



**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.

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**APPLICATION INFORMATION**

**Project Number** 7662  
**Application Date** 7/24/2025  
**Physical Location** 55 MOUNTAIN RD #A  
**Map ID** 7A-134.000 **Tax ID** 02134  
**Project Description** INFILL 9X12 SECTION OF EXISTING DECK  
**Owner** PETER LIVADITIS MAPLE CORNER INVESTMENTS, LLC  
**Applicant** VOLANSKY STUDIO KELLEY OSGOOD  
**Applicant Address** 135 LUCE HILL RD  
STOWE VT 05672

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**APPROVALS ON RECORD**

Action Taken	Date	End of Appeal Period	Expiration Date
INCOMPLETE APP DRB DECISION	2/17/2026	3/19/2026	3/19/2028

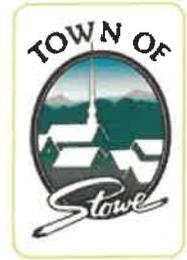
*Sarah McShane*

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Dept. of Planning Zoning

**TOWN OF STOWE  
DEVELOPMENT REVIEW BOARD**

**Findings of Fact & Conclusions of Law**



**PROJECT:** 7662

**SUBJECT PROPERTY:** 55 Mountain Road; Tax Map# 7A-134.000

**APPLICANT:**

Kelley Osgood  
Volansky Studio  
135 Luce Hill Road  
Stowe, VT 05672

**PROPERTY OWNER:**

Peter Livaditis  
Maple Corner Investments, LLC  
P.O. Box 148  
Calais, VT 05648

**APPLICATION**

The Applicant, Kelley Osgood of Volansky Studio, on behalf of property owner Maple Corner Investments LLC (referred herein as the 'Applicant'), requests combined conditional use, design review, and flood hazard area approval to construct a 9' x12' in-fill portion to an existing deck and replace an existing first-floor window with a door on the building located at 55 Mountain Road. The property is located within Village Commercial 10 (VC-10) District, the Stowe Historic Overlay District (SHOD), and the Flood Hazard Overlay District (FHOD). The application was reviewed by the Development Review Board (DRB) under Town of Stowe Zoning Regulations (effective January 31, 2024) for the purposes of combined conditional use, design review, and flood hazard area 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 July 24, 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 was scheduled for January 6, 2026 and warned in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on December 18, 2025. The Applicant submitted the Certificate of Service on December 15, 2025.

The public hearing to consider the application convened on January 6, 2026 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 due to a conflict of interest. Otherwise, no *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Mary Black, Peter Roberts, Patricia Gabel, Tom Hand, and Alternate 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. Andrew Volansky, Volansky Studio, 135 Luce Hill Road, Stowe, VT 05672
2. Kelley Osgood, Volansky Studio, 135 Luce Hill 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 07/24/2025;
2. 55 Mountain Road Deck Infill Submittal, dated 7/24/2025;
3. 55 Mountain Road Deck Infill Floor Plan and Elevations, dated 10/10/2025;
4. 55 Mountain Road Deck Infill Submittal, proposed north elevation, dated 11/4/2025;
5. 55 Mountain Road Listers Card, dated 1/11/1993;
6. 55 Mountain Road Itemized Property Costs, dated 05/22/2025;
7. Substantial Improvement Zoning Letter, dated 11/12/2025;
8. Signed HPC Recommendation Letter, dated 12/17/2025;
9. Comments from ANR Rivers Program, dated 12/29/2025;
10. LIVADITIS 55A MT ROAD BLA Site Plan, dated 5/21/2025;
11. 55 Mtn. Rd – Site Protection Plan, prepared by DBI, no date; and
12. Flood Elevation Comments email from Engineer John Grenier, received 9/29/2025.

### **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 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 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

### **DIMENSIONAL REQUIREMENTS:**

1. **Zoning District.** The subject parcel is in the VC-10 Zoning District (VC-10), the Stowe Historic Overlay District (SHOD) and the Flood Hazard Overlay District (FHOD) as shown on the Official Town of Stowe Zoning Map.
2. **Setbacks.** The minimum district setbacks required in VC-10 District are as follows. Front; ten feet (10'), Side; ten feet (10'), Rear; ten feet (10'). The existing building does not meet the required front setback, as measured from the highway right-of-way. The building was constructed prior to the adoption of the Regulations (circa 1874), and therefore is considered a lawful pre-existing nonconforming structure, as defined under the Regulations.
3. Additionally, portions of the existing building and the attached deck are also within the fifty (50') foot riparian/watercourse setback as regulated under §3.10. The watercourse setback was officially incorporated into the Regulations on February 9, 1998.
4. The Listers' Card for the property shows the deck in its current size and dimensions as existing as of January 11, 1993. The existing deck therefore pre-dates the enactment of watercourse setback.

5. The deck was permitted on January 25, 1990, after approval by the Zoning Board of Adjustment, under BA-7A-134, which replaced and expanded the existing decks on the subject parcel. This permit was amended on March 13, 1990 under BA-7A-134-B, as an administrative amendment.
6. The DRB incorporates by reference into this section's findings its findings under §3.9(2), below, as if more fully stated herein.

