. The lot width along Luce Hill Road is approximately ±831 feet and approximately ±255 feet along Bouchard Road. No changes to lot area or width are proposed.

Setbacks.

3. Setbacks within the RR5 District are as follows: front seventy (70') feet, side seventy-five (75') feet, and rear seventy-five (75') feet.

4. As required under §13.4(5)(B), along the outside boundary of the project, building setbacks shall be twice the setback requirement for the district in which it is located. The setback shall be free of all buildings, structures, and parking areas, but may contain signs and may be crossed by necessary access driveways.

5. The Applicant requests a waiver to the one-hundred forty (140') foot front yard setback requirement and from the one-hundred fifty (150') foot side yard setback requirement.

6. The existing historic single-family dwelling is within both the double front yard and double side yard setback area. The Applicant proposes two (2) additional residential sites within the double front yard setback area. The Applicant requests the waiver to the front setback, in part, to avoid encroachment into the Meadowland Overlay District.

7. Section 13.4(5)(B) allows for the reduction of the double setbacks (waiver) for PRDs when all of the criteria in §13.4(5)(B)(1)-(3) are found to be met. The Applicant provided responses to each of the three (3) waiver criteria.

8. The project involves clustering two (2) new residential buildings near the front of the property, outside the mapped Meadowland Overlay District.

9. The proposed residential sites are located in an area of the property where there is no topography or existing vegetation to mitigate the visibility of the project from Luce Hill Road and neighboring properties. The Applicant has proposed the planting of six (6) red maple trees along the road edge as the sole form of mitigation. No further mitigation measures were offered or presented within the hearing record. The Applicant did not demonstrate whether the proposed mitigation would be adequate.

10. Except for the Stoneybrook condominium development, there are no immediate neighboring properties. Except for the six (6) red maple trees along the road edge, the proposed project will be clearly visible from Luce Hill Road.

11. The property contains an identified as a contributing historic building (Survey Number 0808-40). Per the historic registry '*This residence maintains its setting with open agricultural fields and its architectural integrity as an excellent example of an early brick cape dwelling in Stowe.*'

12. The property is listed on the historic registry in 'Good' condition. The registry also describes the detached garage, circa 1925, as a one-story structure with two garage bays, vertical board double doors, clapboard siding, an asphalt shingle roof, and exposed rafter tails.

13. The Applicant did not provide designed or conceptual architectural plans for future planned residential buildings.

14. The property consists primarily of open agricultural fields and floodplain areas and contains a historic building that retains its architectural integrity, with distant views of Mount Mansfield. The property contains scenic views both on to and arising from the property.

15. According to the ANR Natural Resources Atlas there are no rare or endangered species, deer wintering yards, habitat blocks, or wetlands on the parcel. The project will not impact any rare and irreplaceable natural areas.

16. Prime agricultural soils encumber almost the entirety of the property, including the planned residential sites.

17. Except for the existing historic dwelling, most of the remaining parcel is used for agricultural purposes. The project involves two (2) additional residential buildings near the existing dwelling while preserving much of the existing farmland as designated open space.

18. The eastern boundary of the subject parcel is defined by the West Branch of the Little River. The proposed residential development areas are located outside the Fluvial Erosion Hazard District and the Flood Hazard Overlay District associated with the West Branch. Furthermore, the proposed residential sites are situated immediately outside the limits of the Meadowland Overlay District.

19. Residential and agricultural uses are dominant on this side of the West Branch, whereas a mix of residential and commercial uses exist on the east side of the West Branch.

20. The project will be visible from Luce Hill Road and nearby properties. Building design and materials were not included as part of the hearing record.

21. The project is located within the RR5 District. Residential uses are compatible with the purposes of the RR5 District as stated in the Regulations.

22. The purpose of the RR5 District is to preserve open space, maintain rural character, and support agriculture, forestry, and outdoor recreation, while limiting development to moderate- and low-density residential uses and avoiding undue demand on municipal services or development in unsuitable areas.

23. With the exception of the area nearest to the West Branch of the Little River, the subject parcel is not forested. The open space noted on the site plan is presently in agricultural use and has been for many years.

24. The proposed residential sites are clustered near the southern end of the property, close to Luce Hill Road and adjacent to the existing historic dwelling.

25. Nearby development on the west side of the West Branch of the Little River consists of the Stonybrook condominium development across Luce Hill Road to the south/east, and other residential and agricultural uses to the west. To the east of the West Branch, a mix of residential and commercial uses exist.

Height.

26. The RR5 District limits building height to twenty-eight (28') feet. There are no buildings proposed as part of this application. This provision does not apply.

Maximum Building Coverage.

27. The RR5 District has no maximum building coverage limit. This provision is applicable.

Use.

28. The Applicant proposes three (3) residential units/sites within the PRD. One (1) single-family dwelling exists on the parcel.

29. Two (2) planned residential sites will be developed with either single-family dwellings, single family dwelling units with ADUs, or two-family dwellings. One (1) family and two (2) family dwellings are permitted uses in the RR5 District, as well as ADUs.

Density.

30. In the RR5 District, density is allowed at a rate of one (1) single-family dwelling/two-family dwelling per five (5) acres. Based on a lot size of eighteen (18) acres, three (3) single-family dwelling units or two-family dwelling units are possible. The Applicant has not fully designed the project and is unsure of the planned density. In RR5 District, the parcel could support a maximum of a total of three (3) dwellings unless supported by both municipal water and sewer under §4.23.

Section 3.7– Conditional Use Review Standards of Review

Section 3.7(4)(A)- Capacity of existing or planned community facilities and services.

31. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

32. The project plans to connect to municipal water. It is anticipated that the project will be served by private onsite wastewater mound systems, however these systems have not been designed or permitted yet.

33. The project site is within the Town of Stowe Sewer Service Area, however sewer lines have not been extended to this section of Luce Hill Road. While new development within the Sewer Service Area is required to connect to municipal sewer, this project may be permitted to install its own private septic system based on the lack of

actual sewer infrastructure at this location. Comments from the Department of Public Works were provided and entered into the hearing record.

34. Detailed plans demonstrating how the project will connect to municipal infrastructure and /or onsite septic systems were not provided.

35. In an email dated March 12, 2025, the Stowe Fire Department stated that the project would be acceptable provided the department's road and driveway guidelines are followed. The Applicant, however, did not provide sufficient evidence to demonstrate that the proposed road, driveways, and circulation comply with applicable Fire Department standards.

36. No other Municipal Department comments were received.

Section 3.7(4)(B)- Traffic on roads and highways in the vicinity.

37. The PRD will be served directly from Luce Hill Road, a town highway with relatively heavy traffic.

38. VT Agency of Transportation guidelines specify that a traffic study should be considered if the proposed development will generate seventy-five (75) or more peak hour trips.

39. With a total of three (3) residential sites, estimated traffic impacts will be significantly less than seventy-five (75) peak hour trips. In the narrative provided, the Applicant states *"The proposed project will have minimal impact on Luce Hill Road traffic"*. The Applicant did not provide the number or type of dwellings units and therefore was unable to provide the estimated number of vehicle trips generated by the proposed project.

Section 3.7(4)(C)- The character of the area affected.

40. The project is located within the RR5 District. Residential uses are compatible with the purposes of the RR5 District as stated in the Regulations.

41. The DRB incorporates by reference into this section's findings its findings under 'setbacks', above, as if more fully stated herein.

Section 3.7(4)(D)- Regulations and ordinances in effect.

42. Applicable bylaws include the Zoning Regulations (effective January 31, 2024). The DRB finds the project does not comply with RR5 District double setbacks for PRDs.

43. The Applicant proposes to connect to the Town's municipal water system.

44. The Applicant proposes a private onsite wastewater disposal system(s). The location of that system(s) is in the Fluvial Erosion Hazard District as shown on the site plan. As noted above, the project is within the Town of Stowe Sewer Service Area, which requires that new development connect to municipal sewer infrastructure. However, due to the lack of actual sewer lines capable of serving the project, private onsite septic systems may be allowable.

45. Plans showing how the project will connect to municipal infrastructure (water) have not been provided.

46. No other identified municipal bylaws or ordinances apply to this project.

Section 3.7(4)(E)- Utilization of renewable energy sources.

47. The Applicant requests approval for a PRD consisting of one (1) existing residential site and designed to support two (2) future additional residential sites (single-family or two-family dwelling units).

48. No renewable energy generation or development is proposed with this project.

49. The Applicant did not provide designed or conceptual architectural drawings, without this information the DRB is unable to review this standard.

Section 3.7(4)(F)- Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

50. The DRB incorporates by reference into this section's findings its findings under 'setbacks', above, as if more fully stated herein.

Section 3.7(4)(G)- Project will not result in undue water, noise or air pollution.

51. The Applicant proposes two (2) septic mound systems. The proposed mound systems are located within the designated open space which overlaps with the Fluvial Erosion Hazard District. In addition to municipal zoning, these systems may be subject to the State's River Corridor Rule and other regulations. The Applicant has not designed or permitted these systems yet.

52. The proposed mound systems are located in an area near a former well in the adjacent Stonybrook meadow, which may be redeveloped as a future public water source. If redevelopment occurs, the project site would likely fall within a Zone B Source Protection Area, and the proposed mound systems would be subject to further testing, analysis, and permitting to confirm its compatibility. The Applicant has not conducted any geo-hydraulic and/or environmental testing of the mound systems. It is unknown whether these systems might pollute surface or groundwater resources.

53. Nothing within the hearing record indicates that the project will create undue air pollution.

54. Future building designs were not included within the hearing record. Potential noise associated with future residential development would primarily come from construction and heating systems (i.e. outdoor heat pump units), as is typical for residential development. These issues are not anticipated to create undue noise pollution.

Section 13.4 – Planned Residential Development (PRDs).

55. The subject parcel is approximately eighteen (18) acres and proposes at least three (3) dwelling units.

56. The DRB incorporates by reference into this section's findings its findings under 'setbacks', above, as if more fully stated herein.

57. The two (2) proposed future residential sites meet the separation provision listed in §13.4(5)(B)(C).

58. Any lots approved in a PRD that are less than the minimum lot size of the underlying zoning district, may not be subdivided further in the future. No new lots are proposed, this provision does not apply.

59. §13.4(8) regulates designated open space within PRDs. The proposed open space meets the provisions set forth in §13.4(8)(A)-(D).

SECTION 5.1 – GENERAL PLANNING STANDARDS

Section 5.1(1) – Character of Land for Subdivision.

