



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 7732
Application Date 10/29/2025
Physical Location 1027 SPRUCE PEAK
Map ID 14-003.010 **Tax ID** 25086
Project Description LANDSCAPING AMENDMENT RE-OPENED TO CONDUCT SITE VISIT
Owner THOMAS & MARY ALLRAUM
Applicant HAMOR ARCHITECTURE
Applicant Address 468 MOUNTAIN RD
STOWE VT 05672

ACTIONS

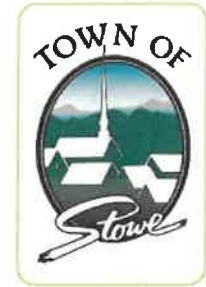
Action Taken	Date	End of Appeal Period	
DRB DECISION	3/17/2026	4/16/2026	DENIED

Sarah McShane

Dept. of Planning and Zoning

**TOWN OF STOWE
DEVELOPMENT REVIEW BOARD**

Findings of Fact & Conclusions of Law



PROJECT# 7732

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 (herein referred to as the "Applicant"), seeks Ridgeline and Hillside Overlay District (RHOD) review and a zoning permit amendment to expand the previously approved clearing limits, remove a previously protected Maple tree, and to thin a forested portion of the clearing limits located north-west of the existing dwelling on the property located at 1027 Spruce Peak Road. The approved clearing limits were established under Project #7492, approved by the Development Review Board (DRB) on February 18, 2025, which authorized the issuance of a zoning permit for the construction of a garage addition and related site improvements in the RHOD. The parcel is accessed directly off Spruce Peak Road, a privately owned and maintained roadway. 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 RHOD review. The DRB's findings and conclusions are as follows.

REVIEW PROCESS

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

A development application was filed by Applicant Hamor Architecture on October 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 December 2, 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 November 13, 2025. The Applicant notified adjoining landowners and submitted the Certificate of Service on November 5, 2025.

The public hearing convened on December 2, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. DRB member Tom Hand recused himself due to his professional involvement with the project and presented the application on behalf of the Applicant. Members who participated in the review included: Drew Clymer, Mary Black, Peter Roberts, David Kelly, Andrew Volansky, Patricia Gabel, and Alternate Scott Rank. The DRB adjourned the hearing that evening, following the submission of testimony and evidence.

During the DRB's deliberation, the Board determined a site visit was necessary to become more familiar with the property location and the existing and proposed conditions of the property. On January 6, 2026, on a motion by Mary Black, seconded by Patricia Gabel, the DRB voted to re-open the hearing for the purposes of conducting a site visit. A site visit was scheduled for February 3, 2026, at 10:00AM, and the hearing was re-warned and scheduled for that evening, February 3, 2026, at 5:00PM. The warning for the re-opened hearing was published in the Stowe Reporter on January 29, 2026. Members who participated in the site visit and hearing included: Drew Clymer, Mary Black, David Kelly, Andrew Volansky, Patricia Gabel,

and Alternate Scott Rank. Member Peter Roberts was absent from the site visit and re-opened hearing but reviewed the recording and hearing record to allow his ongoing participation. Tom Hand, Brian Hamor, and Deputy Zoning Administrator Kyle Hansen also attended the site visit. The DRB adjourned the re-opened 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
2. Tom Hand, Site Form Studio LLC, PO Box 1272 Stowe VT 05672
3. Thomas Allraum, 1027 Spruce Peak 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 10/29/2025;
2. Project Narrative, prepared by Site Form Studio, dated 10/25/2025;
3. Replacement Planting Plan, L1.0, prepared by Site Form Studio, dated 10/25/2025;
4. Existing Conditions Photo, L1.1, prepared by Site Form Studio, dated 10/25/2025;
5. Visibility Assessment Photos, L1.2, prepared by Site Form Studio, dated 10/25/2025; and
6. DRB Decision for Project #7492.

Additional documents submitted for the re-opened February 3rd hearing and entered into the record:

7. Replacement Planting Plan L1.0, prepared by Site Form Studio, dated 01/21/2026; and
8. Various site photographs, submitted 1/26/2026.

