



**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.

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**APPLICATION INFORMATION**

Project Number	7519		
Application Date	11/27/2024		
Physical Location	475 TANSY HILL RD		
Map ID	10-064.000	Tax ID	23014
Project Description	PROPOSED 3-LOT SUBDIVISION		
Owner	DAVID BRYAN LEE BRYAN		
Applicant	TYLER MUMLEY MUMLEY ENGINEERING INC		
Applicant Address	PO BOX 68		
	MORRISVILLE VT 05661		

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**APPROVALS ON RECORD**

Action Taken	Date	End of Appeal Period	Expiration Date	
INCOMPLETE APP	12/13/2024			EMAILED APPLICANT ABOUT INCOMPLETE APP
DRB DECISION	3/25/2025	4/24/2025	4/24/2027	APPROVED

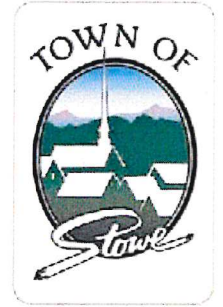
*Sarah McShane*

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Dept. of Planning and Zoning

**TOWN OF STOWE  
DEVELOPMENT REVIEW BOARD**

**Findings of Fact & Conclusions of Law**



**PROJECT** 7519

**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 (hereafter referred to as 'Applicant'), requests combined preliminary and final subdivision review of a 3-lot subdivision. As proposed, the existing ±50.4-acre property will be subdivided into three (3) lots: Lot A being ±6.89 acres, Lot B being ±8.95 and Lot C being ±34.6 acres. Lot A contains an existing dwelling and associated improvements. As proposed, Lots B and C will remain undeveloped – and are identified as 'Deferred' lots on the site plan. The subject parcel is Lot 1 of the Lee W. and David R. Bryan, Jr., Two Lot Subdivision (Project #3087) approved by the Development Review Board [DRB] on 09/11/2006). Two (2) 'minimal alterations' were administratively approved to adjust internal property lines within the underlying Lee W. and David R. Bryan, Jr., Two Lot Subdivision (Project #3087), those being Project #5751 approved on 01/26/2018 and Project #5929 approved on 11/16/2018. The subject parcel fronts on Tansy Hill Road, a Class 3 Town Highway. Each new lot will gain access off Tansy Hill Road. The project is within the Rural Residential 5 (RR5) Zoning District. A portion of Lot C's southern section is within the Ridgeline and Hillside Overlay District (RHOD). 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 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 David & Lee Bryan on November 27, 2024. The application was initially deemed incomplete on December 13, 2024 awaiting additional information identified by Planning & Zoning Department staff. Upon submittal of additional information on December 16, 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 March 4, 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 February 13, 2025.

The public hearing to consider the application convened on March 4, 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, David Kelly, Andrew Volansky, Patricia Gabel and Peter Roberts. 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

### **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 11/27/2024;
2. Project Narrative, prepared by Mumley Engineering, Inc., revised date 02/24/2025;
3. Town of Stowe Driveway Entrance Permit, dated 12/31/2024;
4. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revised date 02/24/2025.

### **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 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 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 parcels are 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. The Applicant proposes a 3-lot subdivision as follows: Lot A being  $\pm 6.89$  acres and  $>500'$  feet wide; Lot B being  $\pm 8.95$  acres  $>800'$  feet wide; and Lot C being  $\pm 34.6$  acres and  $\pm 300'$  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. The Site Plan (Sheet C-1) labels all applicable setbacks on each lot.
4. **Use.** Lot A contains an existing single-family dwelling. Lots B & C are undeveloped and labeled as 'deferred' lots. One (1) family and two (2) family dwellings are permitted uses in the RR5 district.
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.