60. The Applicant requests PRD approval for two (2) future residential sites (single-family or two-family), and related site improvements, in addition to the existing single-family dwelling and related development.

61. The project will modify the existing horseshoe shaped driveway serving the existing dwelling by removing the western portion. A new shared access to serve the two (2) future residential sites is proposed connecting to Luce Hill Road. The shared access is proposed to be twelve (12') feet in width.

62. The property is within the Meadowland Overlay District (MOD), the Fluvial Erosion District (FEH), the Flood Hazard Overlay District (FHOD), and contains areas within the Floodway. The project is located entirely outside of these overlay districts and floodway, with the exception of the proposed septic mound systems. The designated open space, as shown on the Site Plan, will occupy the lands that are presently used for agriculture.

63. The proposed residential buildings will connect to the municipal water system. The Applicant testified that the project intends to be served by onsite septic mound systems, however these systems have not been designed or permitted. The project is within the Town of Stowe Sewer Service Area, however there are no sewer lines installed within the area that could easily serve the project. Significant infrastructure upgrades would be necessary to serve the project with municipal sewer service.

Section 5.1(2) – Natural and Scenic Features.

64. The project has been designed to avoid the Flood Hazard District, the Fluvial Erosion District, and the Floodway associated with the West Branch of the Little River. The Applicant has not demonstrated conformance with the double setback waiver criteria; therefore the project would need to be located partially within the Meadowland Overlay District.

65. The DRB incorporates by reference into this section's findings its findings under 'setbacks', above, as if more fully stated herein.

Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities.

66. According to the ANR Natural Resources Atas, the parcel contains no deer wintering areas, wildlife habitat blocks, or rare, threatened or endangered species.

Section 5.1(4) – Historic Resources and Community Character.

67. The project is located within a rural area, as defined under the Subdivision Regulations.

68. The Regulations require building zones be delineated so as to mitigate the visual impact of new development on views from existing roadways, adjacent properties, and offsite vantage points. The Applicant did not provide a visual assessment.

69. The existing property can be characterized as an open agricultural field, scenic floodplains, with an existing historic dwelling.

70. The two (2) proposed building zones are positioned toward the front of the property, close to Luce Hill Road. While there are six (6) red maple trees proposed along the frontage, there is no evidence in the hearing record to demonstrate how these six (6) trees will provide adequate mitigation. Additionally, the hearing record does not contain either designed or conceptual designs of the proposed; therefore the visual impacts cannot be fully evaluated.

71. Given the lack of building plans, it is difficult to determine whether or not the future residential buildings will negatively impact the historical integrity of the existing historic building.

72. The DRB incorporates by reference into this section's findings its findings under 'setbacks', above, as if more fully stated herein.

Section 5.1(5) – Reserved Strips.

73. No reserved strips are proposed.

Section 5.1(6) – Screening and Landscaping.

74. The Site Plan identifies six (6) red maple trees along the Luce Hill Road frontage to provide screening of the future planned residential buildings.

Section 5.1(7) – Pedestrian Access.

75. The project is in an area with limited pedestrian access.

76. There are no sidewalks along Luce Hill Road. However, the Stowe Rec Path is located within walking distance to the east of the proposed residential building zones and runs throughout the designated open space. The Stowe High & Middle School is located nearby.

77. The Applicant is not proposing any internal pedestrian connections, connections to the existing Stowe Rec Path, or other nearby destinations located within close proximity.

Section 5.1(8) – Traffic.

78. The planned residential buildings will be accessed via a shared driveway off the existing driveway/access off Luce Hill Road. The Applicant testified the proposed project will have minimal impact on Luce Hill Road traffic.

79. The DRB incorporates by reference into this section's findings its findings under §3.7(4)(B), above, as if more fully stated herein.

Section 5.1(9) – Municipal Facilities.

80. The project seeks to connect to the municipal water system, however has not obtained preliminary allocations, nor designed the number of bedrooms.

81. The DRB incorporates by reference into this section's findings its findings under §3.7(4)(A), above, as if more fully stated herein.

Section 5.1(10) – Lot Configuration.

82. Not applicable. No new lots are proposed.

Section 5.1(11) – Building Zone.

83. Future residential building locations are shown on the site plan. The two (2) proposed building zones, in addition to the existing historic dwelling, are located toward the front of the property, leaving the remainder as designated open space.

Section 5.1(12) – Fire Protection Facilities.

84. The Applicant testified that the property is easily accessible from Luce Hill Road. Interim Fire Chief provided brief comments that the Fire Department can access the project so long as Fire Department guidelines on roads and driveways are followed. However, the Applicant did not provide sufficient information and design plans to demonstrate that the project is designed to meet these standards.

Section 5.1(13) – Disclosure of Subsequent Development Plans.

85. Future residential development is planned within both of the proposed building zones. The Applicant testified that there are no plans for future development beyond the current application.

Section 5.1(14) – Private Enforcement Mechanisms.

86. The Applicant did not provide homeowner's association documents or any documents containing private restrictions regarding how the shared improvements will be maintained.

87. The project narrative stated, '*In the event that the landowner decides to sell any of the units, there will be the formation of a homeowners association, consisting of the owners of all units within the PRD to ensure the continual maintenance of shared driveways and other shared facilities.*"

Section 5.2 – Prominent Hillsides and Ridgelines.

88. The property is not within the Ridgelines & Hillside Overlay District. This provision does not apply.

Section 5.3 – Open Space and Planned Unit Development.

89. The project includes ±11.7 acres of designated open space, which encompasses the existing agricultural field to the west of the Stowe Rec Path and West Branch of the Little River.

90. The designated open space encompasses the entirety of the Meadowland Overlay District on the property.

91. The Applicant did not provide the maintenance, operation and allowed uses within the open space.

Section 5.4 – Road Standards and Coordination with Public Highways.

92. The project will be accessed off Luce Hill Road, a Town Highway. The Applicant testified they submitted a Town of Stowe Driveway Entrance Permit Application, however, has not yet secured approval from the Town.

93. The driveway serving the existing single-family dwelling will be modified to eliminate one (1) of the existing nonconforming driveway entrances.

94. Section 16.59 defines 'Driveway' as "*A roadway used to access not more than three (3) dwelling units that is in private ownership.*"

95. The Applicant did not identify the proposed residential use/ number of dwelling units for each building zone. If they are each to be two-family dwellings or single-family dwelling each with an ADU, then the total number of dwelling units served by the access would exceed the number allowed for a shared driveway and must then be considered a private road which will be subject to the private road standards of §5.4(4)(b) and road profiles must be submitted. Since the Applicant did not provide the number of dwelling units, the DRB is unable to determine whether this standard is satisfied.

96. Table 15.2 – Minimum Parking Requirements – requires one (1) parking space per dwelling unit. The Applicant did not document the number of dwelling units proposed or delineate parking spaces within the building zones. The DRB is unable to review this standard based on the information provided.

Section 5.5 – Utilities and Stormwater Management.

97. The Applicant's narrative states the project will include *'various appropriate stormwater management features to properly handle the flow of stormwater during storm events'*, however these features are not identified on the plans, nor were the details provided.

98. The estimated impervious surfaces equal approximately 6,400 sf each. The driveway is estimated to involve approximately 2,600 sf. The total planned impervious surfaces equal 15,400 sf. The project is expected to disturb less than one (1) acre of land. Erosion prevention and sediment control plans were not provided.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the DRB offers the following Conclusions of Law

1. The Applicant requested a double setback waiver to place the planned residential buildings closer to Luce Hill Road and avoid development in the Meadowland Overlay District. While the DRB finds the double setback is not essential to protect the area's character as defined by the district purpose, the Applicant did not provide sufficient information to demonstrate compliance with all waiver criteria. Specifically, the Applicant did not submit designed or conceptual architectural plans for the proposed residential buildings, rendering the DRB unable to evaluate potential adverse effects on the existing historic building located on the property. Absent such information, the DRB cannot conclude that the double setback is unnecessary to protect (a) the privacy of neighboring properties by reason of topography, vegetation, landscaping, or other mitigation, or (b) the scenic and natural beauty, aesthetics, historic resources, or rare and irreplaceable natural areas of the district. Pursuant to §4.1(1)(p) of the Subdivision Regulations, the Applicant bears the obligation to submit sufficient information, including mapping, to assess visual impacts, which was not submitted. While the project conforms to minimum lot area and width requirements, and the parcel is of sufficient size to support single- or two-family dwellings, the Applicant has failed to demonstrate conformance with the required double setback and the waiver criteria. Accordingly, the project, as presented, does not comply with the setback standards applicable to PRDs within the RR5 District.

2. The Applicant failed to provide a driveway entrance permit in accordance with §4.2(1)(h) of the Subdivision Regulations. Absent such permit, the DRB is unable to make the positive findings required under §§3.1(2) and 3.1(6) of the Zoning Regulations.

3. The Applicant has not met their burden of proof that the project will not result in an undue adverse effect on the Town's existing or planned facilities or services per § 3.7(4)(A) of the Zoning Regulations.

4. Although the limited density of the project suggests it is not likely to result in undue adverse impacts upon traffic on surrounding roads and highways, the Applicant failed to provide sufficient data, including the proposed number of dwelling units or estimated vehicle trips, necessary for review under §3.7(4)(B) of the Zoning Regulations.

5. The DRB concludes the project aligns with the stated purposes of the RR Districts and will not have an undue adverse impact on the character of the area as defined in the Regulations § 3.7(4)(C) of the Zoning Regulations.

6. The record demonstrates that the project does not conform to all regulations and ordinances in effect, including 3.7(4)(D) of the Zoning Regulations.

7. The Applicant did not provide designed or conceptual architectural drawings. Without such information, the DRB cannot conclude that the project will not interfere with the sustainable use, access to, or future availability of renewable energy resources as required by §3.7(4)(E) of the Zoning Regulations.

8. The DRB concludes the project will have no impact on rare and irreplaceable natural areas and therefore limits its review under §3.7(4)(F) (of the Zoning Regulations) to the project's impact on historic sites, the scenic or natural beauty of the area, and aesthetics. When reviewing whether the proposed project will have an impact on these resources, the DRB considers the existing characteristics of the surrounding environment and whether the project blends in with its visual surroundings, if it detracts from the surroundings, and if it is in harmony with the surroundings. The Applicant's failure to provide architectural plans precludes such review. Accordingly, the Applicant has not met the burden of proof under this section.

