



Notice of DRB Decision
Town of Stowe Planning and Zoning Department
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number	7574		
Application Date	3/17/2025		
Physical Location	199 TOPNOTCH DR		
Map ID	11-138.000	Tax ID	25045
Project Description	EXTEND EVENT PERMIT Z-7157 THROUGH 11/23/27		
Owner	AWH STOWE RESORT HOTEL LLC C/O AWH PARTNERS LLC		
Applicant	TOPNOTCH RESORT PAUL MARTIN		
Applicant Address	3800 MOUNTAIN RD STOWE VT 05672		

APPROVALS ON RECORD

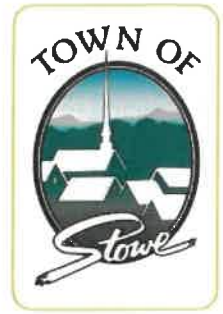
Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION			
DRB DECISION	7/24/2025	8/23/2025	

Sarah McShane

Dept. of Planning Zoning

**TOWN OF STOWE
DEVELOPMENT REVIEW BOARD**

Findings of Fact & Conclusions of Law



PROJECT: 7574

SUBJECT PROPERTY 199 Topnotch Drive; #11-138.000

PROPERTY OWNER

AWH Stowe Resort Hotel, LLC.
Dba: Topnotch Resort
3800 Mountain Road
Stowe, VT 05672

APPLICANT

Paul Martin
Top Notch Resort
3800 Mountain Road
Stowe, VT 05672

APPLICATION

The Applicant, Paul Martin (herein referred to as 'Applicant'), on behalf of property owner AWH Stowe Resort Hotel, LLC, requests conditional use review to extend the temporary events tent permit previously approved on the Topnotch Resort property located on the western side of Mountain Road. This area is commonly referred to as the Mountain View Pavilion or Topnotch Event Field. Most recently, on August 23, 2023, the Development Review Board (DRB) approved with conditions (Project 7157) the extension of the temporary event tent permit to November 23, 2025. The Applicant now seeks reapproval to extend the permit through November 23, 2027.

The subject parcel is located at 199 Topnotch Drive (#11-138.000) and is in the Upper Mountain Road (UMR) and Rural Residential 2 (RR2) Zoning Districts. The property is accessed via VT Route 108, a state-maintained highway and includes lands on both the eastern and western sides of Mountain Road (VT Rt. 108). The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (effective January 31, 2024) for the purpose of conditional use 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 conditional use approval was filed by Applicant Paul Martin on March 17, 2025. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for June 17, 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 May 29, 2025. The Applicant submitted a completed certificate of service in accordance with §2.14(1)(B) on May 29, 2025.

The public hearing to consider the application convened on June 17, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the was DRB present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, David Kelly, Mary Black, Peter Roberts, Patricia Gabel, Andrew Volansky, 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, conclusions, 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. Paul Martin, Topnotch Resort, 3800 Mountain Road, Stowe, VT 05672

The following materials were submitted in support of the application and entered into the hearing record:

1. Town of Stowe Development Application, dated 03/17/2025;
2. Alta/NSPS Land Title Survey showing location of tent, Sheet 2 of 6, prepared by Vermont Survey and Engineering, Inc., dated 12/10/2018;
3. 2025 Topnotch Tent Events list, no date;
4. DRB Decision Project 7157, dated 08/23/2023; (staff)

PROCEDURAL HISTORY

In 1999 the Town of Stowe granted T.N. Associates the designation as a Resort Planned Unit Development (Resort PUD) comprised of approximately ±110.4 acres, divided by Mountain Road (VT Rt. 108). Approximately ±73.2 acres of land are on the western side of Mountain Road (commonly referred to as the 'Lower Meadow' or the 'Meadows') and include the resort's indoor tennis facility, event field, and the nordic barn. The lands on the eastern side of Mountain Road, approximately ±37.2 acres, include majority of the resort's buildings comprised of guest rooms, business center, meeting rooms, resort homes, spas, dining areas, recreational facilities, and related appurtenances. The Applicant received original approval on March 22, 2006 to erect and use a 50' x 110' temporary events tent to the rear of the resort's indoor tennis facility on the western side of Mountain Road. Said approval was valid from May 1, 2006 to October 31, 2006. Additional approvals followed including:

