



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	7670		
Application Date	8/5/2025		
Physical Location	133 GILCRIST RD		
Map ID	07-211.000	Tax ID	12040
Project Description	RESIDENTIAL ADDITION AND RELATED IMPROVEMENTS IN RHOD		
Owner	ROSELLE FAMILY GST IRREVOCABLE TRUST		
Applicant	VOLANSKY STUDIO ARCHITECTURE & INTERIORS ANDREW VOLANSKY		
Applicant Address	135 LUCE HILL RD		
	STOWE VT 05672		

APPROVALS ON RECORD

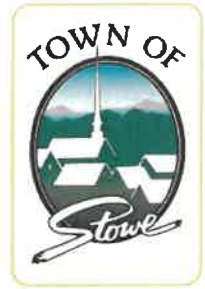
Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	10/31/2025	11/30/2025	

Sarah McShane

Zoning Office

TOWN OF STOWE DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law



PROJECT# 7670

SUBJECT PROPERTY 133 Gilcrist Road, Stowe, Vermont (Tax Map #07-211.000)

PROPERTY OWNER

Roselle Family GST Irrevocable Trust
133 Gilcrist Road
Stowe, VT 05672

APPLICANT

Andrew Volansky
Volansky Studio Architecture & Interiors
135 Luce Hill Road
Stowe, VT 05672

APPLICATION

The Applicant, Andrew Volansky of Volansky Studio Architecture & Interiors, on behalf of Property Owner Roselle Family GST Irrevocable Trust (herein referred to as the "Applicant") requests Ridgeline and Hillside Overlay District [RHOD] review to construct a residential addition on the existing single-family dwelling and related site improvements. The proposed project requires additional clearing in an area southwest of the existing dwelling. The existing dwelling was constructed in 2004 and permitted under Z-04-124. The subject property consists of ±54.2 acres as shown on Tax Map # 07-211.000 and is a split lot, as defined under the Regulations, with lands located within the Rural Residential 2 (RR2) & Rural Residential 3 (RR3) zoning districts and the RHOD. The parcel is accessed directly from Gilcrist Road (TH-58), a Class 3 town highway. The application was reviewed by the Development Review Board (DRB) under the applicable standards of the Town of Stowe Zoning Regulations (the "Zoning Regulations") (effective January 31, 2024) for the purpose of RHOD 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 on August 5, 2025. The application was accepted as administratively complete and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for September 16, 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 August 28, 2025. The Applicant submitted the certificate of service notifying the abutters as required under §2.14.

The public hearing to consider the application convened on September 16, 2025 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. Andrew Volansky recused himself given his professional involvement with the application. Otherwise, no *ex parte* communications or conflicts of interest were reported. Members who participated in the review included: Drew Clymer, Mary Black, David Kelly, Patricia Gabel, Peter Roberts, Scott Rank, and Scot Baraw. The Applicant requested a continuance to October 7th, with a site visit in advance of the continued hearing at 4:00 PM. Members attending the site visit included: David Kelly, Drew Clymer, Scott Rank, Scot Baraw, and Mary Black. Peter Roberts visited the site separately. Andrew Volansky and Travis Cutler, both representing the property owner also attended. Following the site visit, the DRB re-opened the hearing on October 7th. After receiving evidence and testimony, the DRB closed the hearing that same evening—officially starting the 45-day period for issuing written findings and a decision.