9. The DRB concludes the project is not expected to result in undue noise or air pollution; however, the Applicant has not provided sufficient information to enable the DRB to assess potential adverse impacts on ground and surface water resources, as required under §3.7(4)(G) of the Zoning Regulations.

10. Although the project area is sufficient and contains the minimum number of dwellings, it does not comply with the double setback requirements or the waiver criteria under §13.4(5)(B) of the Zoning Regulations.

11. Pursuant to §5.1(1) of the Subdivision Regulations, the Applicant has not demonstrated that the land is of such character that it can be used for the intended purposes without undue adverse impacts to public health, safety, the environment, neighboring properties, or the community's rural and historic character.

12. The Applicant has not demonstrated that the project is designed to avoid undue adverse impacts on brooks, streams, groundwater, prime agricultural soils, scenic meadowland, or aesthetic resources as required by §5.1(2) of the Subdivision Regulations.

13. The DRB concludes the project will not have an undue adverse impact on significant wildlife areas in accordance with §5.1(3) of the Subdivision Regulations.

14. The Applicant has not demonstrated compliance with §5.1(4) of the Subdivision Regulations, which requires subdivisions in rural areas to minimize undue adverse impacts upon historic sites and the Town's rural landscape as defined by scenic vistas, uninterrupted forested areas, and open fields along public roads.

15. The DRB concludes the project conforms with § 5.1(5) of the Subdivision Regulations. No reserved strips are proposed.

16. In accordance with §5.1(6) of the Subdivision Regulations, the DRB concludes that the Applicant has not met the burden of proof to demonstrate that adequate visual screening will be provided to mitigate the impact of the proposed residential buildings on natural features and scenic vistas. Moreover, the Applicant failed to identify specific measures to ensure the survival, replacement if necessary, and ongoing maintenance of designated landscaping during and after construction.

17. In accordance with §5.1(7) of the Subdivision Regulations, the DRB concludes the Applicant has not provided adequate pedestrian circulation improvements or access connections to adjoining properties.

18. While undue traffic impacts are unlikely, the absence of dwelling unit data and estimated vehicle trips prevents the DRB from making a positive conclusion under §5.1(8) of the Subdivision Regulations.

19. The DRB concludes the Applicant has not provided sufficient information to demonstrate that the proposed project will not create an undue burden on municipal facilities or create an unreasonable demand for

municipal services. The DRB therefore concludes the Applicant has not met their burden of proof under §5.1(9) of the Subdivision Regulations.

20. In accordance with §5.1(11) of the Subdivision Regulations, the DRB concludes that the project provides adequate building sites for each planned residential building, however the building zones are not located in compliance with the double perimeter setback, nor has the Applicant demonstrated compliance with the setback waiver requirements, therefore the proposed building zones do not comply with this standard.

21. The Applicant has not demonstrated that the project provides adequate water storage or distribution for fire protection, or compliance with Fire Department standards for roads and driveways, as required by §5.1(12) of the Subdivision Regulations.

22. The DRB finds the project complies with §5.1(13) of the Subdivision Regulations; no future phases are proposed.

23. The Applicant has not demonstrated the establishment of a homeowners' association to ensure maintenance of shared driveways and facilities, as required by §5.1(14) of Subdivision Regulations.

24. The DRB concludes adequate open space is provided in compliance with §5.3 of the Subdivision Regulations.

25. The Applicant has not demonstrated compliance with §5.4 of the Subdivision Regulations, as the number of dwelling units to be served by the shared access was not provided, preventing classification of the access as a shared driveway or private road and corresponding application of design standards. Additionally, the Applicant failed to obtain the required driveway entrance permit under §3.1 of the Zoning Regulations.

26. The Applicant has not demonstrated compliance with §5.5 of the Subdivision Regulations, as no stormwater management or drainage plan was submitted to ensure that existing drainage patterns will not be altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters, as required §3.12(2)(E) of the Zoning Regulations.

DECISION

Based upon the foregoing findings of fact and conclusions of law, the DRB hereby denies the Applicant's request based upon the following:

1. The project does not meet the RR5 District double perimeter setback requirements listed in §13.4(5)(B), nor does the project meet the criteria for a waiver of the double setback requirements as outlined in §13.4(5)(B)(1)-(2).

2. The Applicant failed to meet the burden of proof that the project conforms with §§3.1(2) and 3.1(6), §3.12(2)(E), § 3.7(4)(A), §3.7(4)(B), 3.7(4)(D), §3.7(4)(E), §3.7(4)(F), and §3.7(4)(G) of the Zoning Regulations.

3. The Applicant failed to meet the burden of proof that the project conforms with §4.2(1)(h), §5.1(1), §5.1(2), §5.1(4), §5.1(6), §5.1(7), §5.1(8), §5.1(9), §5.1(11), §5.1(12), §5.1(14), §5.4, and §5.5 of the Subdivision Regulations.

Voting to approve: None
Voting to deny: D. Clymer, M. Black, T. Hand, D. Kelly, P. Gabel. P.Roberts, S.Baraw

Dated at Stowe, Vermont this the 3rd day of Oct 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

Your DRB project listed below was recently denied by the Development Review Board. Attached is a copy of the DRB decision for your records.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7624		
Application Date	5/28/2025		
Physical Location	246 WERNER RD		
Map ID	07-104.050	**Tax ID**	20001-050
Project Description	CLEARING LIMIT AMENDMENT FOR RESIDENTIAL ADDITION		
Owner	DEAN HOWARD RYNA FERLATTE		
Applicant			
Applicant Address	246 WERNER RD STOWE VT 05672		

ACTIONS

Action Taken	Date	End of Appeal Period	
INCOMPLETE APP	6/5/2025		
DRB DECISION	10/7/2025	11/6/2025	DENIED

Sarah McShane

Dept. of Planning and Zoning

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Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT: 7624

SUBJECT PROPERTY: 246 Werner Road (Tax Map #07-104.050 [Lot 5])

PROPERTY OWNER/APPLICANT
Howard Dean & Ryna Ferlatte
246 Werner Road
Stowe, Vermont 05672

APPLICATION

The Applicant/Property Owner, Howard Dean and Ryna Ferlatte (hereinafter referred to as the "Applicant"), requests approval to amend the clearing limits previously established under Project #6557 to accommodate the construction of an approximately ±470-square-foot addition to the existing single-family dwelling located at 246 Werner Road. The subject property consists of approximately ±2.2 acres and is located within the Rural Residential 5 (RR5) Zoning District and the Ridgeline and Hillside Overlay District (RHOD). The parcel, Lot 5, was originally created in 2010 under Project #4082 as part of an eight-lot Planned Residential Development (PRD)/subdivision approved by the Development Review Board (DRB) on October 13, 2009, and subsequently revised in 2018 under Project #5859 and recorded on Map Book 23 Page 12. The existing dwelling was approved by the DRB in 2021 under Project #6557. The current application has been reviewed by the DRB pursuant to the applicable standards of the Town of Stowe Zoning Regulations, effective January 31, 2024, for the primary purposes of Stowe Club Test and RHOD review. The DRB's procedural history and relevant findings are attached hereto.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by the Applicant on May 28, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing was scheduled for September 2, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on August 14, 2025. The Applicant provided a certificate of service in accordance with the Regulations.

The public hearing to consider the application convened on September 2, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. David Kelly recused himself. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, Andrew Volansky, Patricia Gabel, and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Howard Dean & Ryna Ferlatte, 246 Werner Road, Stowe, Vermont 05672

THE HEARING RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Development Application, dated 5/28/25
2. Project Narrative, dated 5/28/25
3. First Floor Plan A1.10, prepared by Hillview Design Collaborative, dated 5/27/25
4. Roof Plan A1.20, prepared by Hillview Design Collaborative, dated 5/27/25
5. South Elevation A2.00, prepared by Hillview Design Collaborative, dated 5/27/25
6. South Elevation A2.01, prepared by Hillview Design Collaborative, dated 5/27/25
7. North Elevation A2.02, prepared by Hillview Design Collaborative, dated 5/27/25
8. East Elevation A2.03, prepared by Hillview Design Collaborative, dated 5/27/25
9. Addition section A3.00, prepared by Hillview Design Collaborative, dated 5/27/25
10. Window/Door Schedule, prepared by Hillview Design Collaborative, dated 5/27/25
11. Foundation Plan S1.10, prepared by Hillview Design Collaborative, dated 5/27/25
12. Foundation Elevations, S1.20, prepared by Hillview Design Collaborative, dated 5/27/25
13. Foundation Elevations, S1.30, prepared by Hillview Design Collaborative, dated 5/27/25
14. Foundation Sections S1.40, prepared by Hillview Design Collaborative, dated 5/27/25
15. Photos of location of proposed addition, no date
16. Original DRB Decision Project #6557
17. Narrative, revised 6/9/25
18. Exterior Lighting cut sheet, Generation Lighting, no date
19. Anderson windows and doors spec sheet, no date
20. Hardie Panel Vertical Siding spec sheet, no date
21. Englert Panel System colors and coatings
22. Photos of location of proposed addition, no date
23. Pictures for view analysis
24. Location of exterior lights
25. Southwest Perspective, A2.00, prepared by Hillview Design Collaborative, dated 5/27/25
26. Benjamin Moore paint swatch, wrought iron, no date

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 9- Ridgeline and Hillside Overlay District

Section 2.16 Flexibility and Finality in the Permitting Process (Stowe Club Test)

1. The Applicant seeks to amend the clearing limits previously approved under Project# 6557 to accommodate the proposed residential addition.

2. In granting approval for Project #6557, the DRB decision contained the following condition of approval:

   3. **Clearing shall be restricted to the areas shown on the approved site plan/worksheet entitled 'Lot 5- Howard Dean- Brush Hill Properties, LLC' prepared by Little River Survey Company, last revised June 2021. Lands outside of the shown clearing limits shall be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest.**

3. These approved clearing limits were identified on the plan approved by the DRB. The proposed ±470 square foot residential addition is located on the southern side of the existing dwelling. The proposed addition will extend into the approved clearing limits. The Applicant is therefore seeking approval to modify the approved clearing limits.

4. The DRB finds the Applicant is seeking an amendment to a final approval. The Applicant is seeking to modify the clearing limits approved under Project #6557.

5. Within these approved clearing limits, the DRB previously allowed the removal of twelve (12) tall softwoods during the construction of the dwelling. During the hearing, the Applicant testified that twelve (12) softwood trees were removed during the site and utility construction but have since been replanted. As such, no additional clearing is proposed.

