



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 7829
Application Date 5/5/2026
Physical Location 271 LOWER LERICHE RD
Map ID 10-188.000 **Tax ID** 18019
Project Description AMENDMENT TO PERMIT Z-7754. MODIFICATION TO 2ND STORY DESIGN, ADDITIONAL SQUARE FOOTAGE.
Owner JOHN COHEN VICKI COHEN
Applicant JOHN COHEN
Applicant Address 397 SUMMIT AVE
HACKENSACK NJ 07601

APPROVALS ON RECORD

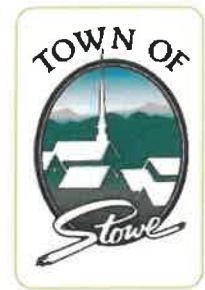
Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	6/17/2026	7/17/2026	7/17/2028

Sarah McShane

Dept. of Planning Zoning

**TOWN OF STOWE
DEVELOPMENT REVIEW BOARD**

Findings of Fact & Conclusions of Law



PROJECT# 7829

SUBJECT PROPERTY 271 Lower Leriche Road, Stowe, VT 05672 (#10-188.000)

PROPERTY OWNER:

John & Vicki Cohen
397 Summit Ave
Hackensack NJ, 07601

APPLICATION

The Applicants and property owners, John and Vicki Cohen (herein referred to as ‘Applicant’), request an amendment to their previously approved setback waiver granted under Project 7754. The Applicant requests to modify the previously approved plans which authorize the construction of a second-story addition on their single-family dwelling which is located partially within the side yard setback. Under Project 7754, the Development Review Board (DRB) approved a reduction of the required seventy-five (75’) foot side yard setback by seven (7’) feet to sixty-eight (68’) feet to construct the proposed addition. The Applicant seeks to amend the approved plans by modifying the roofline of the portion of the second-story addition located within the side yard setback. While the proposed amendment increases the amount of second-story floor area within the setback and alters the approved roof design, it does not extend the structure any closer to the property line than authorized under the prior approval. The DRB has the authority to grant dimensional waivers under §3.4(8) of the Town of Stowe Zoning Regulations (the “Regulations”) (effective January 31, 2024). The application has been reviewed by the DRB for the purpose of dimensional waiver 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 Town of Stowe development application was filed by John Cohen on May 5, 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 June 2, 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 May 14, 2026. The Applicant provided the completed certificate of service notifying the abutters on May 19, 2026.

The public hearing to consider the application convened on June 2, 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: David Kelly (Acting Chair), Mary Black, Patricia Gabel, Scot Baraw, Chip Dillon, and alternate Scott Rank. The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

INTERESTED PERSONS

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

1. John & Vicky Cohen, 397 Summit Ave, Hackensack NJ 07601

2. Robert E. Rose, 245 North Undermountain Rd, Sheffield MA, 01257-9638 (owning property at 301 Lower Leriche Road)
3. Robert M. Rose, 50 Old Colony Rd, Wellesley MA, 02481 (owning property at 97 Lower Leriche 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 5/5/26;
2. Proposed Plot Plan, A-1, prepared by John S. Cohen Associates, revised 5/06/26;
3. Proposed Plans, A-2, prepared by John S. Cohen Associates, revised 4/17/26;
4. Proposed Elevations, A-3, prepared by John S. Cohen Associates, revised 4/17/26;
5. Existing Plans, EXT-1 prepared by John S. Cohen Associates, dated 05/25/21;
6. Existing elevations, EXT-2, prepared by John S. Cohen Associates, dated 05/25/21;
7. DRB Decision for Project 7754, dated 02/17/26; and
8. 26024 Existing Conditions Site Survey, prepared by Gilson Land Surveying, dated 04/28/2026.

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 a setback waiver 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 6- Uses, Dimensional Requirements and Density

DIMENSIONAL REQUIREMENTS

1. **Setbacks.** Setbacks within the RR5 District are as follows: front seventy (70') feet, side seventy-five (75') feet, rear seventy-five (75') feet.
2. As proposed, the modified design of second story addition will encroach into the setback by six foot seven and two tenth inches (6' 7.2"), which is four and eight tenth (4.8") inches away from the seven (7') foot setback waiver granted in Project # 7754. This project proposes extending the second story and roofline to be flush with the existing first floor wall and roofline, therefore increasing building volume but not further encroaching on the setback.
3. As per §3.4(8), the DRB may grant up to a twenty (20%) percent setback waiver. The DRB granted the Applicant a 9.3% waiver in Project # 7754. The Applicant is not seeking to increase this distance but rather modify the roofline to increase building volume within the area previously approved by the DRB for a setback waiver.
4. **Height.** The RR5 District limits height to twenty-eight (28') feet. The Applicant provided architectural drawings of the second story addition for the purposes of this setback waiver request. The building height listed from the uphill side grade to the top of the proposed roofline is twenty-seven (27') feet, as was previously approved.