INTERESTED PERSONS

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. Andrew Volansky & Jonathon Severinghaus, Volansky Studio Architecture & Interiors, 135 Luce Hill 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 8-5-25
2. Overall Site Plan, C-1, prepared by Mumley Engineering, INC., dated 1-8-24
3. Site Plan and Visibility Study, A1.1, prepared by Volansky Studio, dated 8-4-25
4. Landscape/Hardscape Plan, A1.2, prepared by Volansky Studio, dated 8-4-25
5. Lower-Level Floor Plan, A2.0, prepared by Volansky Studio, dated 8-4-25
6. Main-Level Floor Plan, A2.1, prepared by Volansky Studio, dated 8-4-25
7. Upper-Level Floor Plan, A2.2, prepared by Volansky Studio, dated 8-4-25
8. Roof Plan, A2.3, prepared by Volansky Studio, dated 8-4-25
9. House Front/ Rear Elevation, A3.1, prepared by Volansky Studio, dated 8-4-25
10. Addition Elevation, A3.2, prepared by Volansky Studio, dated 8-4-25
11. Elevation, A3.3, prepared by Volansky Studio, dated 8-4-25
12. Addition Elevation, A3.4, prepared by Volansky Studio, dated 8-4-25
13. Addition Elevation, A3.5, prepared by Volansky Studio, dated 8-4-25
14. Window and door Spec Sheet from Marvin, no date
15. Hinkley Lighting spec sheet, no date
16. Optical Properties of IG Units, no date
17. Modern Forms Midnight Exterior Lighting, 9-2-25
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29. Addition Elevation, A3.5, prepared by Volansky Studio, dated 9-2-25
30. Northeast Elevation of Garage, A3.6, prepared by Volansky Studio, dated 9-2-25
31. DRB Decision for RHOD Z-04-124
32. Proposed Residence Site Plan, A1.1, prepared by Volansky Studio, dated 9-30-25
33. Landscape/Hardscape Plan, A1.2, prepared by Volansky Studio, dated 9-30-25
34. Pre/Post Runoff, prepared by Mumley Engineering, Inc., dated 9-16-25
35. Site Plan, C-1, prepared by Mumley Engineering, Inc., dated 9-30-25
36. Partial Site Plan, C-2, prepared by Mumley Engineering, Inc., dated 9-30-25
37. Email from Jonathan Severinghaus, dated 9-30-25

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 RHOD approval was reviewed by the DRB for conformance with the 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 (RHOD)

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

1. The Applicant seeks modifications to the clearing limits previously approved under Z-04-124 in order to accommodate the proposed residential addition. The project will require the removal of two (2) significant trees within the yard and a shift of the existing treeline to accommodate the proposed addition, while preserving existing specimen trees.
2. The DRB decision approving Z-04-124 required the Applicant to submit an amended plan clearly delineating the no-cut/no-topping area as described during the hearing. The condition also reads: *At no time, either during construction or after shall any additional trees be cut or topped on the westerly side of the house....*
3. The Applicant proposes additional clearing on the south-western side of the existing dwelling which will extend in to the previously established clearing limits.
4. The zoning permit Z-04-124 granting approval for the construction of the dwelling established specific clearing limits for the subject property. These approved clearing limits were identified on the plan approved by the DRB and included as a specific condition of approval in the DRB decision.
5. The changes sought by the Applicant seek to modify these previously approved clearing limits. The DRB therefore finds the Applicant is seeking an amendment to a final approval.
6. The changes sought by the Applicant seek to modify to this condition of approval, therefore the DRB finds the Applicant is seeking an amendment to a final approval.
7. The DRB, in its Findings of Fact and Conclusions of Law approving Z-04-124, made multiple findings related to the dwelling, screening, exposure of building, etc. and concluded that the proposed dwelling met all applicable RHOD standards.
8. The DRB finds that inconsistencies exist within the permit history. Additional clearing beyond what was originally approved under Z-04-124 appears to have occurred in or around 2004 to accommodate the installation of the pond and dwelling. While this clearing constituted a violation of the original permit, it is now beyond the statute of limitations for zoning enforcement. The Applicant now seeks approval of

the existing conditions and established tree lines, along with two additional areas located outside the previously approved limits of disturbance.