6. The DRB, in its Findings of Fact and Conclusions of Law approving Project #6557, made multiple findings related to the dwelling, screening, exposure of building, etc. However, ultimately concluded that the dwelling will not negatively impact public vantage points.

7. Section 2.16(2) lists three (3) kinds of changes that justify altering a condition of a permit or approval.

8. Section 2.16(2)(A) allows an amendment when the Applicant can demonstrate '*Changes in factual or regulatory circumstances beyond the control of a permittee*'. The Applicant is not seeking review under this criterion.

9. Section 2.16(2)(B) allows an amendment when the Applicant can demonstrate '*Changes in the construction or operation of the permittee's project not reasonably foreseeable at the time the permit was issued*'. The Applicant asserts that this provision applies to the requested condition modifications. The Applicant testified that they explored other placement options that might not require modifications to the previously approved clearing limits however, based on the existing floor plan of the dwelling and layout of the property, the proposal presented makes the most sense in terms of construction and is the least complicated. The Applicant testified that their need for additional living space was not anticipated at the time of original permitting, and their current living space has proven insufficient for their personal needs.

10. Section 2.16(2)(C) allows an amendment when the Applicant can demonstrate '*Changes in technology*'. The Applicant is not seeking review under this criterion.

Conclusion: Section 2.16 requires the DRB to balance the need for flexibility with the importance of finality when reviewing any proposed amendment to a final approval. When reviewing a request for a permit amendment, the DRB employs a stepped analysis. First, we focus on the nature of the permit condition the application seeks to amend. Specifically, whether the Applicant proposes to amend a permit condition that was imposed to address a critical issue. This determination is done on a case-by-case basis. If the condition was not included to resolve a critical issue, then the Applicant is entitled to seek amendment thereof. If the condition was included to resolve a critical issue, the DRB must apply the Stowe Club Test and review the provisions under §2.16(2)(A)-(C). For the purposes of this review, an amendment is defined as a request to modify project plans, exhibits, and/or representations by the applicant that were incorporated into a prior approval through a specific or general condition. In this case, the Applicant seeks modifications to the previously approved clearing limits shown on an approved plan and incorporated as Condition #3 of the DRB decision approving Project #6557. The DRB therefore concludes the Applicant is requesting an amendment to a final approval.

A preliminary step in applying the Stowe Club Test requires the DRB to distinguish between conditions addressing "critical" issues and those that are not. In making this determination, the DRB must consider whether the proposed change is of a type that would have been denied, modified, or otherwise considered significant if presented in the original application, and whether it would have influenced the original decision. In reviewing previously approved Project #6557, the DRB finds that the approved clearing limits were clearly defined and played a central role in the original decision. The DRB's Findings of Fact and Conclusions of Law approving Project #6557 included multiple findings related to screening, vegetation, and existing large trees proposed to remain. The DRB relied on both the preservation of existing vegetation to satisfy landscaping and screening requirements. Based on this procedural history and the approved plan, the DRB concludes that the clearing limits established under Project #6557 (and the earlier underlying subdivision approvals) addressed a critical issue- screening and visibility from public vantage points. Accordingly, the DRB must evaluate the requested amendment under §2.16(2)(A)-(C) and apply the Stowe Club Test.

Having determined that the application seeks to amend a condition critical to the issuance of the original permit, the DRB must next consider whether the principle of finality should prevail over flexibility, or vice versa. Because the condition was deemed essential to the permit's approval, the analysis advances to the balancing stage. The central question is not whether the original condition should be enforced, but under what circumstances it may be modified. In addressing this question, the DRB must assess the competing interests of flexibility and finality. To that end, the DRB evaluates the following factors:

A. Changes in factual or regulatory circumstances beyond the control of a permittee; or
B. Changes in the construction or operation of the permittee's project, not reasonably foreseeable at the time the permit was issued; or
C. Changes in technology.

While the DRB acknowledges its authority to amend certain permit conditions under the Stowe Club Test and § 2.16(2)(A)–(C), the principle of finality established by 24 V.S.A. § 4472(d) presents a substantial threshold that Applicants must overcome when seeking to modify a final condition of approval. With this principle in mind, we turn to the facts of the present application.

First, the DRB considers whether there have been any "changes in factual or regulatory circumstances beyond the control of the permittee." The Applicant points to no such changes and does not seek review under this criterion. The record contains no evidence of factual or regulatory developments that would

necessitate the requested amendment. The Applicants have provided no demonstration of relevant regulatory changes, or indeed any regulatory changes at all. Accordingly, this factor weighs in favor of finality.

Second, the DRB assesses whether there have been "changes in the construction or operation of the permittee's project not reasonably foreseeable at the time the permit was issued." The Applicant asserts that this provision supports the requested amendment. Applicant testimony indicated that alternative placement options were considered, but given the existing floor plan and property layout, the proposed modification represents the most practical and least complicated approach to construction. The Applicant further testified that the need for additional living space was not anticipated at the time of the original permit and that the current dwelling is insufficient for their personal needs.

While the DRB accepts the Applicants' testimony as credible, it is insufficient to establish a change in the construction or operation of the project that was not reasonably foreseeable at the time the permit was issued. The Applicants have not articulated specific changes that would warrant flexibility in modifying a final condition of approval. The only material change identified is the Applicants' desire for additional living space and further development of the property. Accordingly, this factor also weighs in favor of finality.

Third, under criterion (c), the DRB considers "changes to technology, construction, or operations which drive the need for the amendment." The Applicant points to no changes in technology that would justify amending the condition, and the record contains none. This factor, too, weighs in favor of finality.

Having reviewed all relevant factors, the DRB finds that none favor flexibility. The Applicant bears the burden of proving that a permit amendment satisfies the Stowe Club Test. The permitting process requires a measure of finality because, both at the time of permit issuance and thereafter, parties and other interested persons reasonably rely on the permit conditions in making decisions. For these reasons, the DRB concludes that the Applicants have failed to demonstrate changes in factual or regulatory circumstances beyond their control, unforeseeable changes in the construction or operation of the project, or changes in technology. Accordingly, the DRB must respect the finality of the prior approval and the clear meaning of the condition of approval. There is not a sufficient basis to modify the final condition and grant the requested amendment. Having concluded that Applicant is not entitled to seek amendment of Condition #3 of Project #6557, all other issues before the DRB are MOOT and this completes, the DRB's review.

DECISION

Based upon the foregoing findings of fact and conclusions of law articulated above, the DRB hereby denies the Applicant's request to amend Condition #3 of Project #6557, as outlined in the application dated May 28, 2025, and supplemental materials.

Voting to approve: Andrew Volansky and Mary Black
Voting to deny: Scot Baraw, Drew Clymer, Tom Hand, and Patricia Gabel

Dated at Stowe, Vermont this the 7th day of Oct 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of $25/page is required for recording.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7584		
Application Date	4/8/2025		
Physical Location	0 NORTH HILL RD		
Map ID	02-193.050	**Tax ID**	12084-200
Project Description	LOT LINE ADJUSTMENT BETWEEN LOTS 24&25		
Owner	NORTH HILL HOLDINGS LLC		
Applicant	BRIAN DOYAL NORTH HILL HOLDINGS LLC		
Applicant Address	PO BOX 878 STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	10/3/2025	11/2/2025	4/1/2026	RE-RECORDED WITH UPDATED OWNER INFORMATION 10/9/25

Sarah McShane

Dept. of Planning and Zoning

Town of Stowe
Waiver of Right to Appeal
DRB Approval

Project	7584
Physical Location	0 NORTH HILL RD
Map ID	02-193.050
Project Description	LOT LINE ADJUSTMENT BETWEEN LOTS 24&25
Applicant	NORTH HILL HOLDINGS LLC
Owner	NORTH HILL HOLDINGS LLC
DRB Decision Date	10/3/2025

The Administrative Officer may issue a Zoning Permit pursuant to an approval of a Zoning Permit Application prior to expiration of the thirty-day appeal period set forth in 24 V.S.A. section 4471, or a final subdivision may be signed by the DRB Chair and recorded prior to expiration of the thirty-day appeal period set forth in 24 V.S.A. section 4471, only if there are no interested persons who participated in the Development Review Board hearing(s), as defined in the aforementioned section, other than the Town and the applicant/landowner, and only if the applicant/landowner waives his/her/its rights to appeal any relevant Development Review Board approvals. In order to ensure the finality and validity of any relevant Development Review Board approvals in those cases where there are no participating interested persons other than the applicant/landowner and the Town, the applicant/landowner must waive his/her/its rights to appeal in order to receive a Zoning Permit prior to the expiration of the appeal period.

The undersigned property owner(s) hereby waives any and all rights to appeal the approval of the Development Review Board decision listed above.

_____ _____

Property Owner **Date**

_____ _____

Property Owner **Date**

The undersigned applicant(s) hereby waives any and all rights to appeal the approval(s) of the Development Review Board decision listed above.

_____ _____

Applicant (if different than owner) **Date**

_____ _____

Applicant (if different than owner) **Date**

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT: 7584

SUBJECT PROPERTY: Lots 24 & 25 South Hollow Development; #02-193.050

PROPERTY OWNER/APPLICANT
North Hill Holdings LLC
(formerly Crazy Cow Holdings, LLC)
36 Hawthorn Street
Cambridge, MA 02138

APPLICATION

The Applicant/Property Owner, North Hill Holdings LLC (formerly Crazy Cow Holdings) (referred herein as the 'Applicant'), requests approval for a boundary line adjustment between Lots 24 & 25 of the South Hollow Properties Phases II and III subdivision, originally approved by the Town of Stowe Planning Commission under S-03-04/Sidehill Enterprises. As most recently amended and recorded on May 26, 2017, the approved boundary line adjustment modified the shared property line between Lots 25 & 26, resulting in Lot 25's present area of ±41.31 acres and Lot 26's present area of ±15.15 acres (Map Book 22, Page 30). Lot 24 presently consists of ±17.66 acres. Lots 24 & 25 are under common ownership and are both undeveloped. The proposed boundary line adjustment will result in the following:

- Lot 25 consists of ±41.31 acres. Following the boundary line adjustment, Lot 25 will consist of ±26.49 acres; a reduction of ±15.82 acres.
- Lot 24 consists of ±17.66 acres. Following the boundary line adjustment, Lot 24 will consist of ±32.47 acres; an increase of ±14.81 acres.