**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. Lot A is residentially developed with a single-family dwelling. Lots B and C are undeveloped.
7. The Applicant’s narrative states that Lots B and C will remain undeveloped. The Site Plan, Sheet C-1, labels them as ‘Deferred’ lots.
8. The Applicant testified that Lot C is in the State of Vermont ‘current use’ program.
9. The Applicant’s narrative states that there is onsite water supply and wastewater disposal. The Site Plan indicates a wastewater mound on Lot A and an approved ‘replacement wastewater disposal mound’ on Lot B. The Site Plan also includes a ‘proposed pressure sewer line’ from the dwelling on Lot A to the wastewater disposal mound on Lot B.
10. The Applicant testified that a State of Vermont wastewater permit has been obtained for a replacement wastewater system on Lot B for the existing dwelling, as shown on the Site Plan.
11. The Applicant testified that State of Vermont wastewater permits will be necessary for Lots B and C if they are to be developed in the future
12. Lots A and B sit amongst other similarly sized rural residential lots. Lot C will remain a large acre lot (±34.6 acres), similar to a few nearby parcels.

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

**Section 5.1(2) – Natural and Scenic Features:**

13. The ANR Natural Resources Atlas shows there to be prime agriculture land across Lots A and B and portions of Lot C. Mapped wetlands are not identified, however a swath of hydric soils runs across Lot C. The Town of Stowe’s Parcel and Zoning Map identifies streams and a pond on the subject parcel.
14. The Site Plan includes the streams and the existing pond on Lot A. An existing ‘woods road’ extending into Lot C crosses a stream. The Applicant’s narrative notes that this ‘woods road’ may become a future driveway for Lot C access and acknowledges that should any impact to the stream need to be made, a State of Vermont Streams Alterations permit will be required.
15. 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.

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

16. According to the ANR Natural Resources Atlas, the proposed subdivision does not contain any significant natural communities. The parent parcel contains a deer wintering area and a Level 3 (out of 10) priority habitat block, both of which encompass Lot C and small portions of Lot B.

17. The Applicant testified that Lot A is already developed, most of Lot B is an open field, and Lot C is to remain a deferred lot. Should Lot B be developed in the future, it will occur within the existing cleared area. No undue adverse impacts to wildlife habitat or natural communities are expected as part of this subdivision or as part of the future development on Lot B.

**Conclusion:** Based on the above findings and as conditioned, the Board concludes the proposal will not impact any identified Wildlife Habitat and Natural Communities. As a condition of the subdivision, DRB review and approval will be required prior to any development on Lots B or C.

**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.

**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.

**Conclusion:** Based on the above finding, the Board concludes that Section 5.1(6), Screening and Landscaping, is not applicable.

**Section 5.1(7) – Pedestrian Access:**

22. 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 proposed subdivision.

**Section 5.1(8) – Traffic:**

23. The parent parcel is developed with a single-family dwelling (Lot A). The Applicant's narrative states that Lots B and C will remain undeveloped. However, should future residential development occur, unreasonable traffic congestion or unsafe conditions are not expected.
24. A zoning permit will be required prior to any future land development, subject to the Stowe Zoning Regulations in effect at the time of application submittal.

**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:**

25. 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.

26. 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:**

27. The existing parent parcel is large and irregular in shape. Proposed Lots A and B will be of standard lot shapes. Lot C is a less regular in shape containing a narrow swatch of land connecting to Tansy Hill Road, however the width the width of the lot meets the three hundred (300') foot width minimum and the rear portion is large and of regular shape.

**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:**

28. The Site Plan (Sheet C-1) includes the required setbacks for each lot. Lot A contains an existing single-family dwelling. The Applicant's narrative states that Lot B and Lot C's building areas are defined by the building setbacks, stream setbacks, and other applicable easements, and that any future development within Lot B will be within the already cleared areas of the lot. However, as deferred lots additional and full review will be required prior to any land development on Lot B or C.

**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:**

29. Lot A is served by an existing residential driveway, which accommodates access to the existing single-family dwelling.

30. Lot B & C are deferred lots with no land development proposed on either lot under this application. Should either lot be proposed to be developed in the future, the Applicant must seek a subdivision amendment and document compliance with this standard for Lots B & C.