9. The Applicant testified that the previously approved clearing limits should not be considered a critical issue. He stated that the plan depicting the limits of clearing was submitted as a condition of approval at the request of the DRB. The Applicant further claimed that if the DRB had considered the clearing limits to be a critical issue, it would have required the plan to be presented and reviewed during the public hearing, rather than submitted afterward as a condition of approval.
10. Section 2.16(2) lists three (3) kinds of changes that justify altering a condition of a permit or approval.
11. Section 2.16(2)(A) allows an amendment when the Applicant can demonstrate '*Changes in factual or regulatory circumstances beyond the control of a permittee*'. The Applicant is not seeking review under this criterion.
12. Section 2.16(2)(B) allows an amendment when the Applicant can demonstrate '*Changes in the construction or operation of the permittee's project not reasonably foreseeable at the time the permit was issued*'. The Applicant asserts that should the DRB determine the clearing limits were a critical condition, this provision applies to the proposed project modifications. The Applicant testified that at the time of original approval, the family has now grown and they need additional space.
13. Section 2.16(2)(C) allows an amendment when the Applicant can demonstrate '*Changes in technology*'. The Applicant is not seeking review under this criterion.

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 involves modification of a final condition that was originally imposed to address a critical issue. If so, the DRB must apply the Stowe Club Highlands analysis. If not, the DRB may review the application solely on its merits. An amendment is defined as a request to modify project plans, exhibits, and/or representations by the applicant that were incorporated into a prior approval through a specific or general condition. In this case, the Applicant seeks modifications to the previously approved clearing limits shown on an approved plan and incorporated as Condition #3 of Z-04-124 (RHOD). The DRB therefore concludes the Applicant is requesting an amendment to a final approval.

A preliminary step in applying the Stowe Club analysis requires the DRB to determine whether a condition of approval addressed a "critical" issue or a noncritical one. In making this distinction, the DRB must consider whether the proposed change is of a type that would have been denied, modified, or otherwise deemed significant if it had been included in the original application, and whether it would have influenced the outcome of the original decision.

Upon reviewing Permit Z-04-124, the DRB finds that the approved clearing limits were clearly defined and played a central role in the original approval. The Findings of Fact and Conclusions of Law for that project included multiple references to landscaping and screening, demonstrating that the DRB relied on both the preservation of existing vegetation and the installation of new plantings in granting RHOD approval.

However, the record does not indicate that the DRB imposed these specific clearing limits for any reason other than to reflect the Applicant's proposal. There is no evidence that the condition was intended to

address a critical issue necessary to satisfy the RHOD review criteria. Therefore, the DRB concludes that the clearing limit condition was not essential to the issuance of the original permit under the applicable regulations. Accordingly, the Stowe Club test does not apply in this instance. The DRB finds that an amendment to the previously approved clearing limits is justified and proceeds to review the application on its merits.

Dimensional Requirements

14. **Zoning District.** The subject property is located within the Rural Residential 2 (RR2) & Rural Residential 3 (RR3) Zoning Districts and the RHOD.
15. **Lot Area, Lot Width.** The subject parcel is ±54.2 acres in area. No change to lot width or lot area are proposed under this application.
16. **Setbacks.** The parcel is a split lot, as defined under the Regulations. The existing dwelling and proposed addition are within the RR3 portion of the lot.
17. Required minimum setbacks for the RR3 District are front seventy (70') feet, side sixty (60') feet and rear sixty (60') feet. The location of the existing dwelling and proposed addition are shown on the site plan. As proposed, the project is designed to meet the minimum required setbacks.
18. **Use.** The Applicant proposes to construct an addition to the existing single-family dwelling. Single-family dwellings are a permitted use in the RR3 District.
19. **Density.** The RR3 District allows one (1) single-family dwelling per three (3) acres. No change to density is proposed under this application.
20. **Height.** The maximum building height in the RR3 District is 28' feet.
21. 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.”*
22. The architectural plans indicate a maximum proposed addition height of 12'6”.

Conclusion: Based upon the above findings, the DRB concludes the proposal meets applicable dimensional requirements for the RR3 District.

Section 9 – Ridgeline and Hillside Overlay District.

