



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. Please note that there are conditions of approval required to be met before your Zoning Permit can be issued. Once you fulfill these conditions your zoning permit will be sent to you

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

APPLICATION INFORMATION

Project Number	7654		
Application Date	7/10/2025		
Physical Location	3418 MOUNTAIN RD		
Map ID	11-149.000	Tax ID	25035
Project Description	AMENDMENT SPRUNG STRUCTURE TO METAL BUILDING		
Owner	CORK SEVEN LLC		
Applicant	CORK SEVEN LLC		
Applicant Address	1940 MOUNTAIN RD STOWE VT 05672-4745		

APPROVALS ON RECORD

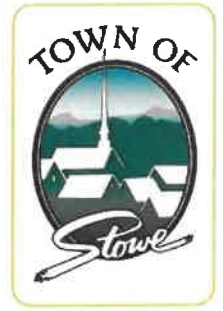
Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	8/19/2025	9/18/2025	9/18/2027	APPROVED WITH CONDITIONS

Sarah McShane

Zoning Office

TOWN OF STOWE DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law



PROJECT# 7654

SUBJECT PROPERTY 3418 Mountain Road; Tax Map # 11-149.000

PROPERTY OWNER/APPLICANT

Cork Seven LLC
1940 Mountain Road
Stowe, VT 05672

APPLICATION

The Applicant/Property Owner, Cork Seven LLC (herein referred to as the “Applicant”) requests modifications to the previously approved Project #7039. On February 7, 2023, the Development Review Board (DRB) granted conditional use approval to construct an 80’ x 150’ indoor recreational facility with associated site improvements and municipal water and sewer connections. The facility was permitted to operate with up to five (5) trainers, one (1) non-trainer, forty (40) participants, and ten (10) spectators at any given time. The Applicant now proposes to construct an insulated rustic red metal building opposed to the previously approved ‘spring structure’. The proposed building dimensions, location, use, and site plan elements all remain as originally permitted. The subject parcel, consisting of ±4.05 acres and located at 3418 Mountain Road (Tax Map #11-149.000), is in the Upper Mountain Road (UMR) zoning district. The property is served by Mountain Road (VT-108), a state highway maintained by the Vermont Agency of Transportation. The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (the “Regulations”) (effective January 31, 2024) for the purpose of amended 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.)

A Town of Stowe development application was filed by Applicant on July 10, 2025. The application was 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 August 5, 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 July 17, 2025 and publicly posted at the Town Office, Library, and Police Station.

The public hearing to consider the application convened on August 5, 2025, with a quorum of the DRB present. The hearing was held at the Stowe Town Office, with remote participation available via Zoom. A.Volansky recused himself, otherwise no other conflicts of interests or *ex parte* communications were reported. Members participating in the August 5th review included: D. Clymer, T.Hand, M.Black, P.Gabel, S.Baraw, P.Roberts, and C.Dillon. Following the submission of testimony and evidence, the DRB adjourned the hearing that evening, marking the start of the 45-day period for the issuance of written findings and a decision.

PARTICIPANTS & INTERESTED PARTIES

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. Noah Labow & George Coultas, The Green Mountain Experience LLC, 277 Frazier Rd, Morrisville, VT 05661

THE RECORD

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

Project 7654- 3418 Mountain Road
Amend Previously Approved Indoor Recreation Facility

- a. Town of Stowe, Development Application dated 7/10/25.
- b. Project Narrative dated 7/1/25.
- c. Building Specification Sheet, provided by QE Building Company, no date, 5 pages
- d. Preliminary Drawings, no date, 33.pgs.
- e. Building height diagram, no date

FINDINGS OF FACT & CONCLUSIONS OF LAW

During its review of the application, the DRB made the following Findings of Fact and Conclusions of Law

The Applicant's request for amended 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:

Town of Stowe Zoning Regulations (effective January 31, 2024)

- Section 2- Administration and Enforcement
- Section 3 – Conditional Use & Site Plan Review

Section 2.7(2) of the Zoning Regulations grants the Zoning Administrator the authority to administratively review and approve minor modifications, alterations and changes of use on or to properties containing a conditional use or a permitted use subject to site plan review. However, the Zoning Administrator referred the application to the DRB under §2.7(2) since the request involves modifying a specific condition of approval involving building color.

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 shall 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. As stated in §2.16, conditions include all stated conditions in a decision and elements of a recorded plat or plan.
3. The Applicant requests modifications to the previously approved Project #7039. The proposed building dimensions, location, use, and site plan elements all remain as originally permitted; however, the Applicant now proposes to construct an insulated rustic red metal building opposed to the previously approved 'spring structure'.
4. Under Project# 7039, the DRB conditioned its approval as follows: *The building color shall be a one tone muted earth color to blend into the natural surroundings.* This mitigation measure was deemed necessary due to the building's overall size and location.
5. The changes sought by the Applicant propose a modification to this condition of approval. The DRB therefore finds the Applicant is seeking an amendment to a final approval.
6. The DRB, in its Findings of Fact and Conclusions of Law approving Project 7039, made a single finding related to the proposed building color as follows:

h. The Applicant testified the building color will be of earth-tone to blend into its surroundings.

