



**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	7570		
Application Date	3/10/2025		
Physical Location	0 FOXFIRE LN		
Map ID	07-073.080	Tax ID	04032-060
Project Description	BUFFER LOT B W/ OPEN SPACE LOT 9.		
Owner	AARON L SOLO CAROLYN A SOLO		
Applicant	GUNNER MCAIN MCCAIN CONSULTING INC		
Applicant Address	93 SOUTH MAIN ST WATERBURY VT 05676		

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**APPROVALS ON RECORD**

Action Taken	Date	End of Appeal Period	Expiration Date
INCOMPLETE APP	3/24/2025		APP COMPLETE 4/7/25
DRB DECISION	7/24/2025	8/23/2025	

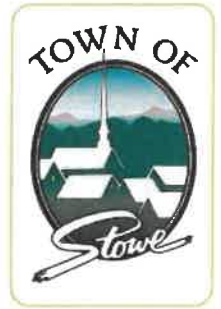
*Sarah McShane*

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Dept. of Planning and Zoning

**TOWN OF STOWE**  
**DEVELOPMENT REVIEW BOARD**

**Findings of Fact & Conclusions of Law**



**PROJECT** 7570

**SUBJECT PROPERTY** 0 Hemlock Springs (Tax Map# 07-073.080)

**PROPERTY OWNER**

Aaron & Carolyn Solo  
333 Wade Pasture Road  
Stowe, VT 05672

**APPLICANT**

Gunner McCain  
McCain Consulting, Inc.  
93 South Main Street, Suite 1  
Waterbury, VT 05676

**APPLICATION**

The Applicant, Gunner McCain of McCain Consulting Inc. (herein after referred to as ‘Applicant’), on behalf of property owners Aaron and Carolyn Solo, requests a subdivision amendment to incorporate Lot B of the previously approved Aaron & Carolyn Solo subdivision into Lot 9. The Aaron & Carolyn Solo subdivision (Project 7169) was approved by the Development Review Board (DRB) on October 30, 2023, and recorded with the Town Clerk’s office on April 25, 2024 (Map Book 24, Pages 126-129). As part of Project 7169, Lot B, a ±0.70-acre “buffer” lot, was approved to be incorporated into the adjoining parcel at 215 Westview Heights Drive (Tax Parcel # 07-075.030) through a separate boundary line adjustment process. The plan to incorporate Lot B into 215 Westview Heights Drive dissolved, and the Applicant now proposes to incorporate Lot B into the open space lot - Lot 9 – which requires amending Condition #4 of the underlying DRB decision.

The approved Solo subdivision created eight (8) residential lots, two (2) “buffer” lots (Lots A & B), and an open space lot consisting of ±25.57 acres (including the right-of-way) to be owned in common. Similar to “buffer” Lot B, “buffer” Lot A was also approved to join the abutting property at 585 Westview Heights Drive. The entirety of the subdivision, including Lot B, is within the Rural Residential 2 (RR2) zoning district. 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.)*

The original application for subdivision amendment review was filed by Applicant Gunner McCain on March 10, 2025. The application was determined to be incomplete and returned to the Applicant with a request for additional information in order to meet the minimum submittal requirements. Following submittal of additional information on April 7, 2025, the application was then accepted as administratively complete by Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for July 1, 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 June 12, 2025. The Applicant provided the Certificate of Service on June 6, 2025.

The public hearing to consider the application convened on July 1, 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, Mary Black, David Kelly, Patricia Gabel, Peter Roberts, Lynn Altadonna and Scot Baraw. 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. Gunner McCain, McCain Consulting Inc., 93 South Main Street, Suite 1, Waterbury, VT 05676
2. Aaron Solo, 333 Wade Pasture Road, Stowe, VT 05672
3. Hal Stevens, 127 Mountain Road, Stowe, VT 05672
4. Lee Hunter, 186 Foxfire Lane, 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 03/10/2025;
2. Cover Letter, prepared by Guner McCain, dated 03/05/2025.
3. List of Adjoiners, no date;
4. Copy of Notification Letter to Adjoiners, no date;
5. Survey and Subdivision of the Lands of Aaron & Carolyn Solo , Sheet 1 of 2, prepared by McCain Consulting, Inc., revision date 02/25/2025;
6. Survey and Subdivision of the Lands of Aaron & Carolyn Solo , Sheet 2 of 2, prepared by McCain Consulting, Inc., revision date 02/25/2025.

### **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 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

### **DIMENSIONAL REQUIREMENTS:**

1. **Zoning District.** The subject parcel is within the Rural Residential 2 (RR-2) zoning district as shown on the Official Town of Stowe Zoning Map (effective January 31, 2024).

2. **Lot Area, Lot Width.** Lot B in its present configuration consists of ±0.70 acres and the open space lot – Lot 9 – consists of ±25.57. The Applicant proposes to amend the Solo subdivision to combine Lot B into Lot 9, increasing Lot 9's lot area to ±26.27 acres.

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

**SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:**

3. Upon review, the DRB finds the following standards are not applicable. The project will have no impact on the following:

Section 5.1(1) – Character of the Land for Subdivision  
Section 5.1(2) – Natural and Scenic Features  
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(6) – Screening and Landscaping  
Section 5.1(7) – Pedestrian Access  
Section 5.1(8) – Traffic  
Section 5.1(9) – Municipal Facilities  
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 – Prominent Hillsides and Ridgelines  
Section 5.4 – Road Standards and Coordination with Public Highways  
Section 5.5 – Utilities and Stormwater Management

4. **Section 5.1(10) – Lot Configuration:**

- a. Incorporating Lot B into open space Lot 9 will result in Lot 9 being slightly longer in length, it will not create an irregular lot configuration.

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

5. **Section 5.3 – Open Space and Cluster Development:**

- a. Lot 9 of the Solo subdivision was approved as designated open space, which includes the private access road – Hemlock Springs Lane.
- b. The project involves incorporating 'Buffer Lot B', a ±0.70-acre parcel, into Lot 9. Lot B was approved to merge with the adjacent property at 215 Westview Heights Drive as part of the subdivision approval. However, the intent for this merger has changed, and the Applicant now proposes to incorporate Lot B into the designated open space lot- Lot 9.
- c. There is no development proposed for Lot B, and no changes to the usage of open space Lot 9.

**Conclusion:** Based on the above findings, the DRB concludes the subdivision amendment conforms with Section 5.3.

## **DECISION**

The DRB hereby approves the Applicant's request for subdivision amendment (Project 7570) of parcel #07-073.080 as described in the application dated 03/10/2025 and associated supporting materials subject to 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:

- a) Town of Stowe Development Application, dated 03/10/2025;
  - b) Cover Letter, prepared by Guner McCain, dated 03/05/2025;
  - c) List of Adjoiners, no date;
  - d) Copy of Notification Letter to Adjoiners, no date;
  - e) Survey and Subdivision of the Lands of Aaron & Carolyn Solo , Sheet 1 of 2, prepared by McCain Consulting, Inc., revision date 02/25/2025;
  - f) Survey and Subdivision of the Lands of Aaron & Carolyn Solo , Sheet 2 of 2, prepared by McCain Consulting, Inc., revision date 02/25/2025.
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. Pursuant to 24 VSA Chapter 117, the amended 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.*
5. 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.
6. 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, Mary Black, David Kelly, Peter Roberts, Patricia Gabel, Lynn Altadonna, and Scot Baraw

Voting to deny: None

Motion PASSED 7-0

Dated at Stowe, Vermont this the 24<sup>th</sup> day of July 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.

