



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	7753		
Application Date	12/10/2025		
Physical Location	1084 Wade Pasture Road		
Map ID	15-042.900	Tax ID	30217-095
Project Description	CLEARING LIMIT AMENDMENT		
Owner	ADAM HERGENROTHER		
Applicant	ADAM HERGENROTHER		
Applicant Address	68 RANDALL STREET SOUTH BURLINGTON VT 05403		

APPROVALS ON RECORD

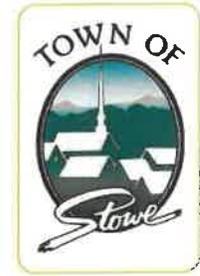
Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	2/17/2026	3/20/2026	3/20/2028

Sarah McShane

Dept. of Planning Zoning

**TOWN OF STOWE
DEVELOPMENT REVIEW BOARD**

Findings of Fact & Conclusions of Law



PROJECT# 7753

SUBJECT PROPERTY 1084 Wade Pasture Road, Stowe, VT (#15-042.900)

PROPERTY OWNER/APPLICANT

Adam Hergenrother
68 Randall Street
South Burlington VT, 05403

APPLICATION

The Applicant and property owner, Adam Hergenrother (herein referred to as the "Applicant") requests approval for a subdivision amendment to modify the previously approved clearing limits on the southern boundary of the parcel. The subject parcel consists of ±11.6 acres and is located within the Rural Residential 5 (RR5) zoning district and partially within the Ridge and Hillside Overlay District (RHOD). The proposed expanded clearing limits do not involve any land within the RHOD. The parcel is accessed directly off Wade Pasture Road, a privately owned and maintained road. The application was reviewed by the Development Review Board (DRB) under applicable standards of the Town of Stowe Zoning Regulations (effective January 31, 2024), and the 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 development application was filed by Applicant Adam Hergenrother on December 10, 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 January 20, 2026 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 1, 2026.

The public hearing to consider the application convened on January 20, 2026 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 in the project. DRB member Andrew Volansky also recused himself due to *ex parte* communications. 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, Patricia Gabel, Alternate Scott Rank, and Alternate Chip Dillon. 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. Tom Hand, Site Form Studio LLC, PO Box 1272 Stowe VT 05672
2. Adam Hergenrother, 68 Randall Street, 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 12/4/2025;
2. L1.0 WP Clearing Plan- TC.01, prepared by Site Form Studio, dated 12/9/2025;
3. Clearing Amendment Narrative, prepared by Site Form Studio, dated 12/9/2025;
4. WP Clearing Plan – TC.02, prepared by Site Form Studio, dated 12/4/2025;
5. Existing Conditions Photos, submitted by Site Form Studio, dated December, 2025;
6. WP Clearing Plan – TC.01 Amendment as-built Site Plan, dated 1/8/2026;
7. RHOD Clearing Analysis Final, submitted 1/9/2026;
8. DRB Decision for Project #7128, signed 6/6/2023.

PROCEDURAL HISTORY

1. The subject parcel is Lot 90 of the Robinson Springs Properties Subdivision, approved by the Planning Commission under S-90-11, and filed on September 25, 1991 in Map Book 8, Page 124.
2. The Applicant first applied for a zoning permit in April of 2023, in which they requested to amend the previously approved clearing limits established in the Act250 Permit for the initial subdivision. The approved clearing limits had already been exceeded at the time, so the Applicant requested amended clearing limits accordingly. The DRB approved these clearing limits under Project #7128, which the DRB issued its decision on June 21, 2023.
3. Project #7162 involved an application to construct a single-family dwelling and related improvements within the clearing limits previously approved under #7128. A zoning permit was issued by the Zoning Administrator on May 26, 2023. A Certificate of Occupancy was issued on November 12, 2024.
4. Project #7185 involved an amendment to Project #7162. Under #7185, the Applicant proposed to construct a barn, a tennis court, relocate the driveway, and associated site improvements. The zoning permit was issued by the Zoning Administrator on July 21, 2023. The Certificate of Occupancy was issued on November 12, 2024, along with the original permit Project #7162.
5. The Applicant now requests an additional subdivision amendment to modify the clearing limits previously approved under Project #7128. Project # 7753 is assigned to this 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 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 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 5- General Planning 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. In the DRB decision for Project #7128, Condition #3 required: *Any additional clearing shall require review and approval by the DRB.*
4. Condition #4 of Project# 7128 also required: *Clearing shall be restricted to the areas shown on the approved site plan entitled 'site clearing plan' prepared by Site Form Studio, Sheet TC.01, dated 04/21/2023.*
5. The Applicant seeks to amend these DRB conditions of approval.
6. §2.16(2) lists three (3) kinds of changes that justify altering a condition of a permit or approval.
7. §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.
8. §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 their request.
9. The total amount of proposed cleared area beyond the approved clearing limits is approximately ±16,000 sq ft, or ±0.37 acres. The proposed clearing is located south-west of the existing single-family dwelling and outside of the RHOD.
10. Per the Applicant's testimony, the expanded cleared area will allow for a safe sledding/winter recreation hill and potentially better offsite views of the Worcester Range.
8. The Applicant testified that they believe they meet the Stowe Club Test under the following provision: *(B) Changes in the construction or operation of the permittee's project, not reasonably foreseeable at the time the permit was issued.*
9. The existing landscape design focuses on outdoor recreation. The development of the pond and associated pond embankment created an opportunity for a sledding/skiing hill, which was not considered at the time of the original permit submission.
10. The Applicant's children have used the pond embankment for winter recreation purposes, which was not foreseeable at the time of its construction. Their activities have caused them injury by crashing into trees below.

