



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	7494		
Application Date	10/18/2024		
Physical Location	548 TANSY HILL RD		
Map ID	10-065.000	Tax ID	23015
Project Description	BAIRD RD 3-LOT SUBDIVISION, 2 BLDG LOTS 1 UNDEVELOPED		
Owner	CONNACHER MARY J 2016 REVOCABLE FAMILY TRUST		
Applicant	HAROLD STEVENS		
Applicant Address	127 MOUNTAIN RD		
	STOWE VT 05672		

APPROVALS ON RECORD

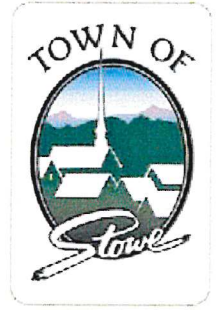
Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	3/25/2025	4/24/2025	4/24/2027	APPROVED WITH CONDITION

Sarah McShane

Dept. of Planning and Zoning

**TOWN OF STOWE
DEVELOPMENT REVIEW BOARD**

Findings of Fact & Conclusions of Law



PROJECT 7494

SUBJECT PROPERTY 0 Baird Road (#10-065.000)

PROPERTY OWNER

Mary J. Connacher 2016 Revocable Family Trust
548 Tansy Hill Road
Stowe, VT 05672

APPLICANT

Harold Stevens
PO Box 1200
Stowe, VT 05672

APPLICATION

The Applicant, Harold Stevens, on behalf of property owner Mary J. Connacher 2016 Revocable Family Trust, requests combined preliminary and final subdivision review of a 3-lot subdivision. As proposed, the existing ±150.06-acre property will be subdivided into three (3) lots: Lot 2-1 being ±13.16 acres, Lot 2-2 being ±11.6, and Lot 2-3 being ±125.3 acres. As proposed, Lot 2-1 is planned to be developed with a single-family dwelling and accessory dwelling unit, and Lot 2-2 is anticipated to be developed with a single-family dwelling. Lot 2-3 is proposed to be a conserved lot. There are no identified prior conditions of subdivision approval known to encumber the subject property. Access to the proposed lots will be via Baird Road, a Class 3 Town Highway. The parcel also has frontage along Stagecoach Road, a Class 2 Town Highway. The majority of the subject property is within the Rural Residential 5 (RR5) zoning district. Proposed Lot 2-3, however, is split-zoned with its majority being within the RR5 zoning district, and a portion of the eastern side being within the Rural Residential 2 (RR2) zoning district. A section of the Ridgeline and Hillside Overlay District (RHOD) traverses the parcel: along the eastern side of Lot 2-2 and through a portion of Lot 2-3. Additionally, the eastern portion of the property is within the Flood Hazard Overlay District. The proposed building zones on Lots 2-1 and 2-2 are located outside of the RHOD and Flood Hazard Overlay District. The application was reviewed by the Development Review Board 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 combined preliminary and final subdivision 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.)

An application for combined preliminary and final subdivision review was filed by Applicant Harold Stevens on October 18, 2024. 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 7, 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 December 19, 2024.

The public hearing to consider the application convened on January 7, 2025 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 interests were reported. Members who participated in the review included: Drew Clymer, Tom Hand, Mary Black, Andrew Volansky, Patricia Gabel, Peter Roberts and Lynn Altadonna. The DRB continued the hearing to a time and date certain of February 18, 2025 in order to obtain additional information from the Applicant. On February 18, 2025, the DRB re-opened the continued hearing. Members who participated in the February 18th continued review included: Drew Clymer, Mary Black, Andrew Volansky, Patricia Gabel, Peter Roberts and Lynn Altadonna. Tom Hand reviewed the hearing record to continue to participate in the decision making. 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. John Pitrowiski, TCE, 478 Blair Park Road, Williston, VT 05495
2. Eric Licho, TCE, 478 Blair Park Road, Williston, VT 05495
3. Harold Stevens, PO Box 1200, Stowe, VT 05672
4. Ron Connacher, 548 Tansy Hill Road, Stowe, VT 05672
5. Tami Godfrey, 557 Baird Road, Stowe, VT 05672
6. Colleen McHugh, 557 Baird Road, Stowe, VT 05672
7. Elizabeth Benedict, 137 Commonwealth Avenue, Chestnut Hill, MA 02467