The subject lot(s) are located off Hollows End, a privately owned and maintained road, in the Rural Residential 5 (RR5) Zoning District and Ridgeline and Hillside Overlay District (RHOD). The application was reviewed by the Development Review Board (DRB) as a boundary line adjustment under the Town of Stowe Subdivision Regulations (effective July 16, 2012) and the Town of Stowe Zoning Regulations (effective January 31, 2024). The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed by the Applicant on April 8, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing was scheduled for July 1, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on June 12, 2025. The Applicant provided a certificate of service in accordance with the Regulations.

The public hearing to consider the application convened on July 1, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. David Kelly recused himself, otherwise no *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Mary Black, Peter Roberts, Andrew Volansky, Patricia Gabel, and Scot Baraw. The DRB continued the hearing to a time and date certain of July 15, 2025. At the hearing, the Applicant requested a continuance to make revisions to the project. The DRB immediately continued the hearing to the time and date certain of September 2, 2025. The same DRB members participated in the September 2nd hearing. Upon making himself familiar with the hearing record, DRB member Tom Hand also participated in the review. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS/PARTICIPANTS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Gunner McCain, 93 S Main Street, Suite 1, Waterbury, VT 05676
2. Brian Doyle, Crazy Cow Holdings, LLC, 36 Hawthorn Street, Cambridge, MA 02138

THE HEARING RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 4/8/2025;
2. Draft Notification Letter to Adjoining Property Owners, no date;
3. List of Adjoiners, no date;
4. Boundary Line Adjustment Plan – North Hill Holdings, LLC, Sheet 1 of 1, prepared by McCain Consulting, Inc., dated 06/05/2025;
5. Proposed Boundary Line Adjustment of the Lands of North Hill Holdings, LLC – Added Acreages, Sheet 1 of 1, prepared by McCain Consulting, Inc., revision date 06/30/2025;
6. South Hollow Properties Phases II & III subdivision plan, recorded 12/01/2003; and
7. Crazy Cow Holdings, LLC boundary line adjustment plan, recorded 05/26/2017.

Prior to the continued September 2nd hearing, the Applicant provided the following:

8. Boundary Line Adjustment Plan – North Hill Holdings, LLC, Sheet 1 of 2, prepared by McCain Consulting, Inc., dated 7/5/2025; last revised 8/21/2025;
9. Boundary Line Adjustment Plan – North Hill Holdings, LLC, Sheet 2 of 2, prepared by McCain Consulting, Inc., dated 6/26/2025; last revised 8/21/2025;
10. Boundary Line Adjustment Plan – North Hill Holdings, LLC, Sheet 2 of 2, prepared by McCain Consulting, Inc., dated 6/26/2025; last revised 8/28/2025;

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for a boundary line adjustment was reviewed by the DRB for conformance with applicable requirements of the Zoning Regulations (effective January 31, 2024), including the following:

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 9- Ridgeline and Hillside Overlay District

And the following sections of the Subdivision Regulations (as amended through July 16, 2012):

- Section 2- General Provisions
- Section 3- Administration and Enforcement
- Section 4- Subdivision Requirements
- Section 5- Planning and Design Standards

DIMENSIONAL REQUIREMENTS

Zoning District.

1. The subject parcels are located within the Rural Residential 5 (RR5) zoning district and the Ridgeline and Hillside Overlay District (RHOD).

Lot Area, Lot Width.

2. The Applicant requests approval for boundary line adjustments between Lots 24 & 25 as depicted on the provided plans.

3. Lot 25 consists of ±41.31 acres. Following the boundary line adjustment, Lot 25 will consist of ±26.49 acres; a reduction of ±15.82 acres.

4. Lot 24 consists of ±17.66 acres. Following the boundary line adjustment, Lot 24 will consist of ±32.47 acres; an increase of ±14.81 acres.

5. The minimum lot width in the RR5 District is three hundred (300') feet. Lot 24 lot width will remain as existing. Lot 25 lot width will far exceed the minimum lot width.

Setbacks.

6. Setback requirements within the RR5 District, as outlined under Table 6.2 are: front seventy feet (70'), side seventy-five feet (75'), and rear seventy-five feet (75').

7. Lots 24 & 25 are undeveloped but have approved building zones per the underlying subdivision approval. The building zone on Lot 25 is approximately seventy-five (±75) feet from the nearest property line, and the building zone on Lot 24 far exceeds the minimum setbacks. The building zone locations remain unchanged; however, the adjustment of the shared boundary line alters the distances to the property lines.

Density.

8. In the RR5 District, allowed density is one (1) single-family or two-family dwelling per five (5) acres. Following the proposed boundary line adjustment, each lot will continue to exceed the density requirement for one (1) dwelling unit, or a two-family dwelling unit, on a five (5) acre minimum lot area.

Conclusion: Based on the above findings, the DRB concludes the proposed boundary line adjustment complies with all applicable dimensional requirements.

SUBDIVISION REGULATIONS- SECTION 5.1 – GENERAL PLANNING STANDARDS:

9. Upon review, the DRB concludes the project will have no impact on the following review standards:

Section 5.1(1) – Character of Land for Subdivision
Section 5.1(2) – Natural and Scenic Features
Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities
Section 5.1(4) – Historic Resources and Community Character
Section 5.1(5) – Reserved Strips
Section 5.1(6) – Screening and Landscaping
Section 5.1(7) – Pedestrian Access
Section 5.1(8) – Traffic

Section 5.1(9) – Municipal Facilities
Section 5.1(12) – Fire Protection Facilities
Section 5.1(13) – Disclosure of Subsequent Development Plans
Section 5.1(14) – Private Enforcement Mechanisms
Section 5.2 – Prominent Hillsides and Ridgelines (RHOD)
Section 5.3 – Open Space and Cluster Development
Section 5.4 – Road Standards and Coordination with Public Highways
Section 5.5 – Utilities and Stormwater Management

The DRB concludes the above standards are not applicable. The project will have no impact on any of the above standards.

Section 5.1(10) – Lot Configuration

10. Flag lots, elongated lots, and other odd shaped lots which include narrow strips of land are prohibited unless the DRB finds the configuration is appropriate given the existing topography and natural features, existing development, or the existing configurations of internal or adjacent lots.

11. The Applicant proposes to adjust the shared boundary line between Lots 24 & 25 of the South Hollow Properties Phases II and III subdivision.

12. Lot 25 is currently irregular in shape, and after the boundary line adjustment, both Lots 24 & 25 will be more regular in shape.

Conclusion: Based upon the above findings, the DRB concludes the proposal complies with Section 5.1(10) -Lot Configuration.

Section 5.1(11) – Building Zone

13. The Regulations require the DRB to find that the proposed subdivision provides adequate building sites for each proposed lot. Such sites may be restricted to a specific building zone, to be depicted on the plat, located and sized to ensure compliance with all of the provisions of Section 5 of the Regulations.

14. Building zones were established on Lots 24 & 25 as part of the underlying South Hollow Properties Phases II and III subdivision. Building zones remain in the same locations as originally approved, however are slightly modified in shape to account for minimum setback requirements on Lot 25.

Conclusion: Based upon the above findings, the DRB concludes the proposal complies with Section 5.1(11) – Building Zone. The project provides adequate building sites for each proposed lot.

Section 5.2 – Subdivision within the Ridgeline and Hillside Overlay District (RHOD)

15. All subdivisions located within the RHOD shall conform to the submission requirements, standards and guidelines of Section 9 of the Stowe Zoning Regulations.

16. The DRB incorporates by reference into this section's findings its findings under §9, below, as if more fully stated herein.

SECTION 9 – RIDGELINE AND HILLSIDE OVERLAY DISTRICT

17. Upon review, the DRB concludes the project will have no impact on the following review standards:

Section 9.5(1) – General Requirements
Section 9.5(2) – Designation of Vantage Points
Section 9.5(3) – Standard 1.1 – Grading, Clearing, Erosion Control
Section 9.5(3) – Standard 2 – Forest Management and Timber Harvest
Section 9.5(3) – Standard 3 – Forest Management Activities
Section 9.5(3) – Standard 4 – Impact on Fragile Environments
Section 9.5(3) – Standard 5 – Exposure of Buildings
Section 9.5(3) – Standard 6 – Harmony of Landscape Patterns
Section 9.5(3) – Standard 7 – Tree Protection
Section 9.5(3) – Standard 8 – Driveway Grades
Section 9.5(3) – Standard 9 – Visualization of Buildings
Section 9.5(3) – Standard 10 – Massing of a Project
Section 9.5(3) – Standard 11 – Offsite Light Impacts

The DRB concludes the above standards are not applicable. The project will have no impact on any of the above standards.

Section 9.4(3)(C)(1) - Density Analysis.

18. According to the ANR Natural Resources Atlas, Lots 24 & 25 both contain slopes exceeding twenty (20%) percent.

19. The proposed boundary line adjustment will not alter the existing density of the overall Phase III subdivision.

20. Section 9.4(3)(C)(1) is not applicable since the number of lots is not increasing.

Section 9.5(3) – Standard 12.

21. The minimum area for all lots in existence prior to August 3, 1998 shall be as established for the underlying district. Minimum area for any lot created after August 3, 1998 shall be as established for the underlying district, excluding any portion of the lot with an average steepness (slope gradient) in excess of twenty (20%) percent, and shall have an area four times (4x) the minimum lot area identified in the underlying district for that portion of the parcel.

22. The Applicant provided a steep slopes analysis with the estimated minimum lot area. The steep slopes analysis illustrates slopes less than twenty (20) percent and more than twenty (20) percent.

23. Proposed Lot 24, consisting of ±32.47 total acres, contains ±18.5 acres of less than twenty (20) percent slopes, and ±13.9 acres of slopes greater than twenty (20) percent.

24. Proposed Lot 25, consisting of ±26.49 total acres, contains ±13.3 acres of less than twenty (20) percent slopes, and ±13.2 acres of slopes greater than twenty (20) percent.

25. As proposed, 42.8% of the proposed Lot 24 contains slopes of more than twenty (20) percent. 42.8% of 20 acres equals 8.56 acres – the minimum required area for slopes of more than twenty (20) percent. Five (5) acres is the minimum required area for slopes of less than twenty (20) percent. The combined minimum lot area required for Lot 24 is ±13.56 acres.

26. As proposed, 49.8% of the proposed Lot 25 contains slopes of more than twenty (20) percent. 49.8% of 20 acres equals 9.96 acres – the minimum required area for slopes of more than twenty (20) percent. Five (5) acres is the minimum required area for slopes of less than twenty (20) percent. The combined minimum lot area required for Lot 25 is ±14.96 acres.