- Project 4259 approved on July 27, 2010 for use from May 1, 2010 to November 30, 2013;
- Project 4557 approved on March 27, 2012 to extend the temporary tent to October 31, 2014;
- Project 4681 approved on December 11, 2012 to extend the temporary tent to October 31, 2015;
- Project 5152 approved on June 9, 2015 to extend the temporary tent to October 31, 2017;
- Project 5684 approved on October 27, 2017 to extend the temporary tent to October 31, 2019;
- Project 5922 approved on December 28, 2018 to extend the temporary tent to November 23, 2020;
- Project 6144 approved on December 17, 2019 to extend the temporary tent to November 23, 2021;
- Project 6482 approved on May 7, 2021 to extend the temporary tent to November 23, 2023;
- Project 7157 approved on August 23, 2023 to extend the temporary tent to November 23, 2025.

Most recently, with a vote of 7-0 Project 7157 was approved on 08/23/2023 with the following conditions:

1. *This project shall be completed according to the plans hereby approved. 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.*
2. *All previous conditions of approvals, except as amended herein, remain in full force and effect.*
3. *The Applicant shall provide adjoining property owners and the Zoning Administrator with an annual schedule of events and the contact information of the Events Manager or appropriate representative including all telephone numbers necessary to contact during an event.*
4. *Amplified music shall cease by 10:00 p.m.*
5. *The event tent is permitted to be erected from May 1st to October 31st each year.*
6. *All events shall cease by midnight.*
7. *All events are limited to a maximum of 300 persons except when a special event permit is issued by the Town of Stowe Select Board.*
8. *This approval shall expire on November 23, 2025. Any request for an extension will include review of on-going noise concerns and proposed mitigation measures.*

9. *These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.*

The Applicant now seeks approval to extend the temporary events permit through November 23, 2027.

FINDINGS OF FACT & CONCLUSIONS OF LAW:

The Applicant's request for conditional use approval was reviewed by the DRB for conformance with applicable requirements of the Town of Stowe Zoning Regulations (effective January 31, 2024), including the following:

- 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 15- Parking Regulations

During its review of the application, the DRB made the following Findings of Fact:

1. **Zoning District.** The parcel is located in the Upper Mountain Road (UMR) and Rural Residential 2 (RR2) zoning districts as shown on the Official Town of Stowe Zoning Map (effective January 31, 2024). The temporary event tent location is within the UMR zoned portion of the property.
2. **Lot Area, Lot Width.** No changes to lot area or lot width are proposed under this application.
3. **Setbacks.** Required minimum district setbacks in UMR are front (50'), side (50') and rear (50'). The Applicant seeks approval to extend a previously approved temporary event/tent permit. As previously approved, the tent/event site is located outside of the required fifty (50') setback.
4. **Maximum Building Coverage.** The maximum building coverage in UMR district is eight (8) percent. The Applicant seeks approval to extend previously approved temporary event/tent permit. No permanent structures are proposed under this application. Does not apply.
5. **Use.** The subject parcel was designated a Resort PUD in 1999 and contains a lodging facility and related resort amenities including privately owned condominiums. No changes of use are proposed under this application.
6. **Density.** Table 6.3 outlines the density for the RR2 and UMR districts. No changes of density are proposed under this application.
7. **Height.** The maximum building height in UMR district is 28' feet. The regulations define building height as the "Vertical distance measured from the average elevation of the proposed finished grade at the front or rear of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the highest ridge and its contiguous eave for other types of roofs. On sloping sites the height will be measured on the uphill side." The Applicant seeks re-approval to extend previously approved temporary event/tent permit. No permanent structures are proposed under this application.