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 10/18/2024;
2. Project Narrative, prepared by John Pitrowiski, Trudell Consulting Engineers (TCE), dated 10/14/2024;
3. Existing Conditions Photographic Documentation, no date;
4. Jaron Borg email, dated 09/11/2024;
5. State Wetland Application, no date;
6. USACE Wetland Application, dated 12/03/2024;
7. State Wastewater Permit WW-5-9644, dated 09/20/2024;
8. Driveway Entrance Permit Application, (not approved)
9. Three Lot Subdivision Plat of Lands of Mary J. Connacher 2016 Revocable Family Trust, Sheet S2-03, prepared by TCE, dated 09/16/2024;
10. Overall Existing Conditions, Sheet C1-01, prepared by TCE, dated 08/20/2024;
11. Lot 2-1 Existing Conditions, Sheet C1-02, prepared by TCE, dated 08/20/2024;
12. Lot 2-2 Existing Conditions, Sheet C1-03, prepared by TCE, dated 08/20/2024;
13. Baird Road Existing Conditions, Sheet C1-04, prepared by TCE, dated 08/20/2024;
14. Overall Site, Sheet C2-01, prepared by TCE, dated 08/20/2024;
15. Lot 2-1 Site Plan, Sheet C2-02, prepared by TCE, revision date 09/19/2024;
16. Lot 2-2 Site Plan, Sheet C2-03, prepared by TCE, dated 08/20/2024;
17. Baird Road Site Plan, Sheet C2-04, prepared by TCE, dated 08/20/2024;
18. Overall Site Plan Baird Road, Sheet C2-05, prepared by TCE, dated 07/8/2024;
19. Sanitary Plan Lot 2-1, Sheet C3-02, prepared by TCE, dated 09/04/2024;
20. Sanitary Plan Lot 2-2, Sheet C3-03, prepared by TCE, dated 09/04/2024;
21. Sanitary Details, Sheet C8-01, prepared by TCE, revision date 09/19/2024;
22. Sanitary Details, Sheet C8-02, prepared by TCE, dated 09/04/2024;
23. Miscellaneous & Water Details, Sheet C8-03, prepared by TCE, dated 09/04/2024;
24. Site Details, Sheet C8-04, prepared by TCE, dated 09/04/2024;
25. Stormwater Details, Sheet C8-05, prepared by TCE, dated 09/04/2024;
26. Erosion Details, Sheet C8-06, prepared by TCE, dated 09/04/2024;
27. EPSC Low Risk Handbook Sheet 1, Sheet C8-07, prepared by TCE, dated 09/04/2024;
28. EPSC Low Risk Handbook Sheet 2, Sheet C8-08, prepared by TCE, dated 09/04/2024;
29. Box Culvert Details, Sheet C8-09, prepared by TCE, dated 09/04/2024;
30. Overall Wetland Plan, Sheet E1-01, prepared by TCE, dated 11/26/2024;
31. Wetland Plan Shared Drive, Sheet E1-02, prepared by TCE, dated 11/26/2024;
32. Lot 2-2 Wetland Plan, Sheet E1-03, prepared by TCE, dated 11/26/2024;

33. Abandonment Notice – Act 250 Land Use Permits 5L0220 & 5L0686, dated 09/18/2024;
34. Wetland Delineation Map, prepared by TCE, dated 08/30/2024.

