



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	7532		
Application Date	12/23/2024		
Physical Location	1600 WEST HILL RD		
Map ID	10-079.000	Tax ID	18044
Project Description	UPDATE SITE PLAN WITH STORM WATER CHANGES		
Owner	GRISTMILL PROPERTIES LLC MANAS LLC		
Applicant	DAVE LACHTRUPP GRISTMILL PROPERTIES LLC		
Applicant Address	5430 WATERBURY STOWE ROAD WATERBURY CENTER VT 05677		

APPROVALS ON RECORD

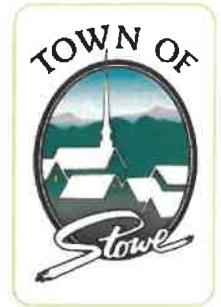
Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	8/5/2025	9/4/2025	2/1/2026

Sarah McShane

Dept. of Planning and Zoning

TOWN OF STOWE DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law



PROJECT 7532

SUBJECT PROPERTY West Hill Road (Tax Map# 10-079.000)

PROPERTY OWNER/APPLICANT

Gristmill Properties LLC/David Lachtrupp
5430 Waterbury Stowe Road
Waterbury Center, VT 05677

APPLICATION

The Applicant, David Lachtrupp of Gristmill Properties LLC (herein referred to as 'Applicant'), requests a subdivision amendment to modify the previously approved stormwater system. The proposal involves the previously approved 6-lot Burt Meadow Homes subdivision approved by the Development Review Board (DRB) on March 18, 2021 (Project #6429) and recorded in the Town of Stowe Land Records on December 1, 2021. The purpose of this application is to accommodate changes to stormwater systems on Lots 4, 5, and 6. 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 subdivision amendment 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.)

A Town of Stowe development application was filed by Gristmill Properties/David Lachtrupp on December 20, 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 February 4, 2025, and warned by the Zoning Administrator in accordance with §2.14 of the Regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on January 16, 2025. The Applicant provided the completed certificate of service notifying the abutters on January 14, 2025.

The public hearing to consider the application convened on February 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, David Kelly, Mary Black, Andrew Volansky, Tom Hand, and Patricia Gabel. The Applicant requested a continuance in order to adequately respond to staff concerns. The DRB continued the hearing to a time and date certain of March 4, 2025. On March 4, 2025, the DRB re-opened the continued hearing. Members who participated in the continued hearing included Drew Clymer, David Kelly, Mary Black, Tom Hand, Andrew Volansky, and Patricia Gabel. The Applicant requested another continuance in order to adequately respond to staff's ongoing concerns. The DRB continued the hearing to a time and date certain of June 17, 2025. On June 17, 2025, the DRB re-opened the continued hearing. Members who participated in the continued review included Drew Clymer, Mary Black, David Kelly, Andrew Volansky, Patricia Gabel and Scot Baraw. Tom Hand was absent but reviewed the hearing recording. The DRB continued the hearing to a time and date certain of July 1, 2025 in order for the Applicant to provide requested information. On July 1, 2025, the DRB re-opened the continued hearing. Members who participated in the continued review included Drew Clymer, Mary Black, David Kelly, and Scot Baraw. Andrew Volansky, Tom Hand and Patricia Gabel reviewed the hearing recording and submitted exhibits. 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. David Lachtrupp, Gristmill Properties LLC, 5430 Waterbury Stowe Road, Waterbury Center, VT 05677
2. Brendan O'Reilly, Gristmill Properties LLC, 5430 Waterbury Stowe Road, Waterbury Center, VT 05677
3. Jon Grenier, Grenier Engineering PC, PO Box 445, VT 05676
4. Paul Moody, 1322 West Hill Road, Stowe, VT 05672
5. Steven McClafferty, 169 Upper Birch Road, Stowe, VT 05672

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 12/20/2024;
2. Overall Site Plan- Burt Meadow Homes, Gristmill Builders LLC, prepared by Grenier Engineering, Sheet 1 of 10, revision date 12/06/2024;
3. Lot 4 Site Plan- Burt Meadow Homes, Gristmill Builders LLC, prepared by Grenier Engineering, Sheet 5 of 10, revision date 12/06/2024;
4. Lot 5 Site Plan- Burt Meadow Homes, Gristmill Builders LLC, prepared by Grenier Engineering, Sheet 6 of 10, revision date 12/06/2024;
5. Lot 6 Site Plan- Burt Meadow Homes, Gristmill Builders LLC, prepared by Grenier Engineering, Sheet 7 of 10, revision date 12/06/2024;
6. DRB Decision- Project #6429, dated 03/18/2021;
7. Subdivision Survey Burt Meadow Homes, Sheet 1 of 3, prepared by Grenier Engineering, dated November 2021;
8. Subdivision Survey Burt Meadow Homes, Sheet 2 of 3, prepared by Grenier Engineering, dated November 2021;
9. Overall Site Plan- Burt Meadow Homes, Sheet 3 of 3, prepared by Grenier Engineering, dated November 2021;
10. Burt Meadows Stormwater Submittal Packet, prepared by Grenier Engineering, 30 pages, no date.