7. There is no additional evidence to suggest that the earth tone condition was applied by the DRB to resolve a critical issue, rather the building color was proposed by the Applicant and accepted by the DRB as adequate mitigation.

Conclusion: Section 2.16 requires the DRB to balance the need for flexibility with the importance of finality when reviewing any proposed amendment to a final approval. The central question is whether the amendment sought by the Applicant necessitate a Stowe Club analysis (§2.16). To determine this, the DRB must first consider whether the amendment involves altering a final 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. The DRB must consider whether the proposed change is one it would have denied, required to be modified, or otherwise found significant if it had been included in the original application - and whether it would have influenced the DRB's original decision.

The Applicant seeks to modify the proposed building color which was included as a specific condition of approval (Condition # 5) under Project# 7039. While the DRB concludes that the Applicant's request to modify a condition of approval constitutes an amendment to a final approval and therefore triggers preliminary review under the Stowe Club analysis, it must first determine whether the proposed change relates to a condition included to address a critical issue. Upon reviewing the procedural history of the project and hearing record, the DRB finds that while the DRB did include a specific condition of approval requiring the proposed building to be of single tone of muted earth color, this condition related to the Applicant's proposal and was not specifically imposed by the DRB itself during the review process to resolve a critical issue. As such, the DRB concludes the requested modifications do not represent a critical issue and the DRB may proceed to review the application based solely on its merits.

Dimensional Requirements

1. **Zoning District.** The subject parcel is located in the Upper Mountain Road (UMR) District as shown on the Official Town of Stowe Zoning Map.
2. **Lot Area, Lot Width.** The parcel contains ±4.05 acres. No change to lot area or lot width are proposed under this application.
3. **Setbacks.** There is no change to the previously approved building setbacks.
4. **Maximum Building Coverage.** The maximum building coverage in UMR is 8%. There is no change to the previously approved building coverage.
5. **Use.** There is no change to the previously approved use -indoor recreation facility.
6. **Height.** The maximum building height in UMR is 28'. The revised elevation drawings label the building height to be twenty-six (26) feet and eight (8) inches (26' 8").

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

Section 3.7(2)(A) – 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:

7. Upon review, the DRB concludes the proposed project will have no impact on the following conditional use criteria:

- Capacity of existing or planned community facilities and services
- Traffic on roads and highways in the vicinity
- Regulations and ordinances in effect:
- Utilization of renewable energy sources:
- Project will not result in undue water, noise or air pollution.

Section 3.7(2)(A)(3) – The character of the area affected

8. The subject parcel is in the UMR zoning district. The general purpose of the UMR district outlined in the Regulations is as follows:

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.

9. Dominant land uses in the vicinity include a mix of commercial, residential, and tourism related services.
10. The DRB previously determined that the project met the character of the area – the only change now involves building construction material and color.
11. The proposed building is situated off from VT-108/Mountain Road and is not expected to be visible from the traveled way.
12. The parcel is currently vacant but previously supported a lodging facility (Winterhaus) that has been demolished and removed from the property.

Conclusion: Based on the above findings, the DRB concludes the proposal will not adversely affect the character of the area as defined under the town’s zoning regulations.

Section 3.7(2)(B)(1) – 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

13. According to the ANR Natural Resources Atlas there are no rare or endangered species, or deer wintering areas on the parcel.
14. The parcel is currently vacant but was previously developed with a former lodging facility, impervious surfaces, and related improvements.
15. Surrounding the parcel are a mix of commercial, residential, and tourism related services and businesses. The parcel contains frontage on Mountain Road (VT-108), a heavily traveled road connecting Stowe Village and Stowe Mountain Resort.
16. The project is set back away from the traveled way and is not expected to be visible from Mountain Road/VT-108.
17. Adjacent to the parcel is a historic building, the Luce McManus Williams Residence, as documented on the historic sites survey. The proposed building is set back away from the shared property line and will not impact the historic character of the residence.

18. The proposed building will consist of two (2) colors, unpainted metallic roofing material and rustic red metal siding color.

Conclusion: Based on the above findings, the DRB concludes the project 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.

DECISION

Motion by T.Hand, seconded by P.Roberts, the DRB hereby approves the Applicant's request for amended conditional use, as outlined in the development application dated July 1, 2025 and supporting plans and drawings, 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, are:

- a. Town of Stowe, Development Application dated 7/10/25.
 - b. Project Narrative dated 7/1/25.
 - c. Building Specification Sheet, provided by QE Building Company, no date, 5 pages
 - d. Preliminary Drawings, no date, 33.pgs.
 - e. Building height diagram, no date
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Prior to the issuance of a zoning permit, the Applicant shall submit the proposed roof material manufacturer's cut sheet to the Zoning Administrator. The roof material shall have a non-reflective or matte finish.
4. The building shall be finished in rustic red, as proposed, or in an alternative earth-tone color selected from the approved color palette provided by the Applicant.
5. 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 purpose of ascertaining compliance with the conditions of approval.

Voting in favor: D. Clymer, T.Hand, M.Black, P.Gabel, S.Baraw, P.Roberts, and C.Dillon.

Voting to deny: None

Dated at Stowe, Vermont this the 19th day of August 2025

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 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.