27. The adjusted lot sizes comply with the requirements of Standard 12.

Conclusion: Based upon the above findings, the DRB concludes the proposed boundary adjustment complies with all applicable RHOD standards in Section 9.

DECISION

Based upon the foregoing findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for a boundary line adjustment as outlined in the application dated April 8, 2025, and supplemental materials, subject to the following conditions of approval:

1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:
    a. Town of Stowe Development Application, dated 4/8/2025
    b. Boundary Line Adjustment Plan – North Hill Holdings, LLC, Sheet 2 of 2, prepared by McCain Consulting, Inc., dated 6/26/2025; last revised 8/28/2025
2. All conditions of prior subdivision approvals, except as amended herein, remain in full force and effect.
3. Pursuant to 24 VSA Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Subdivision Regulations and shall include the following notations:
    a. *"This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office".*
4. The Applicant shall file the final survey plat, signed by the Chair or other authorized representative of the DRB, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
5. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, Peter Roberts, Andrew Volansky, Patricia Gabel, Scot Baraw, and Tom Hand
Voting to deny: None

Dated at Stowe, Vermont this the 3rd day of Oct 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Please note that there are conditions of approval required to be met before your Zoning Permit can be issued. Once you fullfill these conditions your zoning permit will be sent to you

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7670		
Application Date	8/5/2025		
Physical Location	133 GILCRIST RD		
Map ID	07-211.000	**Tax ID**	12040
Project Description	RESIDENTIAL ADDITION AND RELATED IMPROVEMENTS IN RHOD		
Owner	ROSELLE FAMILY GST IRREVOCABLE TRUST		
Applicant	VOLANSKY STUDIO ARCHITECTURE & INTERIORS ANDREW VOLANSKY		
Applicant Address	135 LUCE HILL RD		
	STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	10/31/2025	11/30/2025	

Sarah McShane

Zoning Office

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law

PROJECT# 7670

SUBJECT PROPERTY 133 Gilcrist Road, Stowe, Vermont (Tax Map #07-211.000)

PROPERTY OWNER
Roselle Family GST Irrevocable Trust
133 Gilcrist Road
Stowe, VT 05672

APPLICANT
Andrew Volansky
Volansky Studio Architecture & Interiors
135 Luce Hill Road
Stowe, VT 05672

APPLICATION

The Applicant, Andrew Volansky of Volansky Studio Architecture & Interiors, on behalf of Property Owner Roselle Family GST Irrevocable Trust (herein referred to as the "Applicant") requests Ridgeline and Hillside Overlay District [RHOD] review to construct a residential addition on the existing single-family dwelling and related site improvements. The proposed project requires additional clearing in an area southwest of the existing dwelling. The existing dwelling was constructed in 2004 and permitted under Z-04-124.
The subject property consists of ±54.2 acres as shown on Tax Map # 07-211.000 and is a split lot, as defined under the Regulations, with lands located within the Rural Residential 2 (RR2) & Rural Residential 3 (RR3) zoning districts and the RHOD. The parcel is accessed directly from Gilcrist Road (TH-58), a Class 3 town highway. The application was reviewed by the Development Review Board (DRB) under the applicable standards of the Town of Stowe Zoning Regulations (the "Zoning Regulations") (effective January 31, 2024) for the purpose of RHOD review. The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed on August 5, 2025. The application was accepted as administratively complete and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for September 16, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on August 28, 2025. The Applicant submitted the certificate of service notifying the abutters as required under §2.14.

The public hearing to consider the application convened on September 16, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. Andrew Volansky recused himself given his professional involvement with the application. Otherwise, no *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Mary Black, David Kelly, Patricia Gabel, Peter Roberts, Scott Rank, and Scot Baraw. The Applicant requested a continuance to October 7th, with a site visit in advance of the continued hearing at 4:00 PM. Members attending the site visit included: David Kelly, Drew Clymer, Scott Rank, Scot Baraw, and Mary Black. Peter Roberts visited the site separately. Andrew Volansky and Travis Cutler, both representing the property owner also attended. Following the site visit, the DRB re-opened the hearing on October 7th. After receiving evidence and testimony, the DRB closed the hearing that same evening—officially starting the 45-day period for issuing written findings and a decision.

INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division.

The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Andrew Volansky & Jonathon Severinghaus, Volansky Studio Architecture & Interiors, 135 Luce Hill Road, Stowe, VT 05672

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 8-5-25
2. Overall Site Plan, C-1, prepared by Mumley Engineering, INC., dated 1-8-24
3. Site Plan and Visibility Study, A1.1, prepared by Volansky Studio, dated 8-4-25
4. Landscape/Hardscape Plan, A1.2, prepared by Volansky Studio, dated 8-4-25
5. Lower-Level Floor Plan, A2.0, prepared by Volansky Studio, dated 8-4-25
6. Main-Level Floor Plan, A2.1, prepared by Volansky Studio, dated 8-4-25
7. Upper-Level Floor Plan, A2.2, prepared by Volansky Studio, dated 8-4-25
8. Roof Plan, A2.3, prepared by Volansky Studio, dated 8-4-25
9. House Front/ Rear Elevation, A3.1, prepared by Volansky Studio, dated 8-4-25
10. Addition Elevation, A3.2, prepared by Volansky Studio, dated 8-4-25
11. Elevation, A3.3, prepared by Volansky Studio, dated 8-4-25
12. Addition Elevation, A3.4, prepared by Volansky Studio, dated 8-4-25
13. Addition Elevation, A3.5, prepared by Volansky Studio, dated 8-4-25
14. Window and door Spec Sheet from Marvin, no date
15. Hinkley Lighting spec sheet, no date
16. Optical Properties of IG Units, no date
17. Modern Forms Midnight Exterior Lighting, 9-2-25
18. Overall Site Plan, C-1, prepared by Mumley Engineering, INC., dated 1-8-24
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21. Lower-Level Floor Plan, A2.0, prepared by Volansky Studio, dated 9-2-25
22. Main-Level Floor Plan, A2.1, prepared by Volansky Studio, dated 9-2-25
23. Upper-Level Floor Plan, A2.2, prepared by Volansky Studio, dated 9-2-25
24. Roof Plan, A2.3, prepared by Volansky Studio, dated 9-2-25
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28. Addition Elevation, A3.4, prepared by Volansky Studio, dated 9-2-25
29. Addition Elevation, A3.5, prepared by Volansky Studio, dated 9-2-25
30. Northeast Elevation of Garage, A3.6, prepared by Volansky Studio, dated 9-2-25
31. DRB Decision for RHOD Z-04-124
32. Proposed Residence Site Plan, A1.1, prepared by Volansky Studio, dated 9-30-25
33. Landscape/Hardscape Plan, A1.2, prepared by Volansky Studio, dated 9-30-25
34. Pre/Post Runoff, prepared by Mumley Engineering, Inc., dated 9-16-25
35. Site Plan, C-1, prepared by Mumley Engineering, Inc., dated 9-30-25
36. Partial Site Plan, C-2, prepared by Mumley Engineering, Inc., dated 9-30-25
37. Email from Jonathan Severinghaus, dated 9-30-25

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for RHOD approval was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 9- Ridgeline and Hillside Overlay District (RHOD)

Section 2.16 Flexibility and Finality in the Permitting Process (Stowe Club Test)

1. The Applicant seeks modifications to the clearing limits previously approved under Z-04-124 in order to accommodate the proposed residential addition. The project will require the removal of two (2) significant trees within the yard and a shift of the existing treeline to accommodate the proposed addition, while preserving existing specimen trees.

2. The DRB decision approving Z-04-124 required the Applicant to submit an amended plan clearly delineating the no-cut/no-topping area as described during the hearing. The condition also reads: *At no time, either during construction or after shall any additional trees be cut or topped on the westerly side of the house....*

3. The Applicant proposes additional clearing on the south-western side of the existing dwelling which will extend in to the previously established clearing limits.

4. The zoning permit Z-04-124 granting approval for the construction of the dwelling established specific clearing limits for the subject property. These approved clearing limits were identified on the plan approved by the DRB and included as a specific condition of approval in the DRB decision.

5. The changes sought by the Applicant seek to modify these previously approved clearing limits. The DRB therefore finds the Applicant is seeking an amendment to a final approval.

6. The changes sought by the Applicant seek to modify to this condition of approval, therefore the DRB finds the Applicant is seeking an amendment to a final approval.

7. The DRB, in its Findings of Fact and Conclusions of Law approving Z-04-124, made multiple findings related to the dwelling, screening, exposure of building, etc. and concluded that the proposed dwelling met all applicable RHOD standards.

8. The DRB finds that inconsistencies exist within the permit history. Additional clearing beyond what was originally approved under Z-04-124 appears to have occurred in or around 2004 to accommodate the installation of the pond and dwelling. While this clearing constituted a violation of the original permit, it is now beyond the statute of limitations for zoning enforcement. The Applicant now seeks approval of

the existing conditions and established tree lines, along with two additional areas located outside the previously approved limits of disturbance.

9. The Applicant testified that the previously approved clearing limits should not be considered a critical issue. He stated that the plan depicting the limits of clearing was submitted as a condition of approval at the request of the DRB. The Applicant further claimed that if the DRB had considered the clearing limits to be a critical issue, it would have required the plan to be presented and reviewed during the public hearing, rather than submitted afterward as a condition of approval.

10. Section 2.16(2) lists three (3) kinds of changes that justify altering a condition of a permit or approval.

11. Section 2.16(2)(A) allows an amendment when the Applicant can demonstrate '*Changes in factual or regulatory circumstances beyond the control of a permittee*'. The Applicant is not seeking review under this criterion.

12. Section 2.16(2)(B) allows an amendment when the Applicant can demonstrate '*Changes in the construction or operation of the permittee's project not reasonably foreseeable at the time the permit was issued*'. The Applicant asserts that should the DRB determine the clearing limits were a critical condition, this provision applies to the proposed project modifications. The Applicant testified that at the time of original approval, the family has now grown and they need additional space.

13. Section 2.16(2)(C) allows an amendment when the Applicant can demonstrate '*Changes in technology*'. The Applicant is not seeking review under this criterion.