The following materials were submitted in advance of the continued hearing held 02/18/2025:

35. Cover Letter for revised plans, prepared by TCE, dated 01/24/2025;
36. Overall Site, Sheet C2-01, prepared by TCE, revision date 01/20/2025;
37. Lot 2-2 Site Plan, Sheet C2-03, prepared by TCE, revision date 01/20/2025;
38. Baird Road Site Plan, Sheet C2-04, prepared by TCE, revision date 01/20/2025;
39. Overall Site Plan Baird Road, Sheet C2-05, prepared by TCE, revision date 01/10/2025;
40. Sanitary Plan Lot 2-2, Sheet C3-03, prepared by TCE, revision date 01/10/2025;
41. Site Details, Sheet C8-04, prepared by TCE, revision date 01/22/2025;
42. Overall Wetland Plan, Sheet E1-01, prepared by TCE, revision date 01/20/2025;
43. Wetland Plan Shared Drive, Sheet E1-02, prepared by TCE, revision date 01/20/2025;
44. Lot 2-2 Wetland Plan, Sheet E1-03, prepared by TCE, revision date 01/20/2025;
45. Slope and District Map, prepared by TCE, dated 01/03/2025;
46. Town of Stowe Driveway Entrance Permit Application, no date.

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 combined preliminary and final subdivision approval 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
- Section 7- Flood Hazard District
- Section 9- Ridgeline and Hillside Overlay District

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

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcel is located within the Rural Residential 5 (RR5) and the Rural Residential 2 (RR2) zoning districts. The RR2 section is a smaller portion of Lot 2-3, primarily located on the east side of Sterling Brook, as shown on the Slope & District Map provided by the Applicant.
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. The minimum lot area in the RR2 District is two (2) acres; the minimum required lot width is two hundred (200') feet. The Applicant proposes a 3-lot subdivision as follows: Lot 2-1

being ±13.16 acres and approximately 576 feet wide; Lot 2-2 being ±11.6 acres and approximately 730 feet wide; and Lot 2-3 being ±125.3 acres and approximately 912 feet wide.

3. **Setbacks.** Setbacks within the RR5 District are as follows: front seventy (70') feet; side seventy-five (75') feet; rear seventy-five (75') feet. Setbacks within the RR2 District are as follows: front sixty (60') feet; side fifty (50') feet; rear fifty (50') feet. The required setbacks are shown on the site plans provided by the Applicant. Each lot is designed to conform with the required district setbacks.
4. **Use.** Lots 2-1 and 2-2 are planned to be developed with single-family dwellings and an accessory dwelling unit. One (1) family, accessory dwelling units, and two (2) family dwellings are permitted uses in the RR5 and RR2 Districts. Lot- 2-3 will be conserved in its natural state.
5. **Density.** In the RR5 district, density is allowed at a rate of one (1) single-family or one (1) two-family dwelling per five (5) acres. In the RR2 District, density is allowed at a rate of one (1) single-family or one (1) two-family dwelling per two (2) acres.

Conclusion: Based upon the above findings, the Board concludes the proposed subdivision conforms to the applicable dimensional requirements.

SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:

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

6. Lots 2-1, 2-2, and 2-3 are presently undeveloped.
7. Lots 2-1 and 2-2 are anticipated to be developed with single-family dwellings in the future. An accessory dwelling unit is also planned for Lot 2-1. Lot 2-3, which represents over eighty (80%) percent of the 'parent' parcel, will remain as conserved land. Both dwellings on Lots 2-1 and 2-2 will be served by private drilled wells and mound wastewater systems.
8. Lots 2-1 and 2-2 sit amongst other similarly sized rural residential lots. Lot 2-3 will remain a large acre lot (±125.3 acres), similar to its existing size and similar to a few nearby parcels.

Conclusion: Based on the above finding, the Board concludes the proposal conforms to Section 5.1(1), Character of Land for Subdivision.

Section 5.1(2) – Natural and Scenic Features:

9. The ANR Natural Resources Atlas shows there to be prime agriculture land in the eastern portion of Lot 2-3 and above Lot 2-2 on Lot 2-3. Mapped wetlands are also identified in the southeastern portion of Lot 2-3.
10. Driveways serving Lots 2-1 and 2-2 are proposed to traverse through existing wetlands and/or wetland buffers. These wetlands are not shown on the ANR Natural Resources Atlas but are shown on the project plans.
11. The Applicant provided copies of applications filed with the VT Dept. of Environmental Conservation Watershed Management Division and with the US Army Corps of Engineers for the subdivision project, including the driveway construction.
12. The Applicant testified that an Army Corps of Engineers Permit has been issued for the proposed wetland disturbances, and that the State Wetland's permit is still pending.

