



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 7776
Application Date 2/13/2026
Physical Location 475 TANSY HILL RD
Map ID 10-064.000 **Tax ID** 23014
Project Description SUBDIVISION AMENDMENT TO ALLOW RESIDENTIAL DEVELOPMENT ON DEFERRED LOT B
Owner DAVID LEE BRYAN LEE
Applicant DAVID AND LEE BRYAN
Applicant Address 810 WAKE ROBIN DR
SHELBURNE VT 05482-7582

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	4/27/2026	5/27/2026	5/27/2028	WITH CONDITIONS

Sarah McShane

Dept. of Planning and Zoning

**TOWN OF STOWE
DEVELOPMENT REVIEW BOARD**

Findings of Fact & Conclusions of Law



PROJECT 7776

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 (herein referred to as “the Applicant”), requests a subdivision amendment to allow for future residential development on Lot B, a previously approved deferred lot, as part of the 3-Lot Bryan subdivision approved by the Development Review Board (DRB) under Project 7519 in 2025. The Applicant now seeks approval to remove the “deferred” designation of Lot B to develop the lot for residential purposes. Previously approved Lot C will remain a “deferred” lot at this time and is not part of this requested subdivision amendment. 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 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.)

An application for a subdivision amendment was filed by the Applicant on February 13, 2026. 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 17, 2026 and was duly 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 26, 2026. The Applicant provided the Certificate of Service on February 28, 2026.

The public hearing to consider the application convened on March 17, 2026 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 (Chair), Tom Hand, Mary Black, Patricia Gabel, Peter Roberts, 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/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
3. Jeffrey and Kris Clarke, 475 Tansy Hill Road, Stowe, VT 05671 (Lot A)
4. Russel Selander, 824 Hilltop Rd, Oyster Bay, NY 11771-1119; owning property at 355 Tansy Hill Road

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 2/18/2026;
2. Project Narrative, prepared by Mumley Engineering, Inc., dated 2/16/2026;
3. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., dated 2/19/2026;
4. Proposed Driveway Turnaround Detail, prepared by Mumley Engineering, no date;
5. DRB Decision for Project 7519, signed 3/25/2025; and
6. Recorded Plat, Bryan 3-Lot Subdivision, Book 25, Page 44, dated 3/21/2025.

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 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

PROCEDURAL HISTORY

The DRB reviewed the 3-lot Bryan subdivision (Project 7519) on March 4, 2025. At that time, the Applicant presented Lot B as an undeveloped "deferred lot" and requested full subdivision review be deferred until such time residential development is proposed. The DRB approved both Lots B & C as undevelopable deferred lots and required that prior to the commencement of any land development, the Applicant obtain a subdivision amendment and demonstrate full compliance with applicable subdivision planning standards which were deferred at the time of original review. The approval for Project 7519 also included the finding that Lot B will gain access via a twenty-five (25') wide easement through lot A. The DRB decision was signed on March 25, 2025 and the plat was recorded on May 21, 2025. The Applicant now seeks a subdivision amendment and review under previously deferred Sections 5.1(1), 5.1(2), 5.1(3), 5.1(6), 5.1(8), 5.1(11), 5.1(12), 5.1(13), 5.1(14), and 5.5.

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. Lot B is ±8.94 acres and >800' feet wide. There are no proposed amendments to lot area or width proposed under this application.
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. The proposed building zone is designed to meet minimum setback requirements.

4. **Use.** Lot B is undeveloped and was originally considered and approved as a 'deferred' lot. The Applicant now seeks to develop Lot B and remove the 'deferred lot' designation so the lot may be developed for future residential purposes. One (1) family and two (2) family dwellings are permitted uses in the RR5 District.
5. Lot C will remain a 'deferred lot' at this time.

Conclusion: Based upon the above findings, the DRB concludes that Lot B conforms to the applicable dimensional requirements, and that no dimensional changes are being proposed under this application.

SECTION 5.1 – GENERAL PLANNING STANDARDS:

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

6. Lot B is currently undeveloped and was created under the previously approved Bryan Subdivision (Project 7519), in which it was approved as a 'deferred lot'.
7. Based on the provided site plan, and the Applicant's testimony, the land is not very steep, and the building zone and lot are designed in a manner to safely allow for future residential use to occur.
8. The lot is set back from Tansy Hill Road and there is sufficient distance between the existing dwelling on Lot A, and the proposed building zone on lot B.
9. The provided site plan shows the location of a future private well and a state approved replacement wastewater disposal mound on Lot B. The wastewater disposal mound will be located outside the proposed building zone.
10. Lot B sits amongst other similarly sized rural residential lots along Tansy Hill Road, a Town maintained Class-3 Highway.