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 DRB approved Project #7492 on February 18, 2025, with conditions, which included specific clearing limits surrounding the proposed garage addition on the subject property.
2. Condition #3 of DRB decision approving Project #7492 stated as follows:

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.
3. The DRB decision for Project # 7492 contained specific findings related to the proposed clearing on the property and trees to be retained during construction. The proposed clearing limits were required for the purpose of providing filtered screening of the existing dwelling and the proposed garage addition and to prevent adverse impacts to the visual and scenic character of the Town. The DRB relied on these designated clearing limits when approving Project #7492. The approved clearing limits were shown on the plans approved by the DRB and included as a specific condition of approval within the DRB's written decision.
4. The Applicant now seeks to expand the clearing limits approved under Project #7492, to remove a dead and/or diseased Maple tree located near the dwelling (this tree was previously approved to be retained during construction), and to complete additional forest thinning within a portion of the approved clearing limits.
5. The DRB finds the Applicant is seeking an amendment to a final approval. The Applicant is now seeking to expand and modify the clearing limits required by Condition #3 of Project # 7492.
6. The proposed expansion to the clearing limits is located to the north of the existing dwelling. The total amount of proposed additional clearing to extend beyond the approved clearing limits equals approximately 5,000 square feet.
7. The area proposed for forest thinning is located to the north-west of the existing dwelling and within the previously approved clearing limits. The proposed thinning area involves an estimated 4,000 square feet area of existing forest to be thinned. The proposed forest thinning involves cutting and removing an estimated 75% of all young vegetation with a caliper of four (4) inches or less.
8. The Applicant also seeks to remove an existing eighteen (18) inch Maple tree and a four (4) inch Beech tree located along the approved clearing limit boundary, uphill of and nearby the dwelling. The Maple tree was previously approved to be retained during construction and shows signs of rot. After the original DRB approval, the Applicant had a forester review the existing vegetation on the property. The forester concluded that the existing Maple is a hazard tree, especially with its proximity to the proposed garage.
9. The proposed expansions to the clearing limits and areas of additional forest thinning will allow for easier access to an existing treehouse and will provide better views offsite.
10. Removing the previously protected Maple tree (and the four (4) inch Beech tree) will reduce risk to the property.

11. Section 2.16(2)(A)-(C) lists three (3) kinds of changes that justify altering a condition of a permit or approval.
12. 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 did not present evidence and is not seeking review under this criterion.
13. 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 modifications.
14. The originally designed site plan did not account for the potential risks imposed by the poor health of the protected eighteen (18) inch Maple tree located to the south of the garage addition. It was later determined to be a hazard tree after the garage was constructed. It is possible that the tree could fall or drop limbs onto the new garage or otherwise cause damage or potential personal injury. The DRB observed this tree during the site visit and finds the Applicant's testimony regarding its risks to be credible and accurate. The DRB finds the Maple tree previously proposed to be retained during construction shows visible signs of rot and decay.
15. The Applicant submitted an updated site plan which includes five (5) proposed trees planted north and east of the existing dwelling and garage. These additional plantings are proposed to be planted in place of the removed Maple, and include four (4) Red Maples, and one (1) Sugar Maple. The proposed additional plantings are located on a slope uphill of the garage, in an area that was originally approved for clearing.
16. The originally approved plan proposed retaining the eighteen (18) inch Maple tree during construction. At the time of original DRB approval, the garage addition was designed around the subject Maple tree.
17. According to the Applicant's testimony, during the construction of the garage, the site contractor completed grading, filling, and accidental over clearing and removal of trees within the protected clearing limits. The over clearing within the designated clearing limits is located to the north / north-west of the garage. The Applicant seeks after-the-fact approval to expand the clearing limits to accommodate for the accidental encroachment into the clearing limits. The previously approved and proposed amended clearing limits are shown on Sheet L1.0 prepared by Site Form Studio.
18. The proposed expanded clearing limits will also allow additional grading necessary to provide adequate lawn drainage and to protect trees located along the remaining treeline whose root systems have been buried by previously placed fill. The current grade to the north of the garage addition is very steep; the expanded clearing area would enable the Applicant to reduce the artificial slope and, in doing so, retain and protect a greater number of trees along the perimeter.
19. The Applicant proposes additional forest thinning within the previously approved clearing limits, consisting of the removal of low-hanging branches and young trees. The purpose of this thinning is to create a path providing access to an older, pre-existing treehouse and to increase visibility of the treehouse from the rear lawn and the dwelling. The need for such additional thinning was not anticipated at the time of prior approval and arose after the Applicant determined that the as-built grade was too steep to allow safe access to the treehouse.
20. Section 2.16(2)(C) allows an amendment when the Applicant can demonstrate 'Changes in technology'. The Applicant did not present evidence and is not seeking review under this criterion.