13. The Applicant provided email correspondence from Jaron Borg, River Management Engineer, VT ANR (see email dated 09/11/2024). Mr. Borg has determined that the project is exempt from the Stream Alteration Rule.

14. There are no other water bodies or ground water resources; farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas that will be impacted by this project.

Conclusion: Based on the above findings, the Board concludes the proposal conforms to Section 5.1(2), Natural and Scenic Features. Wetland impacts are under the specific jurisdiction of the State of Vermont and Army Corps of Engineers, and as a result, the project is subject to the regulations of these agencies.

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

15. According to the ANR Natural Resources Atlas, the proposed subdivision does not contain any significant natural communities. The majority of the ‘parent parcel’ is within a deer wintering area and a Level 3 (out of 10) priority habitat block. Future homesites on Lots 2-1 and 2-2 will be located within these areas.

16. The Applicant testified that approximately ninety-six (96%) percent of the ‘parent’ parcel is being protected, and that any impact on wildlife habitat as a result of development on Lots 2-1 and 2-2 will be very minor.

17. The Applicant testified that Lot 2-3 will remain as a conserved lot and there will be no future development. The subdivision plan, Sheet S2-03, labels this lot as ‘To Be Conserved’.

Conclusion: Based on the above findings, the Board concludes the proposal will not have an adverse impact any identified significant Wildlife Habitat and Natural Communities.

Section 5.1(4) – Historic Resources and Community Character:

18. The subject parcel is within a rural area.

19. The proposed subdivision will not adversely impact historic sites or the character of the Town.

Conclusion: Based on the above findings, the Board concludes the proposal is in conformance with Section 5.1(4), Historic Resources and Community Character.

Section 5.1(5) – Reserved Strips:

20. No reserved strips are proposed. Not applicable.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision does not involve any reserved strips as noted under Section 5.1(5).

Section 5.1(6) – Screening and Landscaping:

21. No new development is proposed at this time and no landscaping is proposed.

22. The Applicant testified that the future homesites will be within wooded areas and will not be visible from offsite.

Conclusion: Based on the above findings, the Board concludes the proposal conforms to applicable requirements of Section 5.1(6), Screening and Landscaping.

Section 5.1(7) – Pedestrian Access:

23. The project is in a rural area of town where pedestrian improvements are limited.

Conclusion: Based on the above finding, the Board concludes no pedestrian improvements are proposed or required to serve the proposal.

Section 5.1(8) – Traffic:

24. The 'parent' parcel is undeveloped. The Applicant testified that the intent is to construct single-family dwellings on Lots 2-1 and 2-2 in the near future. Lot 2-3 is to remain protected as conserved land.

25. A Town of Stowe zoning permit will be required prior to the development of the future single-family dwellings, subject to the Stowe Zoning Regulations in effect at the time of application submittal.

26. With the construction of two (2) new dwellings in the future, unreasonable traffic congestion or unsafe conditions is not expected.

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

Section 5.1(9) – Municipal Facilities:

27. Staff requested comments on the proposal from the respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

28. No Municipal Department review forms were returned, indicating that the proposed development will not have any adverse impact on existing or planned community facilities and services.

Conclusion: Based on the above findings, the Board concludes the proposal will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

Section 5.1(10) – Lot Configuration:

29. Lots 2-1 and 2-2 are designed to be regular in shape. The remaining land, Lot 2-3, will continue to have a slightly irregular lot shape as the southeastern lot line follows the path of Sterling Brook – a natural feature.

Conclusion: Based on the above finding, the Board concludes the proposed lot configuration is of regular shape and conforms with Section 5.1(10).

Section 5.1(11) – Building Zone:

30. The Overall Site Plan (Sheet C2-05) shows building zones on Lots 2-1 and 2-2. Both building zones exceed minimum setback requirements and are also pinched in by wetland areas, dictating their locations.

31. The Applicant testified that Lot 2-3 will remain as conserved land in perpetuity. An identified building zone on this lot is not applicable.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision provides adequate building sites for the proposed subdivision.