Conclusion: Based on the above findings, the DRB concludes that Lot B is a previously approved deferred lot and has now demonstrated conformance with Section 5.1(1). Proposed Lot B will not create adverse undue impacts on public health or safety, the environment, neighboring properties, or the rural and historic character of the community.

Section 5.1(2) – Natural and Scenic Features:

11. The entirety of Lot B contains prime and statewide agricultural soils according to the ANR Natural Resources Atlas. The subject lot is currently cleared of trees, potentially allowing for agricultural use.
12. There are no identified Class II wetlands on Lot B.
13. A mapped stream crosses the southern corner of Lot B before continuing into Lot A. All future proposed development will respect the required fifty (50') foot riparian buffer, as measured from the upper edge of the stream bank in accordance with Section 3.10.
14. There are no other water bodies or ground water resources; scenic meadowland; important forest resources; aesthetic resources and scenic vistas on Lot B.
15. Proposed additional clearing is designed to allow sufficient area to construct a future driveway within the existing right-of-way though Lot A.
16. The proposed building zone is located in the northern portion of Lot B, which contains mapped prime agricultural soils. The proposed building zone and driveway is located on prime agricultural soils and will create an adverse impact on these soils. However, this adverse impact is mitigated by the positioning and location of the building zone in the northern portion of the lot. This is the most logical and reasonable location for the building zone, when factoring in the length of the proposed driveway and the applicable setback distances.

17. The northern location for the building zone closer to Tansy Hill Road will also allow for a significant amount of land to remain available for agricultural use in the central and southern portion of Lot B.

Conclusion: Based on the above findings, the DRB concludes that the proposed building zone and driveway on Lot B will cause adverse impacts on the mapped prime agricultural soils. The building zone and future residential development will reduce and/or eliminate the potential for large scale agricultural use of the parcel. However, the adverse impact will not be undue, given the Applicant's plans to mitigate the impact by siting the building zone towards the northern corner of the lot, to allow a large unbroken field to remain across most of Lot B. Otherwise, the DRB concludes the proposed subdivision amendment will not have an undue impact on the natural and scenic features identified in Section 5.1(2).

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

18. Lot B does not contain any significant natural communities or mapped rare, threatened, and endangered species, according to the ANR Natural Resources Atlas.

19. Small portions of Lot B contain a deer wintering area and a Level 4 (out of 10) priority habitat block. The proposed building zone has been designed to avoid development in these mapped areas. No clearing is proposed to occur in the mapped deer wintering area.

Conclusion: Based on the above findings, the DRB concludes that the proposal conforms to the standards established under Section 5.1(3).

Section 5.1(6) – Screening and Landscaping:

20. No development is proposed at this time, but it is anticipated that Lot B will be developed for residential purposes in the future.

21. Lot B is well screened from Tansy Hill Road and Stagecoach Road by existing trees and vegetation proposed to remain.

22. The only proposed clearing will occur along the existing right-of-way to accommodate the construction of the driveway to serve Lot B.

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

Section 5.1(8) – Traffic:

23. Lot B is accessed via a proposed individual driveway connecting with the existing driveway from Tansy Hill Road, a town-maintained highway.

24. Per the ITE Trip Manual for a single-family dwelling, the development is expected to create one (1) peak hour trip.

25. A zoning permit will be required prior to the construction of a single-family dwelling and related site improvements on the subject lot.

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

Section 5.1(9) – Municipal Facilities:

26. 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.

27. No Municipal Department review forms have been returned.

28. Lot B will use on-site water supply and wastewater disposal system.

Conclusion: Based on the above findings, the DRB concludes that the proposal will not create an undue adverse impact on municipal facilities or services.

Section 5.1(11) – Building Zone:

29. The provided Site Plan (Sheet C-1) shows the required applicable setbacks for Lot B.

30. Lot B's building zone is defined by the applicable zoning district setback and covers the northern portion of the parcel.

31. The building zone does not include the area surrounding the approved WW disposal mound system and does not include any area near the existing stream and applicable fifty (50') buffer zone.

Conclusion: Based on the above findings, the DRB concludes that the proposal conforms to the standards established under Section 5.1(11).