The following materials were submitted for consideration during the June 17, 2025 continued public hearing:

11. Email from John Grenier, dated 05/29/2025;
12. Email from John Grenier, dated 06/05/2025;
13. Development Site Plan, Sheet SW-2, prepared by Grenier Engineering, dated 06/06/2025;
14. Proposed Stormwater Plan, Sheet SW-2, prepared by Grenier Engineering, dated 03/20/2025;
15. Proposed Stormwater Plan, Sheet SW-2, prepared by Grenier Engineering, dated 03/20/2025;
16. Routing Diagram for Gristmill Burt Meadows 2024, 26 pages, 06/05/2025;
17. Routing Diagram for Gristmill Burt Meadows 2024, 65 pages, 05/29/2025;
18. Subdivision Survey – Burt Meadow Homes, Sheet 1 of 3, prepared by Grenier Engineering, Inc., dated November 2021;
19. Subdivision Survey – Burt Meadow Homes, Sheet 2 of 3, prepared by Grenier Engineering, Inc., dated November 2021;
20. Lot 4 Site Plan Burt Meadow Homes, Sheet 5 of 9, prepared by Grenier Engineering, Inc., dated 01/21/2021;
21. Lot 5 Site Plan Burt Meadow Homes, Sheet 6 of 9, prepared by Grenier Engineering, Inc., dated 01/21/2021;

22. Lot 6 Site Plan Burt Meadow Homes, Sheet 7 of 9, prepared by Grenier Engineering, Inc., dated 01/21/2021;
23. Email from Harry Shepard dated 06/12/2025.

The following materials were submitted for consideration during the July 1, 2025 continued public hearing:

24. Revised Burt Meadows Site Plan Narrative, no date;
25. Development Site Plan, Sheet SW-2, prepared by Grenier Engineering, PC, revision date 06/19/2025;
26. Development Site Plan, Sheet SW-2, prepared by Grenier Engineering, PC, revision date 06/19/2025;
27. Development Site Plan, Sheet SW-2, prepared by Grenier Engineering, PC, revision date 06/19/2025;
28. Expanded Stormwater Pond, Sheet SW-2A, prepared by Grenier Engineering, PC, dated 06/19/2025;
29. Area 1 Pre-Development Drainage Area, Sheet 1 of 10, prepared by Grenier Engineering, PC, dated 06/24/2025;
30. Routing Diagram for Gristmill Burt Meadows 2025 Revised, dated 06/18/2025.
31. Email from Harry Shepard, dated 06/25/2025.

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 subdivision amendment 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

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

Section 2.16 Flexibility and Finality in the Permitting Process (Stowe Club Test):

1. In order to determine if it is appropriate under the circumstances to allow an amendment of a permit or approval, the DRB must evaluate any application that proposes an amendment of a final approval and assess the competing policies of flexibility and finality in the permitting process.
2. An amendment is considered a request to modify the project plans, exhibits, and /or representations by the Applicant that lead to the decision and which have been incorporated into the approval through a specific or general condition. For the purpose of this section, conditions include all stated conditions in a decision and elements of a recorded plat or plan.
3. The Burt Meadow Homes subdivision, approved on March 18, 2021 (Project 6429), established specific clearing limits throughout the subdivision.

4. Approved clearing limit areas range from one hundred (100%) percent, ninety (90%) percent, seventy-five (75%) percent, forty (40%) percent, thirty (30%) percent, and ten (10%) percent allowed cutting areas.
5. The proposed stormwater pond on Lot 6 will be located in an area that spans the boundary between a seventy-five (75%) percent cut area and a thirty (30%) percent cut area.
6. The Applicant testified that tree removal needed to accommodate the proposed stormwater pond will not exceed the clearing limit percentages approved under the underlying subdivision, and as a result, the Stowe Club Test does not apply to the project.