Section 5.1(12) – Fire Protection Facilities:

32. The Applicant testified that, in accordance with Fire Department standards, pull-offs have been added to the plan for every five hundred (500') feet of driveways.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision conforms to Section 5.1(12). The shared driveway is in compliance with the Stowe Fire Department Construction Standards with the inclusion of emergency vehicle turn-offs.

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

33. Single-family dwellings are planned for Lots 2-1 and 2-2. In addition, an accessory dwelling unit is planned for Lot 2-1. Lot 2-3 is to remain undeveloped as conserved land.
34. The Applicant testified that Lot 2-3 may be offered to the Town of Stowe, the Stowe Land Trust, or another land conservation organization that is capable of appropriately managing the property. No future development is proposed on this lot and the Applicant testified that the land will remain as a conserved lot in perpetuity.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision conforms to Section 5.1(13). Although the Applicant presented Lot 2-3 to remain undeveloped in perpetuity, the DRB does not have the authority to require permanently protected open space unless part of a planned unit development or major subdivision, as such the DRB considers Lot 2-3 similar to other deferred lots where land development is not immediately intended or proposed under the application under review. Should future development on this Lot 2-3 be proposed, a subdivision amendment will be required, subject to DRB review and approval as a deferred lot.

Section 5.1(14) – Private Enforcement Mechanisms:

35. Private wastewater systems and drilled wells are proposed to serve Lots 2-1 and 2-2.
36. Lot 2-1 will gain direct access off Baird Road. Lot 2-2 will gain access via a thirty (30') foot wide right-of-way through Lot 2-1. Because Lot 2-3 is to remain as conserved land, no access is proposed.
37. The Applicant testified that a shared maintenance agreement will be created for the shared driveway.

Conclusion: Based on the above findings, and as conditioned, the Board concludes the proposed subdivision conforms to Section 5.1(14).

Section 5.2 – Prominent Hillsides and Ridgelines: See Section 9 below.

Section 5.3 – Open Space and Cluster Development: Does not apply.

Section 5.5 – Utilities and Stormwater Management:

38. The application notes that there will be more than one-half (½) acre of land disturbance associated with grading and construction of the proposed homes on Lots 2-1 and 2-2, and there will be less than one-half (½) acre of impervious surface created as a result of this project. As a result, a 9050-Stormwater permit will not be required.
39. The Applicant testified that Lots 2-1 and 2-2 are anticipated to be developed with single-family dwellings in the future; however, no plans have been submitted for the development of either lot. The development of future dwellings on each approved lot will be subject to the regulations in effect at the time of a complete

application submittal, which will include erosion control and stormwater management plans should certain thresholds be crossed.

40. The Stormwater Details Plan, Sheet C8-05, provides specific detail for driveway culverts that will be installed in the shared driveway within the wetland areas.

41. The Applicant testified that future utilities will be installed underground.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision will have adequate provisions for stormwater and required utilities.

SECTION 7 – FLOOD HAZARD DISTRICT:

42. The eastern portion of the ‘parent’ parcel, or Lot 2-3, is within the Flood Hazard Overlay District- including Sterling Brook. No development is proposed in this district. Not applicable.

Conclusion: Based on the above finding, the Board concludes the proposed subdivision is not subject to the requirements of Section 7.

SECTION 9 – RIDGELINE AND HILLSIDE OVERLAY DISTRICT:

43. Upon review, the DRB finds the following RHOD standards are not applicable:

Section 9.5(3) – Standard 2 – Forest Management and Timber Harvesting
Section 9.5(3) – Standard 3 – Standard Forest Management Activities
Section 9.5(3) – Standard 5 – Exposure of Buildings
Section 9.5(3) – Standard 6 – Order and Harmony of the Landscape Patterns
Section 9.5(3) – Standard 7 – Trees Identified for Landscaping
Section 9.5(3) – Standard 8 – Road and Driveway Access
Section 9.5(3) – Standard 9 – Building Design
Section 9.5(3) – Standard 10 – Massing of a Project
Section 9.5(3) – Standard 11 – Offsite Light Impacts
Section 9.5(3) – Standard 12 – Development Density

Standard (1) General Requirements:

44. The Applicant proposes a 3-lot subdivision of a ±150.06 acre parcel. Lots 2-1 and 2-2 are proposed to be ±13.16 acres and ±11.6 acres, respectively. The remaining lot, Lot 2-3, is proposed to be ±125.3 acres.