23. Under the provisions of the Regulations, the application was reviewed under the applicable provisions of Section 9- RHOD. The Zoning Administrator referred the application to the DRB upon determining that the project was not eligible for an exemption under §9.4(2).
24. Upon review, the DRB concludes the following standards are not applicable:

Section 9.5(3) – Standard 2 – Forest Management and Timber Harvesting
Section 9.5(3) – Standard 3 – Standard Forest Management Activities

Section 9.5(3) – Standard 12 – Development Density

Standard (1) General Requirements:

25. The Applicant proposes to construct a residential addition to the existing single-family dwelling and related improvements.
26. Under Z-04-124 the DRB deemed the construction of the single-family dwelling to be a significant project and found that, as designed, the dwelling met all applicable RHOD standards. The proposed addition is positioned in an area of the lot which will be less visible.

Conclusion: Based upon the above findings, the DRB concludes that the proposal has been designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town.

Standard (2) Designation of Vantage Points:

57. The Regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties.
58. The Applicant identified one (1) primary public vantage points: Trapp Family Lodge/Trapp Hill Road. This is the only vantage point identified through on-site observation and other available tools used to assess visibility.
59. Sheet A1.1 identifies proposed limits of clearing and preserves much of the existing tree canopy to the south. Areas to be thinned are also identified.
60. Due to multiple factors including site elevation, the lay of the land, and existing vegetation to remain, the proposed addition is not anticipated to be visible from any identified vantage point.

Conclusion: Based upon the above findings, the DRB concludes the proposal will not be visible from public vantage points and therefore there will be no undue adverse impacts as a result of the project.

Standard (1.1)

61. The project involves constructing a residential addition to the single-family dwelling and related site improvements. Related site improvements include stormwater, retaining walls, patios, hardscaping, etc.
62. Clearing and grading are proposed and necessary to accommodate the project. The Applicant testified that the treeline will be selectively thinned while preserving several specimen trees, extending the existing thinning from the primary vantage point. The Applicant further testified that this proposed thinning will not increase the visibility of either the existing building or the proposed addition.
63. The limits of disturbance are estimated to encompass approximately ±0.45 acres of total disturbed area.
64. The two-year storm is estimated to generate approximately ±0.28 cubic feet per second of runoff. To manage this, the Applicant proposes a stormwater pond. HydroCAD calculations provided by the

Applicant demonstrate that the peak stormwater discharge from the site following development will not exceed pre-development levels for a two-year, twenty-four-hour storm event. In fact, under post-development conditions, the site is expected to release less runoff than it currently does under existing conditions.

65. The project involves approximately $\pm 3,300$ square feet, or ± 0.08 acres, of new impervious surfaces.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 1.

Standard (4)

67. According to the Significant Wildlife Habitat & Natural Communities Map in the Stowe Town Plan, the parcel does not contain any noted significant areas however a portion of the property contains a low-medium priority habitat block. The project will not have an undue impact on any significant wildlife habitat and natural communities.

68. According to the ANR Natural Resources Atlas, the property contains moderate to steep slopes ($>15\%$). The proposed addition is shown to be on slopes between 15- 20%.

69. No unique features are identified on the property.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 4.

Standard (5)

70. The Applicant proposes to construct a residential addition. Clearing is proposed to accommodate the addition and related site improvements. The existing dwelling is not significantly exposed; the residential addition sits lower in elevation. The proposed thinning will not increase the off-site visibility of the existing dwelling or proposed addition.

Conclusion: Based upon the above finding, the DRB concludes the proposal conforms to Standard 5.

Standard (6)

71. The property is presently forested. There are no open meadows or agricultural fields on the property.

72. The proposed clearing limits confine the area to be cleared and will not disrupt the natural order or landscape patterns. The property is large relative to the surrounding subdivided lots, which have comparable cleared areas.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 6.

Standard (7)

73. The site plan illustrates existing and proposed tree lines/limits of clearing. Limits of disturbance are identified on Sheet C-2.

74. As proposed, limits of clearing are designed to accommodate the residential addition and related improvements. The trees to remain and be protected during construction are identified.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 7. Trees identified on the site plan will be adequately protected during construction.