**Conclusion:** Based on the above findings, the Board concludes the proposed subdivision, as conditioned, conforms to Section 5.1(12). As part of any future subdivision amendment, written confirmation from the Fire Department will need to be included that documents conformance with the Fire Department Development Standards for proposed development on Lots B and/or C.

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

31. The Applicant's narrative states that Lots B and C will remain undeveloped, and the Site Plan labels these lots as 'Deferred' lots. However, reference is made that future residential development may occur in the future.

32. Additionally, the Applicant's narrative states, *"There are no plans for future subdivision beyond the current project."*
33. The Applicant testified that there is no proposed future development at this time. Lot B is intended to be sold to the neighboring property owner to the west with the intention of remaining undeveloped. The property owner/Applicant intends to keep Lot C undeveloped. However, future development on either lot is a possibility through a subdivision amendment proposal documenting full compliance with the subdivision standards.
34. The Applicant testified that they are in agreement with a condition that would require DRB review for any future development on Lots B and C.

**Conclusion:** Based on the above findings and as conditioned, the Board concludes the proposed subdivision conforms to Section 5.1(13).

**Section 5.1(14) – Private Enforcement Mechanisms:**

35. Lot A has its own private wastewater system and drilled well and gains direct access off Tansy Hill Road.
36. Lot B will gain access via a twenty-five (25') foot wide easement through Lot A. Lot C will also gain access via a separate twenty-five (25') foot wide easement through Lot A.

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

**Section 5.2 – Prominent Hillside and Ridgelines:**

37. A portion of Lot C is within the RHOD. Given the size of Lot C (±34.6 acres) in comparison with the amount of land within the RHOD, future residential development is not anticipated to be impacted by RHOD, specifically density requirements. However, future development will be subject to the rules and regulations in effect at the time of application submittal.

**Conclusion:** Based on the above finding, the Board concludes the proposed subdivision conforms to Section 5.2.

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

**Section 5.4 – Road Standards and Coordination with Public Highways:**

38. Lot A and B will utilize a shared curb cut off Tansy Hill Road. A twenty-five (25') foot right-of-way through Lot A will provide access to Lot B.
39. A Driveway Entrance Permit was issued on December 31, 2025 for a driveway to serve Lot C. This driveway will cross Lot A via a twenty-five (25') foot right-of-way.
40. A Town of Stowe zoning permit is required prior to the installation of any driveways.

**Conclusion:** Based on the above findings, the Board concludes the proposed subdivision conforms to applicable requirements of Section 5.4 – Road Standards and Coordination with Public Highways.

**Section 5.5 – Utilities and Stormwater Management:**

41. Lot A is developed with a single-family dwelling and contains its own wastewater and water systems.

42. The Applicant testified that if Lots B and C are developed in the 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.

### **DECISION**

Based upon the above findings and conclusions, the DRB hereby approves the Applicant's request for combined preliminary and final subdivision review (Project #7519) as described in the application dated 11/27/2024 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 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:

- a. Town of Stowe Development Application, dated 11/27/2024;
  - b. Project Narrative, prepared by Mumley Engineering, Inc., revised date 02/24/2025;
  - c. Town of Stowe Driveway Entrance Permit, dated 12/31/2024;
  - d. Site Plan, Sheet C-1, prepared by Mumley Engineering, Inc., revised date 02/24/2025.
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. The following notation shall be included on the recorded subdivision plat:  
*"The Applicant shall seek and obtain approval of a subdivision amendment by the Development Review Board prior to the commencement of any land development on deferred Lots B or C. No zoning permits shall be issued for land development on Lot B or Lot C until the subdivision amendment is approved and recorded in the Town of Stowe Land Records."*
  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.*
  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. No additional clearing is proposed or approved as part of this subdivision. Any clearing beyond the existing tree line on Lot B, as depicted on the Site Plan (Sheet C-1), or any clearing on Lot C shall require the submission of a development application for review and approval by the Development Review Board as a subdivision amendment.
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, David Kelly, Andrew Volansky, Patricia Gabel and Peter Roberts.

Voting to deny: None

Motion PASSED 7-0

Dated at Stowe, Vermont this the 25<sup>th</sup> 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.