Conclusion: Based upon the above findings, the DRB concludes the project meets all applicable use and dimensional requirements as set forth in the UMR & RR2 district.

Section 3.7 – Standards of review (Conditional Use Applications): The DRB must determine that the use will conform to the following set of standards and will not result in an undue adverse effect on the following:

Section 3.7(4)(A) – Capacity of existing or planned community facilities and services:

8. 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.
9. No Municipal Department review forms were received.

Conclusion: Based on the above findings, the Board concludes the proposal will not result in an undue adverse effect on the Town's existing or planned facilities or services.

Section 3.7(4)(B) – Traffic on roads and highways in the vicinity:

10. The Applicant seeks approval to extend previously approved temporary events/tent permit. No permanent structures are proposed under this application.
11. Under prior approvals, the DRB's decision states: *"The event tent area has direct access onto Route 108. The project is not expected to result in a significant amount of additional traffic. There are no known traffic problems from the previous event tent use."*
12. It is expected that many of those attending the special events will be staying at the resort and will not be driving private vehicles.

Conclusion: Based on the above findings, the Board concludes the proposal will not create an undue adverse impact on traffic on roads and highways in the vicinity.

Section 3.7(4)(C) – The character of the area affected:

13. The subject parcel is in the RR2 and UMR zoning districts with direct access to Vermont Route 108. The proposed event tent is located within the UMR District.
14. The purpose of the UMR District is *"To control development along the "upper" Mountain Road in a manner that allows for residential, recreation and low-density commercial uses of property while preserving the rural character of the landscape, discouraging strip development and promoting the ongoing viability of existing land uses."*

Conclusion: Based on the above findings, the Board concludes the proposal will not adversely affect the character of the area as defined under the Stowe Zoning Regulations (effective January 31, 2024).

Section 3.7(4)(D) – Regulations and ordinances in effect:

15. Applicable bylaws include the Stowe Zoning Regulations (effective January 31, 2024).
16. No other known or identified municipal bylaws or ordinances apply to this project.

Conclusion: Based on the above findings, the Board concludes the proposal is in conformance with the Stowe Zoning Regulations. No other identified municipal bylaws or ordinances apply to this project.

Section 3.7(4)(E) – Utilization of renewable energy sources:

17. No change is proposed with regard to the use of, or access to, the utilization of renewable energy resources. The Applicant is proposing a temporary tent that will be removed at the end of each season.

Conclusion: Based on the above findings, the Board concludes the project is not expected to interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.

Section 3.7(4)(F) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

18. This portion of Mountain Road/VT-108 is often characterized by its scenic qualities including the open meadow area and adjacent river.

19. The proposed tent area is located behind the Indoor Tennis Center and outside of the Meadowland Overlay District.

Conclusion: Based on the above findings, the Board concludes the proposal will not adversely affect the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

Section 3.7(4)(G) – Project will not result in undue water, noise or air pollution.

19. The Applicant seeks approval to extend previously approved temporary event/tent permit.

20. The Applicant submitted an application to extend the temporary event permit through 11/23/2027.

21. The Zoning Administrator has not received any written or verbal noise complaints since the Board's last approval.

22. The Applicant testified that they have not received any complaints regarding noise pollution, nor have the police ever come in response to a noise complaint.

23. The Applicant testified that tent flaps are usually raised, except when the weather is cold and/or rainy. The ends of the tent are always open for ingress/egress purposes.

Conclusion: Based on the above findings, the Board concludes the project, if operated as conditioned, will not result in undue water, noise, or air pollution. As conditions of approval, the Board will require the Applicant provide adjoining property owners and the Zoning Administrator with an annual schedule of events and the contact information of the Events Manager or appropriate representative including all phone numbers necessary to contact during an event; amplified music shall cease by 10:00 p.m.; and all events shall cease by midnight. The length of the permit will be restricted to two (2) years.

Section 3.16 – Site Plan Review

Section 3.16(C)(1) –Access Management:

24. The parcel is served by Vermont Route 108/Mountain Road. No changes to the existing access are proposed under this application.