45. The property is below 1,000 feet in elevation. Only one (1) section, running north-to-south, is within the RHOD overlay district. This section is within the central portion of Lot 2-3 and the eastern portion of Lot 2-2.

46. The building zone on Lot 2-2 is not within the RHOD, however its wastewater system and associated clearing will extend into Lot 2-3. A narrow clearing to accommodate a sewage line that will connect Lot 2-2's dwelling to a septic mound on Lot 2-3 is proposed. This clearing is located within the RHOD.

Standard (2) Designation of Vantage Points:

47. The regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties.

48. The infringement into the RHOD for the wastewater system is minor and is not anticipated to be visible from offsite or from nearby vantage points. The swath of clearing leading from the homesite on Lot 2-2 to the mound system on Lot 2-3 is only a few feet wide. The clearing for the mound system on Lot 2-3 is appropriately sized and only large enough to accommodate the planned improvement. Given the heavily forested surrounding, visibility of the clearing is not anticipated.

Standard (1.1):

49. The application identifies two (2) single-family dwellings anticipated on Lots 2-1 and 2-2. The homesites for these dwellings are not within the RHOD; however, as explained above, a small clearing for the wastewater system serving Lot 2-2 will encroach into the RHOD.

Standard (4):

50. According to the ANR Natural Resources Atlas there are no fragile environments that would be impacted from the proposed project.
51. Most of the 'parent' parcel is within a deer wintering area and a Level 3 (out of 10) priority habitat block. Both future homesites on Lots 2-1 and 2-2 will be located within these areas. See Section 5.1(3) above.
52. Plans submitted by the Applicant identify several wetland areas. The only identified impacts to these wetlands consist of driveway construction. The Applicant provided documentation that demonstrates the necessary permitting through the State of Vermont is being sought, and as noted above, the Applicant testified that an Army Corps of Engineers permit for the wetland impacts has already been obtained.
53. The only disturbance within the RHOD consists of some tree removal to accommodate a future wastewater mound system on Lot 2-3. According to the plans, clearing to accommodate this wastewater system avoids wetlands and associated wetland buffers.

Conclusion: Based on the above findings, the Board concludes the proposed subdivision conforms to Section 9. The proposed clearing for the septic mound system on Lot 2-3, and for the septic line leading to it from Lot 2-2, will not be visible from any vantage points or nearby properties.

DECISION

The DRB hereby approves the Applicant's request for combined preliminary and final subdivision approval (Project 7494) as described in the application dated 10/18/2024 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 Department 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:

- a. Town of Stowe Development Application; dated 10/18/2024;
- b. Project Narrative, prepared by John Pitrowiski, Trudell Consulting Engineers (TCE), dated 10/14/2024;