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. 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. Conditions include all stated conditions in a decision and elements of a recorded plat or plan. In this case, the Applicant seeks to modify Condition #3 under Project #7429. Condition #3 established specifically delineated clearing limits and required the lands outside of the shown clearing limits be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest. The clearing limits were shown on a plan approved by the DRB and incorporated as a specific condition of approval. 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 previously approved Project #7429, the DRB finds that the approved clearing limits were clearly delineated and were central to the DRB’s original decision. The DRB’s Findings of Fact and Conclusions of Law approving Project #7429 included multiple findings related to screening, vegetation, and existing trees proposed to remain. The clearing limits were designed to provide sufficient area to construct the proposed garage addition, while ensuring adequate screening and protecting existing forest cover, natural and scenic features. The DRB relied on the retention of existing vegetation and forest cover to meet landscaping and other RHOD requirements. Given this understanding of the procedural history and the approved plans, the DRB concludes that the approved clearing limits addressed a critical component of the previously approved project. Accordingly, the requested amendment to Condition #3 must be evaluated under §2.16(2)(A)-(C) and reviewed pursuant to the Stowe Club Test.

While the DRB concludes that the Applicant’s request to amend and expand the previously approved clearing limits involves a critical condition of approval, the Board finds that the Applicant’s request to remove the 18-inch Maple and Beech tree does not require further DRB review. Condition #3 expressly allows the removal of “dead or diseased trees.” While the Maple tree was identified on the originally approved plans as a tree to be protected during construction, the Beech tree was neither individually identified on those plans nor designated as a tree to remain. Because the Beech tree was not included as part of the approved plans, its removal does not require further review, regardless of its condition. Based on the evidence presented regarding the existing condition of the Maple tree and the hazard the tree poses, the Board determines that removal of the dead and/or diseased Maple falls within the scope of that condition and may proceed without additional review or approval. Accordingly, the DRB limits its review to the Applicant’s proposed amendments to expand the previously approved clearing limits and undertake additional thinning.

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 Condition #3 was deemed essential to the DRB’s approval, our analysis advances to the

balancing stage. The central question is not whether the original condition, Condition #3, 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 changes in factual or regulatory circumstances that would necessitate the requested amendment. The Applicants have provided no demonstration of relevant factual or regulatory changes at all. Accordingly, the DRB concludes 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. The DRB concludes that it does not. The record demonstrates that the site contractor inadvertently cleared trees beyond the approved clearing limits and placed excessive sediment fill behind the approved garage addition, resulting in overpacked root systems and the creation of a steep grade. Such circumstances arise from a failure to execute the project in accordance with the approved plans and conditions. Deviations from approved plans, even if unintended, do not constitute changes in the construction or operation of the project that were not reasonably foreseeable at the time of permit issuance. When a zoning permit is issued, the property owner bears responsibility for ensuring that the project is completed in compliance with the approved plans and permit conditions. The circumstances presented are insufficient to establish the type of unforeseen change contemplated under this provision of the Stowe Club Highlands analysis. Permitting an after-the-fact amendment to modify a condition of final approval based solely on noncompliance would undermine the purpose and intent of that condition. The Applicant has not identified any specific change to the approved construction plans that would justify flexibility in modifying Condition #3. Accordingly, the DRB concludes that this factor 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 requested 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 Applicant has not met its burden of proof 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 condition of approval. There is insufficient basis to modify the final condition or to approve the requested amendment. Having concluded that Applicant is not entitled to seek amendment of Condition #3 of Project #7429, 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 #7492, as outlined in the application dated October 29, 2025, and supplemental materials.

Voting to deny: Drew Clymer, Peter Roberts, Mary Black, David Kelly, Andrew Volansky, Patricia Gabel, Scott Rank

Voting to approve: None

Abstain: None

Dated at Stowe, Vermont this the 17th day of March 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.

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