Conclusion: Section 2.16 requires the DRB to evaluate any application proposing an amendment to a final approval by balancing the competing policies of flexibility and finality. The key question is whether the amendment sought by the Applicant necessitates a Stowe Club analysis under §2.16. To determine this, the DRB must consider whether the amendment involves altering a condition that was originally included to address a critical issue. If so, the DRB must apply the Stowe Club analysis when reviewing the proposed amendment. If not, the DRB may proceed with reviewing the application based solely on its merits. Based upon the above findings and Applicant testimony, the DRB concludes that the project will not alter the previously approved clearing limits on the Burt Meadow Homes subdivision, and therefore the Stowe Club Analysis is not applicable. The DRB can continue review of the application on its merits.

SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:

7. Upon review, the DRB has determined the following standards are not applicable:

- Section 5.1(1) – Character of Land for Subdivision
- Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities
- Section 5.1(4) – Historic Resources and Community Character
- Section 5.1(5) – Reserved Strips
- Section 5.1(7) – Pedestrian Access
- Section 5.1(8) – Traffic
- Section 5.1(10) – Lot Configuration
- Section 5.1(11) – Building Zone
- Section 5.1(12) – Fire Protection Facilities
- Section 5.1(13) – Disclosure of Subsequent Development Plans
- Section 5.1(14) – Private Enforcement Mechanisms
- Section 5.2 – Subdivision within the Ridgeline and Hillside Overlay District (RHOD)
- Section 5.3 – Open Space and Planned Unit Development
- Section 5.4 – Road Standards and Coordination with Public Highways

Section 5.1(2) – Natural and Scenic Features

8. As shown on the ANR Natural Resources Atlas, the parcel contains mapped statewide prime agricultural soils and steep slopes on the lower portion. There are no mapped wetlands, streams, water bodies, etc.
9. Residential development (i.e., single-family dwellings and related site improvements) on Lots 2, 4, 5, and 6 has been completed or is presently under construction. The Applicant testified that the previously approved clearing limits will not be increased as a result of the stormwater modifications, therefore no additional impacts to aesthetic resources and/or scenic vistas will result from the project.

Conclusion: Based on the above findings, the DRB concludes the requested revisions conform to Section 5.1(2), Natural and Scenic Features.

Section 5.1(6) – Screening

10. Under Project 6429, the DRB found that the subdivision, building zones, and clearing limits all provide adequate screening in conformance with the screening provisions.
11. Project 6429 approved a range of clearing limits. Within the approved building zones, a one hundred (100%) percent cut was approved. Elsewhere in the subdivision, clearing limits included ninety (90%) percent, seventy-five (75%) percent, forty (40%) percent, thirty (30%) percent and ten (10%) percent cuts.
12. The proposed stormwater pond on Lot 6 will be located in an area that spans a boundary between a seventy-five (75%) percent cut area and a thirty (30%) percent cut area.
13. The Applicant testified that the stormwater alterations will be able to be constructed without altering the previously approved clearing limits.

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

Section 5.1(9) – Municipal Facilities:

14. 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.
15. DPW Director and Town Engineer Harry Shepard provided written testimony noting that the proposed stormwater changes, as conditioned, will comply with Town stormwater requirements. (Exhibit 31).
16. No Municipal Department review forms returned indicated that the proposed modifications would have any adverse impact on existing or planned community facilities and services.

Conclusion: Based on the above findings, the DRB concludes the proposal conforms to Section 5.1(9), Municipal Facilities.

Section 5.5 – Utilities and Stormwater Management:

17. Section 5.5(4) states “*All stormwater management activities required by the Town shall adhere to current State of Vermont erosion prevention and sediment control standards and to the requirements of Section 3.12 of the Stowe Zoning Regulations.*”
18. The Applicant provided sediment control plans and stormwater management plans under the original subdivision project, identifying stormwater detention ponds on Lots 4 and 5. Lot 5 also contained a pre-treatment pond and a spring pond.
19. The Applicant now proposes a revised stormwater management system consisting of four (4) ponds instead of two (2), with three (3) wet ponds and one (1) dry pond. Each is designed to treat smaller sections of the subdivision.
20. The ponds are proposed to be enlarged to effectively collect stormwater and prevent it from running off-site. Stormwater runoff has negatively impacted downhill neighbors and the nearby roadways necessitating the proposed changes.
21. The Applicant testified that the post development discharge will be less than pre-development discharge for up to a one hundred (100) year storm event.