Conclusion: Based on the above findings, the Board concludes that the existing access provides adequate access management in accordance with Section 3.1.

Section 3.16(C)(2) – Shared Access:

25. The parcel is served by an existing access, shared by other resort uses including the Indoor Tennis Center. No changes are proposed to the existing shared access.

Conclusion: Based on the above findings, the Board concludes that the existing access provides adequate access management in accordance with Section 3.1.

Section 3.16(C)(3) – Circulation and Parking:

26. The Applicant seeks approval to extend a previously approved permit for an event tent area. The tent area is served by an adjacent existing parking area.

27. Prior Board decisions note that many of the event guests will be staying at the resort.

28. There are no known parking or circulation issues with the previously approved event tent area.

Conclusion: Based on the above findings, the Board concludes the existing circulation and parking improvements represent safe and adequate access and circulation for the intended temporary use.

Section 3.16(C)(4) – Pedestrian Circulation and Access:

29. The Regulations require pedestrian circulation within the site, and access through the site to adjacent properties along public roads, be provided. A prior decision of the Board states that many of the event guests will be staying at the resort and that an existing path connects the resort to Route 108. The Stowe Recreation Path also runs adjacent to the site.

Conclusion: Based on the above findings, the Board concludes the existing site layout, including pedestrian circulation and access, represents safe and adequate pedestrian access and circulation for the intended temporary use.

Section 3.16(C)(5) – Landscaping and Screening:

30. The regulations require landscaping details and screening of garbage collection areas, outdoor storage, commercial ventilation systems over two square feet; loading and unloading areas and other outdoor utilities, including solar installations, be provided as part of proposed site development plans.

31. A prior decision of the Board states that the event tent area is landscaped, and that adequate landscaping is provided. No additional landscaping is noted in the application.

Conclusion: Based on the above findings, the Board concludes the existing landscaping and screening are appropriate for the intended temporary use and site location.

Section 3.16(C)(6) – Stormwater Management:

32. No changes proposed.

Conclusion: The Board concludes no additional stormwater management improvements are needed for this project.

Section 3.16(C)(7) – Outdoor Lighting:

33. The regulations require that all outdoor lighting shall be installed in accordance with the standards in Section 4.8.

34. No changes to the existing outdoor lighting or additional outdoor lighting is proposed:

Conclusion: Based on the above findings, the Board concludes no new or additional lighting is proposed under this application.

DECISION

The DRB hereby approves the Applicant's request to extend the temporary events tent permit (Project 7574) at 199 Topnotch Drive (Parcel #11-138.000) as described in the application dated 03/17/2025 and associated supporting materials subject the following conditions of approval:

1. This project shall be completed according to the plans hereby approved. 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 include:
 - a. Town of Stowe Development Application, dated 03/17/2025;
 - b. Alta/NSPS Land Title Survey showing location of tent, Sheet 2 of 6, prepared by Vermont Survey and Engineering, Inc., dated 12/10/2018;
 - c. 2025 Topnotch Tent Events list, no date;
2. All previous conditions of approvals, except as amended herein, remain in full force and effect.
3. The Applicant shall provide adjoining property owners and the Zoning Administrator with an annual schedule of events and the contact information of the Events Manager or appropriate representative including all telephone numbers necessary to contact during an event.
4. Amplified music shall cease by 10:00 p.m.
5. The event tent is permitted to be erected from May 1st to October 31st each year.
6. All events shall cease by midnight.
7. All events are limited to a maximum of 300 persons except when a special event permit is issued by the Town of Stowe Selectboard.
8. The zoning permit for this approval shall expire on November 23, 2027. Any request for an extension will include review of on-going noise concerns and proposed mitigation measures.
9. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, David Kelly, Mary Black, Peter Roberts, Patricia Gabel, Andrew Volansky, and Scot Baraw

Voting to deny: None

Dated at Stowe, Vermont this the 24th day of July, _____.

By: 
Drew Clymer, 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.