Conclusion: Section 2.16 requires the DRB to balance the need for flexibility with the importance of finality when reviewing any proposed amendment to a final approval. The central question is whether the amendment involves modification of a final condition that was originally imposed to address a critical issue. If so, the DRB must apply the Stowe Club Highlands analysis. If not, the DRB may review the application solely on its merits. An amendment is defined as a request to modify project plans, exhibits, and/or representations by the applicant that were incorporated into a prior approval through a specific or general condition. In this case, the Applicant seeks modifications to the previously approved clearing limits shown on an approved plan and incorporated as Condition #3 of Z-04-124 (RHOD). The DRB therefore concludes the Applicant is requesting an amendment to a final approval.

A preliminary step in applying the Stowe Club analysis requires the DRB to determine whether a condition of approval addressed a "critical" issue or a noncritical one. In making this distinction, the DRB must consider whether the proposed change is of a type that would have been denied, modified, or otherwise deemed significant if it had been included in the original application, and whether it would have influenced the outcome of the original decision.

Upon reviewing Permit Z-04-124, the DRB finds that the approved clearing limits were clearly defined and played a central role in the original approval. The Findings of Fact and Conclusions of Law for that project included multiple references to landscaping and screening, demonstrating that the DRB relied on both the preservation of existing vegetation and the installation of new plantings in granting RHOD approval.

However, the record does not indicate that the DRB imposed these specific clearing limits for any reason other than to reflect the Applicant's proposal. There is no evidence that the condition was intended to

address a critical issue necessary to satisfy the RHOD review criteria. Therefore, the DRB concludes that the clearing limit condition was not essential to the issuance of the original permit under the applicable regulations. Accordingly, the Stowe Club test does not apply in this instance. The DRB finds that an amendment to the previously approved clearing limits is justified and proceeds to review the application on its merits.

Dimensional Requirements

14. **Zoning District.** The subject property is located within the Rural Residential 2 (RR2) & Rural Residential 3 (RR3) Zoning Districts and the RHOD.

15. **Lot Area, Lot Width.** The subject parcel is ±54.2 acres in area. No change to lot width or lot area are proposed under this application.

16. **Setbacks.** The parcel is a split lot, as defined under the Regulations. The existing dwelling and proposed addition are within the RR3 portion of the lot.

17. Required minimum setbacks for the RR3 District are front seventy (70') feet, side sixty (60') feet and rear sixty (60') feet. The location of the existing dwelling and proposed addition are shown on the site plan. As proposed, the project is designed to meet the minimum required setbacks.

18. **Use**. The Applicant proposes to construct an addition to the existing single-family dwelling. Single-family dwellings are a permitted use in the RR3 District.

19. **Density.** The RR3 District allows one (1) single-family dwelling per three (3) acres. No change to density is proposed under this application.

20. **Height.** The maximum building height in the RR3 District is 28' feet.

21. The Regulations define building height as the "*Vertical distance measured from the average elevation of the proposed finished grade at the front or rear of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the highest ridge and its contiguous eave for other types of roofs. On sloping sites the height will be measured on the uphill side.*"

22. The architectural plans indicate a maximum proposed addition height of 12'6".

Conclusion: Based upon the above findings, the DRB concludes the proposal meets applicable dimensional requirements for the RR3 District.

Section 9 – Ridgeline and Hillside Overlay District.

23. Under the provisions of the Regulations, the application was reviewed under the applicable provisions of Section 9- RHOD. The Zoning Administrator referred the application to the DRB upon determining that the project was not eligible for an exemption under §9.4(2).

24. Upon review, the DRB concludes the following standards are not applicable:

    Section 9.5(3) – Standard 2 – Forest Management and Timber Harvesting
    Section 9.5(3) – Standard 3 – Standard Forest Management Activities

Section 9.5(3) – Standard 12 – Development Density

Standard (1) General Requirements:

25. The Applicant proposes to construct a residential addition to the existing single-family dwelling and related improvements.

26. Under Z-04-124 the DRB deemed the construction of the single-family dwelling to be a significant project and found that, as designed, the dwelling met all applicable RHOD standards. The proposed addition is positioned in an area of the lot which will be less visible.

Conclusion: Based upon the above findings, the DRB concludes that the proposal has been designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town.

Standard (2) Designation of Vantage Points:

57. The Regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties.

58. The Applicant identified one (1) primary public vantage points: Trapp Family Lodge/Trapp Hill Road. This is the only vantage point identified through on-site observation and other available tools used to assess visibility.

59. Sheet A1.1 identifies proposed limits of clearing and preserves much of the existing tree canopy to the south. Areas to be thinned are also identified.

60. Due to multiple factors including site elevation, the lay of the land, and existing vegetation to remain, the proposed addition is not anticipated to be visible from any identified vantage point.

Conclusion: Based upon the above findings, the DRB concludes the proposal will not be visible from public vantage points and therefore there will be no undue adverse impacts as a result of the project.

Standard (1.1)

61. The project involves constructing a residential addition to the single-family dwelling and related site improvements. Related site improvements include stormwater, retaining walls, patios, hardscaping, etc.

62. Clearing and grading are proposed and necessary to accommodate the project. The Applicant testified that the treeline will be selectively thinned while preserving several specimen trees, extending the existing thinning from the primary vantage point. The Applicant further testified that this proposed thinning will not increase the visibility of either the existing building or the proposed addition.

63. The limits of disturbance are estimated to encompass approximately ±0.45 acres of total disturbed area.

64. The two-year storm is estimated to generate approximately ±0.28 cubic feet per second of runoff. To manage this, the Applicant proposes a stormwater pond. HydroCAD calculations provided by the

Applicant demonstrate that the peak stormwater discharge from the site following development will not exceed pre-development levels for a two-year, twenty-four-hour storm event. In fact, under post-development conditions, the site is expected to release less runoff than it currently does under existing conditions.

65. The project involves approximately ±3,300 square feet, or ±0.08 acres, of new impervious surfaces.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 1.

Standard (4)

67. According to the Significant Wildlife Habitat & Natural Communities Map in the Stowe Town Plan, the parcel does not contain any noted significant areas however a portion of the property contains a low-medium priority habitat block. The project will not have an undue impact on any significant wildlife habitat and natural communities.

68. According to the ANR Natural Resources Atlas, the property contains moderate to steep slopes (>15%). The proposed addition is shown to be on slopes between 15- 20%.

69. No unique features are identified on the property.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 4.

Standard (5)

70. The Applicant proposes to construct a residential addition. Clearing is proposed to accommodate the addition and related site improvements. The existing dwelling is not significantly exposed; the residential addition sits lower in elevation. The proposed thinning will not increase the off-site visibility of the existing dwelling or proposed addition.

Conclusion: Based upon the above finding, the DRB concludes the proposal conforms to Standard 5.

Standard (6)

71. The property is presently forested. There are no open meadows or agricultural fields on the property.

72. The proposed clearing limits confine the area to be cleared and will not disrupt the natural order or landscape patterns. The property is large relative to the surrounding subdivided lots, which have comparable cleared areas.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 6.

Standard (7)

73. The site plan illustrates existing and proposed tree lines/limits of clearing. Limits of disturbance are identified on Sheet C-2.

74. As proposed, limits of clearing are designed to accommodate the residential addition and related improvements. The trees to remain and be protected during construction are identified.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 7. Trees identified on the site plan will be adequately protected during construction.

Standard (8)

75. The Regulations require driveway grades to not exceed fifteen (15) percent and have an average grade of less than twelve (12) percent.

76. The Applicant testified a temporary access driveway is proposed to allow for construction of the proposed addition to access the building for excavation of foundations, etc. Removal of trees will be required to install this temporary access drive, however the area will be restored following construction.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 8.

Standard (9)

77. The existing dwelling does not exceed the height of surrounding trees, nor will the proposed addition.

78. The site plan delineates the proposed clearing limits and largely maintains the existing tree canopy to provide screening for both the existing dwelling and the proposed addition.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 9.

Standard (10)

79. The proposed addition contains terraced rooflines. The addition is positioned lower on the land compared to the existing dwelling.

80. Sheet A3.2 identifies proposed building materials include an earth toned standing seam metal roof, wood clapboard, etc. which will minimize any visual impact of the building. The proposed addition will match the materials and colors of the existing dwelling.

Conclusion: Based upon the above findings, the DRB concludes that the proposal has been designed in conformance with Standard 10.

Standard (11)

81. The Applicant provided two (2) outdoor lighting specification sheets for a path light and wall mounted fixtures. The location of the wall mounted outdoor light fixtures are shown the architectural drawings.

82. The cut sheets do not identify the fixtures as containing the 'dark sky' seal of approval, however each fixture appears to meet the requirements of §4.8(5)(B)-(F).

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 11.

DECISION

Based upon the foregoing findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for RHOD approval to construct a residential addition and related improvements as outlined in the

application dated August 5, 2025, and supplemental materials, subject to the following conditions of approval:

A. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Planning & Zoning Office and other material representations. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans, amended herein, include:

1. Town of Stowe Development Application, dated 8-5-25
2. Overall Site Plan, C-1, prepared by Mumley Engineering, INC., dated 1-8-24
3. Site Plan and Visibility Study, A1.1, prepared by Volansky Studio, dated 8-4-25
4. Landscape/Hardscape Plan, A1.2, prepared by Volansky Studio, dated 8-4-25
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13. Addition Elevation, A3.5, prepared by Volansky Studio, dated 8-4-25
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16. Optical Properties of IG Units, no date
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30. Northeast Elevation of Garage, A3.6, prepared by Volansky Studio, dated 9-2-25
31. DRB Decision for RHOD Z-04-124
32. Proposed Residence Site Plan, A1.1, prepared by Volansky Studio, dated 9-30-25
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34. Pre/Post Runoff, prepared by Mumley Engineering, Inc., dated 9-16-25
35. Site Plan, C-1, prepared by Mumley Engineering, Inc., dated 9-30-25
36. Partial Site Plan, C-2, prepared by Mumley Engineering, Inc., dated 9-30-25

37. Email from Jonathan Severinghaus, dated 9-30-25

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Prior to the issuance of the zoning permit, the Applicant must complete the following:
    a. The approved limits of clearing and temporary construction access must be marked by a licensed surveyor. These areas must remain clearly marked during construction. Prior to the issuance of a zoning permit, the Zoning Administrator must conduct a site visit to verify completion.
4. Clearing shall be restricted to the areas shown on the approved plans. Lands outside of the shown clearing limits shall be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest. For the purposes of this approval, this condition is considered a critical condition.
5. The installation of outdoor light fixtures is limited to those described and depicted within the application.
6. All outdoor lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property. Fixtures shall employ warm-toned (3000K and lower) white light sources or may employ amber light sources or filtered LED light sources.
7. Site construction shall adhere to the standards outlined in §3.12(2)(A-F) including:
    a. The amount of soil exposed at any one time must be kept to a minimum.
    b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
    c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
    d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
    e. Existing drainage patterns must not be altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
8. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that the project has been constructed as approved by the DRB. Prior to the issuance of a Certificate of Occupancy the Applicant shall submit the following to the Zoning Administrator:
    a. A licensed architect shall submit written stamped certification confirming that the as-built addition was completed in conformance with the approved plans.
    b. A licensed engineer shall provide written stamped certification that the approved site improvements, including but not limited to the stormwater improvements, have been constructed and functioning in conformance with the approved plans.
    c. The temporary construction access must be restored.
9. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Mary Black, David Kelly, Peter Roberts, Scott Rank, and Scot Baraw
Voting to deny: Patricia Gabel

Dated at Stowe, Vermont this the 31st day of Oct 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.



Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7693		
Application Date	9/2/2025		
Physical Location	18 EDSON HILL RD		
Map ID	11-195.000	**Tax ID**	30002
Project Description	POP UP FOOD TENT		
Owner	GRANDVIEW FARMS INC CHELSEA REALTY LLC		
Applicant	DOUG FINKBEINER		
Applicant Address	65 S. MAIN ST BARRE VT 05641		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	10/31/2025	11/30/2025	11/30/2027

Sarah McShane

Dept. of Planning Zoning

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

PROJECT# 7693

SUBJECT PROPERTY 18 Edson Hill Road; #11-195.000

PROPERTY OWNER
Frank Salese
18 Edson Hill Road
Stowe, VT 05672

APPLICANT
Doug Finkibeiner
65 South Main Street Apt. #4
Barre, VT 05641

APPLICATION

The Applicant, Doug Finkibeiner, on behalf of property owner Frank Salese (herein referred to as 'Applicant'), requests approval to host a temporary food cart/tent within the existing parking area at 18 Edson Hill Road. The Applicant proposes to serve "to-go" breakfast and lunch items during the winter ski season. Regular business hours are from 8:00 AM to 2:00 PM Friday through Sunday. The subject property is located in the Mountain Road Crossroad (MRC) zoning district. The application has been reviewed by the Development Review Board (DRB) under applicable standards of the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of conditional use and site plan review, including Section 4.15 (temporary structures). The DRB's procedural history and relevant findings are attached.

REVIEW PROCESS

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office.)

A Town of Stowe development application was filed on September 2, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for October 7, 2025 and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on September 18, 2025. The Applicant provided the Certificate of Service on September 22, 2025.

The public hearing to consider the application convened on October 7, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Peter Roberts, Mary Black, David Kelly, Andrew Volansky, Tom Hand, and Scot Baraw. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS

In accordance with 24 VSA §4471, an interested person who has participated in a DRB proceeding may appeal a DRB decision rendered in that proceeding to the Vermont Superior Court Environmental Division. The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

1. Doug Finkibeiner, 65 South Main Street Apt. #4, Barre, VT 05641

THE RECORD

The following materials were submitted in support of the application and entered into the hearing record:

1. Development Application, dated 9-2-25
2. Signed permission from Frank Salese, dated 8-25-25
3. Business Plan, no date
4. Ariel map view of tent location, no date

5. Follow up email, dated 9-23-25

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law:

The Applicant's request for conditional use and site plan review was reviewed by the DRB for conformance with applicable requirements of the Town of Stowe Zoning Regulations (effective January 31, 2024) including the following:

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Section 4.15 – Temporary Structures

1. **Section 4.15(2)** requires "*All temporary structures including, but not limited to, trailers, tents, trucks and other registered vehicles and carts with an area greater than 32 sq. ft. selling or serving goods or food, and mobile homes used for temporary office or storage space may be permitted as a temporary accessory structure to an existing or proposed approved use. Such structures shall not be used for dwelling purposes.*" The Applicant proposes to host a temporary food cart/ tent from 8:00 AM to 2:00 PM on Fridays through Sundays; the proposed location is shown on the site plan provided with the application.

2. **Section 4.15(3)** states "*A permit for a temporary structure may be issued for a specified period of time not to exceed six (6) months.*" As noted above, the Applicant proposes to host a temporary food cart/ tent during the ski season which is typically from November to April. Temporary structures may be issued a zoning permit not to exceed six (6) months.

3. **Section 4.15(4)** states "*A temporary structure that is to be used as an extension or expansion of a conditional use will require conditional use approval from the DRB, unless the Zoning Administrator determines that the structure is a minor alteration to a conditional use and can be administratively approved.*" The Zoning Administrator referred the application to the DRB for conditional use and site plan review.

4. **Section 4.15(5)** states "*A temporary structure shall be dismantled or removed upon expiration of the permit, unless the applicant applies for a new permit.*" The Applicant proposes to erect a temporary 10' x 10' tent along side a 5' x 8' trailer to serve food. The tent and trailer will be set up and taken down daily. The trailer will remain on-site Friday through Sunday but otherwise will be removed off-site on days it is not operating.

Conclusion: The DRB concludes the proposal is in conformance with the applicable provisions for temporary structures. As conditions of approval, the DRB will require that the temporary structures not be used for dwelling purposes and that the zoning permit expires in six (6) months. At such time, the temporary structure(s) shall either be removed from the premises, or the Applicant shall obtain a new permit in accordance with §4.15(5).

Section 3.7(2)(A) – Standards of review (Conditional Use Applications):

5. Upon review, the DRB concluded the following standards are not applicable to the application:

   Section 3.7(4)(C) – The character of the area affected
   Section 3.7(4)(D) – Regulations and ordinances in effect
   Section 3.7(4)(E) – Utilization of renewable energy sources

Section 3.7(4)(F) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas

Section 3.7(4)(A) – Capacity of existing or planned community facilities and services:

6. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

7. No Municipal Department review forms returned indicated that the proposed development would have any adverse impact on existing or planned community facilities and service.

Conclusion: Based on the above findings, the DRB concludes the proposal will not result in an undue adverse effect on the Town's existing or planned facilities or services.

Section 3.7(4)(B) – Traffic on roads and highways in the vicinity:

8. The Applicant proposes to serve breakfast and lunch items from a temporary cart/tent on Fridays through Sundays during the regular ski season. The proposed temporary use will benefit from existing traffic traveling to Stowe Mountain Resort and other nearby destinations however the temporary use itself is not anticipated to generate additional vehicular trips.

Conclusion: Based on the above findings, the DRB concludes the proposal will not create an undue adverse impact on traffic on roads and highways in the vicinity.

Section 3.7(4)(G) – Project will not result in undue water, noise or air pollution

9. The proposal includes no generator, music, or outdoor lighting; all equipment will operate entirely on propane

Conclusion: Based on the above findings, the DRB concludes the proposal will not will not result in undue water, noise or air pollution.

Section 3.16(C) & (D) – Standards and Conditions (Site Plan Review):

10. Upon review, the DRB concluded that the following standards are not applicable and the project will have no impact on the following criterion:

    Section 3.16(C)(1) –Access Management
    Section 3.16(C)(2) – Shared Access
    Section 3.16(C)(4) – Pedestrian Circulation and Access
    Section 3.16(C)(5) – Landscaping and Screening:
    Section 3.16(C)(6) – Stormwater Management
    Section 3.16(C)(7) – Outdoor Lighting
    Section 3.16(D)(1)(A) – Driveways and Road Edge Treatment
    Section 3.16(D)(1)(B) – Front Yard Treatment
    Section 3.16(D)(1)(D) – Pedestrian Circulation and Sidewalks
    Section 3.16(D)(1)(E) – Internal Road Network and Traffic Mitigation
    Section 3.16(D)(1)(F) – Orientation of Buildings with the Site
    Section 4.8 Outdoor Lighting.

Section 3.16(C)(3) Circulation and Parking:

11. The subject property contains an existing Italian restaurant, Salute, and one dwelling unit. The existing restaurant is not open during morning or afternoon hours.

12. The Applicant proposes to erect a temporary tent alongside a temporary trailer for the purposes of serving breakfast and lunch food items. There are two (2) picnic tables available on-site however the food is intended to be a "grab and go" style.

13. The proposed tent and trailer will be located within the existing gravel parking area and operate when the existing restaurant is not open. The proposed temporary use of the parking area will not interfere with other uses on the property and will utilize the existing parking available.

14. During the hearing the Applicant testified how patrons are anticipated to Enter & Exit into the parking lot, establishing a circulation pattern onto and off the site.

Conclusion: Based on the above findings, the DRB concludes the existing circulation and parking improvements represent safe and adequate access and circulation for the intended temporary use.

DECISION

The DRB hereby approves the Applicant's request for conditional use and site plan review (Project 7693) at 18 Edson Hill Road (#06-088.000) as described in the application dated September 2, 2025 and associated supporting materials subject to the following conditions of approval:

1. The project shall be completed according to the plans hereby approved. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. The approved plans are:

    a) Development Application, dated 9-2-25
    b) Signed permission from Frank Salese, dated 8-25-25
    c) Business Plan, no date
    d) Ariel map view of tent location, no date
    e) Follow up email, dated 9-23-25

2. All conditions of previous approvals, except as amended herein, remain in full force and effect.
3. The zoning permit for this application shall expire six (6) months from the date of this decision. At such time, the temporary use and structures shall either be removed from the premises, or the Applicant shall obtain a new permit in accordance with §4.15(5).
4. The temporary structure shall not be used for dwelling purposes.
5. The DRB approves flexibility in the placement of the temporary tent on the property, allowing the Applicant to adjust its location as needed to accommodate snow removal and snow management.
6. The approved days and hours of operation for the temporary use and structure(s) are limited to 8:00 AM to 2:00 PM Friday through Sunday, except as otherwise approved by the DRB.
7. There shall be no amplified outdoor music.
8. All temporary signage must comply with §14 of the Regulations.
9. All trash and recycling must be properly disposed of within the existing dumpster or removed and disposed of off-site each day.
10. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant and his successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Peter Roberts, Mary Black, David Kelly, Andrew Volansky, Tom Hand, and Scot Baraw.

Voting to deny: None

PASSED 7-0

Dated at Stowe, Vermont this the 31st day of Oct 2025

By: _____
Drew Clymer, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.

2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a request for reconsideration that specifies the basis for the request with the Secretary of the Development Review Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.

3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.

4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