**Conclusion:** Based on the above findings, the DRB concludes the existing building and deck are both considered lawful nonconforming structures, and therefore the proposed deck infill meets the applicable dimensional requirements and is within the allowed fifty (50) percent expansion for nonconforming structures.

### **Section 3 – General Regulations**

#### **Section 3.7(4) – Conditional Use Standards**

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:**

7. 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.
8. No comments were received from any Municipal Department, and no municipal comments were entered into the record at the hearing on January 6<sup>th</sup>.
9. The proposed project will not adversely affect existing or planned community facilities or services.

**Conclusion:** Based upon the above findings, the DRB concludes the proposal does not create an undue adverse effect on the capacity of existing or planned community facilities and services.

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

10. The subject parcel is in the VC-10 District, a dense downtown core with a mix of commercial, mixed-use, civic, and residential uses.
11. The existing building is currently used for commercial retail sales. The proposed deck infill furthers the continuation and expansion of the existing retail use.

**Conclusion:** Based upon the above findings, the DRB concludes the proposal will not result in an undue adverse effect on the character of the area affected.

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

12. The application requires review under applicable Conditional Use Review, Design Review, and Flood Hazard Area criteria.

13. The existing building and attached deck do not comply with the required front setback or the watercourse setback under §3.10, however is considered lawfully nonconforming, as defined under the Regulations.

**Conclusion:** Based upon the above findings, the DRB concludes the proposal does not comply with the required regulatory setbacks however is considered a lawful nonconforming structure and therefore allowed under the Regulations. Otherwise, the project conforms with all regulations and ordinances in effect.

**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.**

14. The Stowe Historic Preservation Commission provided a positive recommendation for the design of the project, confirming that the project meets the applicable design review standards under Section 10.

15. The existing historic building was constructed around 1874, is located in a cluster of historic buildings on the southern bank of the Little River, near the intersection of Main Street and Mountain Road, a mixed-use and commercial center. The proposed deck infill and addition of a second door on the lower level will not impact the aesthetics or scenic or natural beauty of the area.

16. This property is not located in a mapped rare or irreplaceable natural area and therefore will have no impact on these resources.

**Conclusion:** Based upon the above findings, the DRB concludes the proposal 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.**

17. The proposal is not expected to create any impact on noise or air pollution.

18. The proposed project, as well as the existing building, is fully located within the fifty (50') foot watercourse setback under §3.10.

19. The Applicant provided a Construction Plan prepared by DBI, in accordance with §3.10(3).

20. The project will utilize a single helical pier and deck support beam to support the deck infill.

21. The installation of a helical pier has no impact on the ground surface, and this method will limit the amount of erosion and damage of the riparian area.

22. The use of scaffolding and the existing deck surface will minimize the amount of time and work spent in the riparian area.

23. The protection plan also consists of constructing a temporary silt fence surrounding the lower side of the work zone within the riparian area.

**Conclusion:** Based upon the above findings, the DRB concludes the proposal complies with §3.7(4)(G) – project will not result in undue water, noise, or air pollution.

**Section 3.9(2) – Nonconforming Structures.**

24. The existing building is considered a lawful nonconforming structure, as defined under the Regulations, as it does not conform to the required front setbacks in the VC-10 District, or the fifty (50') foot watercourse setback.
25. The building was constructed around the year 1874, it is therefore considered pre-existing and lawfully nonconforming. The deck was permitted on January 25, 1990, after approval by the Zoning Board of Adjustment, under BA-7A-134, which replaced and expanded the existing decks on the subject parcel. This permit was amended on March 13, 1990 under BA-7A-134-B, as an administrative amendment.
26. This project does not propose to increase the degree of nonconformity with the front setbacks; though it expands a nonconformity within the fifty (50') foot watercourse setback, without increasing the degree of nonconformity. As proposed, an additional eighty-four (84) square feet of deck will be added to the nonconforming structure, however the proposed expansion follows the same degree of encroachment as it parallels the riverbank.
27. The proposed deck expansion will not increase the degree of nonconformity and is less than a fifty (50%) percent increase to the overall length of the deck.
28. The existing deck is approximately forty-two (42') feet long, and the proposed expansion will add twelve (12') feet of additional length, or a twenty-nine (29%) percent expansion of the lawfully nonconforming structure.
29. Section 3.9(2)E requires such projects to be referred to the DRB, as the DRB has the authority to review and approve expansions of nonconforming structures containing conditional uses. The existing building contains a conditional use, retail sales.

**Conclusion:** Based upon the above findings, the DRB concludes the proposal complies with §3.9(2) – Nonconforming Structures.