22. The Applicant testified that the total impervious cover throughout the overall subdivision will be ± 0.95 and a State of Vermont Stormwater Discharge permit is not required.
23. DPW Director & Town Engineer Harry Shepard provided written testimony on June 25, 2025 (Exhibit 31) confirming that the stormwater design addresses all DPW concerns regarding stormwater control.

Conclusion: Based on the above findings and as conditioned, the DRB concludes the proposal conforms to Section 5.5, Utilities and Stormwater Management.

DECISION

The DRB hereby approves the Applicant's request for a subdivision amendment (Project 7532) of the Burt Meadow Homes Subdivision (#10-079.000) as described in the application dated 12/20/2024 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:

1. Town of Stowe Development Application, dated 12/20/2024;
2. Overall Site Plan- Burt Meadow Homes, Gristmill Builders LLC, prepared by Grenier Engineering, Sheet 1 of 10, revision date 12/06/2024;
3. Lot 4 Site Plan Burt Meadow Homes, Sheet 5 of 9, prepared by Grenier Engineering, Inc., dated 01/21/2021;
4. Lot 5 Site Plan Burt Meadow Homes, Sheet 6 of 9, prepared by Grenier Engineering, Inc., dated 01/21/2021;
5. Lot 6 Site Plan Burt Meadow Homes, Sheet 7 of 9, prepared by Grenier Engineering, Inc., dated 01/21/2021;
6. DRB Decision- Project #6429, dated 03/18/2021;
7. Subdivision Survey Burt Meadow Homes, Sheet 1 of 3, prepared by Grenier Engineering, dated November 2021;
8. Subdivision Survey Burt Meadow Homes, Sheet 2 of 3, prepared by Grenier Engineering, dated November 2021;
9. Overall Site Plan- Burt Meadow Homes, Sheet 3 of 3, prepared by Grenier Engineering, dated November 2021;
10. Burt Meadows Stormwater Submittal Packet, prepared by Grenier Engineering, 30 pages, no date;
11. Email from John Grenier, dated 05/29/2025;
12. Email from John Grenier, dated 06/05/2025;
13. Proposed Stormwater Plan, Sheet SW-2, prepared by Grenier Engineering, dated 03/20/2025;
14. Proposed Stormwater Plan, Sheet SW-2, prepared by Grenier Engineering, dated 03/20/2025;
15. Routing Diagram for Gristmill Burt Meadows 2024, 26 pages, 06/05/2025;
16. Routing Diagram for Gristmill Burt Meadows 2024, 65 pages, 05/29/2025;
17. Email from Harry Shepard dated 06/12/2025;
18. Revised Burt Meadows Site Plan Narrative, no date;
19. Routing Diagram for Gristmill Burt Meadows 2025 Revised, dated 06/18/2025;
20. Development Site Plan, Sheet SW-2, prepared by Grenier Engineering, PC, revision date 06/19/2025;

21. Development Site Plan, Sheet SW-2, prepared by Grenier Engineering, PC, revision date 06/19/2025;
22. Development Site Plan, Sheet SW-2, prepared by Grenier Engineering, PC, revision date 06/19/2025;
23. Expanded Stormwater Pond, Sheet SW-2A, prepared by Grenier Engineering, PC, dated 06/19/2025;
24. Area 1 Pre-Development Drainage Area, Sheet 1 of 10, prepared by Grenier Engineering, PC, dated 06/24/2025;
25. Email from Harry Shepard, dated 06/25/2025.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Pursuant to 24 VSA Chapter 117, the revised site plan/subdivision plan 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 amended plan 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 amendment 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. The Operations, Maintenance and Repair of each pond shall be the responsibility of the individual lot owners, with the owner of Lot 6 being responsible for both Ponds 1 and 2.
4. The Applicant shall file the revised site plan/subdivision plan, 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.
5. Prior to the issuance of any additional zoning permits for development within this subdivision, the Applicant must complete the following:
 - a. The Applicant must complete the approved upgrades to Pond #1.
 - b. The Applicant must submit to the Planning & Zoning Office as-built record drawings of existing Ponds 2-4 and proposed Pond 1, including survey of pertinent hydraulic features, certified by the Engineer of Record as to being compliant with the analysis and design intent provided.
6. The Operations, Maintenance and Repair of each pond shall be the responsibility of the individual lot owners, with the owner of Lot 6 being responsible for both Ponds 1 and 2.
7. 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 Scot Baraw

Voting to deny: None

Motion PASSED 7-0

Dated at Stowe, Vermont this the 5th day of Aug. 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.