Conclusion: Based on the above findings, the DRB concludes that the proposed revised second story addition, as presented, will conform to all applicable dimensional requirements, after including the previously granted seven (7') foot side setback waiver.

SECTION 3.4(8) – LOT AND YARD REQUIREMENTS

5. The DRB may grant a waiver from setback requirements as follows: *“The waiver is necessary to allow for reasonable expansions of existing uses given the configuration of development on the parcel prior to December 31, 1975, irregular lot configuration, or restrictions of existing topography.”* The Applicant requested and was previously granted a waiver under this standard. The Applicant now seeks to modify their previously approved plans.
6. The Applicant does not seek an increased waiver or expansion to their previously approved dimensional side setback waiver of seven (7') feet but rather proposes to increase the building volume by extending the second story roofline. The previously approved waiver represented a nine (9%) percent reduction of the required side setback in the RR5 District, less than the maximum waiver allowance of twenty (20%) percent under §3.4(9).
7. In all cases, the waiver must meet all of the criteria set forth in §3.4(9).
8. The project involves an amendment to a previously approved residential addition and setback waiver. The Applicant seeks approval to construct a second-story addition on the existing single-family dwelling. No additional traffic is expected as the existing residential use remains as-is.
9. The proposed modified addition is compatible in scale and design with the surrounding area. The project is similar in size and scale to surrounding residential dwellings and does not create additional impacts beyond prior DRB approval. The existing dwelling, including the addition, will match the character of the neighborhood, which is comprised of single-family dwellings.
10. The Applicant is not requesting to increase their previously approved setback waiver, which represents a nine (9%) percent side setback distance reduction. The proposed waiver will not exceed twenty (20%) percent of any setback requirement.
11. The proposed amended residential addition will not impinge upon sight distances from public and private roads. The existing dwelling conforms to the applicable front setback line, and the proposed addition will not extend the dwelling any closer to Lower Leriche Road.
12. The proposed residential addition will not extend any closer to the side property line than was previously approved. The proposed modified addition located partially within the setback will not adversely impact the use of the adjacent parcel.

Conclusion: Based upon the above findings, the DRB finds that the amended project meets all of the applicable criteria set forth under §3.4(9)(A)-(E) and continues to qualify for a setback waiver under §3.4(8)(C) – irregular lot configuration.

DECISION

The DRB hereby approves the Applicant’s request for an amended setback waiver at 271 Lower Leriche Road as described in the application dated May 5, 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 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 5/5/26;
 2. Proposed Plot Plan, A-1, prepared by John S. Cohen Associates, revised 5/06/26;
 3. Proposed Plans, A-2, prepared by John S. Cohen Associates, revised 4/17/26;
 4. Proposed Elevations, A-3, prepared by John S. Cohen Associates, revised 4/17/26; and
 5. 26024 Existing Conditions Site Survey, prepared by Gilson Land Surveying, dated 04/28/2026.
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
 3. The approved setback waiver only applies to the proposed addition on the north-east side of the existing single-family dwelling, as illustrated within the application and approved plans. Any changes to the approved plans which do not comply with the underlying setback requirements must be further reviewed by the DRB under §3.4(8) and/or the Regulations in effect at the time of application.
 4. A Certificate of Occupancy must be obtained from the Zoning Administrator prior to occupancy and use to ensure that the project has been completed as approved by the DRB, as required under §2.10 of the Regulations. Prior to the issuance of a Certificate of Occupancy, the Applicant must provide the following:
 - a. Reasonable proof that the project has been completed in accordance with the approved plans and approved reduced setbacks. Reasonable proof may include a survey, certification of setbacks by a surveyor, or demonstrating physical location of property boundaries.
 5. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: David Kelly, Mary Black, Patricia Gabel, Scot Baraw, Chip Dillon, and Scott Rank.

The motion PASSED, 6-0.

Dated at Stowe, Vermont this the 17th day of June 2026

By: 
David Kelly, Acting 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.