Section 5.1(12) – Fire Protection Facilities:

32. The proposed driveway will connect to the existing driveway serving Lot A, connecting to Tansy Hill Road.

33. An existing twenty-five (25') foot wide right-of-way connects Lot B to Tansy Hill Road.

34. The proposed driveway is within the existing right-of-way and will have grades of approximately 0%-6%, a minimum width of twelve (12') feet, and will be roughly four hundred (400') feet in length.

35. The proposed driveway will have a turnaround for an emergency vehicle at a future potential dwelling site, as shown on the provided site plan.

36. The Stowe Fire Department recommended driveway construction guidelines require that turnarounds are of reasonable size at the house site. The proposed future driveway turnaround, as shown in the provided plans, will have dimensions of roughly thirty-two (32') feet by fifteen (15') feet.

Conclusion: Based on the above findings, the DRB concludes that the proposal conforms to the standards established by Section 5.1(12).

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

37. There are no subsequent development plans for Lot B, however, it is planned to accommodate future residential development.

38. Lot C remains a 'deferred lot'. Should the landowner wish to remove the 'deferred' designation of Lot C, it will require a subdivision amendment.

Conclusion: Based on the above findings, the DRB concludes that the proposal conforms to the requirements of Section 5.1(13).

Section 5.1(14) – Private Enforcement Mechanisms:

39. Lot B gains access to the Town Highway network via a twenty-five (25') foot wide right-of-way through Lot A.

40. A short, shared portion of the driveway will serve Lots A and B, after exiting the shared driveway entrance on Tansy Hill Road.

41. The Applicant requests a DRB condition of approval stating the following: *"A Shared Driveway Maintenance Agreement shall be submitted prior to issuance of any Zoning Permits for construction on Lot B."*

Conclusion: Based on the above findings, the DRB concludes that the proposal, as conditioned, complies with Section 5.1(14).

Section 5.5 – Utilities and Stormwater Management:

42. Stormwater management is not required because total proposed impervious surfaces are equal to less than one-half (1/2) acre. As shown on the provided site plan, the proposed driveway is 0.12 acres, and the potential house site is shown to include 0.07 acres of new impervious surface.
43. According to the Stormwater Construction Notes, the project will follow the Vermont Handbook for erosion prevention and sedimentation control for low-risk sites, the stormwater drainage system will be maintained, the soil will not be disturbed between October 15 and April 15, stormwater will be controlled during construction by using silt fencing, and areas of exposed soil will be stabilized and kept to a minimum.
44. The total disturbance area is unknown but appears to meet or slightly exceed one-half (1/2) acre, which includes the installation driveway, utilities, septic and well improvements, etc.
45. Although the total disturbed area is not known, the locations proposed for silt fences are shown on the site plan. Disturbance area will be surrounded by silt fencing, and includes the future wastewater mound system, clearing for, and the construction of the proposed driveway, grading for the house site and driveway, and other related site improvements.
46. Future utilities serving Lot B will be installed below ground.

Conclusion: Based on the above findings, the DRB concludes that the proposal conforms to the standards established by Section 5.5 – Utilities and Stormwater Management.

DECISION

Based upon the above findings and conclusions, the DRB hereby approves the Applicant's request for a subdivision amendment as described in the application dated February 18, 2026 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 2/18/2026;
 2. Project Narrative, prepared by Mumley Engineering, Inc., dated 2/16/2026;
 3. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., dated 2/19/2026; and
 4. Proposed Driveway Turnaround Detail, prepared by Mumley Engineering, 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. Prior to the issuance of any zoning permit for any land development on Lot B, the Applicant shall provide the following information to the Planning & Zoning Office:
 - a. A Shared Driveway Maintenance Agreement shall be recorded in the Stowe Land Records and a copy of the executed agreement provided to the Zoning Administrator.
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.*
- b. *“Prior to the issuance of a zoning permit for land development on Lot B, a Shared Driveway Maintenance Agreement shall be submitted to the Stowe Planning & Zoning Office and recorded in the Stowe Land Records.”*

- 6. The Applicant shall file the 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 commence 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 shown on the approved ‘Site Plan’ prepared by Mumley Engineering (Sheet C-1, dated 02/19/2026). 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.
- 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, Patricia Gabel, Peter Roberts, Scott Rank, and Chip Dillon

Voting to deny: None

Motion PASSED 7-0

Dated at Stowe, Vermont this the 27 day of April 2026



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.