Standard (8)

75. The Regulations require driveway grades to not exceed fifteen (15) percent and have an average grade of less than twelve (12) percent.

76. The Applicant testified a temporary access driveway is proposed to allow for construction of the proposed addition to access the building for excavation of foundations, etc. Removal of trees will be required to install this temporary access drive, however the area will be restored following construction.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 8.

Standard (9)

77. The existing dwelling does not exceed the height of surrounding trees, nor will the proposed addition.

78. The site plan delineates the proposed clearing limits and largely maintains the existing tree canopy to provide screening for both the existing dwelling and the proposed addition.

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 9.

Standard (10)

79. The proposed addition contains terraced rooflines. The addition is positioned lower on the land compared to the existing dwelling.

80. Sheet A3.2 identifies proposed building materials include an earth toned standing seam metal roof, wood clapboard, etc. which will minimize any visual impact of the building. The proposed addition will match the materials and colors of the existing dwelling.

Conclusion: Based upon the above findings, the DRB concludes that the proposal has been designed in conformance with Standard 10.

Standard (11)

81. The Applicant provided two (2) outdoor lighting specification sheets for a path light and wall mounted fixtures. The location of the wall mounted outdoor light fixtures are shown the architectural drawings.

82. The cut sheets do not identify the fixtures as containing the 'dark sky' seal of approval, however each fixture appears to meet the requirements of §4.8(5)(B)-(F).

Conclusion: Based upon the above findings, the DRB concludes the proposal conforms to Standard 11.

DECISION

Based upon the foregoing findings of fact and conclusions of law, the DRB hereby approves the Applicant's request for RHOD approval to construct a residential addition and related improvements as outlined in the

application dated August 5, 2025, and supplemental materials, subject to the following conditions of approval:

A. 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:

1. Town of Stowe Development Application, dated 8-5-25
2. Overall Site Plan, C-1, prepared by Mumley Engineering, INC., dated 1-8-24
3. Site Plan and Visibility Study, A1.1, prepared by Volansky Studio, dated 8-4-25
4. Landscape/Hardscape Plan, A1.2, prepared by Volansky Studio, dated 8-4-25
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36. Partial Site Plan, C-2, prepared by Mumley Engineering, Inc., dated 9-30-25

37. Email from Jonathan Severinghaus, dated 9-30-25
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
 3. Prior to the issuance of the zoning permit, the Applicant must complete the following:
 - a. The approved limits of clearing and temporary construction access must be marked by a licensed surveyor. These areas must remain clearly marked during construction. Prior to the issuance of a zoning permit, the Zoning Administrator must conduct a site visit to verify completion.
 4. Clearing shall be restricted to the areas shown on the approved plans. Lands outside of the shown clearing limits shall be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest. For the purposes of this approval, this condition is considered a critical condition.
 5. The installation of outdoor light fixtures is limited to those described and depicted within the application.
 6. All outdoor lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property. Fixtures shall employ warm-toned (3000K and lower) white light sources or may employ amber light sources or filtered LED light sources.
 7. Site construction shall adhere to the standards outlined in §3.12(2)(A-F) including:
 - a. The amount of soil exposed at any one time must be kept to a minimum.
 - b. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
 - c. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
 - d. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
 - e. Existing drainage patterns must not be altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
 8. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that the project has been constructed as approved by the DRB. Prior to the issuance of a Certificate of Occupancy the Applicant shall submit the following to the Zoning Administrator:
 - a. A licensed architect shall submit written stamped certification confirming that the as-built addition was completed in conformance with the approved plans.
 - b. A licensed engineer shall provide written stamped certification that the approved site improvements, including but not limited to the stormwater improvements, have been constructed and functioning in conformance with the approved plans.
 - c. The temporary construction access must be restored.
 9. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, 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, Mary Black, David Kelly, Peter Roberts, Scott Rank, and Scot Baraw
Voting to deny: Patricia Gabel

Dated at Stowe, Vermont this the 31st day of Oct 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 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.

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