- c. Existing Conditions Photographic Documentation, no date;
- d. Jaron Borg email, dated 09/11/2024;
- e. State Wetland Application, no date;
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- n. Baird Road Existing Conditions, Sheet C1-04, prepared by TCE, dated 08/20/2024;
- o. Overall Site, Sheet C2-01, prepared by TCE, revision date 01/20/2025;
- p. Lot 2-1 Site Plan, Sheet C2-02, prepared by TCE, revision date 09/19/2024;
- q. Lot 2-2 Site Plan, Sheet C2-03, prepared by TCE, revision date 01/20/2025;
- r. Baird Road Site Plan, Sheet C2-04, prepared by TCE, revision date 01/20/2025;
- s. Overall Site Plan Baird Road, Sheet C2-05, prepared by TCE, revision date 01/10/2025;
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- z. Stormwater Details, Sheet C8-05, prepared by TCE, dated 09/04/2024;
- aa. Erosion Details, Sheet C8-06, prepared by TCE, dated 09/04/2024;
- bb. EPSC Low Risk Handbook Sheet 1, Sheet C8-07, prepared by TCE, dated 09/04/2024;
- cc. EPSC Low Risk Handbook Sheet 2, Sheet C8-08, prepared by TCE, dated 09/04/2024;
- dd. Box Culvert Details, Sheet C8-09, prepared by TCE, dated 09/04/2024;
- ee. Overall Wetland Plan, Sheet E1-01, prepared by TCE, revision date 01/20/2025;
- ff. Wetland Plan Shared Drive, Sheet E1-02, prepared by TCE, revision date 01/20/2025;
- gg. Lot 2-2 Wetland Plan, Sheet E1-03, prepared by TCE, revision date 01/20/2025;
- hh. Abandonment Notice – Act 250 Land Use Permits 5L0220 & 5L0686, dated 09/18/2024;
- ii. Wetland Delineation Map, prepared by TCE, dated 08/30/2024;
- jj. Slope and District Map, prepared by TCE, dated 01/03/2025

- 2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
- 3. Prior to recording the approved subdivision plat, the Applicant shall submit to the Zoning Administrator an executed Shared Maintenance Agreement for the shared driveway serving Lots 2-1 and 2-2, the wetland mitigation, the stormwater improvements, and any other shared infrastructure or improvements. A copy of the recorded agreement shall be provided to the Zoning Administrator and kept on file in the Planning and Zoning Office
- 4. 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.
- 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 two notations:

- 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. *Additional review by the DRB is required prior to the commencement of any land development on deferred Lot 2-3. No zoning permits shall be issued for land development on Lot 2-3 until a subdivision amendment is approved by the DRB and recorded in the Town of Stowe Land Records.*
6. The Applicant shall file the final 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 be commenced 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 as shown on the Overall Site plan (Sheet C2-01), Lot 2-1 Site Plan (Sheet C2-02), Lot 2-2 Site Plan (Sheet C2-03), and Overall Site Plan Baird Road (Sheet C2-05). These clearing limits shall be shown on the final subdivision plat. Lands outside of the approved clearing areas shall be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest. Said clearing limits must be identified on the recorded plat.
9. Prior to the issuance of any zoning permit for development of Lots 2-1 or 2-2, the Applicant shall submit the following:
 - a. Written verification that clearing will be conducted in accordance with the approved clearing limits set forth under this subdivision.
10. Prior to the issuance of any Certificate of Occupancy on Lots 2-1 or 2-2, the Applicant must complete the following:
 - a. The wetland/stormwater improvements within the shared driveway must be completed (and maintained in working order) per the approved plans. A Vermont registered engineer shall provide written certification that the improvements have been completed per the approved plans.
 - b. The shared driveway serving Lots 2-1 and 2-2 and emergency pull-offs shall be constructed and maintained in accordance with the approved plans and Stowe Fire Department Construction Standards. A Vermont registered engineer shall provide written certification that the driveways and emergency pull-offs have all been constructed in accordance with this approval prior to the issuance of any Certificate of Occupancy for the development of Lots 2-1 and 2-2.
11. The electrical and other utilities to serve Lots 2-1 and 2-2 shall be installed below ground, unless otherwise approved by the Development Review Board.
12. Site construction and development of Lots 2-1 and 2-2 shall adhere to the standards outlined in Section 3.12(2)(A-F) including:
 - a. The amount of soil exposed at any one time must be kept to a minimum.
 - b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
 - c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
 - d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
 - e. An adequate stormwater drainage system must be continuously maintained to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
13. 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

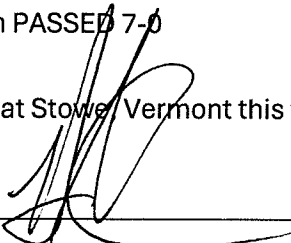
to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, Mary Black, Andrew Volansky, Patricia Gabel, Peter Roberts and Lynn Altadonna.

Voting to deny: None

Motion PASSED 7-0

Dated at Stowe, Vermont this the 26th day of March 2025


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.