11. The proposed sledding/recreation hill is within the approved clearing area, however there is not currently a safe run-out at the bottom. The proposed additional clearing will allow a safe sledding/skiing run-out. As proposed, minor additional grading will blend into the existing topography.
12. §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 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 §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. In this case, the Applicant seeks to modify conditions of approval under Project #7128. 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. As approved under #7128, the clearing limits were intended to create a building zone where future residential improvements would be located and to protect existing forest cover and natural and scenic features. These elements were critical to the previous review and approval and therefore the DRB must apply the Stowe Club Test and balance both the needs to allow flexibility while also recognizing the finality of permit conditions. When applying the Stowe Club Test, the DRB relies on the testimony and evidence in the hearing record. The Applicant testified that their need to expand the previously approved clearing limits was not foreseeable at the time of their original approval. At the time, the dwelling and related accessory structures, and pond had not been designed, permitted, or constructed, and the Applicant could not reasonably foresee that these future improvements may allow for enhanced recreational use of the property and the need for additional grading and clearing. 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.

SUBDIVISION REGULATIONS – SECTION 5.1 – GENERAL PLANNING STANDARDS:

Following review, the DRB concludes that the proposed amendment will have no impact on the following subdivision planning standards:

- Section 5.1(1) – Character of Land for Subdivision
- 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(11) - Building Zone
- Section 5.1(12)- Fire Protection Facilities

Section 5.1(13) – Disclosure of Subsequent Development Plans
Section 5.2 – Prominent Hillsides and Ridgelines
Section 5.3 – Open Space and Cluster Development

Section 5.1(2) – Natural and Scenic Features:

13. The Town of Stowe Planning Commission previously approved the subdivision of the lot under the Robinson Springs subdivision S-90-11. The DRB previously approved an amendment to the clearing limits under Project 7128. The Applicant now seeks further amendments to the clearing limits.
14. There are no mapped brooks, streams, water bodies, ground water resources and wetlands; prime agricultural soils, farmland resources and scenic meadowland; important forest resources; or aesthetic resources and scenic vistas documented on the parcel.
15. The RHOD District covers a small portion of the property, however this area is not included in the proposed expanded clearing limits.

Conclusion: Based on the above findings, the DRB concludes that the proposal conforms to §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, a Level 8 (out of 10) priority habitat block exists across the parcel.
17. The existing parcel contains approved clearing limits which restrict areas for future land development. The Applicant requests to amend the previously approved clearing limits. The Applicant testified that the ‘Robinson Springs Conservation Area’ does not prohibit clearing, so long as the clearing is associated with a recreational use.

Conclusion: Based upon the above findings, the DRB concludes that this proposal conforms to §5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities.

Section 5.1(6) -Screening and Landscaping:

18. A small portion of the parcel is located within the RHOD, however, no clearing is proposed within this area. The amended clearing limits are located centrally to the parcel, and extend southwards away from the dwelling and driveway. Existing vegetation along the perimeter will remain as-is.
19. The Applicant testified that the proposed clearing area will extend approximately forty (40’) to fifty (50’) feet beyond the existing tree line south-west of the pond berm to provide a safe runout for a sledding hill.
20. The Applicant further testified that the remaining forested buffer to the nearest neighboring residence to the south-west is approximately one hundred (100’) to one hundred and fifty (150’) feet.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms to §5.1(6) – Screening and Landscaping.

DECISION

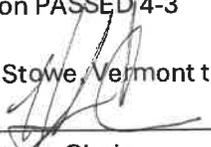
The DRB hereby approves the Applicant's request for amended clearing limits as outlined in the application dated December 4, 2025, and supplemental materials, subject to the following conditions of approval:

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, amended herein, include:
 1. Development Application, dated 12/4/2025;
 2. L1.0 WP Clearing Plan- TC.01, prepared by Site Form Studio, dated 12/9/2025;
 3. Clearing Amendment Narrative, prepared by Site Form Studio, dated 12/9/2025;
 4. WP Clearing Plan – TC.02, prepared by Site Form Studio, dated 12/4/2025;
 5. Existing Conditions Photos, submitted by Site Form Studio, dated December, 2025;
 6. WP Clearing Plan – TC.01 Amendment as-built Site Plan, dated 1/8/2026;
 7. RHOD Clearing Analysis Final, submitted 1/9/2026;
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 'L1.0 WP Clearing Plan- TC.01' prepared by Site Form Studio, dated 12/9/2025. For the purposes of this approval, this condition is considered a critical condition.
4. 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.
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 to approve: Drew Clymer, Mary Black, David Kelly, and Scott Rank
Voting to deny: Peter Roberts, Patricia Gabel, and Chip Dillon

The motion PASSED 4-3

Dated at Stowe, Vermont this the 17th 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.