**Section 3.10 – Setbacks from Watercourses.**

30. The expansion or enlargement of any pre-existing buildings not in compliance with §3.10(1), is only permitted with the approval of the DRB in accordance with §3.9 of the Regulations. The Applicant proposes an expansion to an existing building within the watercourse setback. The existing building, and attached deck, are both considered lawfully nonconforming, as defined under the Regulations.
31. The DRB incorporates by reference into this section's findings its findings under §3.7(4)(G) & §3.9(2), above, as if more fully stated herein.

**Conclusion:** Based upon the above findings, the DRB concludes the proposal complies with §3.10 – Setbacks from Watercourses

**Section 7 – Flood Hazard District.**

32. A portion of the existing deck is within the Flood Hazard Overlay District (FHOD). The proposed project is located entirely within the FHOD and the regulatory floodway.

33. Per §7.4(2), conditional use approval by the DRB is required for any conditional use in the underlying zoning district. Prior to approving a conditional use in the Flood Hazard Overlay District, the DRB must confirm that the proposed development conforms to all standards in Section 7.7.
34. Per §7.5(1), prior to issuing a permit, a copy of the application and supporting information shall be submitted to the State of Vermont Rivers Program in accordance with 24 V.S.A. §4424.
35. Notice of the application was sent to the State of Vermont Rivers Program on December 3, 2025.
36. On December 29, 2025, the Town received a written response from the Rivers Program.
37. The Rivers Program provided comments indicating that the area is likely to experience scouring and debris flows during flooding, which could undermine the proposed deck post. If possible, is the Rivers Program strongly recommended to cantilever the deck to reduce the possibility of collapse during conditions of flooding.
38. Per §7.7(1), development within the regulatory floodway is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.
39. Certified Engineer John Grenier submitted written testimony that no fill will be used and the proposed eight (8') foot by eight (8') foot support beam *"will have little to no measurable effect on the flow path of the West Branch and channel width."*
40. Per §7.7(3)(B), a 'Substantial Improvement' as defined under the Regulations means *"any reconstruction, rehabilitation, addition, or other improvement of a structure, during any five (5) year period, the cumulative cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement."*
41. The Applicant provided a letter signed by licensed engineer John Grenier on November 12, 2025, which states that the proposed deck infill is estimated to cost \$28,000. He assessed the property's value to be \$2,000,000, claiming the substantial improvement will be 1.4% of the total value of the property.
42. Town staff compared the individual building's depreciated cost assessed value of \$296,900, as shown in the Itemized Property Costs document dated May 22, 2025, to the cost of the deck infill.
43. This improvement is not considered substantial since the cost is below fifty (50%) percent of the total value of the building. This proposed improvement costs only 9.4% of the total assessed depreciated value of the structure.

**Conclusion:** Based upon the above findings, the DRB concludes the proposal complies with the standards established in Section 7.

**Section 10 – Stowe Historic Overlay District:**

44. The Historic Preservation Commission (SHPC) gave a positive recommendation to this project's design. This formal recommendation was signed by Chair McKee Macdonald on December 17, 2025. This project involves following the standards established in §§10.10 and 10.12.

43. Per §10.10, the proposed deck infill is located on the left rear corner of the existing deck. This location is behind the building, opposite the road, therefore while it still required review by the SHPC, it does not affect the public road facing sides of 55 Mountain Road
44. The proposed door, which will replace a lower floor window facing the river, is proposed to match the design, shape, and size of the existing door on the same level and will be used to access a storage area available to commercial tenants.
45. The materials of the proposed deck infill will match the existing deck. This includes steel wire railings, wooden boards, and posts used for the deck surface and supports.

**Conclusion:** Based upon the above findings, the DRB concludes the proposal complies with the applicable standards established in §10.

### **DECISION**

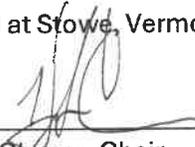
Based upon the foregoing findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for combined conditional use, design review, and flood hazard area approval, as outlined in the application dated July 24, 2025, and supplemental materials, subject to the following conditions 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 07/24/2025;
  2. 55 Mountain Road Deck Infill Submittal, dated 7/24/2025
  3. 55 Mountain Road Deck Infill Floor Plan and Elevations, dated 10/10/2025
  4. 55 Mountain Road Deck Infill Submittal, proposed north elevation, dated 11/4/2025
  5. 55 Mountain Road Listers Card, dated 1/11/1993
  6. 55 Mountain Road Itemized Property Costs, dated 05/22/2025
  7. Substantial Improvement Zoning Letter, dated 11/12/2025
  8. Signed HPC Recommendation Letter, dated 12/17/2025
  9. Comments from ANR Rivers Program, dated 12/29/2025
  10. LIVADITIS 55A MT ROAD BLA Site Plan, dated 5/21/2025
  11. 55 Mtn. Rd – Site Protection Plan, Prepared by DBI, no date
  12. Flood Elevation Comments email from Engineer John Grenier, received 9/29/2025
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. 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, Patricia Gabel, Tom Hand, and Scot Baraw  
Voting to deny: None

The motion PASSED 7-0.

Dated at Stowe, Vermont this the 13<sup>th</sup> day of February 2026

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.